

RECORD OF PROCEEDINGS

**MINUTES OF A SPECIAL MEETING OF THE
BOARD OF DIRECTORS OF THE
INDEPENDENCE OVERLAY METROPOLITAN DISTRICT,
HELD
August 9, 2023**

A Regular Meeting of the Board of Directors of the Independence Overlay Metropolitan District was held virtually on August 9, 2023, at 6:00 p.m. The meeting was open to the public.

ATTENDANCE:

Participating were Directors:

Timothy Craft, President
Jim Yates, Secretary/Treasurer
Randy Roberts, Assistant Secretary (joined at 6:12 p.m.)
Kevin Haughn, Assistant Secretary

Director Guerard was not able to attend, excused absence.

Also Participating were:

Mary Nordini
Hailey Mosher
Ian Wright
Cheryl Poteet
Pete Karas
Nicole Fisher
Shaman Dolson
Mary Kaufman
Nate Treusch
Kevin Field
Teresa Basille
Brittney Dillman
Nicloe Fisher
Evan Monteith
Reanell Natal
Kaleb Scott
Stacie Fransen
Nicole Fisher
Dave Smith
Don Buck
Joe Cubick
Shelly Manning
Mary Ann Adams
Cheryl Molitor

RECORD OF PROCEEDINGS

Jennifer Wulf
David Mitchell
Wesley Ferrell
Chris Mulvaney
Claire Miller
Lauren Paul
Elle Ethington
Rob Hansen, CORE Engineering
Dianne Miller, Miller & Associates Law Offices, LLC
Kurt Schlegel, Special District Solutions, Inc.

CALL TO ORDER:

Mr. Schlegel stated that a quorum of the Board was present and Director Craft called the meetings to order at 6:05 p.m.

**CONFLICTS &
DISCLOSURE
STATEMENTS:**

Ms. Miller stated that disclosures of potential conflicts of interest were filed with the Secretary of State for all directors prior to this meeting and no new conflicts of interest were disclosed at the meeting.

APPROVAL OF AGENDA:

After review of the Agenda Director Yates moved that the Board approve the Agenda as presented. Upon a second by Director Haughn a vote was taken, and the motion carried with Directors Craft and Yates voting in favor and Director Haughn abstained from voting.

CONSENT AGENDA:

Director Yates moved that the Board approve the Consent Agenda consisting of the following items, as presented:

1. Approval of Minutes from the Regular Meeting of November 28, 2022
2. Ratification of District Payments made through July 31, 2023 in the amount of \$211,821.79, represented by checks #1114 through 1157
3. Ratification of the District's 2022 Financial Audit Exemption Application

Upon a second by Director Craft, a vote was taken and the motion carried with Directors Craft and Yates voting in favor and Director Haughn abstained from voting.

RECORD OF PROCEEDINGS

PUBLIC COMMENT:

Mr. Farrell addressed the Board regarding damage sustained to his front and side yard landscaping resulting from excessive storm runoff on the street.

Mr. Mulvaney addressed the Board regarding damage sustained to his landscaping resulting from excessive storm runoff, and residents parking on the streets.

Ms. Adams addressed the Board regarding erosion that is occurring in the open space along the back of her yard.

Mr. Wright addressed the Board regarding storm water runoff from the park behind his home.

Ms. Fransen addressed the Board regarding damage sustained to her landscaping resulting from excessive storm runoff.

Mr. Haughn stated that he wished for the Board to discuss parking of vehicles on the streets in Independence. Streets are narrow and hard to negotiate when vehicles are parked on them.

Ms. Paul addressed the Board regarding residents parking on the streets.

NEW BUSINESS:

2023 Election Results: Mr. Schlegel stated that not more than three self-nomination forms were received by the District's Designated Election Official (DEO) for the three Director positions available in the election. As a result the May 2, 2023 was cancelled and Directors Roberts, Haughn, and Guerard were elected via acclamation.

Appointment of Officers: As required, the Directors discussed the appointment of Officers for the remainder of 2023. Following discussion Director Yates moved that the Board appoint the following:

President – Tim Craft

Secretary/Treasurer – Jim Yates

Assistant Secretary – Kevin Haugh

Assistant Secretary – Fernando Guerard

Assistant Secretary – Randy Roberts

Upon a second by Director Craft, a vote was taken and the motion carried unanimously.

RECORD OF PROCEEDINGS

Overview of Community & Associated Amenities: Mr. Schlegel described the purpose and responsibilities of the Overlay District, identified the parks, the Recreation Center, and the swimming Pool as amenities overseen by the District.

Response to Recent Storms and Drainage Issues: Mr. Hansen addressed the Board members and members of the public regarding:

- The development's design criteria and Elbert County Construction standards
- Rainfall totals received in the area in 2023
- Independence Drainage System
- Challenges to control erosion and the impact of erosion control measures
- Actions being taken to address issues identified

Mr. Hansen assured the residents that the developer and the District are committed to solving problems to make Independence a Great Community.

Design Guideline and Covenant Enforcement: Mr. Schlegel described the process used to identify non-compliance and Covenant and Design Guideline enforcement.

Discussion of Resident Issues and Concerns: Mr. Schlegel stated that he has received correspondence from residents regarding exterior lighting, trash receptacles in parks, etc. The Board members discussed briefly. Following this discussion Director Yates moved that the Board appoint a sub-committee, consisting of Director Haughn and himself as representatives to the Board and a group of resident volunteers, yet to be identified, to discuss current issues and future suggestions for amendments to the District Design Guidelines. Upon a second by Director Haughn, a vote was taken and the motion carried unanimously.

FINANCIAL AND MANAGEMENT ITEMS:

Review of Unaudited Financial Statements: Mr. Schlegel presented copies of the unaudited July 31, 2023 Financial Statements for the Independence Overlay Metropolitan District for the Board's review.

Mr. Schlegel stated that he will send a copy of the Covenant and Design Guideline Enforcement tracker to the Directors so that they are aware of issues in the community.

RECORD OF PROCEEDINGS

Mr. Schlegel stated that as a result of the State Legislature's passing of HB23-1105, a notice regarding the appointment of a Metropolitan District Task Force to examine and discuss issues regarding homeowner's rights has been posted to the District's website.

LEGAL ITEMS:

Ms. Miller stated that a result of the State Legislature's passing of SB23-110, the District will now be required to hold an annual meeting in addition to other District meetings to include a presentation from the Metropolitan District regarding the status of public infrastructure projects within the Metropolitan District and outstanding bonds, if any, a review of unaudited financial statements showing the year-to-date revenue and expenditures of the metropolitan district in relation to its adopted budget for that calendar year, and an opportunity for members of the public to ask questions about the Metropolitan District. In addition, the board is required to provide a public comment period during the separate meeting at which the board adopts the annual budget for the Metropolitan District.

DIRECTOR'S ITEMS:

None

NEXT MEETING:

The next regular meeting is scheduled for November 16, 2023, and Special Meetings may be called as necessary.

ADJOURNMENT:

There being no further business to come before the Board, upon motion duly made, seconded and unanimously carried, the meeting was adjourned at 7:55 p.m.

Respectfully Submitted:

Secretary for the Meeting