

**MINUTES OF MEETING
MEADOW POINTE II
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Meadow Pointe II Community Development District was held on Wednesday, August 20, 2008 at 6:40 p.m. at the Meadow Pointe II Clubhouse; 30051 County Line Road; Wesley Chapel, Florida.

Present and constituting a quorum were:

Gerald Lynn	Chairman
Jim Bovis	Vice Chairman
Harold Ziegler	Treasurer (via phone)
Brian Shahin	Supervisor

Also present were:

Andrew Mendenhall	District Manager
Susan Johnson-Velez	District Attorney
Bob Valentine	District Engineer
Bill Snyder	Property Manager
Renee Glassman	Architectural Review Committee
Yolanda Bush	Deed Restrictions Committee
Jamie Childers	Resident Council Representative
Residents	

The following is a summary of the minutes and actions taken at the August 20, 2008 Meadow Pointe II Board of Supervisors regular meeting. A copy of the recording of the meeting is on file at the District Office.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Lynn called the meeting to order and called the roll.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

THIRD ORDER OF BUSINESS

Guest Speakers

There not being any, the next item followed.

FOURTH ORDER OF BUSINESS

Public Hearing to Consider Adoption of the Budget for Fiscal Year 2009 (Resolution 2008-6) and Levying and

Imposing Non Ad Valorem Special Assessments (Resolution 2008-7)

- Mr. Mendenhall outlined the public hearing process.

On MOTION by Mr. Bovis seconded by Mr. Shahin with all in favor the Public Hearing was opened.

- There are copies of the budget available for anyone who would like one.
- The goal was to get the budget the same as last year until the rate increase was received from TECO for street lighting
- The other major change in budget was the hiring of a new pond maintenance company.
- The new company resulted in an increase of about \$8 per resident per year.
- Assessments for FY 2009 are:
 - Morningside - \$1,301
 - Deer Run - \$1,301
 - Manor Isle - \$1,454
 - Longleaf - \$1,350
 - Lettingwell - \$1,353
 - It is a \$18 to \$20 across the community for the year which includes the change to the new pond company.
- Ms. Glassman stated Deer Run and Morningside do not have gates. Why did they go up equal to everybody else? *Mr. Lynn responded there was no increase to the fees for gated communities. The only increases are for the lighting and ponds which affects everybody.*
- Mr. Carter asked can you give us a figure on the TECO rate increase? *Mr. Bovis responded they will have two increases – one is going to be about 22.3% which will go in the first of the year and will be approximately ½ of the total light bill for the year and is approximately \$17,000. In May the second increase they are filing for is 10% and will affect about 50% of the total bill and is approximately \$4,250. The total increase from TECO will be approximately \$22,000.*

- Mr. Carter asked will the lighting project have an effect on it? *Mr. Bovis responded it may lower it.*
- Mr. Bovis stated the other part of the increase is in the general service portion of the budget and includes both electric and water/sewage and is an increase of about 4% which is about an \$800 increase.

On MOTION by Mr. Ziegler seconded by Mr. Bovis with all in favor the Public Hearing was closed.

On MOTION by Mr. Ziegler seconded by Mr. Shahin with all in favor Resolution 2008-6 the annual appropriation resolution of the Meadow Pointe II Community Development District (the "District") relating to the annual appropriations and adopting the budget for the fiscal year beginning October 1, 2008, and ending September 30, 2009 was adopted.

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- Mr. Lynn noted the facility is eight to ten years old and the air conditioning unit went out.
 - It was temporarily fixed for the meeting.
 - It is not recommended to keep fixing the existing unit.
 - There is money built into the budget for capital expenditures should they arise.

EIGHTH ORDER OF BUSINESS

Staff Reports

- D. Manager**
 - i. Meeting Schedule for Fiscal Year 2009**
 - ii. ARC Meeting Schedule for Fiscal Year 2009**
- Based on this year's schedule.

On MOTION by Mr. Bovis seconded by Mr. Shahin with all in favor the Meeting Schedule for Fiscal Year 2009 and the ARC Meeting Schedule for Fiscal Year 2009 were approved.

FIFTH ORDER OF BUSINESS

Audience Comments (Limited to 3 minutes per speaker)

- Ms. Janet Barrett – Iverson - addressed a car hit by the gate.
- Mr. Lynn noted on July 12 the District received a claim the gate malfunctioned and hit the vehicle.
 - The gates were inspected and noted no damage or gate scrapes.
 - All marks are old and rusted and nothing recent.
 - In addition the loop wires were inspected and operation of loops tested all were in working order as were the safety features for the gates.
 - As a result the Board sent a letter denying the claim.
- Mr. Lynn addressed a police report from August, 2006 involving the gates being struck and was witnessed by two people.
- Further discussion ensued regarding the incident with the outcome being,

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- Ms. Shelia Jarome – Wrencrest – addressed several calls she has received from residents.
 - The Wrencrest wall letters. *The paint has been ordered and received and it should be started.*
 - Pond on east side of Mansfield near the school is horrendous. *The property is not District property but he has contacted them and asked them to look into it.*
- Mr. Greg Noble – Fraternal Order of Police – requested to be scheduled as a guest speaker. *Mr. Lynn noted as a government meeting they do not accept political correspondence or data in the meeting.*

- Mr. Noble noted there is a crime problem that is not being addressed and needs to be brought to the forefront.
- A resident - Saul inquired if there is a service contract for the air conditioner? *There is no contract with Service America for the air because of the age of the equipment and the fact it was not maintained properly.*
- A resident - Saul stated if we get a new unit we will have a service contract. *Mr. Lynn stated we will take the appropriate steps to make sure this occurs.*
- Ms. Glassman inquired as to MPI charges. *Mr. Lynn stated my understanding is they are charging us \$25 per day for the use of their pool. I have not heard that they have restricted us from using any of the other facilities.*
- Ms. Glassman noted a MPII resident was not allowed to rent the MPI facility.
- Mr. Lynn noted there was a meeting scheduled with the county on August 29 and it is being rescheduled.
 - The County Parks Department does not want the property and does not want to maintain it.
 - Further discussion ensued regarding the park.
- Mr. Kevin Carter, Vermillion, thanked the Board and Mr. Snyder for their efforts for the pedestrian gates.
- Mr. Carter requested an update on roads during Staff Reports.
 - Would like the entire lot repaved.
 - Would like water to drain into the inlets.
 - Mr. Lynn noted there has been correspondence received regarding the charging of the paving to the Vermillion residents.
 - The cost for Vermillion cannot be taken from the general fund budget and charged to all of the residents.
 - The cost will come from the Vermillion reserves.

SIXTH ORDER OF BUSINESS

Resident Council Representative

- Mr. Mark Glassman discussed the recent meeting.
 - Noted there are complaints about the traffic at Lettingwell.
 - It was noted there was prior discussion on this matter by the Board.

- There has been discussion of mirrors.
- Deputies are present in the area due to the construction which was to be completed before school started.

SEVENTH ORDER OF BUSINESS

Committee Reports

A. Architectural Review

Ms. Glassman distributed the Architectural Review Report for review, which is attached hereto and made part of the public record.

- 2008-137 – fence cannot be chain link.
- 2008-134 – colors given not in color book with the exception of the trim color.

On MOTION by Mr. Shahin seconded by Mr. Bovis with all in favor the recommendations from the Architectural Review Report were approved as presented.

B. Deed Restrictions

Ms. Bush distributed the Deed Restriction Report for review, which is attached hereto and made part of the public record.

- 2008-168 – neighbor mowing the grass in front.
- Mr. Bovis inquired if Ms. Johnson-Velez had asked any of her colleagues if they were interested in going to Tallahassee to see if they can get some special disposition because of the economic situation. *Ms. Johnson-Velez responded I have not had a chance. Is it a lobbying effort of behalf of the CDD and HOA's? We do not represent HOA's.*
- Further discussion ensued regarding CDD versus HOA issue and the authority to do anything with vacant/foreclosure properties.
- Discussion ensued regarding City Code Enforcement.
 - There is a packet of information to be filled out naming the authorized party to call in for the District. It has to be submitted to the County and approved by the Florida State Legislature before the District can call to make a complaint on abandoned properties.
 - Mr. Bovis requested Ms. Rhea Law call Governor Crist.

- Discussion ensued regarding a call received from the County School Board regarding developer planted trees on CDD property within Iverson and Wrencrest.
 - If the trees are not trimmed the County will discontinue school bus service.
 - The outcome of the discussion being to contact the homeowners to inform them the District has been notified by the School Board there is an issue with their trees and they need to be trimmed to allow the buses to pass by with out brushing the trees and letting them know the School Board will stop sending the buses if it is not taken care of.
 - Mr. Lynn will contact Mr. Frazier at the School Board with regard to the specific concerns.
 - The Board needs to explore all the legalities of trimming the trees.

On MOTION by Mr. Shahin seconded by Mr. Bovis with all in favor the recommendations from the Deed Restriction Violation Report were approved as presented.

- Ms. Johnson-Velez outlined the future actions by the District once a judgment is won on a Deed Restriction violation.
 - If the problem does not get fixed what the District is asking for in addition is injunctive relief which means the property owner has to stop violating in the manner they have been violating.
 - If they failed to keep their grass mowed in accordance with deed restrictions that is what they would be enjoined from doing in the future. If they then violate the injunction then we can go back to the court for sanctions or other relief from the court for the failure now to adhere to a court order.
 - The judge can impose sanctions and fees.
 - 30950 Burleigh Drive and 1435 Wylie Court – both property owners did respond instead of following the instructions on the sheet they get when

they are served which tells them they have to file an answer and have legal rights and so forth which means they have a certain number of days to file an answer with the court. Neither did that -- they sent our firm a letter disputing the violations which means essentially they have not answered. In both of those cases we have filed a motion for default. Once the default is entered we can file a motion for summary judgment which is essentially telling the court there is no issues of fact you need to decide here and you should enter judgment in our favor as a matter of law.

- What other legal action does the court have to force them to comply? If they fail to comply there are options the court has -- they can fine them. We would go back to the court to ask them to impose sanctions.
- What happens in the middle of the process if the property owner takes care of the infraction? They have failed on specific dates to follow the deed restrictions.
- The final paragraph describes what we can possibly do for the three cases we were unable to get service of process because the homes were abandoned. There is a process whereby you can publish notice in the newspaper for a certain period of time after you have filed an affidavit that you have made a diligent search for the property owner.
- Is there recourse with the mortgage company? If the properties are in foreclosure, as we believe they are, the lawsuits will sit in the file for one year. After one year the court on their motion could dismiss the case for failure to prosecute it and we will not be able to do anything because we have not been able to get service of process.
- If the bank does come into possession before they are dismissed the complaint can be amended and served on the bank.
- Further discussion ensued regarding the county and the enforcement or lack of code enforcement. They are only enforcing issues which are safety concerns.
- Residents are applauded but cautioned with regarding to mowing or maintaining the properties due to liability issues.

- It was noted the Board is not sanctioning residents maintaining the neglected/abandoned properties.
- The suggestion is after the third complaint and it is turned over to the attorney for action the District not expend anymore time going out to look at the property.
- Ms. Glassman noted she believes the violations which have gone to the attorney should still be recorded as they are received.
- Further discussion ensued regarding the continued receipt of previous violations.
- Mr. Lynn noted as to the discussion at the previous meeting regarding pavers – there is only one other home who has pavers and it was approved as it does not cover the sidewalk only the apron.
 - Ms. Johnson-Velez noted the property owner has an easement over the sidewalk area for his driveway.
 - Further discussion ensued regarding the pavers.
 - The outcome of the discussion is the sidewalk portion of the apron needs to be restored to original and Ms. Johnson-Velez will move forward with the trespass violation.

EIGHTH ORDER OF BUSINESS**Staff Reports (continued)****A. Attorney**

Ms. Johnson-Velez reported on the following:

- Contacted the Tullamore HOA attorney to inquire if his board had a chance to review and react to the sample towing and parking resolution. He indicated he is going to be meeting with them tomorrow and will let me know what their thoughts are and how they would like to proceed with pursuing the towing issue.
- Mr. Lynn noted SWFWMD was out today for a resident complaint in Morningside.
 - Part of the problem is with the maintenance company.
 - A bigger problem is a homeowner issue with dumping grass clippings in the mitigation area.
 - This is a violation and is going to cost the District \$25,000.

