

**MINUTES OF MEETING  
FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Fox Branch Ranch Community Development District held a Public Hearing and Regular Meeting on May 11, 2022 at 9:30 A.M., at the Ramada by Wyndham Davenport Orlando South, 43824 Highway 27, Davenport, Florida 33837-6808.

**Present at the meeting were:**

William (Bill) Fife	Chair
Mary Moulton	Vice Chair
Chris Tyree	Assistant Secretary
Courtney Potter	Assistant Secretary
John (JC) Nowotny	Assistant Secretary

**Also present were:**

Cindy Cerbone	District Manager
Andrew Kantarzi	Wrathell, Hunt and Associates, LLC (WHA)
Jere Earlywine (via telephone)	District Counsel
Rey Malave (via telephone)	District Engineer

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Cerbone called the meeting to order at 9:36 a.m. All Supervisors were present.

**SECOND ORDER OF BUSINESS**

**Public Comments**

There were no public comments.

**THIRD ORDER OF BUSINESS**

**Public Hearing to Consider the Adoption of an Assessment Roll and the Imposition of Special Assessments Relating to the Financing and Securing of Certain Public Improvements**

- *Hear testimony from the affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments on the property.*
- *Thereafter, the governing authority shall meet as an equalizing board to hear any and all complaints as to the special assessments on a basis of justice and right.*

These items were addressed below.

**A. Affidavit/Proof of Publication**

**B. Mailed Notice to Property Owner(s)**

The affidavit of publication and Mailed Notice were included for informational purposes.

**C. Engineer's Report (*for informational purposes*)**

Ms. Cerbone stated a few necessary updates were noted at the last meeting and those updates were made and are reflected in the Engineer's Report and the Methodology Report.

Mr. Earlywine stated that, as part of the assessment process, the Board will make findings by adoption of Resolution 2022-14, with part of the findings being that project is feasibly constructed and that the costs are reasonably in line with the market. The Board will also find that the assessments are supported by sufficient benefit from the project and that they are fairly and reasonably allocated. Those findings being made are explicitly set forth in both Reports. The same applies to the assessment Resolutions and Reports for the Hawthorne Mill North and Harmony of Lake Eloise CDDs.

Ms. Cerbone asked if all updates discussed at the last meeting were incorporated into the Engineer's Report. Mr. Malave replied affirmatively.

**D. Master Special Assessment Methodology Report (*for informational purposes*)**

The Methodology Report was updated to match the Engineer's Report.

**E. Consideration of Resolution 2022-14, Making Certain Findings; Authorizing a Capital Improvement Plan; Adopting an Engineer's Report; Providing an Estimated Cost of Improvements; Adopting an Assessment Report; Equalizing, Approving, Confirming and Levying Debt Assessments; Addressing the Finalization of Special Assessments; Addressing the Payment of Debt Assessments and the Method of Collection; Providing for the Allocation of Debt Assessments and True-Up Payments; Addressing**

**Government Property, and Transfers of Property to Units of Local, State and Federal Government; Authorizing an Assessment Notice; and Providing for Severability, Conflicts and an Effective Date**

**On MOTION by Mr. Tyree and seconded by Mr. Fife, with all in favor, the Public Hearing was opened.**

- *Hear testimony from the affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments on the property.*

No members of the public spoke.

**On MOTION by Mr. Fife and seconded by Mr. Tyree, with all in favor, the Public Hearing was closed.**

- *Thereafter, the governing authority shall meet as an equalizing board to hear any and all complaints as to the special assessments on a basis of justice and right.*

The Board, sitting as the Equalizing Board, made no changes to the assessments.

Ms. Cerbone presented Resolution 2022-14 and read the title.

**On MOTION by Mr. Tyree and seconded by Mr. Nowotny, with all in favor, Resolution 2022-14, Making Certain Findings; Authorizing a Capital Improvement Plan; Adopting an Engineer’s Report; Providing an Estimated Cost of Improvements; Adopting an Assessment Report; Equalizing, Approving, Confirming and Levying Debt Assessments; Addressing the Finalization of Special Assessments; Addressing the Payment of Debt Assessments and the Method of Collection; Providing for the Allocation of Debt Assessments and True-Up Payments; Addressing Government Property, and Transfers of Property to Units of Local, State and Federal Government; Authorizing an Assessment Notice; and Providing for Severability, Conflicts and an Effective Date, was adopted.**

