

**MINUTES OF MEETING
AVALON PARK WEST
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Avalon Park West Community Development District held a Regular Meeting on February 25, 2022 at 10:00 a.m., at the New River Amenity Center, 5227 Autumn Ridge Drive, Wesley Chapel, Florida 33545.

Present were:

Christian Cotter
Mary Moulton
Raymond Demby III
Ross Halle

Chair
Vice Chair
Assistant Secretary
Assistant Secretary

Also present, were:

Cindy Cerbone
Jamie Sanchez
Andrew Kantarzhi
Jere Earlywine (via telephone)
Tonja Stewart (via telephone)
Barry Mazzoni
Tirria Williams
Patty Desthers

District Manager
Wrathell, Hunt and Associates LLC (WHA)
Wrathell, Hunt and Associates LLC (WHA)
District Counsel
District Engineer
Operations Manager
Access Management
Access Management

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 10:01 a.m. Supervisors Cotter, Moulton, Demby and Halle were present, in person. Supervisor Defillo was not present.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRD ORDER OF BUSINESS

**Update: Construction Activities Adjacent to
Amenity Center and Timing for Amenity
Center Closing and Reopening**

Mr. Cotter stated Forestar representatives were working with the geotechnical personnel. Mr. Halle did not have any newer data; he stated that construction activities could be completed within the next 60 days. There was a construction delay due to a dirt shortage.

Ms. Cerbone stated that the CDD is working with Access Management and taking reservations ten days out for the Amenity Center, in case it is necessary to close the facility. Staff would continue with this process, until a firm date is given, and would not schedule events too far into the future.

- **Credit to New River CDD During Closure(s)**

Ms. Cerbone stated because the Amenity Center was closed for about a month, a question arose regarding what type of credit would be available to the New River CDD (NRCDD). The credit amount due is \$4,794. Mr. Cotter felt that, if the Amenity Center will be closed for three to four months, residents should be able to receive half of the amount due now. Ms. Cerbone would issue a credit memo and a payment after that.

On MOTION by Ms. Moulton and seconded by Mr. Cotter, with all in favor, issuing a credit to the New River CDD during closure, as discussed, was approved.

FOURTH ORDER OF BUSINESS

Discussion: Cost Sharing with New River CDD

Ms. Cerbone recalled previous discussions about sharing costs with NRCDD, the existing amenities in both CDDs and other opportunities to engage in reverse cost-sharing. Mr. Cotter voiced his opposition to taking on additional costs from NRCDD and proposed getting the ponds in front of the amenities so APWCDD can maintain them, along with the assignment of the plat, and in exchange, APWCDD would give the NRCDD the right to use the APWCDD amenities free of charge for three years, from October 2022 through September 2025.

Asked about the total costs for amenity maintenance, Ms. Cerbone stated the cost is \$300,000 for NRCDD and \$180,000 for APWCDD and staff did not anticipate anything other than cost of living expenses. Discussion ensued regarding the cost-sharing agreement, the HOA agreement, repair costs, landscape and streetlight costs and every resident paying their

proportionate share of maintenance. Ms. Cerbone hoped to reach a conclusion on this issue at the March meeting so that Staff can prepare draft budgets, Cost-sharing would be a carry-over discussion item on the next agenda.

Ms. Cerbone recapped that, per the Board, at the end of the current Fiscal Year, for the next three years, there would not be an interlocal agreement in place, requesting \$50,000 from NRCDD. Mr. Earlywine stated he thought that Zac already gave the CDD notice of the cancellation of the Interlocal Agreement; he would double check the time window.

FIFTH ORDER OF BUSINESS

Update: Monuments and Future Connection

This item was deferred to the next meeting.

SIXTH ORDER OF BUSINESS

Consideration of Stantec Consulting Services Cost Proposal for Preparation of Stormwater Management Needs Analysis

Ms. Cerbone discussed the new requirement for CDDs to submit a Stormwater Management Needs Analysis Report by June 30, 2022.

▪ **Discussion Resumed: Cost Sharing with New River**

Mr. Earlywine stated, upon review of the termination provision, it will be necessary to provide a notice to terminate the agreement prior to March 1, 2022. He stated part of the issue is that the agreement was not fully completed. He asked if the Board was amenable to issuing a termination notice of the agreement today, for recording purposes; whatever process the CDD ends up with, there would most likely be a modification of the new agreement, going forward. Conceivably, the only reason to act on this issue is so that the other party can withdraw its prior notice.

