

**MINUTES OF MEETING  
NORTH POWERLINE ROAD  
COMMUNITY DEVELOPMENT DISTRICT**

The Regular meeting of the Board of Supervisors of the North Powerline Road Community Development District was held on Wednesday, **August 5, 2020** at 10:05 a.m. via Zoom Teleconference, pursuant to Executive Order 20-69, issued by Governor DeSantis, as amended and supplemented.

Present via Zoom and constituting a quorum:

|                 |                     |
|-----------------|---------------------|
| Lauren Schwenk  | Vice Chairman       |
| Phillip Allende | Assistant Secretary |
| Kevin Chinoy    | Assistant Secretary |

Also present were:

|                 |                      |
|-----------------|----------------------|
| Jill Burns      | District Manager/GMS |
| Heather Wertz   | Absolute Engineering |
| Roy Van Wyk     | HGS                  |
| Michelle Rigoni | HGS                  |
| April Payeur    | Developer's Office   |
| Patrick Marone  | Developer's Office   |

**FIRST ORDER OF BUSINESS**

**Roll Call**

Ms. Burns called the meeting to order and called the roll. Three board members were present via Zoom constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

No members of the public were present via Zoom. There being no public comments, the next item followed.

**THIRD ORDER OF BUSINESS**

**Approval of Minutes of the June 18, 2020  
Board of Supervisors Meeting**

Ms. Burns asked for any questions, comments, or corrections on the minutes. The board had no changes to the minutes.

On MOTION by Ms. Schwenk, seconded by Mr. Chinoy, with all in favor, the Minutes of the June 18, 2020 Board of Supervisors Meeting, were approved.

**FOURTH ORDER OF BUSINESS**

**Public Hearings**

**A. Public Hearing on the Adoption of the Fiscal Year 2021 Budget**

Ms. Burns stated this was a public hearing on the adoption of the Fiscal Year 2021 Budget. The public hearing was advertised in the paper.

On MOTION by Ms. Schwenk, seconded by Mr. Chinoy, with all in favor, the Motion to OPEN the Public Hearing, was approved.

**i. Consideration of Resolution 2020-14 Adoption of the District's Fiscal Year 2021 Budget and Appropriating Funds**

Ms. Burns noted that there were no members of the public present. She stated that Resolution 2020-14 adopting the District's Fiscal Year 2021 budget and appropriating funds was in the agenda package as Exhibit 'A'. The total budget amount is \$202,365. The budget is Developer funded, so the expenses will only be billed as they are incurred. Ms. Burns noted that they do not anticipate the amenity coming online in the next fiscal year, but they do have some field expenses. Based on the current development timeline, they anticipate turning over some landscaping and streetlights to the District during this fiscal year.

On MOTION by Ms. Schwenk, seconded by Mr. Chinoy, with all in favor, the Resolution 2020-14 Adopting the District's Fiscal Year 2021 Budget and Appropriating Funds, was approved.

**ii. Consideration of Developer Funding Agreement**

Ms. Burns stated this agreement was with JMBI Real Estate, LLC. The Board had no questions on the agreement.

On MOTION by Mr. Allende, seconded by Mr. Chinoy, with all in favor, the Developer Funding Agreement with JMBI Real E, was approved.

Ms. Burns asked for a motion to close the Public Hearing.

On MOTION by Ms. Schwenk, seconded by Mr. Allende, with all in favor, the Motion to CLOSE the Public Hearing, was approved.

**B. Public Hearing on the Imposition of Special Assessments on Boundary Amendment Parcel**

**i. Presentation of Engineer's Reports**

Ms. Burns stated this Public Hearing was set at the last meeting. The mailed notice and published notices were sent to the property owners affected by the assessments for the boundary amendment parcel. Ms. Burns asked for a motion to open the Public Hearing.

On MOTION by Mr. Allende, seconded by Ms. Schwenk, with all in favor, the Motion to OPEN the Public Hearing, was approved.

Ms. Burns asked Heather to review the Engineer's Report, which had not changed since the last time Board members reviewed. Ms. Wertz noted that the first supplemental to the second amended and restated Engineer's Report from March 2020 was an update to revise the Development Plan that is a number of lots per phase. Also, there was an increase of overall units by 16 units. The cost went up by \$595,297. The new cost for the total 567 lots is \$14,526,296.

