

MINUTES OF MEETING  
NARCOOSSEE  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Narcoossee Community Development District was held Tuesday, May 19, 2020 at 6:00 p.m. via Zoom Video Conferencing, pursuant to Executive Orders 20-52, 20-69 and 20-91 (as extended by Executive Order 20-112) issued by Governor DeSantis on March 9, 2020, March 20, 2020, April 1, 2020, and April 29, 2020 respectively, and pursuant to Section 120.54(5)(b)2., *Florida Statutes*.

Present and constituting a quorum were:

Jeffrey Smyk	Chairman
Steve Giercyk	Vice Chairman
Peter Wong	Assistant Secretary
Betsy Burgos	Assistant Secretary

Also present were:

Jason Showe	District Manager
Roy Van Wyk	District Attorney
Rey Malave	District Engineer
Alan Scheerer	Field Manager

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Showe called the meeting to order, called the roll and stated the meeting today is being held pursuant to the governor's executive order no. 20-52 and 20-69, subsequently extended through executive order 20-112 and 20-114 so that the District may conduct meetings of its Board of supervisors without having a physical present quorum of its members present at any specific location and we are able to utilize communication techniques such as telephone and video media conferencing. This meeting is being held to address those items necessary for the proper operation of the District. Today's meeting is being conducted via Zoom, which allows anyone to participate by video or telephone conference, access information to today's meeting was available on the meeting notice as well as the website and through our office. In order to facilitate public participation, we were able to take any public comments in advance. As of right now I did not receive any public comments, but I will check my email throughout the meeting

and read those into the record. As with all meetings there is an opportunity for public comment, we will make that at the beginning of the agenda. As host for the meeting I can announce when those public comments are available and if there is anyone in the public who would like to make a comment, we ask that you use the Zoom raised hand feature.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the January 28, 2020 Meeting**

There were no changes or corrections to the January 28, 2020 meeting minutes.

On MOTION by Mr. Smyk seconded by Ms. Burgos with all in favor the minutes of the January 28, 2020 meeting were approved as presented.
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**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2020-03 Setting a Public Hearing to Adopt the Amended and Restated Rules of Procedure**

Mr. Showe stated next is the resolution setting a public hearing to adopt the amended and restated rules of procedure. Previously, the Board had set a public hearing to consider the amended rules and we were unable to hold that meeting and this resolution resets the date of the public hearing and that will now be held July 28, 2020. The governor's order allows us to meet via Zoom through July 7<sup>th</sup> so at this time the July 28<sup>th</sup> meeting would likely be an in-person meeting. We will include access information just as a backup.

Mr. Smyk asked would we coordinate Zoom and an in-person meeting or would we just do one or the other? I don't know if this opens up for Rey or Roy or anyone to be able to join us via Zoom as opposed to coming in person. I'm curious about that.

Mr. Van Wyk stated you could do a combination of the meetings; it would be more difficult for the District Manager. We think we will be able to hold an in-person meeting by July if not then we would just use Zoom. There is nothing that prohibits you from using Zoom any time you just have to be careful that once you start providing video access we have to make sure

we have accessibility requirements met. It is probably best that we have and continue our in-person meetings.

Mr. Wong asked what about quorum requirements? Is that still the case that you have to have three persons in person?

Mr. Van Wyk stated right now that rule was suspended by the governor. Jason outlined the three main orders that the governor put out. In his first order he did suspend all physical quorum requirements. The quorum requirements are still there, just the physical part was waived and the location requirements were waived so if you had a location where you had to meet and you changed that by doing it on Zoom but I suspect those will be lifted too when Phase 2 of the reopening comes around.

Mr. Wong asked right now there is no expiration date for that in person requirement, but it could change?

Mr. Showe stated it is actually July 7<sup>th</sup> right now.

Mr. Van Wyk stated the order that is currently in place is in place until he stops it so there is no expiration date so to speak for the quorum and use of the video technology, but that will probably stop when we hit Phase 2 or definitely Phase 3.

On MOTION by Mr. Giercyk seconded by Mr. Wong with all in favor Resolution 2020-03 Setting a Public Hearing to Adopt the Amended and Restated Rules of Procedure on July 28, 2020 at 6:00 p.m., was approved.
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## **FIFTH ORDER OF BUSINESS**

### **Consideration of Proposals with Down to Earth for Entrance Landscaping (2)**

Mr. Showe stated the next two proposals deal with landscaping and we would like to have some discussion by the Board.

Mr. Scheerer stated the first was a request from the HOA manager, Lisa, for the Mirabella HOA, they want to make some changes to their planter beds. They had given us a drawing and then after I talked with Lisa and Aaron with Down to Earth there was some additional changes made. They started out wanting to change the planter beds, they had Society Garlands, Schefflera, the annuals and a couple of palms. They wanted some multi-trunk Robellini Palms so after discussion they switched that. They still want to change everything out in the raised planter bed. As you can see in the proposal there are 4 European Fan Palms, which would

be 2 in each planter bed, the main plant would be Arboricola Trinnetts as opposed to the Schefflera and Blue Daze instead of the Society Garlic. We would have to elevate that planter bed a little bit with new top soil and coco mulch and readjust some of the irrigation. This was a request of Lisa of the Mirabella homeowners' association. We are just presenting it to you for consideration.

Ms. Burgos stated from the last meeting when we discussed changing the Mirabella beds, they heard you and I'm very happy with that. They are willing to improve that area.

Mr. Scheerer stated it is just the planter bed. Obviously, they have sod in the front of theirs opposed to Ziani, which has the Dwarf Ixora.

Mr. Giercyk stated they are talking about 5 foot palms. How big do they get?

Mr. Scheerer stated these are going to be very small fan palms and shouldn't get any higher than 5 feet, but they aren't going to go in at 5 feet; they will probably go in at 2 ½ to 3 feet and it is going to take several years to achieve that. I didn't want to put any palm trees in that planter bed for fear that the base of the palm could at some point impact the integrity of the planter bed or the wall but according to Down to Earth they don't think a 15 gallon European Fan Palm is going to cause an issue with that. Palms don't spread like oaks and Elms; they are just a root ball.

Mr. Giercyk stated I like the fan palms. How big in diameter do they get and are they going to block the name, Mirabella?

Mr. Scheerer stated no.

On MOTION by Ms. Burgos seconded by Mr. Giercyk with all in favor the proposal from Down to Earth for Entrance Landscaping in the amount of \$2,725.50 was approved.

## **SIXTH ORDER OF BUSINESS**

### **Discussion of Proposal from John Madison Landscape, Inc. for Ziani Entrance Landscaping**

Mr. Scheerer stated the second one is for Ziani and I know there has been on and off discussions since the last Board meeting about landscape enhancements for Ziani. One of the things that Steve and I talked about was removing all the annuals from your planter bed and replacing them with Ixora. This proposal is to remove all the annuals, replace them with 3 gallon

dwarf red Ixora, some additional top soil and some coco mulch. We wanted to bring that forward to you for discussion. If that has changed then we can move in a different direction.

Mr. Giercyk stated I like the concept that is there. I think we talked a lot about removing the Italian Cypress and getting that area cleaned out and I thought that was a much higher priority than the beds themselves. I discovered just recently that the beds are at different heights under the Ziani sign; one has a foot and a half you can work with and the other only has 10 inches. I don't think the Dwarf Ixora would work in both beds. I think they would get too big in the one bed; but I may be wrong.

Mr. Scheerer stated just to touch base on the Italian Cypress we had a couple conversations about that and we were ready to remove the Italian Cypress but I believe we had another conversation that you asked to hold off because you were going to be doing a landscape plan to enhance the entrance to your community and at the time we were told to hold off. That is why that work wasn't completed. If you still want that done we can get it done relatively quickly, but I know you were working on a landscape plan with your HOA and you had to discuss it with the HOA. Whatever direction you want us to move we will move.