A Board Member noted that the plan is to have an agreement in 30 days and asked Mr. Earlywine to contact the NRCDD attorney regarding the cost-share agreement and advise the Board on how to proceed in the next 30 days.

Ms. Cerbone voiced her understanding that, since the Amenity Center is owned by APWCDD, the Board would be terminating the contract and vice versa and asked about the

effect of NRCDD terminating the agreement. She asked about the worst-case scenario for NRCDD residents if the Board takes no action. Mr. Earlywine stated the agreement is currently written such that NR CDD residents would use the facility at no charge and, if it is taken away by the APWCDD Board, NRCDD residents would have to pay the non-resident user rate to access the facility. A Board Member stated right now there is no notice that the partially completed agreement is terminated and, as of today, there is an assumption that NRCDD is going to pay APWCDD \$50,000. A new agreement will have to be drafted but, as of now, the Interlocal Agreement should be terminated and NRCDD must pay APWCDD \$50,000.

▪ **Discussion Resumed: Consideration of Stantec Consulting Services Cost Proposal for Preparation of Stormwater Management Needs Analysis**

Ms. Stewart presented the Stormwater Management Needs Analysis Report and supporting informational documents. She stated that she previously completed three such reports and most of them have been based on completely developed communities, unlike APWCDD, which commenced construction in 2020 and is still being developed. She discussed developing stormwater best management practices, stormwater quality improvement, littoral shelf requirements, rainfall and erosion potential. She recommended budgeting \$5,000 annually for plant material and \$12,000 annually for general maintenance.

Mr. Earlywine stated that the Report was timely and thorough and, although the full plan is incomplete because the infrastructure is not fully in place, he felt that Ms. Stewart's Report is a great submittal to meet the June 30, 2022 deadline. Ms. Cerbone would forward Report to the Board and Staff.

Regarding the cost proposal for preparation of the Report, Mr. Earlywine recommended approval of a not-to-exceed amount of \$2,500, which he felt is very affordable.

Discussion ensued regarding the HOA budget, the District Engineer's budget for the year, a separate proposal for the Engineer's Report for bond issuance, construction requisitions, community mapping and pond maintenance. Ms. Cerbone recommended approving the \$2,500 proposal as a safeguard.

On MOTION by Ms. Moulton and seconded by Mr. Cotter, with all in favor, the Stantec Consulting Services Cost Proposal for preparation of a Stormwater Needs Analysis, in a not-to-exceed amount of \$2,500, was approved.

Asked if she knew of Stocking Savvy Environmental Consulting, Ms. Stewart stated she was not. Mr. Halle stated it is an Orlando environmental company that is on the cutting edge of aquatic pond planting, emphasizing native plants and fish. He recommended engaging them to draft a report for the New River Pond. Mr. Halle would email the contact information to Ms. Stewart. Ms. Stewart would share Mr. Halle’s email with the Board.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2022-01, Granting the Chair and Vice Chair the Authority to Execute Real and Personal Property Conveyance and Dedication Documents, Plats and Other Documents Related to the Development of the District’s Improvements; Approving the Scope and Terms of Such Authorization; Providing a Severability Clause; and Providing an Effective Date

Ms. Cerbone presented Resolution 2022-01 and read the title.

On MOTION by Mr. Cotter and seconded by Mr. Demby, with all in favor, Resolution 2022-01, Granting the Chair and Vice Chair the Authority to Execute Real and Personal Property Conveyance and Dedication Documents, Plats and Other Documents Related to the Development of the District’s Improvements; Approving the Scope and Terms of Such Authorization; Providing a Severability Clause; and Providing an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2022-02, Adopting Amended and Restated Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date

Ms. Cerbone presented Resolution 2022-02.

Mr. Earlywine stated one statutory change worth noting was that the interest rate for delinquent payments increased from 1% to 2%.

On MOTION by Mr. Cotter and seconded by Mr. Demby, with all in favor, Resolution 2022-02, Adopting Amended and Restated Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2022-03, Authorizing and Approving Change of Registered Agent and Registered Office of the District, and Providing for an Effective Date

Ms. Cerbone presented Resolution 2022-03.

On MOTION by Mr. Cotter and seconded by Mr. Demby, with all in favor, Resolution 2022-03, Authorizing and Approving Change of Registered Agent and Registered Office of the District, and Providing for an Effective Date, was adopted.

TENTH ORDER OF BUSINESS

Consideration of Resolution 2022-04, Making Certain Findings; Waiving a Portion of Rule 1.3(1), Rules of Procedure; Providing for Reasonable Notice of Board Meetings; Providing a Severability Clause; and Providing an Effective Date

Mr. Earlywine presented Resolution 2022-04. He stated this could be a cost-saving for the CDD as it would waive the requirement for Staff to publish a notice for every normal meeting, which were already announced in the annual meeting notice.

On MOTION by Mr. Cotter and seconded by Mr. Moulton, with all in favor, Resolution 2022-04, Making Certain Findings; Waiving a Portion of Rule 1.3(1), Rules of Procedure; Providing for Reasonable Notice of Board Meetings; Providing a Severability Clause; and Providing an Effective Date, was adopted.

ELEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of January 31, 2022

Ms. Cerbone presented the Unaudited Financial Statements as of January 31, 2022.

Discussion ensued regarding irrigation issues, utility services billing and the landscape maintenance line item.

On MOTION by Mr. Cotter and seconded by Mr. Demby, with all in favor, the Unaudited Financial Statements as of January 31, 2022, was accepted.

TWELFTH ORDER OF BUSINESS

Approval of November 19, 2021 Regular Meeting Minutes

Ms. Cerbone presented the November 19, 2021 Regular Meeting Minutes.

On MOTION by Mr. Cotter and seconded by Mr. Demby, with all in favor, the November 19, 2021 Regular Meeting Minutes, as presented, were approved.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *KE Law Group, PLLC.*

- **Update: Spa Warranty Claim**

Mr. Earlywine stated, upon conferring with the insurance representative, Bob intimated that the necessary electrical was not connected at the pool and that it was not his fault. The claimant would forward copies of the contract with the schematics and Access Management was exploring options of how to resolve the spa warranty claim issue. Mr. Mazzoni stated, initially, there was an issue with the electrical but it was resolved.

Discussion ensued regarding documenting acknowledgment of the electrical issues and obtaining proposals from a third party to make the repairs.

B. District Engineer: *Stantec Consulting Services*

There was nothing further to report.

▪ **District Manager: *Wrathell, Hunt and Associates, LLC***

This item, previously Item 13D, was presented out of order

Ms. Cerbone reported the following:

- The next meeting would be held on March 25, 2022.
- There would likely be three upcoming back-to-back CDD meetings, with Silverado CDD first, followed by APWCDD and followed by Summerstone CDD.

Ms. Cerbone asked if it is okay to move the meeting location to Avalon Park. The consensus was to hold the meetings at the current location. Ms. Cerbone would have the meetings advertised for the NRCDD location. She would give an update after every meeting.

- To avoid conflicts, Ms. Cerbone suggested holding the meeting on April 22, 2022.

C. Operations Manager: *Access Management*

Discussion ensued regarding the spa electrical issue. In response to a question, it was noted that the repairs would cost \$3,600. The Board directed the Operations Manager to proceed with facilitating the repairs and splitting the costs between the vendor and APWCDD.

On MOTION by Mr. Cotter and seconded by Mr. Halle, with all in favor, authorizing Staff facilitate the spa electrical repairs, in the amount of \$3,600, was approached.

Discussion ensued regarding construction cleanup after events. Ms. Williams would contact the Marketing Department.

D. District Manager: *Wrathell, Hunt and Associates, LLC*

- **NEXT MEETING DATE: March 25, 2022, immediately following the adjournment of the Silverado CDD meeting, scheduled to commence at 10:00 A.M. [Avalon Park West Amenity Center]**

- **QUORUM CHECK**

This item was presented following Item 13B.

FOURTEENTH ORDER OF BUSINESS

Board Members' Comments/Requests

Ms. Moulton asked about necessary amendments to the budget and asked Staff to review the budgets, focusing on actual costs, and report their findings regarding the increases to the CDD budget and the HOA budget.

FIFTEENTH ORDER OF BUSINESS

Public Comments

There were no public comments.

SIXTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Cotter and seconded by Mr. Demby, with all in favor, the meeting adjourned at 11:16 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair