

**MINUTES OF MEETING
SOUTHERN HILLS PLANTATION I
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Southern Hills Plantation I Community Development District held a Regular Meeting on February 14, 2022 at 10:00 a.m., at the Southern Hills Plantation Clubhouse, located at 4200 Summit View Drive, Brooksville, Florida 34601.

Present at the meeting were:

Margaret Bloomquist	Chair
John McCoskrie	Vice Chair
Brian McCaffrey	Assistant Secretary
Robert Nelson (via telephone)	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Jennifer Kilinski (via telephone)	District Counsel
Joe Calamari	District Engineer

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:01 a.m. Supervisors Bloomquist, McCoskrie and McCaffrey were present in person. Supervisors Nelson was attending via telephone. Supervisor Romero was not present.

SECOND ORDER OF BUSINESS

Public Comments (*Agenda Items*)

There were no public comments.

THIRD ORDER OF BUSINESS

Update: Status of CDD II Response to CDD Repayment Agreement and Direction on Same

Ms. Kilinski stated that she and Mr. Adams spoke to the Supervisors individually, offline, about the status of the repayment agreement from Southern Hills Plantation CDD II (CDD II) and the options going forward. She recommended that detailed discussions about the strategy be kept to a minimum, as conversations at this level are recorded and would be subject to a public records request. She noted that a closed, non-public session cannot be held until a lawsuit is filed.

Ms. Kilinski briefly recapped the issues with CDD II and Southern Hills Plantation CDD III (CDD III), who ceased regular payments since 2012. Southern Hills Plantation CDD I (CDD I) provided supporting documents to CDD II and CDD III, with the option to execute an Interlocal Repayment Agreement in order for CDD I to collect arrears owed over a five-year term. CDD III paid its outstanding amounts due and is current on its ongoing payments.

Ms. Kilinski stated that CDD II has not made any payments, despite additional documents being provided to their Counsel. Counsel for CDD II wants CDD I to focus on the “going forward” amount first and then discuss the amounts in arrears.

Ms. Kilinski provided the following options, with regard to CDD II:

- Option 1: Send letter giving a final opportunity to amicably work out the issues between the parties. The terms would consist of no more than 30 days out to publicly advertise a joint meeting between CDD I and CDD II to further review documents and confirm the arrears amounts. If CDD II is not willing to participate in the conversation, Ms. Kilinski recommended filing a lawsuit.
- Option 2: Without further delay, file the law suit. She noted that over the last year CDD I has, in good faith, tried to accommodate CDD II without success.
- Option 3: Do nothing.

Ms. Kilinski recommended engaging litigation counsel once the Board chooses an option. Contact information for Litigation Attorney Mr. Kent Safriet was emailed to the Board. Mr. Safriet is already familiar with Special District litigation and he reviewed the Interlocal Agreement.

Ms. Kilinski recommended appointing a Board Member to work with Mr. Safriet, for a not-to-exceed amount \$25,000.00.

Ms. Kilinski responded to questions regarding filing a lawsuit, timing of arbitration and if engaging Mr. Safriet would cause CDD I to incur additional litigation fees for paralegals and associates doing research. In response to the question of what Mr. Safriet might recommend, Ms. Kilinski stated if there is an opportunity to settle this matter by meeting with the Boards, it would save CDD I time and money. She referred to the Interlocal Agreement, which included an Attorney Fee provision by which fees should be recoverable once they file a motion for attorney's fees.

The Board discussed the pros and cons of each option and noted that CDD II keeps cancelling scheduled meetings.

Discussion ensued regarding incurring additional fees and the impact of engaging litigation counsel to begin the litigation process. It was noted that the first step would be for litigation counsel to send a letter informing CDD II that CDD I engaged litigation counsel and of the intent to file a lawsuit within seven days of the letter, if CDD II does not respond. A Shade Session would be scheduled for the next meeting.

On MOTION by Mr. McCoskrie and seconded by Mr. McCaffrey, with all in favor, engaging Mr. Kent Safriet as Litigation Counsel and issuing a retainer, in a not-to-exceed amount of \$25,000, was approved.

FOURTH ORDER OF BUSINESS

Update: Advanced Aquatic Waterway Management Reports

Mr. McCaffrey reported the following:

- The Reports were included for informational purposes.
- Overall, the ponds were doing well.
- As three or four ponds were still struggling, technicians were using a different herbicide and changed some of the best management practices (BMPs) for those specific ponds.
- The cattails were pushed back 20' in some areas and were expected to die in about another year. At that time, they will have to deal with an algae bloom, which is the easiest thing to control.

➤ The floating littoral shelf issue will not cease if GreenPointe decides to just install stakes that are left loose and floating around once the water levels rise. He felt that spending \$1,100 for that approach is like “putting a band-aid on a fracture”. In his opinion a permanent solution is needed.

Mr. McCaffrey stated that he and Mr. McCoskrie were on site with GreenPointe at different times discussing the matter. Mr. McCoskrie opined that Southern Hills Irrigation LLC is responsible for fixing the littoral shelf problem, as it is their pond. He stated that he pointed this issue out to Mr. McGowan, Mr. Burr and GreenPointe’s Engineer while on site and provided them with the contact information of the vendor who submitted the bid to remove and haul the materials to the top of the hill.

Mr. McCoskrie suggested that residents contact the HOA once they start complaining about the issue. Discussion ensued regarding potential issues with the intake for irrigation if the CDD does nothing and, with treatments, it would take about four years to breakdown. Regarding why CDD I is involved in this matter, Mr. Adams stated because it is a stormwater and irrigation dual-purpose pond.

FIFTH ORDER OF BUSINESS

Consideration of Estimates for Installation of Sod and Plantings (to be provided under a separate cover)

Mr. McCaffrey suggested tabling this project until completion of the irrigation equipment repairs and/or replacements from the front to the guard house, and he obtains new proposals for sod and plantings. He noted that the proposals from last year are no longer valid. Costs are expected to be much higher because the cost of materials increased and more materials are needed now.

Mr. McCaffrey stated that proposals are being obtained to replace about 30 firebush plantings that were damaged during the recent freezing conditions; he hoped to complete the project within the next two weeks. He expected the palms with slight damage will come back and be okay. He wants to complete the sod and planting project in March. The Board and Staff discussed whether to remove the vines or keep the vines and trim them quarterly.

Mr. McCaffrey presented the ASI Landscape Management Irrigation Inspection Report and estimates to repair and/or replace irrigation equipment.

On MOTION by Mr. McCoskrie and seconded by Ms. Bloomquist, with all in favor, ASI Landscape Management Proposal #659 for irrigation repairs, in the not-to-exceed amount of \$3,063.73, was approved.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2022-02, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Hernando County Supervisor of Elections Begin Conducting the District’s General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date

Mr. Adams presented Resolution 2022-02. Seats 1, 2 and 5, currently held by Mr. McCoskrie, Mr. Nelson and Ms. Bloomquist, respectively, will be up for election at the General Election in November 2022.

On MOTION by Mr. McCoskrie and seconded by Ms. Bloomquist, with all in favor, Resolution 2022-02, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Hernando County Supervisor of Elections Begin Conducting the District’s General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2021

Mr. Adams presented the Unaudited Financial Statements as of December 31, 2021. The financials were accepted.

EIGHTH ORDER OF BUSINESS

Approval of December 13, 2021 Regular Meeting Minutes

Mr. Adams presented the December 13, 2021 Regular Meeting Minutes.

The following change was made:

Line 76: Change "Bloomfield" to "Bloomquist"

Mr. McCoskrie asked when the task identified on Line 73 would occur. Mr. Adams stated that ASI will be engaged to perform inspections upstream of the culverts sometime in April or May to proactively remove loose materials.

Mr. Adams suggested the Board consider engaging MRI to perform annual culvert inspections after the rainy season. Ms. Bloomquist thought that the City would monitor this. After discussion, it was clarified that they do not monitor the culverts. Ms. Bloomquist stated she would forward an email from the City Code Officer to Mr. Adams. In the email, the Code Officer stated they would advise contractors at the time of the permit and during the inspections about the requirement to adhere to the Florida Building Code (FBC) and that the City has the right to enforce new construction site issues and ensure silt fences are being put up. Ms. Bloomquist stated she would ask the Code Officer to verify that silt fences are up so that no debris goes in the culverts.

Mr. Calamari stated that any material that needs to be removed, outside of the culvert areas north and south, would need to be removed by hand.

On MOTION by Ms. Bloomquist and seconded by Mr. McCoskrie, with all in favor, the December 13, 2021 Regular Meeting Minutes, as presented, were approved.

NINTH ORDER OF BUSINESS

Other Business

Ms. Bloomquist stated that the lights on the brick wall and columns, just before the gatehouse, were not working. She was asked to email Cherrie, since this is an HOA issue.

TENTH ORDER OF BUSINESS

Staff Reports

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

Ms. Kilinski asked if the Board received the emails with legislative updates and if they had any questions. She would have Ms. Bloomquist’s name added to the distribution list.

B. District Engineer: *Coastal Engineering Associates, Inc.*

There was no report.

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

- **NEXT MEETING DATE: March 14, 2022, immediately following the adjournment of the Southern Hills Plantation III CDD meeting scheduled to commence at 10:00 a.m.**
 - **QUORUM CHECK**

The next meeting will be held March 14, 2022.

Mr. Adams asked Ms. Kilinski for direction regarding scheduling a Shade Session, since only the Litigation Attorney can request one and the request must be during a regular noticed meeting. Discussion ensued regarding the next step. Ms. Kilinski stated she would email the protocol to follow when conducting a shade session to Mr. Adams. A Special Public Meeting and Shade Session will be noticed and scheduled within the next two weeks. The Litigation Attorney will present an engagement letter and formally request a shade session during the public meeting. The public meeting will then recess, the shade session will be held and then the public meeting will reconvene, once the shade session has ended. Mr. Adams stated he would coordinate the date and that he would attend via telephone.

ELEVENTH ORDER OF BUSINESS

Supervisors’ Requests

There were no Supervisors’ requests.

TWELFTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Ms. Bloomquist and seconded by Mr. McCaffrey, with all in favor, the meeting adjourned at 10:51 a.m.

Copeland
Secretary/~~Assistant Secretary~~

M.A. Stromquist
Chair/Vice Chair