Ms. Rigoni asked if the costs estimates were reasonable for the project of this size and scale. Ms. Wertz replied yes. Ms. Rigoni asked if there was any reason to believe that the District cannot carry out the project at this time. Ms. Wertz replied no.

**ii. Presentation of Assessment Methodologies**

Ms. Burns gave an overview of the Assessment Methodologies that were included in the agenda package, and she noted they had not changed. The Master Assessment Methodology was dated February 2020. The cost described in the Engineer's Report is broken down by 2 different lot size; the 40' and 45' lots, and the 55' and 65' lots. There are 6 lots in the annexation parcel. Table 5 shows the par debt per unit with annexation for the 40' and 45' lots that totals \$31,489. For the 55' and 65' lots the total is \$39,362. Table 6 outlines the net and gross annual debt assessments with annexation for both product types. The other report is the Supplemental Assessment Methodology for Phase 1. Those tables outline the total for Phase 1 which is 295 units. Table 5 shows the par debt per unit and Table 6 shows the net and gross annual amounts per unit that will be \$1,250 for the 40' lots and \$1,350 for the 55' lots and 65' lots will be \$1,350 as well.

Ms. Burns clarified that Table 6 in the Supplemental based on the Phase 1 issuance shows the assessment amounts per unit. Table 7 is the Assessment Roll. Ms. Schwenk stated the Assessment Roll needs to be updated because Astoria had been purchased by JMBI Real Estate, LLC, all of Phase 1, the 295 lots, is now owned by JMBI Real Estate, LLC.

Ms. Rigoni asked if the lands subject to the Special Assessments receive special benefits from this. Ms. Burns replied, yes they do. Ms. Rigoni asked if the special benefits equal or exceed the Special Assessments levied. Ms. Burns replied yes. Ms. Rigoni asked if the Special Assessments are reasonably apportioned of the lands in accordance with the methodology. Ms. Burns replied, yes. Ms. Rigoni asked if it was reasonable, proper, and just to assess the cost of the Capital Improvement Project against the lands in accordance with the Methodology. Ms. Burns replied yes it is. Ms. Rigoni asked is it in the best interest of the District that the Special Assessments be collected in accordance with the methodology in the assessment resolutions. Ms. Burns replied yes.

**iii. Consideration of Resolution 2020-15 Levying Special Assessments**

Ms. Rigoni stated that Section 1 provides the authority for the Board to levy assessments. Section 2 reflects certain findings made by the Board including the evidence presented at the meeting today. Section 3 authorizes the District project initially described in the previous assessments reports. Section 4 provides the estimated costs of the improvements based on the reports presented today. Section 5 equalizes, approves, confirms, and levies the Special Assessments. Section 6 provides for finalization of the Special Assessments once the District is ready to declare the project complete. Section 7 provides for payment and collection of the method of Special Assessments. Section 8 provides for application for true up when needed and Section 9 provides that certain entities that are exempt from Special Assessments. Section 10 directs staff to record the notice in the Polk County Public Records for the imposition of Special Assessments.

On MOTION by Ms. Schwenk, seconded by Mr. Allende, with all in favor, the Resolution 2020-15 Levying Special Assessments, was approved.

**iv. Consideration of Second Amended and Restated Notice of Special Assessments**

Ms. Burns stated this would include the boundary amendment parcel that they just levied assessments on. Ms. Burns asked for a motion to open the Public Hearing.

On MOTION by Ms. Schwenk, seconded by Mr. Allende, with all in favor, the Motion to OPEN the Public Hearing, was approved.

Ms. Burns stated there were no member of the public present at this time.

On MOTION by Ms. Schwenk, seconded by Mr. Allende, with all in favor, the Second Amended and Related Notice of Special Assessments and Authorization for Staff to Record the Notice, was approved.

Ms. Burns asked for a motion to close the Public Hearing.

On MOTION by Mr. Chinoy, seconded by Mr. Allende, with all in favor, the Motion to CLOSE the Public Hearing, was approved.

**C. Public Hearing on the District's Use of the Uniform Method of Levying, Collection & Enforcement of Non Ad-Valorem Assessments**

Ms. Burns stated this Public Hearing was for the boundary amendment parcel they just levied the assessments on.

On MOTION by Ms. Schwenk, seconded by Mr. Allende, with all in favor, the Motion to OPEN the Public Hearing, was approved.

**i. Consideration of Resolution 2020-16 Expressing the District's Intent to Utilize the Uniform Method of Collection**

Ms. Burns stated that there were no members of the public present, and the ads to notice the Public Hearing was placed in the paper according to statute. Resolution 2020-16 was included in the package for review. The Board had no questions on the resolution.

On MOTION by Ms. Schwenk, seconded by Mr. Allende, with all in favor, the Resolution 2020-16 Expressing the District's Intent to Utilize the Uniform Method of Collection, was approved.

Ms. Burns asked for a motion to close the Public Hearing.

On MOTION by Mr. Chinoy, seconded by Mr. Allende, with all in favor, the Motion to CLOSE the Public Hearing, was approved.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2020-17  
Directing the Chairman and District Staff  
to File a Petition Amending District  
Boundaries (2020 Boundary Amendment  
2)**

Ms. Burns noted that the parcel information was listed as an exhibit to the resolution and this would authorize staff to put together a petition for the boundary amendment and get that filed.

On MOTION by Mr. Allende, seconded by Ms. Schwenk, with all in favor, the Resolution 2020-17 Directing the Chairman and District Staff to File a Petition Amending District Boundaries (2020 Boundary Amendment 2), was approved.

**SIXTH ORDER OF BUSINESS**

**Consideration of Boundary Amendment  
Funding Agreement (2020 Boundary  
Amendment Number 2)**

Ms. Burns noted that this agreement was with JMBI Real Estate, LLC. This agreement states that they will fund all expenses related to the boundary amendment.

On MOTION by Mr. Chinoy, seconded by Mr. Allende, with all in favor, the Boundary Amendment Funding Agreement (2020 Boundary Amendment Number 2), was approved.

**SEVENTH ORDER OF BUSINESS**

**Consideration Notice of Phase 2 and Phase  
3 RFP for Construction Services and  
Approval of Evaluation Criteria**

Ms. Burns stated that the ad listed contemplates a due date of September 10<sup>th</sup> which is at least 30 days out from today. The ad will run on Monday and questions will be due by Thursday, September 3<sup>rd</sup>, with proposals due by Thursday, September 10<sup>th</sup>. This would authorize staff to issue the RFP.

On MOTION by Mr. Chinoy, seconded by Mr. Allende, with all in favor, the Notice of Phase 2 and Phase 3 RFP for Construction Services and Approval of Evaluation Criteria and Authorization for Staff to Issue the RFP, was approved.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Resolution 2020-18  
Designation of Regular Monthly Meeting  
Date, Time, and Location for Fiscal Year  
2021**

Ms. Burns noted the dates, times, listed in the package are the same as the current fiscal year. The Board had no changes to the meeting schedule.

On MOTION by Mr. Allende, seconded by Mr. Chinoy, with all in favor, the Resolution 2020-18 Designating the Regular Monthly Meeting Date, Time, and Location for Fiscal Year 2021, was approved.

**NINTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Ms. Rigoni had nothing further to report.

**B. Engineer**

Ms. Wertz had nothing further for the board.

**C. District Manager's Report**

**i. Approval of Check Register**

Ms. Burns stated that the check register was included in the agenda package and totaled \$1,616.97 from April 29<sup>th</sup> through July 26<sup>th</sup>.

On MOTION by Mr. Allende, seconded by Mr. Chinoy, with all in favor, the Check Register for \$1,616.97, was approved.

**ii. Balance Sheet and Income Statement**

Ms. Burns stated that the financials were in the package and there was no action required. She asked for any questions. Hearing none,

**TENTH ORDER OF BUSINESS                      Other Business**

There being none, the next item followed.

**ELEVENTH ORDER OF BUSINESS                      Supervisors Requests and Audience  
Comments**

Ms. Schwenk asked what the timing was on bringing all the lands to the south end. Ms. Rigoni noted that it would depend on how quickly they could get on the County Commissions agenda. Ms. Rigoni stated that they would need to get consent from the city, since some of the parcels are located in the city of Davenport. Ms. Rigoni clarified that they will need the city's consent to have the boundary amendment processed by the county.

Ms. Schwenk asked for more clarification regarding roadway costs.

**TWELTH ORDER OF BUSINESS                      Adjournment**

Ms. Burns stated that there was no further business and asked for a motion to adjourn.

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| On MOTION by Mr. Allende, seconded by Ms. Schwenk, with all in favor, the meeting was adjourned. |
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Secretary / Assistant Secretary

  
Chairman / Vice Chairman