Mr. Giercyk stated we do have a plan, but the plan is not a final plan; it is a starting point. It is a complete redo of the front including the beds and probably runs way more money than we would like to spend. We are looking at options, one being having Down to Earth remove everything and John Madison put in all the new stuff, but I'm not sure that is a good approach because I haven't talked to Ken about it yet.

Ms. Burgos stated during the last meeting we had, I'm talking about Ziani HOA, they presented these, and it was suggested to you to present it to the CDD. I agree, it is completely overpriced, and my suggestion was to make some changes but not that many changes. We are talking about almost \$80,000 so who is going to pay for that, the CDD, HOA? I know the HOA will not pay for that. At this point we have to prioritize what we are going to do. I thought the cypress was approved and ready to go. If you agree, let's tell Alan to go ahead and do it. Then we can talk about what we want the CDD to do for Ziani. The beds after the cypress is removed or what specifically?

Mr. Scheerer stated part of that discussion was remove the cypress and cut the bed in half and we can make that happen until you determine what you want to put in that bed space, but that is not a lot a bed space. I can't make out the plant material that is in there, but I see about 4

trees on each side and a bunch of landscaping in front of it. If you want me to go ahead and do that I will take that as authorization and I will get it done with Aaron this Friday when we review everything.

Mr. Wong asked the cypress you are talking about removing is that the one by the pedestrian gate?

Mr. Scheerer stated yes.

Mr. Wong stated yes, definitely. They definitely have to go.

Mr. Scheerer stated you only have a few feet between the sidewalk and that wall on each side and on the other side on the west side you have all the utilities that run along the fence by the playground. If you want me to do that I will remove any additional soil that we can so you can look at what you want to plant, maybe look at putting Ixora in there for now. Whatever you would like me to do we will get it done.

Mr. Giercyk stated my personal thought is from trying to do this in one sequential operation I think we have some plans and I know you will help us with that Alan if we say remove the Italian Cypress, but until we get a plan in place we should probably leave the landscaping in place for the most part. Betsy, do you disagree with that?

Ms. Burgos stated I thought everything was approved for him to remove it and I think we were going to put the same plants that Mirabella has, that Alan put on the side. I thought everything was approved already. If you want to revisit it that is fine.

Mr. Giercyk stated I don't want to do the same thing that Mirabella is doing from the standpoint that I think we have a different kind of community.

Mr. Scheerer stated Mirabella is only doing the planter beds. You are talking about each side of the entrance and exit of your community, which is totally different.

Ms. Burgos asked Steve, what did you expect the CDD to cover on the outside of the gate?

Mr. Giercyk asked expense-wise?

Ms. Burgos stated yes, because this is \$80,000. Did you want them to cover all of that or did you want to go back to the company and they say give me a \$10,000 proposal?

Mr. Giercyk stated I think what I want to do with John Madison is go back to him and say can we change some of the landscaping, some of the trees and so forth to reduce the cost of those trees. Can we remove the rocks that he is talking about putting in there and what can we do to

come up with an in between proposal that runs someplace in the \$20,000 to \$40,000 range to redo everything? That being the case I would go back to the CDD and I talked to Ken the other day about sharing of the costs and he is agreeable to that as long as we don't get too far out of control.

Ms. Burgos stated I was not part of that conversation. The plan would be to go back and do a \$20,000 to \$30,000 proposal?

Mr. Giercyk stated yes, maybe \$40,000 max.

Mr. Showe stated the concept that Steve and I initially talked about is one in which the CDD could share some of that cost, but we have to make sure we have funds available for the other communities within the area as well. We would have to come up with a rational basis for how much we allocate from the CDD funds for this project and still leave some funding for the other communities should they want some upgraded landscaping.

Ms. Burgos asked Jason, how much are you thinking we can allocate for Ziani landscaping?

Mr. Showe stated we have done landscaping upgrades in some of the communities in the ballpark of about \$10,000. That is a rational number maybe a little more. It would be up to the Board to determine the appropriate funding level. Once we see the proposal we can make some recommendations. I think somewhere in the ballpark of \$10,000 to \$15,000 might not be out of range. It depends on the proposal and what the cost share proposal might be.

Ms. Burgos stated that is a good idea.

Mr. Smyk asked would not this money come out of the capital reserve account for each area?

Mr. Showe stated it would but for La Vina there are four neighborhoods that share that capital project fund. It is not just for the Ziani community, it is also the other three communities and we want to make sure whatever we contribute to this project that we leave some funding for the other three communities as well.

Mr. Smyk asked how would we determine that? Would we determine it by home count and try to work up a percentage that way?

Mr. Showe responded yes, there are several ways to tackle that. There are ERU factors similar to the way we divide the costs between Parcels G & H and La Vina. There are a



multitude of ways we can look at it and once we have pricing we can start looking at different ways and methods of how the Board might want to allocate that.

Mr. Scheerer stated hold off on the Italian Cypress until we get some sort of a change on the landscape concept.

Ms. Burgos stated yes.

Mr. Giercyk stated yes.

## **SEVENTH ORDER OF BUSINESS**

### **Consideration of Resolution 2020-04 Approving the Proposed Fiscal Year 2021 Budget and Setting a Public Hearing**

Mr. Showe stated next is consideration of Resolution 2020-04, which approves the proposed Fiscal Year 2021 budget and setting the public hearing for July 28, 2020 and directs us to transmit this to Orange County and the City of Orlando. We kept all the assessments level, the costs for administrative and field operations are fairly level. We are still utilizing a portion of G&H for the maintenance along La Vina that benefits those properties and the services remain level. When you get to each of the individual communities you will see each community has their own capital reserve. We did factor in the Dowden wall improvements as well as some landscape projects.

Mr. Smyk stated I did notice that the printing and binding went down \$200 and I would have thought it would have been at least half since we are going to move towards digital with the iPads.

Mr. Showe stated that is fair, we can definitely make that.

Mr. Smyk asked in the La Vina miscellaneous comment area that is partially for the fencing project?

Mr. Showe stated that is for any project they would like throughout the year. The way we do the assessments is that in order to keep the assessments level you have to balance those funds with the previous year assessment because each of the assessments are built in such a way that there are components that factor into how we get to the total assessment for each community. That \$15,000 provides them some number for improvements, typically that then gets placed back into their capital reserve but in order to balance their assessments we have to keep those numbers the same otherwise the assessments change.



Mr. Smyk asked if that miscellaneous line were to go from \$15,000 to \$10,000 and their overall assessment was a little less does that throw a big wrench into things?

Mr. Showe responded not necessarily. The challenge would be in the future if you had to raise it again, you would have to do a mailed notice process again. With the large expense we had for the fencing that took away from their capital project fund this year, we felt it was appropriate to keep that funding in there so it would help with any capital projects especially to help replenish that capital project fund.

Mr. Smyk stated it seems like G & H reserves are inching back up to \$75,000. Is that too high? I know at one point they just had administrative; it seems like there is not much going on so the reserves build up a little bit.

Mr. Showe stated the reserves have been built up prior to this point. There is not a lot of excess there in those expenses. Depending on how we allocate capital projects we might be utilizing those capital projects funds. We are utilizing their capital fund more than we are putting in.

Mr. Smyk stated it was really to illicit discussion from the other Board Members such as it was getting too high or if there is any reason to think it was going to continue rising. It seems like the other communities because there is development there tend to utilize their capital reserve fund from time to time and they wouldn't.

Mr. Wong stated the reserve number of \$18,000 versus total revenue of \$74,000 the difference is not the reserve. What is the difference?

Mr. Showe stated the \$18,000 is what we budgeted for Parcels G&H this year to spend. The Board last year started allocating a portion of the La Vina expenses to Parcels G&H so La Vina wasn't bearing the expenses that benefited Parcels G&H. Of that we are projecting we are going to spend approximately \$17,000 for the whole year. There is not a lot of excess that is building that reserve up. That reserve has accumulated over the years; it just hasn't been utilized. We may utilize that in the future for lake bank projects or as the property gets developed on the corner there may be more CDD expenses.