- The District has a week to correct the issue to avoid the fine and something needs to be placed in the newsletter addressing it.
- Ms. Linda Straw, Morningside, addressed the mowing around the pond behind her home.
- Mr. Lynn noted there is a new pond maintenance company starting between the middle of September and October 1.
 - Further discussion ensued regarding the lakes, ponds and mitigation areas.
 - Residents are responsible for mowing to the waters edge.
 - Ponds will be numbered for better tracking.
- A question was raised at a Resident Council meeting regarding scheduling paid Board staff, i.e. Attorney and Engineer earlier in the meeting and it was noted this was tried before and issues come up and down the line which need to be answered by the attorney. The decision was made to keep them through the staff meeting.
- Ms. Nancy Catania addressed CDD Beautification Block Grants.
 - It provides money to landscape the area.
 - It will also provide up to \$500,000 to purchase property.

B. Engineer

Mr. Valentine reported on the following:

- The Vermillion HOA has expressed their desire to have the entire parking lot paved creating a “V” for drainage.
 - Mr. Valentine would not recommend doing it.
 - Over the next 15 years it increases the amount spent by \$175,000 by doing a micro surfacing now.
 - Ms. Melissa Haskins stated I am the Secretary on the board and I think my understanding of the HOA issue is we have potholes we want to get fixed. That issue has been fixed but now we have drainage issues we did not have before.
 - Mr. Lynn notes previously there were cracks in the road where water was seeping through.
- Mr. Valentine continued on the Vermillion repaving:

- There were low areas before where the potholes were and when the area was paved it sealed the surface.
- There was an existing problem there was just no standing water.
- The intent of the project was to do repairs of the damaged surface.
- In the center line there was a continuous crack and it was determined at that time to do the whole road.
- There has been discussion of fixes –drains can be used but there is a concern of underground utilities.
- From photos Mr. Valentine has it appears there are four areas of standing water.
 - In a couple of the areas the pavement adjacent has sunk as well.
 - When they made the repair they matched what was there.
- Board questions and comments:
 - If the whole lot is resurfaced will it solve the issue of the drainage?
 - It will have to be surveyed and it will not be a uniform thickness to make sure there is drainage.
 - If the road is re-sloped where does the water go?
 - It has to be graded so it will go to the inlets.
 - Is there a center line grading which can be done to absorb and drain into the drainage?
 - You can but Mr. Valentine recommended only doing this where there is an issue.
 - If grading the entire road, Mr. Valentine would install gutters first – it will be cheaper and quicker.
 - Is it technically possible with the initial fix to grind something to allow the water to go?
 - It can be done but unless it is surveyed it is known if it can be cut down low enough to get it to the nearest inlet without going to low as the slope is being created.
 - Would like to explore least expensive option before paving to eliminate the problem.

- Ms. Haskins stated the re-paving was done to make it look nicer.
- Mr. Carter stated the main feedback we are getting from our homeowners is there is a big black stripe down the middle of our parking lot and it is an eyesore.
 - Mr. Valentine would recommend a tar sealer over the whole thing before re-paving.
 - Mr. Carter stated we want a long term solution we do not want to keep coming back.
 - Mr. Lynn noted there are two issues – the flooding and the appearance.
 - Mr. Shahin noted the pooling is every 10' to 15'.
- Ms. Tabitha Holden inquired as to the dollar amount in reserves.
 - Mr. Mendenhall responded it is currently projected at \$92,621.62. A portion of that is used each year for maintenance expenses for gates and that sort of thing. Expenses for this year were approximately \$11,393 to date.
- Ms. Holden inquired as to why options were not looked at before.
 - Mr. Valentine responded that was not our direction. We were instructed to repair the potholes on the pavement.
 - Further discussion ensued regarding the repairs and ponding.
- Mr. Carter inquired as to what Mr. Valentine's recommendation would be.
 - Mr. Valentine would not use the RePlay if the concern is for aesthetics.
 - The black sealer would be more cosmetic for appearance.
- The drainage issue needs to be resolved before paving or resurfacing.
- Further discussion ensued regarding repairs with outcome being a survey will be done.
- The HOA was requested to note the standing water areas.
- Mr. Carter noted they are having issues with speeding – the posted speed limit is 15 mph. There has been a suggestion of speed bumps.
 - Further discussion ensued regarding speed bumps, issues and options.

C. Property Manager

Mr. Snyder reported on the following:

- The recently completed Deer Run project has a breach and the company needs to come back to look at it. They have been contacted.
- The new pond company has a boat for areas not accessible by foot or motorized vehicle.
- There have been complaints regarding TV reception – Lighthouse has been contacted and was in today to install new connections.
- Discussion of towing – not necessary to contact the resident as there are signs posted at the entrances.
- Deputies are issuing citations for those parked after closing at the clubhouse.
- Discussion of pool deck and Sherwin Williams honoring the five year warranty.
- Several people have installed fences with no access to the ponds – they are working to get access to all of the ponds.
- There will be a tracking record developed for the ponds to make sure all are being taken care of.
- There will be a notice in the newsletter requesting the residents help with watching trash cans and reporting if trash is blowing from the trash trucks.
- Staff has been instructed to pay close attention on trash day.
- Received calls from Manor Isle on lights – if weather permits should be completed in one week.
- The pool motor is being rewired due to a problem with the switch.
- They are starting at Colehaven and working back for power washing and painting the walls.
- By the end of the year gates and entrance gates painted, and hinges and latches repaired.
- A staff safety meeting was held:
 - Addressed dealing with muratic acid, goggles, gloves, and such.
 - Hurricane kits – emergency lights, flashlights, batteries, rain gear and straps.

- Mr. Glassman asked what happens if there are double fences to the ponds? Is the policy still giving the District access or it will be removed?
 - Mr. Lynn responded if an area is blocked and equipment needs access – the easement will be cleared at the homeowners' expense.
 - Further discussion ensued regarding the easement access.
- Mr. Bovis complemented Mr. Snyder and his staff for keeping the community running, looking good and often times with many interruptions a day.
- Mr. Lynn addressed the spreadsheet prepared by Mr. Valentine on road repairs and pavement maintenance.
 - The numbers used versus the financials is the total amount in the reserve fund which includes other items.
 - Mr. Valentine noted the spreadsheet includes other miscellaneous items.
 - The numbers should be reflected as reserve numbers and not total balance.

D. Manager

There being no further report, the next item followed.

TENTH ORDER OF BUSINESS

Other Business

- Mr. Bovis addressed the CVS alcoholic beverage issue.
 - The sales were denied by the County Board.
 - Ms. Tabitha Holden was thanked for attending and testifying in addition to Mr. Bovis.
 - It was noted Ms. Holden was the only other resident in attendance at the meeting.
- The Mansfield project will be very safety minded for the school children.
 - They will not be working during the times the children are going to and returning from school.

NINTH ORDER OF BUSINESS

Approval of Minutes of the July 16, 2008 Meeting

Mr. Lynn stated each Board member received a copy of the minutes of the July 16, 2008 meeting and requested any additions, corrections or deletions.

Mr. Mendenhall noted Mr. Bovis has provided some amendments for the minutes.

On MOTION by Mr. Bovis seconded by Mr. Shahin with all in favor the minutes of the July 16, 2008 meeting were approved as amended.

ELEVENTH ORDER OF BUSINESS

Audience Comments

- Mr. Carter addressed assessments.
 - It was noted page eight breaks down the debt service, general fund and garbage pick up.
- Mr. Carter asked can Ms. Johnson-Velez work with the HOA attorney to enforce delinquencies.
 - The CDD has no legal rights to the HOA portion of dues and fees.
 - HOA fees are private corporation fees and asking the CDD to help collect them is the same as asking the county, as they are government entities.
- Ms. Glassman suggested for the newsletter to place all new items in the beginning.
- Ms. Tabitha Holden addressed the paving issue with regard to funds in reserves.
 - The District will have to look at the costs and may have to increase assessments next year or a direct bill this year.

TWELFTH ORDER OF BUSINESS

Approval of July 31, 2008 Financial Statements

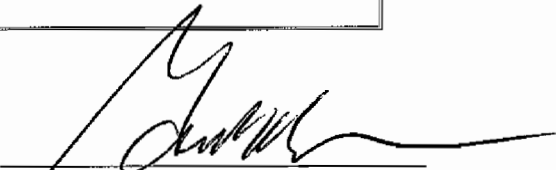
This item tabled.

THIRTEENTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Mr. Ziegler seconded by Mr. Bovis with all in favor the meeting was adjourned.



