

MINUTES OF MEETING
BELLA COLLINA
COMMUNITY DEVELOPMENT DISTRICT

The Regular Meeting of the Bella Collina Community Development District was held Thursday, November 8, 2018 at 9:30 a.m. at the Bella Collina Clubhouse, 16350 Vetta Drive, Montverde, Florida.

Present and constituting a quorum were:

Randall Greene	Chairman
David Burman	Vice Chairman
Duane Owen	Assistant Secretary
Dutch Holt	Assistant Secretary
Andrew Gorrill	Assistant Secretary

Also present were:

George Flint	District Manager
Jan Carpenter	District Counsel
Andrew d'Adesky	District Counsel
Jeff Einhouse	District Engineer
Alan Scheerer	Field Manager

FIRST ORDER OF BUSINESS

Roll Call

Mr. Flint called the meeting to order.

SECOND ORDER OF BUSINESS

Public Comment Period

There being no members of the public present, the next item is followed.

THIRD ORDER OF BUSINESS

Organizational Matters

A. Administration of Oaths of Office to Newly Elected Board Members

Mr. Flint: Just prior to the Board Meeting, we had the Landowners' Meeting, so we need to go ahead and administer the Oaths of Office to the three individuals that were elected in the Landowners' Meeting: Mr. Greene, Mr. Holt, and Mr. Gorrill. *Mr. Flint being a Notary Public of the State of Florida, administered the Oath of Office to Mr. Green, Mr. Holt and Mr. Gorrill.*

Mr. Flint: Okay, if you could sign where it says Board Supervisor and print your name up at the top where the blank is. Since you all were current members of the Board, we don't need to

go through Public Records or the Sunshine Law, other than you will continue to be mailed the Form 1 - Financial Disclosure done by the Supervisor of Elections. It's due by July 1st.

B. Consideration of Resolution 2019-01 Canvassing and Certifying the Results of the Landowners' Election

Mr. Flint: Every time we hold a Landowners' Election, the Board sits as the canvassing Board that certifies the results of the Landowners' Election, so we provided you with a resolution in your agenda, Resolution 2019-01, and we will insert Mr. Greene, Mr. Gorrill, and Mr. Holt's names with 579 and 578 votes, respectfully. Any questions on the Resolution?

On MOTION by Mr. Burman, seconded by Mr. Greene, with all in favor, Resolution 2019-01 Canvassing and Certifying the Results of the Landowners' Election, was approved.

C. Election of Officers

Mr. Flint: The Statutes provide that each time you have an election, you are required to elect officers, so we have included Resolution 2019-02 in your agenda electing officers.

D. Consideration of Resolution 2019-02 Electing Officers

Mr. Flint: It designates a Chairman, Vice Chairman, Secretary, Treasurer, Assistant Secretaries, and Assistant Treasurers. You can take each seat individually, or if a Board Member wants to nominate a slate, we can handle them all at once. Currently, Mr. Greene is Chairman, Mr. Burman is Vice Chairman, Mr. Owen, Mr. Gorrill, and Mr. Holt are Assistant Secretaries, and Ariel Lovera is Treasurer. Is there a desire to change those or does the Board want to keep the same officers?

Mr. Burman: I make a motion to keep it the same.

On MOTION by Mr. Holt, seconded by Mr. Greene, with all in favor, Resolution 2019-02 Electing the Slate of Officers, was approved.

FOURTH ORDER OF BUSINESS

Approval of Minutes of October 11, 2018 Meeting

Mr. Flint: Did the Board have any comments on those? If none, is there a motion to approve them?

On MOTION by Mr. Greene, seconded by Mr. Burman, with all in favor, the Minutes of October 11, 2018 Meeting, were approved as presented.

FIFTH ORDER OF BUSINESS

Consideration of 2019-03 Amending the Fiscal Year 2018 Budget

Mr. Flint: The District is required, if the total expenditures exceed the total budget in a particular fund, to amend the budget within 60 days of the end of the fiscal year, which would be the end of this month. So, we have included in your agenda Resolution 2019-03, it is amending the Water & Sewer Enterprise Fund budget, and increasing the revenue by \$153,422 and increasing the expenses by \$153,422. Basically, this lines up our revenue with our actuals and our expenses with our actions, one of the largest expenses was the repairs and maintenance. We have done a number of repairs to the plants that was not specifically budgeted, although we do have funds available for emergency items. Any questions on the proposed budget amendment?

On MOTION by Mr. Burman, seconded by Mr. Greene, with all in favor, Resolution 2019-03 Amending the Fiscal Year 2018 Budget, was approved.

SIXTH ORDER OF BUSINESS

Consideration of Proposals for WWTP Maintenance Berm Construction

Mr. Flint: We have a couple of proposals. At the berm at the wastewater plant, there is a small holding pond, and when our Environmental Engineer Jim Boyd inspected the plant as part of our permit requirements, it's in the packet. When Jim Boyd was inspecting the water and wastewater plants and the ponds, he noticed that the holding pond was receiving storm water runoff from the area around it, and it is not designed as a storm water pond it's designed as a holding pond for any access flow or reclaimed. As a result of that, part of his inspection and recommendations is that the pond berm needs to be regraded so that the storm water is directed away from that pond.

Mr. Scheerer: We had solicited 3 different companies: Camcor out of Osceola County, who we have done work with, All-Terrain Services, who we have done work with, and then Kodiak that does work with Tom Felton, who is with General utilities and operates the water and wastewater facility for Bella Collina CDD. We did not get a response from Camcor, I'm not sure why. All-Terrain was obviously the most expensive of the 2 quotes. I asked Kodiak to break down their number—which I handed out today—as to how they got to their \$29,225.

Mr. Owen: What was the reason why we were moving the 1600-square-feet of the pavement?

Mr. Scheerer: There is a part of that driveway that comes into the plant that goes virtually up to the edge of the pond.

Mr. Flint: You can see it attached to the All-Terrain. It might help to look at that.

Mr. Greene: Was the berm degraded?

Mr. Scheerer: No, that's the way it was designed when it was first installed. There is also an old pump unit there that needs to be moved. It just needs to be relocated. We're not going to throw away or anything.

Mr. Flint: It's interesting that All-Terrain has bid the side alone for \$26,000.

Mr. Scheerer: They are bidding 50,000 square feet a side.

Mr. Greene: How many square feet a side did you say?

Mr. Scheerer: 50,000.

Mr. Flint: Our recommendation because Kodiak does work with General Utilities, who is the plant operator, and they are obviously the low bidder, we believe that they are qualified to do the work. They understand what needs to be done.

Mr. Scheerer: They are licensed and insured, which they have forwarded me copies of all of that.

Mr. d'Adesky: And we would obviously prepare a contract that has indemnification, our typical 30-day out, and other insurance provisions in it.

Mr. Scheerer: There is a requirement that needs to be performed by the contractor prior to the work starting this fall.

Mr. Flint: Jim Boyd provided the grating plan, so they were both provided a grating plan.

Mr. Scheerer: All we had to do was hand them to a contractor, and they bid the exact same thing. I've got a copy on my iPad, I can pull it up.

Mr. Flint: We are happy to get other pricing if there are other contractors that anyone is familiar with that you would recommend, but we believe we are okay to go forward with the Kodiak proposal if the Board is comfortable with it.

Mr. Greene: George, I would be afraid to go out and get it re-bid because Kodiak will realize they made a big mistake.

Mr. Flint: We might see a change order anyways.

Mr. Greene: That’s why I was asking because if we went and looked at the broad end of the scope.

Mr. Scheerer: Yes sir.

Mr. Flint: If the Board is okay, is there a motion to approve the Kodiak proposal?

On MOTION by Mr. Greene, seconded by Mr. Holt, with all in favor, the Proposal for WWTP Maintenance Berm Construction from Kodiak Environmental Contraction, LLC was approved.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Flint: Andrew, do you have anything?

Mr. d’Adesky: Yes, let me just update everyone on where we are regarding the expansion procedure and what has expired to this day. We have had some conversations with the Chairman regarding what has gone on, but I’m just going to inform the whole Board. We received all of the necessary engineer exhibits, and we were prepared to submit to the state, but the prior step to that is to submit to both the County we are in, which is Lake County, as well as any municipality which we border. In this case, we border Monte Verde. They have the option of holding a public hearing of their own to have a recommendation and submit a recommendation to the State as to whether or not to approve our expansion. Once again, it is a recommendation to the State, and that is an optional hearing, but we have to provide them with a chance to hold that hearing prior to our submission to the state. We submitted a letter on October 18th and we sent it out to both the City and the County. We’ve called both of them to let them know it is coming. That included our petition, a filing fee—we had to pay both of them a \$1,500 filing fee—as well as our entire petition package. We also included a cover letter, which indicated please check here whether or not you are going to hold a public hearing. In the past, they haven’t wasted the time and money hearing holding a public hearing. Just like these meetings cost us money, holding an extra public hearing costs them money. In the past, it is something they haven’t chosen to exercise. To date, we haven’t received a response from them as to whether or not they are going to hold a public hearing. We have had telephone conversations with Montverde and their Counsel, and they have indicated that they do oppose our expansion at this time, but they haven’t indicated that they will hold a public hearing.

Mr. Gorrill: Do they have a time frame that they have to respond and hold that public hearing?

Mr. d'Adesky: There is no particular time frame for them to hold the public hearing, but to respond.

Ms. Carpenter: There isn't a time frame, and their argument is under the Utility Agreement as opposed to the expansion. So, we have provided them with information that they requested, they supposedly had an internal meeting and made their decision, but they do not have a time frame.

Mr. d'Adesky: They did indicate that they would come to our public hearing, because we are required to hold a public hearing on this matter when we are finalizing this, and once we have submitted to the state. So, they have indicated for us to tell them when we are having our public meeting, because they are going to come here and object at our meeting. Procedurally, we are going to give them a call saying that we sent them the letter, to please respond to us, and send them one final letter saying, please tell us whether or not you are holding your hearing by 'X' date, giving them another 2 weeks or so, or we will file with the State under the assumption that you will not hold the hearing. So, that is where we are at right now with the procedure.

Mr. Greene: What are the chances of them filing a lawsuit against the CDD to stop us?

Ms. Carpenter: We don't know yet, but we have provided them the information showing that the utility connection is within the CDD, that the CDD is providing the service, and they have not responded since they got that information.

Mr. d'Adesky: Colloquially, an injunctive relief is fairly expensive to try to pursue; you're talking about tens of thousands of dollars in both filing fees and attorney's costs to actually proceed with that.

Ms. Carpenter: Also, it would be tough because monetary damages wouldn't cover it. We just need to find out what it really is that they want from the CDD.

Mr. d'Adesky: Once again, under the statute they have a recommendation, not a final say. So, that is where we are at with that.

B. Engineer

Mr. Flint: Jeff, do you have anything?

Mr. Einhouse: I don't have anything.

C. District Manager's Report

i. Approval of the Check Registers

Mr. Flint: You have the check register for October for the General Fund, Enterprise Fund, Enterprise Reserves, and Payroll of \$77,246.55. Any questions on the check register? If not, is there a motion to approve?

On MOTION by Mr. Holt, seconded by Mr. Greene, with all in favor, the Check Register for the month October, totaling \$77,246.55, was approved.

ii. Balance Sheet and Income Statement

Mr. Flint: You have the unaudited financial statements through the end of September. If there's any questions, we can discuss those.

iii. SBA Florida PRIME Monthly Summary Report

Mr. Flint: Then you have the State Board of Administration Investment monthly report. There is no action required on either of those.

EIGHTH ORDER OF BUSINESS

Other Business

Mr. Flint: I received an email from Jim Boyd who is the District's Environmental Engineer, and he is looking at the Consumptive Use Permit issue and issues with usage and renewal of that. He is comparing what is produced by the water plants versus what is billed. One of the things you look at is water loss; anything over 10% is an issue from a permit perspective. We have two water plants, two different permits, so he did 2 different analyses. He's found that we are exceeding the allowable water loss. On the Hillcrest side, it's an excess of 20%, so we are going to be working with the plant operators, with our contractor, Utility Technicians, that does our meter readings, as well as The Club landscape contractor's POA and come up with a plan on how we will look into that. Whether it's unmetered connections, which may be a possibility, bad meters, etc. there's a number of different things that can cause that. We will be working on that, and we will bring back the information to the Board at a future meeting.

Mr. Greene: What was the percentage on the other side?

Mr. Flint: It exceeded 10%, but it wasn't as bad as the Hillcrest side. The Hillcrest side for some reason was higher. I will be updating the Board at a future meeting about what our findings are.

Mr. Burman: These connections that the builders are making without telling anybody, that could be a cause.

Mr. Flint: It could partially be a cause, but the percentage that we are talking about, we will need to look into it further. We will get back with the Board on it. When we have builders connect without a meter, we typically find it pretty quick. We haven't had any recently with that situation, and normally it's just for construction water when they do it so the usage is not significant. I will update at the next meeting on where we are with that issue, but we will be looking into that.

NINTH ORDER OF BUSINESS

Supervisor's Requests

Hearing none, the next item is followed.

TENTH ORDER OF BUSINESS

Adjournment

Flint: Hearing no other business, is there a motion to adjourn?

On MOTION by Mr. Greene, seconded by Mr. Burman, with all in favor, the meeting was adjourned.


Secretary/Assistant Secretary


Chairman/Vice Chairman