Mr. Giercyk stated because of this pandemic I would think that we are doing a wise thing by leaving that number where it is rather than reducing it. I would hope that we are out of this cycle we are in by the next meeting but there is no guarantee. Maybe it would be best to leave that alone and move forward.

Mr. Showe stated your operating budget doesn't factor in any emergency situation, hurricanes or things we might need additional expenses for to clean up. The District has a lot of landscaping and those things aren't covered by FEMA or otherwise so the District would bear the costs of landscaping.

Mr. Van Wyk stated I would just make one modification to the resolution, if we can I would like to add language that will provide for remote hearing just in case we are required to stay in our quarantine place. We will add a simple paragraph to the final executed resolution to provide for electronic communications.

Mr. Showe stated absolutely.

On MOTION by Mr. Wong seconded by Ms. Burgos with all in favor Resolution 2020-04 Approving the Proposed Budget and Setting the Public Hearing for July 28, 2020 was approved as amended.

#### **EIGHTH ORDER OF BUSINESS**

#### **Ratification of Non-Ad Valorem Assessment Administration Agreement with Orange County Property Appraiser**

Mr. Showe stated this is an agreement we enter into annually with the Orange County property appraiser. In order to facilitate your assessment process, we have signed the agreement.

On MOTION by Mr. Smyk seconded by Mr. Giercyk with all in favor the non-ad valorem assessment administration agreement with the Orange County Property Appraiser was ratified.

#### **NINTH ORDER OF BUSINESS**

#### **Review and Acceptance of Fiscal Year 2019 Audit Report**

Mr. Showe gave an overview of the Fiscal Year 2019 audit and stated it was a clean audit with no recommendations or findings.

On MOTION by Mr. Smyk seconded by Mr. Giercyk with all in favor the Fiscal Year 2019 audit was accepted and staff was authorized to transmit the final audit to the State of Florida.

#### **TENTH ORDER OF BUSINESS**

#### **Appointment of Audit Committee**

On MOTION by Mr. Giercyk seconded by Mr. Wong with all in favor the Board Members were appointed to serve as the Audit Committee and Mr. Smyk was appointed Chair.

## **ELEVENTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. Attorney**

Mr. Van Wyk stated we are constantly monitoring orders of the governor and DBPR and Department of Health to what is going on with our amenity facilities, etc.

#### **B. Engineer**

##### **i. Update on Fence Project**

Mr. Malave stated it was brought to our attention that there was a section missing; they had to reorder that piece and it will be here shortly. Once that is installed we will do a final walk through and make sure the fence is built as designed.

Ms. Burgos asked what section is missing.

Mr. Malave stated a 60-foot section going into Pond A and it was overlooked as they were closing down and starting to work from home.

Mr. Giercyk stated I believe there are sections missing going into the retention ponds, they haven't gone down into the water. We talked originally about going into the water at least one fence section anywhere from 6 to 8 feet is what we talked about and going into the wetland from where it dropped off and going another 6 to 8 feet there as well. Are we going to be able to accomplish that?

Mr. Malave stated whatever we had on the plans is what we will be doing. I don't recall off the top of my head what those are. Once that missing section comes in we will meet with them in the field and coordinate the installation and see what we have on the plans. I will give you a call to make sure you are out there with us.

#### **C. Manager**

##### **i. Approval of Check Register**

On MOTION by Ms. Burgos seconded by Mr. Wong with all in favor the check registers were approved.

**ii. Balance Sheet and Income Statement**

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

**iii. Presentation of Number of Registered Voters – 1,868**

Mr. Showe stated as of April 15<sup>th</sup> there are 1,868 registered voters residing within the District.

**iv. Discussion of Qualifying Period and Procedure**

Mr. Showe stated we have three seats that are up for election this year; Seat 1 currently held by Mr. Smyk, Seat 2 currently held by Mr. Giercyk and Seat 4 currently held by Mr. Wong. This is the information you need if you wish to qualify. The qualifying period officially is from noon on June 8<sup>th</sup> through noon on June 12<sup>th</sup>. They will likely take your forms early if you want to file. That is all coordinated through the Orange County supervisor of elections.

Mr. Wong asked is this an in-person process only?

Mr. Showe stated I can't speak specifically but you can call them to see how they are handling it at this time.

Mr. Wong stated I wasn't here when we refinanced the bonds. What interest rate are we paying versus today's environment?

Mr. Van Wyk stated there is a call protection timeframe on the bonds so we can't really call it for ten years after we refinance. The second thing is the current interest rate is about 5 ½% to 6% so there is really no interest savings that would be sufficient enough for us to cause the expenses of the refinancing to be absorbed.

**D. Field Manager**

Mr. Scheerer stated we have been modifying the irrigation and everything is looking pretty good considering the time of year. We had a dry March and April and Down to Earth seems to be doing a good job in keeping the irrigation in check.

Mr. Smyk stated a Nona Crest homeowner trimmed his oak tree in the backyard and it has all gone seedy.

Mr. Scheerer stated when we were onsite two weeks ago we noticed that a resident had trimmed his oak tree, there is another resident a little further down that threw a bunch of excess plant material over the fence as well on Tract D Pond. We took photos of that and sent them to Lisa who issued two letters to the residents. I don't know that they have complied currently. I also copied Jim Gregoire on a follow-up email last Friday because the mess had not been cleaned up as of last Friday. If it has not been cleaned up by this Friday then maybe the CDD will send them a letter and if not maybe the HOA can clean it up and assess them for it. I will have to talk to Jim and Lisa about that. We could clean it up but what does that say to the homeowner if we clean it up if there is no way to impose a fine or fee on the resident for the cleanup. My thought was to work with Lisa and Jim and tell them if they don't clean it up we will add to your assessment put a lien on your property, do something. We clean up enough messes but it would be nice to have the HOA do something and levy a fine against them.

Mr. Smyk stated when you hear from Jim get back to me with an email so I can keep up on it.

Mr. Giercyk asked does the CDD mow around the ponds in Nona Crest? Are the ponds owned by the CDD or are they owned by the HOA?

Mr. Smyk stated it all depends. There are a couple that are within the community and there is one that we are talking about that is a CDD owned and maintained pond.

Mr. Scheerer stated the Tract A Pond butts up to Nona Preserve on Narcoossee Road, Tract D Pond is next to the fire station and then there are two interior ponds that the CDD maintains as well.

Mr. Giercyk stated if somebody wanted to do something with one of the interior ponds they need to contact the CDD. Is that right?

Mr. Scheerer stated we don't allow anybody to do anything with them.

Ms. Burgos asked what are people doing as far as social distancing in your communities? Do you close the parks? What are you doing? We closed our playground park.

Mr. Scheerer stated I know all playgrounds are currently closed.

Mr. Showe stated parks and open spaces have been open and we are encouraging social distancing in all of those locations, but playgrounds are closed.

Ms. Burgos asked are people following the social distancing in your communities?

Mr. Showe stated for the most part I think people have been respectful of those terms. We don't have monitors for the trails and eyes on everything; we are getting some facilities open this week and will have more perspective on the response to that.

**TWELFTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**THIRTEENTH ORDER OF BUSINESS**

**Supervisors Requests**


There being none, the next item followed.

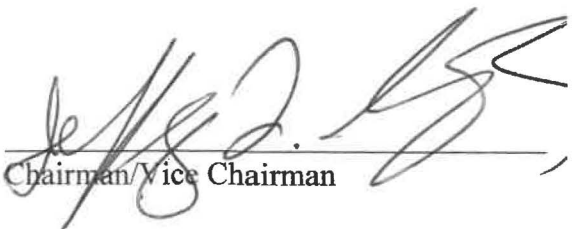
**FOURTEENTH ORDER OF BUSINESS**

**Next Meeting Date – July 28, 2020**

Mr. Showe stated the next meeting is July 28, 2020.

On MOTION by Mr. Smyk seconded by Mr. Giercyk with all in favor the meeting adjourned at 6:57 p.m.
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Secretary/Assistant Secretary

  
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Chairman/Vice Chairman