Mr. Tyree stated coordination with Polk County is underway to convey some Right-of-Way (ROW) along Lake Kathleen Road that will eventually take drainage into the CDD's stormwater ponds, which will be CDD-controlled. He asked if anything needs to be done prior to that happening, such as transferring deeds to the County. Mr. Earlywine stated if the Developer wants to be funded for the work, the CDD must acquire it. Mr. Tyree stated that the County wants the ROW to be deeded but, once the infrastructure is built, the Developer will convey it to the CDD. He asked if anything needs to be done in the deeds. Mr. Earlywine stated it would not hurt to have a line in the deed stating that the improvements will be separately constructed and turned over by the CDD. Mr. Malave stated it would be good to include the same statement in the plat. When necessary, Mr. Tyree will send the deeds to Mr. Earlywine and Mr. Malave to review.

In response to the question of whether there are impact fee credits from the road, Mr. Tyree stated that he did not believe so.

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-15, Approving the Proposed Budget for Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law and Providing for an Effective Date**

Ms. Cerbone presented Resolution 2022-15. She reviewed the proposed Fiscal Year 2023 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal Year 2022 budget, and explained the reasons for any changes. She explained that this is a Landowner-funded budget with expenses being funded as they are incurred. Field operations expenses are not expected for Fiscal Year 2023.

**On MOTION by Mr. Tyree and seconded by Mr. Fife, with all in favor, Resolution 2022-15, Approving the Proposed Budget for Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 10, 2022 at 9:30 a.m., at the Ramada by Wyndham Davenport Orlando South, 43824 Highway 27, Davenport, Florida 33837-6808 and Providing for an Effective Date, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-16, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023 and Providing for an Effective Date**

A Board Member asked Mr. Fife to create an operations and maintenance (O&M) budget for Fiscal Year 2024 to give an idea of amounts.

This item was deferred.

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-17, Extending the Terms of Office of All Current Supervisors to Coincide with the General Election Pursuant to Section 190.006, Florida Statutes; Providing for Severability; and Providing an Effective Date**

Ms. Cerbone presented Resolution 2022-17 and read the title. As the CDD was formed in an odd numbered year, it is necessary to extend the terms to shift them to even numbered years so that they coincide with the General Election cycle.

**On MOTION by Mr. Tyree and seconded by Mr. Fife, with all in favor, Resolution 2022-17, Extending the Terms of Office of All Current Supervisors to Coincide with the General Election Pursuant to Section 190.006, Florida Statutes; Providing for Severability; and Providing an Effective Date, was adopted.**

**SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-12, Designating the Primary Administrative Office and Principal Headquarters of the District and Providing an Effective Date**

This item was deferred.

**EIGHTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of March 31, 2022**

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

**On MOTION by Mr. Tyree and seconded by Ms. Potter, with all in favor, the Unaudited Financial Statements as of March 31, 2022, were accepted.**

**NINTH ORDER OF BUSINESS**

**Approval of March 9, 2022 Regular Meeting Minutes**

Ms. Cerbone presented the March 9, 2022 Regular Meeting Minutes.

**On MOTION by Ms. Potter and seconded by Mr. Tyree, with all in favor, the March 9, 2022 Regular Meeting Minutes, as presented, were approved.**

**TENTH ORDER OF BUSINESS**

**Staff Reports**

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

Mr. Earlywine stated that the bond validation hearing will be on within the next month or two. This bond issuance is expected to be late in the year.

**B. District Engineer: *Dewberry Engineers, Inc.***

Mr. Malave asked if invoices should be sent for attendance at CDD meetings. Ms. Cerbone noted that Dewberry Engineers, Inc. (Dewberry) was awarded the Engineering Services contract for this CDD; however, due to timing, Dewberry is still "Interim" District Engineer for the other two CDDs. Mr. Earlywine explained that, generally, a monthly invoice is sent.

Ms. Cerbone recalled the Stormwater Needs Analysis Report requirement and stated that the CDD will not have any stormwater facilities by the June 30, 2022 submittal due date for the Report. Mr. Malave stated that a Letter of Exception will be submitted by June 30, 2022.

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

- **NEXT MEETING DATE: June 8, 2022 at 9:30 A.M.**
  - **QUORUM CHECK**

The next meeting will be June 8, 2022, unless canceled.

**ELEVENTH ORDER OF BUSINESS**

**Board Members' Comments/Requests**

There were no Board Members' comments or requests.

**TWELFTH ORDER OF BUSINESS**

**Public Comments**

There were no public comments.

**THIRTEENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Tyree and seconded by Ms. Potter, with all in favor, the meeting adjourned at 9:53 a.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair