

MINUTES OF MEETING
DOWDEN WEST
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Dowden West Community Development District was held Thursday, July 20, 2023 at 10:30 a.m. at the Orange County Library – Southeast Branch, 5575 SR-436 N., Orlando, Florida.

Present and constituting a quorum were:

Chuck Bell	Chairman
Gabe Madlang	Vice Chairperson
Tom Franklin	Assistant Secretary
Dane Hamilton	Assistant Secretary

Also present were:

Jason Showe	District Manager
Jay Lazarovich	District Counsel
Rey Malave	District Engineer <i>by telephone</i>
Alan Scheerer	Field Manager
Several Residents	

FIRST ORDER OF BUSINESS

Roll Call

Mr. Showe called the meeting to order and called the roll.

SECOND ORDER OF BUSINESS

Public Comment Period

There being none, the next item followed.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the May 18, 2023 Meeting

On MOTION by Mr. Franklin seconded by Mr. Bell with all in favor the minutes of the May 18, 2023 meeting were approved as presented.

FOURTH ORDER OF BUSINESS

Public Hearing

On MOTION by Mr. Bell seconded by Mr. Franklin with all in favor the public hearing was opened.

Mr. Showe: A letter went to the homeowners describing the assessment increase. We have revised the budget and the one in front of you has a much lower assessment. We are a special purpose District created under Chapter 190, Florida Statute, and have limited powers as defined in that statute. The Board Members are elected government officials and subject to government in the sunshine, ethics law as well as the public records law. Every record of the CDD is a public record. The District is allowed to do public roads, water and sewer, stormwater, landscaping, wetland remediation, amenities as well as offsite improvements, public facilities, mitigation areas, security, waste collection and projects that would be mandated by a government. CDDs are governed by a five-member Board of supervisor who are initially elected through a landowner election process with a planned transition to the general election process. When a CDD reaches 6 years and has 250 registered voters it will transition to the general election process, the first year two seats will transition, in two more year two more seats will transition and in two more years the last seat will transition to the general election process. The transition in this District will begin in November 2024 and later in the agenda is a resolution to make sure it is lined up with the general election process. CDDs are financed through assessments that will be on your tax bill along with your property taxes but are based on benefit and not property value. The assessment has two components, one is a fixed amount that pays debt service on bonds that the District has issued and the second component is variable and covers operations and maintenance. CDDs are created for continuity, allows the residents to ultimately decide the level of service they would like to have, we are a unit of government and are able to have tax-exempt purchasing and financing, the purpose of a CDD is to provide services. If we bid a project over a certain threshold, we are required to do public bidding, there is an annual audit requirement as well as other checks and balances. This District was created by ordinance in 2017, is approximately 736 acres, the first series of bonds was issued in 2018, includes 581 homes and will be paid off in 2049. There are 1,446 units planned. We issued \$6.1 million and there is \$5.7 million remaining. As a property owner you can pay the debt that is associated with your property and our office can provide you the payoff of the debt service portion. Mostly in Dowden West we take care of stormwater, landscaping, hardscaping, streetlights, parks and recreation tracts. The website is dowdenwestcdd.com and my contact information is listed if you have any questions.

You can see the areas of maintenance this fiscal year and next fiscal year. It is not internal to the new neighborhoods but is all the rights of way maintenance, streetlights associated with that, landscaping and new ponds. Your debt service ranges from \$500 to \$1,200 depending on the size of your lot and the new proposed budget the O&M is between \$713 and \$1,712 and is now a 30% increase. The major components of your O&M are landscape maintenance, lake maintenance and based on resident feedback we added midge treatments in 2024 that was not previously part of the budget.

In the prior version there was a section called north/south and based on discussion with the developer those are not going to be online in 2024 and those costs have been removed. The developer will also contribute about \$300,000 that will pay for their unplatted portions and that is related to the operations section. There is already a calculation for the admin section, they are paying also for their side of the assessments as well.

We wanted to address some concerns we received via email. All of our contracts are bid formally in accordance with the statutes. The landscape maintenance was bid in 2022 and we received bids from six vendors and this Board selected the current vendor you have. The areas included in the 2024 budget are planned to be under maintenance for the whole year. There is developer funding and unplatted administration which covers the unplatted property and their contribution to the CDD. If there are unspent funds left at the end of the year, that stays with the CDD and retained for future operating reserves. There are no operating reserves in this budget and this District has significant infrastructure to maintain and at some point, there will need to be a calculation for reserves. If for some reason expenses exceed the budget the CDD will enter into a deficit funding agreement with the developer and they fund that shortfall.

A. Consideration of Resolution 2023-08 Adopting the Fiscal Year 2024 Budget and Relating to the Annual Appropriations

Mr. Showe: Resolution 2023-08 will adopt the Fiscal Year 2024 budget and attached to this resolution will be whatever budget is adopted today.

Mr. Franklin: The developer stepped up and will contribute almost \$350,000, because they still have a lot of responsibility. That helped bring down the proposed assessment. Sometimes we don't pick the lowest bidder, but we try to balance that with someone who does a great job. In my case, I have a lot of experience on the developer side and that really helps me to be able to talk to

the contractors from a development viewpoint on different issues that may come up that the general public wouldn't understand 100%.

Ms. Wilson: There has been a lot about the landscaping and that seems to be the biggest jump. What is the change in the scope of services that made that jump so high? The contracts that were bid, are they continuing service contracts so we know next year we have an understanding of what the landscape is going to cost, or are they for just one year and bid each year? What made the streetlights go up?

Mr. Showe: If you look at the map, Fiscal Year 2023 has a smaller section, Fiscal Year 2024 has a much larger section, and that increases the amount of ground we have to cover, which increases the amount of streetlights. The streetlights are on a lease through our utility company and is paid on a per streetlight basis. Landscaping is the same, when we had a smaller amount to maintain it cost less and now, we have rights of ways and ponds throughout; the project has gotten larger so the scope of the contract increases. We bid the landscape maintenance, and the Board selected a new vendor and as we bring new phases online the vendor gives us a specific price for that new area. The developer gives us a plan of what the area is going to look like, we give that to the landscaper and he gives us price. It is typically a one-year contract with options to renew, but at any point if the Board feels they are not getting value from that contractor there is a 30-day termination clause and we would go through the RFP process again.

Mr. Scheerer: We have already met with the vendor and contemplated any changes in pricing for next year and we do not expect the contract to go up from the current contract. We look at that at every budget cycle for any services and try to anticipate any changes.

Ms. Wilson: Is there a map online showing the jurisdiction? When I see a sprinkler head that is a fountain I have reported that to the management company for the HOA and it is not, it is a CDD problem.

Mr. Scheerer: I will give you my card. We use Yellowstone Landscaping, the HOA uses Benchmark, a different provider, Lathan and his team are very responsible. If you send it to me, I will definitely tell you and if it is mine we will fix it. If it is HOA, I will get in touch with the management company and tell them the location. I am onsite a minimum of once a week, sometimes a couple times a week because we have multiple projects in that area that we manage. Call my cellphone with any issues and leave a message and I will get back to you as quickly as possible. Leave as much information as possible when you call.

Ms. Wilson: What is the dividing line?

Mr. Scheerer: Anything along Dowden Road is CDD. Founders is getting a modification to it so there is nothing on Founders, but on the right side just past the new school there is a park that is HOA, the CDD has the traffic circle and all the little islands approaching the traffic circle and Globe that dead ends into Compass Point that park is HOA. There is a lot of green space around that Phase 2 pond in Compass Point and the CDD has a small common area behind the homes and a lot of that is HOA.

Mr. Shinde: It is hard to understand that we are footing the cost of expansion. You are expanding the footprint of the development, but it seems like that cost is getting pushed onto us rather than the developer.

Mr. Bell: It is getting pushed to the developer in two parts, one we pay the admin for the unplatted plus the developer is making a \$300,000 contribution. When those lands get platted and the developer owns them and it is tax time the developer will pay their portion of the taxes until it is sold to a new homeowner.

Mr. Showe: Every platted lot is paying assessments whether it is owned by an individual homeowner or by the developer, they are paying the same assessment. For every platted lot they are paying the same increase that residents are paying and they are making that contribution to cover the unplatted lots.

Mr. Shinde: This is a 43% increase from what we paid last year. It seems way higher than normal inflation. As residents we think this cost will keep going up because you are going to build more homes and all that cost will fall onto us.

Mr. Showe: In this budget there are 877 homes. There are some lots coming on platted from the developer.

Mr. Shinde: Is this going to creep up every year?

Mr. Showe: The statute provides how CDDs can raise assessments. There is no cap on how much they can raise assessments.

Mr. Shinde: Do you have any prediction for future budgets?

Mr. Showe: The challenge in making projects for this particular community is the developer has to figure out what is going there, how it is going to look. That makes it difficult to make a solid projection. It could potentially increase every year. You are experiencing the same

thing Story Park went through about three years ago with the same type of increase. As these communities get bigger and there are more things to maintain the costs per home increases.

Mr. Madlang: A lot of these costs could have been put into the land cost upfront and that would have increased the amount you paid for your home. We have bonds and debt on it and that keeps it down somewhat. These were costs that maybe before in 2017 we wouldn't have some of these costs, CPI increased, fuel increases, everything we have seen in the last three years. It is almost as if these lots were discounted before for future development and now they are experiencing the full burden. It is uncomfortable but luckily, we have been able to negotiate with the developer and get them to cover more than their fair share of costs.

Mr. Shinde: A 43% increase for 30 years that is a big increase for me. I want to understand how we can knock it down more.

Mr. Showe: As we indicated two of the seats on the Board are going to turn over to general election in 2024 and that is when residents will have an opportunity to run for an open Board seat and become part of this process and that will continue until all five seats are filled with residents.

Mr. Shinde: I keep sending emails to Alan.

Mr. Scheerer: Your ponds are a living and breathing bod of water. It is not a natural lake; it is not a natural pond. Everything on your street, your yard, your neighbor's yard, sidewalk, backyard, runs into these ponds. I was at your particular pond last Friday and this morning and it has actually improved. We had a little algae along the edge this morning and that is it. A lot of that algae is a result of live plant material that the contractor sprayed and as it decays and becomes a blob of biomass it produced algae. It is a vicious cycle and happens. Your pond has it, there are a couple of ponds across the street that don't have anything, they look amazing and there is a new pond on the East West Collector Road that was built that has a little more algae than some of the others. I can't tell you that any of these ponds will be completely just water, no algae, no torpedo grass, no anything. As long as we have stuff growing out of the pond and we kill it, the algae comes up and the contractor comes back. He will be out next week to look at the ponds. Then you have rainfall, extreme temperatures, heat index and whatever people are putting on their yards. I assure you we have a good company. When the amenity was opened, we had a request to get all the ponds cleaned out and he came out and hand removed everything that was on the water. That is not cheap, and he did it at no cost.

Mr. Showe: There are federal regulations on the type and frequency of chemicals that are used.

Mr. Madlang: Most of the reason this increase was the size it was, is due to the actual land that was encompassed and the scope changed. We won't have that type of change in the future.

Mr. Showe: The District's boundaries don't change, it is the amount of turf, streetlights and ponds.

Ms. Bellville: This allows us to not have so much upfront cost on the property but from talking to fellow residents this will make us want to leave the property, if we continue to have such drastic increases every year. I'm curious about the two roads that will be finished in 2024. If residents are not going to be living in those areas, is there a legal reason we need to have streetlights there or pond and landscape maintenance? If yes, then I understand and if no, is there a way to prorate that in the budget for when there is going to be the next CDD portion done to connect to 528 or when there will be houses done? The developer is currently paying for the unplatted and as more come on board that will be transferred to those people. Really, as more homes come on board theoretically the cost should be less but if they are already paying their portion then there is not going to be a difference in cost but where the money comes from.

Mr. Showe: On your second point that is fair, that is what I meant to hit on as you were talking. That is part of the challenge with CDDs, we assess all the property. All the property is paying, so just because there is more development doesn't necessarily mean your assessments are going to go down.

Mr. Bell: Streetlights is a City of Orlando code. At some point it will be turned over to the City of Orlando and they will maintain the asphalt and curb. As part of the permitting process with South Florida Water Management District, the District maintains the stormwater management system within the District.

Ms. Belleville: I appreciate that, thanks.

Ms. Ocasio: Eventually will there be walls built between the highway and our community? Since they opened the area for the high school the vehicle noise from that area is heavy.

Mr. Bell: The high school will have a wall. No wall is planned for Phase 3.

On MOTION by Mr. Bell seconded by Mr. Franklin with all in favor Resolution 2023-08 Adopting the Fiscal Year 2024 Budget and Relating to the Annual Appropriations was approved.

B. Consideration of Resolution 2023-09 Imposing Special Assessments and Certifying an Assessment Roll

Mr. Showe: The second part of the budget process is Resolution 2023-09, which is the mechanism that imposes the special assessments on the individual tax bills. Attached to this resolution will be the adopted budget and the tax roll.

We will open the floor for public comment but it is strictly for the imposition of the special assessments.

There being none,

On MOTION by Mr. Franklin seconded by Mr. Bell with all in favor Resolution 2023-09 Imposing Special Assessments and Certifying an Assessment Roll was approved.

On MOTION by Mr. Franklin seconded by Mr. Bell with all in favor the public hearing was closed.

FIFTH ORDER OF BUSINESS

Review and Acceptance of Fiscal Year 2022 Audit Report

Mr. Showe: In the letter to management there were no current or prior year findings or recommendations and it is a clean audit.

On MOTION by Mr. Franklin seconded by Mr. Bell with all in favor the Fiscal Year 2022 audit was accepted.

SIXTH ORDER OF BUSINESS

Consideration of Addendum to Maintenance of Solar Lighting Agreement with Viasol Lighting

Mr. Scheerer: There was a walkway that didn't have any solar lighting on it and the lights were added and we are adding this to the current agreement for the solar lighting that is now in place.

On MOTION by Mr. Bell seconded by Mr. Franklin with all in favor the addendum to the maintenance of solar lighting agreement with Viasol Lighting was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Proposal from Yellowstone Landscape for Maintenance of Additional Areas

Mr. Scheerer: We met with Tanner, there were a couple areas we need to get online for the CDD, at the end of some of the alleyways is an endcap with some landscaping. This is adding this area to the current landscape contract for maintenance and the CDD will continue to maintain these. The cost is about \$4,680 a year.

On MOTION by Mr. Bell seconded by Mr. Franklin with all in favor the proposal from Yellowstone for maintenance of additional areas in the annual amount of \$4,680 was approved.

EIGHTH ORDER OF BUSINESS

Resolution 2023-10 Adjusting Term Limits for Members of the Board of Supervisors

Mr. Showe: Resolution 2023-10 adjusts the term lengths; we are trying to line those up with the general election process.

Mr. Lazarovich: We are shifting seats 2, 4 and 5 to November 2024 and seats 1 and 3 will be November 2026.

On MOTION by Mr. Franklin seconded by Mr. Bell with all in favor Resolution 2023-10 Adjusting Term Limits for Members of the Board of Supervisors, was approved.

NINTH ORDER OF BUSINESS

Ratification Items:

- A. Non-Ad Valorem Assessment Administration Agreement with Orange County Property Appraiser**

On MOTION by Mr. Franklin seconded by Mr. Bell with all in favor the Non-Ad Valorem Assessment Administration agreement with Orange County Property Appraiser was ratified.

- B. Utility Easements for East West Collector Road Phase 1**

On MOTION by Mr. Bell seconded by Mr. Franklin with all in favor acceptance of the utility easements for the East West Collector Road Phase 1 was ratified.

TENTH ORDER OF BUSINESS

Staff Reports

- A. Attorney**

Mr. Lazarovich: Included in your agenda is a memo regarding some new laws that were passed after the last legislative session. Starting January 1, 2024 there is a new ethics training requirement that will require four hours of ethics training annually. We are providing this in

advance so that you are aware of the new requirement as well as some useful links where you can find training videos. We also wanted to bring to your attention some other laws that were passed with regard to concealed carry it is prohibited under Florida Law to have a firearm in a government meeting. There was a technology transparency requirement that restricts any content or account removal from independent special Districts and also government and corporate activism. It requires that Board Members don't consider any social, ideological, factors when considering government contracts.

Mr. Bell: With regard to the ethics training, some of us do that for professional licenses we have.

Mr. Lazarovich: It will be in addition to that.

B. Engineer

Mr. Malave: We did the required annual engineer's report for the District and did an inspection. We have shared that with District staff. The ponds are in good shape, other than the ones under construction.

C. Manager

i. Approval of Check Register

Mr. Showe presented the check register from May 6, 2023 though July 7, 2023 in the amount of \$158,826.11.

On MOTION by Mr. Franklin seconded by Mr. Bell with all in favor the check register was approved.

ii. Balance Sheet and Income Statement

A copy of the balance sheet and income statement were included in the agenda package.

iii. Approval of Fiscal Year 2024 Meeting Schedule

On MOTION by Mr. Franklin seconded by Mr. Bell with all in favor the Fiscal Year 2024 meeting schedule reflecting meetings on the third Thursday of the month was approved.

ELEVENTH ORDER OF BUSINESS Supervisor's Requests

There being no comments, the next item followed.

TWELFTH ORDER OF BUSINESS Other Business

There being no comments, the next item followed.

THIRTEENTH ORDER OF BUSINESS Next Meeting Date

Mr. Showe: Our next meeting is scheduled for August 17, 2023.

FOURTEENTH ORDER OF BUSINESS Adjournment

On MOTION by Mr. Franklin seconded by Mr. Bell with all in favor the meeting adjourned at 11:44 a.m.



Secretary/Assistant Secretary



Chairman/Vice Chairman