

**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 Thursday, **December 10, 2020** at 1:15 p.m. at 346 East Central Ave., Winter Haven, Florida.

Present and constituting a quorum:

Rennie Heath
Lauren Schwenk
Kevin Chinoy
Phillip Allende *via phone*

Chairman
Vice Chairman
Assistant Secretary
Assistant Secretary

Also present were:

Jill Burns
Heather Wertz
Roy Van Wyk
Michelle Rigoni

District Manager/GMS
Absolute Engineering
HGS
HGS

The following is a summary of the discussions and actions taken at the December 10, 2020 North Powerline Road Community Development District's Regular Board of Supervisor's Meeting.

FIRST ORDER OF BUSINESS

Roll Call

Ms. Burns called the meeting to order and called the roll. Four Board members were present in person and 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

Organizational Matters

A. Administration of Oaths to Elected Board Members

Ms. Burns noted Ms. Schwenk has already been sworn in and the other two members that need to be sworn in are either absent or participating via phone. They will be sworn in at the next meeting.

B. Consideration of Resolution 2021-02 Canvassing and Certifying the Results of the Landowners' Election

Ms. Burns reported that a Landowners' Election was held on November 3, 2020 and the three board members were reelected to their seats. Mr. Rhinehart and Ms. Schwenk serving a 4-year-term while Mr. Allende will serve a 2-year-term.

On MOTION by Ms. Schwenk, seconded by Mr. Heath, with all in favor, Resolution 2021-02 Canvassing and Certifying the Results of Landowners' Election, was approved.

C. Consideration of Resolution 2021-03 Electing Officers

Ms. Burns stated the same Board was elected and then asked if they wanted to keep the same officers. The Board did.

On MOTION by Ms. Schwenk, seconded by Mr. Heath, with all in favor, Resolution 2021-03 Electing Officers, was approved.

FOURTH ORDER OF BUSINESS

Approval of Minutes of the October 7, 2020 Board of Supervisors Meeting and the November 3, 2020 Landowners' Meeting

Ms. Burns asked for any questions, comments, or corrections on the October 7, 2020 minutes and the November 3, 2020 Landowners' election. The Board had no changes to the minutes.

On MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, the Minutes of the October 7, 2020 Board of Supervisors Meeting and the November 3, 2020 Landowner's Meeting, were approved.

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2021-04
Supplemental Assessment Resolution
(Series 2020)**

Ms. Burns noted that this resolution will set forth the bonds issued by the District and it applies the methodology to the scope of project that is covered in the engineer's report. There were no questions, so the board motioned to approve.

On MOTION by Ms. Schwenk, seconded by Mr. Heath, with all in favor, Resolution 2021-04 Supplemental Assessment Resolution (Series 2020), was approved.

A. Consideration of Notice of Special Assessments (Series 2020)

Ms. Burns reported that the notice is included in the agenda package, and they are looking for authorization for Council to record the assessments that would put potential property owners on notice that the assessments have been leveled on the property.

On MOTION by Mr. Heath, seconded by Mr. Schwenk, with all in favor, Resolution 2021-04 Supplemental Assessment Resolution (Series 2020), was approved.

SIXTH ORDER OF BUSINESS

**Consideration of Series 2020 Developer's
Agreements**

A. Phase 1

Ms. Burns stated that these agreements are with JMBI Real Estate, LLC.

i. Declaration of Consent

Ms. Burns reported that the Landowner confirms and agrees that the debt assessments that have been adopted by the Board are in accordance with Florida law and the District had taken all necessary action to levy and impose the series 2020 assessments.

ii. True-Up Agreement

Ms. Burns noted the Landowners' confirming their intent and obligation if required to make true-up payments related to the series 2020 assessments.

iii. Collateral Assignment Agreement

Ms. Burns explained that in the event of default in the payment of the series 2020 assessments, the Landowner will send certain development rights to the District to allow them to complete the development of the series 2020 project.

iv. Acquisition Agreement

Ms. Burns noted this agreement outlines the Districts desire to acquire certain work project, improvement, or accept assignment of certain contracts. It also outlines the Landowners desire to convey the Districts interest in real property in order to allow the District to own, operate, maintain, construct, and install all the improvements.

v. Completion Agreement

Ms. Burns reviewed the Completion Agreement. That the Landowner requested that the District limit the amount of assessments imposed on the property thereby allowing them to directly fund a portion of the series 2020 projects. This agreement outlines that the Landowner has agreed to provide the funds or will complete the portion of the project that is not being funded through the series 2020 project.

On MOTION by Mr. Chinoy, seconded by Ms. Schwenk, with all in favor, the Declaration of Consent, True-Up Agreement, Collateral Assignment Agreement, Acquisition Agreement, and Completion Agreement for Phase 1, all with JMBI Real Estate, LLC, were approved.

B. Phase 2

Ms. Burns stated that this agreement is with CH Dev, LLC.

i. Declaration of Consent

Ms. Burns reported that the Landowner confirms and agrees that the debt assessments that have been adopted by the Board are in accordance with Florida law and the District had taken all necessary action to levy and impose the series 2020 assessments.

ii. True-Up Agreement

Ms. Burns noted the Landowners' confirming their intent and obligation if required to make true-up payments related to the series 2020 assessments.

iii. Collateral Assignment Agreement

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On MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, the Declaration of Consent, True-Up Agreement, Collateral Assignment Agreement, Acquisition Agreement, and Completion Agreement for Phase 2 with CH Dev, LLC, were approved.

SEVENTH ORDER OF BUSINESS

Ratification of Temporary Construction Easements

Ms. Burns noted that these have already been recorded and they are just looking for a motion to ratify.

On MOTION by Ms. Schwenk, seconded by Mr. Heath, with all in favor, Temporary Construction Easements, was ratified.

EIGHTH ORDER OF BUSINESS

**Consideration of Resolution 2021-06
Ratifying and Approving the Approval of
the Amended Fiscal Year 2019-2020
General Fund Budget**

Ms. Burns noted they will provide a revised budget to the auditors by the end of November for the prior fiscal year if the budget is exceeded and, in this case, they were over the anticipated budget due to the boundary amendment. Mr. Heath has previously signed off on the actuals that were presented to the auditor so there is a need to ratify that action.

On MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, Resolution 2021-06 Ratifying and Approving the Approval of the Amended Fiscal Year 2019-2020 General Fund Budget, was approved.

NINTH ORDER OF BUSINESS

**Consideration of Notice of Boundary
Amendment**

Ms. Burns explained the amendment was approved on December 1. They are just looking for a motion to record.

On MOTION by Mr. Heath, seconded by Mr. Chiony, with all in favor, the Notice of Boundary Amendment, was approved.

TENTH ORDER OF BUSINESS

**Consideration of Resolution 2021-07
Declaring Special Assessments on
Boundary Amendment Parcel**

This item was tabled to the next meeting.

ELEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2021-08
Setting a Public Hearing on the Imposition
of Special Assessments on Boundary
Amendment Parcel**

This item was tabled to the next meeting.

TWELTH ORDER OF BUSINESS

**Consideration of Resolution 2021-09
Setting a Public Hearing Expressing the
District's Intent to Utilize the Uniform
Method of Levying, Collecting, and
Enforcing Non Ad-Valorem Assessments
on Boundary Amendment Parcel**

This item was tabled to the next meeting.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Van Wyk had nothing further to report to the Board.

B. Engineer

Ms. Wertz had nothing further to report 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 \$1,493.06 and goes through November 17th.

On MOTION by Ms. Schwenk, seconded by Mr. Heath, with all in favor, the Check Register for \$1,493.06, 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,

iii. Ratification of Kearney Change Orders #2, #5, and #7

There was no overview,

On MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, Ratification of Kearney Change Orders #2, #5, and #7, was approved.

FOURTEENTH ORDER OF BUSINESS

Other Business

December 10, 2020

North Powerline Road CDD

There being none, the next item followed.

FIFTEENTH ORDER OF BUSINESS

**Supervisors Requests and Audience
Comments**

There being none, the next item followed.

SIXTEENTH ORDER OF BUSINESS

Adjournment

Ms. Burns asked for a motion to adjourn.

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


Chairman / Vice Chairman