Gerald Lynn
Chairman

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Also present were:

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Chairman Vice Chairman Treasurer (via phone) Supervisor

District Manager District Attorney District Engineer Property Manager

Architectural Review Committee Deed Restrictions Committee Resident Council Representative

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SECOND ORDER OF BUSINESS Pledge of Allegiance The Pledge of Allegiance was recited.

THIRD ORDER OF BUSINESS Guest Speakers There not being any, the next item followed.

FOURTH ORDER OF BUSINESS Public Hearing to Consider Adoption of the Budget for Fiscal Year 2009 (Resolution 2008-6) and Levying and

August 20, 2008
Meadow Pointe II CDD

**Imposing Non Ad Valorem Special Assessments
(Resolution 2008-7)**

- Mr. Mendenhall outlined the public hearing process.
On MOTION by Mr. Bovis seconded by Mr. Shahin with all in favor the Public Hearing was opened.
- There are copies of the budget available for anyone who would like one.
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August 20, 2008
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August 20, 2008

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On MOTION by Mr. Shahin seconded by Mr. Bovis with all in favor the recommendations from the Architectural Review Report were approved as presented.

B. Deed Restrictions

Ms. Bush distributed the Deed Restriction Report for review, which is attached hereto and made part of the public record.

- 2008-168 - neighbor mowing the grass in front.
- Mr. Bovis inquired if Ms. Johnson-Velez had asked any of her colleagues if they were interested in going to Tallahassee to see if they can get some special disposition because of the economic situation. *Ms. Johnson-Velez responded I have not had a chance. Is it a lobbying effort of behalf of the CDD and HOA's? We do not represent HOA's.*
- Further discussion ensued regarding CDD versus HOA issue and the authority to do anything with vacant/foreclosure properties.
- Discussion ensued regarding City Code Enforcement.
 - o There is a packet of information to be filled out naming the authorized party to call in for the District. It has to be submitted to the County and approved by the Florida State Legislature before the District can call to make a complaint on abandoned properties.
 - o Mr. Bovis requested Ms. Rhea Law call Governor Crist.

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o Discussion ensued regarding a call received from the County School Board regarding developer planted trees on CDD property within Iverson and Wrencrest.

- If the trees are not trimmed the County will discontinue school bus service.
- The outcome of the discussion being to contact the homeowners to inform them the District has been notified by the School Board there is an issue with their trees and they need to be trimmed to allow the buses to pass by with out brushing the trees and letting them know the School Board will stop sending the buses if it is not taken care of.
- Mr. Lynn will contact Mr. Frazier at the School Board with regard to the specific concerns.

The Board needs to explore all the legalities of trimming the trees.

On MOTION by Mr. Shahin seconded by Mr. Bovis with all in favor the recommendations from the Deed Restriction Violation Report were approved as presented.

• Ms. Johnson-Velez outlined the future actions by the District once a judgment is won on a Deed Restriction violation.

o If the problem does not get fixed what the District is asking for in addition is injunctive relief which means the property owner has to stop violating in the manner they have been violating.

o If they failed to keep their grass mowed in accordance with deed restrictions that is what they would be enjoined from doing in the future. If they then violate the injunction then we can go back to the court for sanctions or other relief from the court for the failure now to adhere to a court order.

o The judge can impose sanctions and fees.

o 30950 Burleigh Drive and 1435 Wylie Court - both property owners did respond instead of following the instructions on the sheet they get when

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they are served which tells them they have to file an answer and have legal rights and so forth which means they have a certain number of days to file an answer with the court. Neither did that - they sent our firm a letter disputing the violations which means essentially they have not answered. In both of those cases we have filed a motion for default. Once the default is entered we can file a motion for summary judgment which is essentially telling the court there is no issues of fact you need to decide here and you should enter judgment in our favor as a matter of law.

- o What other legal action does the court have to force them to comply? If they fail to comply there are options the court has - they can fine them. We would go back to the court to ask them to impose sanctions.
- o What happens in the middle of the process if the property owner takes care of the infraction? They have failed on specific dates to follow the deed restrictions.
- o The final paragraph describes what we can possibly do for the three cases we were unable to get service of process because the homes were abandoned. There is a process whereby you can publish notice in the newspaper for a certain period of time after you have filed an affidavit that you have made a diligent search for the property owner.
- o Is there recourse with the mortgage company? If the properties are in foreclosure, as we believe they are, the lawsuits will sit in the file for one year. After one year the court on their motion could dismiss the case for failure to prosecute it and we will not be able to do anything because we have not been able to get service of process.
- o If the bank does come into possession before they are dismissed the complaint can be amended and served on the bank.
- o Further discussion ensued regarding the county and the enforcement or lack of code enforcement. They are only enforcing issues which are safety concerns.
- o Residents are applauded but cautioned with regarding to mowing or maintaining the properties due to liability issues.

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- o It was noted the Board is not sanctioning residents maintaining the neglected/abandoned properties.
- o The suggestion is after the third complaint and it is turned over to the attorney for action the District not expend anymore time going out to look at the property.
- o Ms. Glassman noted she believes the violations which have gone to the attorney should still be recorded as they are received.
- o Further discussion ensued regarding the continued receipt of previous violations.
- Mr. Lynn noted as to the discussion at the previous meeting regarding pavers there is only one other home who has pavers and it was approved as it does not cover the sidewalk only the apron.
 - o Ms. Johnson-Velez noted the property owner has an easement over the sidewalk area for his driveway.
 - o Further discussion ensued regarding the pavers.
 - o The outcome of the discussion is the sidewalk portion of the apron needs to be restored to original and Ms. Johnson-Velez will move forward with the trespass violation.

EIGHTH ORDER OF BUSINESS Staff Reports (continued) A. Attorney

Ms. Johnson-Velez reported on the following:

- Contacted the Tullamore HOA attorney to inquire if his board had a chance to review and react to the sample towing and parking resolution. He indicated he is going to be meeting with them tomorrow and will let me know what their thoughts are and how they would like to proceed with pursuing the towing issue.
- Mr. Lynn noted SWFWMD was out today for a resident complaint in Morningside.
 - o Part of the problem is with the maintenance company.
 - o A bigger problem is a homeowner issue with dumping grass clippings in the mitigation area.
 - o This is a violation and is going to cost the District \$25,000.

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- o The District has a week to correct the issue to avoid the fine and something needs to be placed in the newsletter addressing it.
- Ms. Linda Straw, Morningside, addressed the mowing around the pond behind her home.
- Mr. Lynn noted there is a new pond maintenance company starting between the middle of September and October 1.
 - o Further discussion ensued regarding the lakes, ponds and mitigation areas. • Residents are responsible for mowing to the waters edge.
 - Ponds will be numbered for better tracking.
- A question was raised at a Resident Council meeting regarding scheduling paid Board staff, i.e. Attorney and Engineer earlier in the meeting and it was noted this was tried before and issues come up and down the line which need to be answered by the attorney. The decision was made to keep them through the staff meeting.
- Ms. Nancy Catania addressed CDD Beautification Block Grants. o It provides money to landscape the area.
 - o It will also provide up to \$500,000 to purchase property.

B. Engineer

Mr. Valentine reported on the following:

- The Vermillion HOA has expressed their desire to have the entire parking lot paved creating a "V" for drainage.
 - o Mr. Valentine would not recommend doing it.
 - o Over the next 15 years it increases the amount spent by \$175,000 by doing a micro surfacing now.
 - o Ms. Melissa Haskins stated I am the Secretary on the board and I think my understanding of the HOA issue is we have potholes we want to get fixed. That issue has been fixed but now we have drainage issues we did not have before.
 - o Mr. Lynn notes previously there were cracks in the road where water was seeping through.
- Mr. Valentine continued on the Vermillion repaving:

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- o There were low areas before where the potholes were and when the area was paved it sealed the surface.
- o There was an existing problem there was just no standing water.
- o The intent of the project was to do repairs of the damaged surface.
- o In the center line there was a continuous crack and it was determined at that time to do the whole road.
- o There has been discussion of fixes -drains can be used but there is a concern of underground utilities.
- o From photos Mr. Valentine has it appears there are four areas of standing water.
 - In a couple of the areas the pavement adjacent has sunk as well. • When they made the repair they matched what was there.
- Board questions and comments:
 - o If the whole lot is resurfaced will it solve the issue of the drainage?
 - It will have to be surveyed and it will not be a uniform thickness to make sure there is drainage.
 - o If the road is re-sloped where does the water go?
 - It has to be graded so it will go to the inlets.
 - o Is there a center line grading which can be done to absorb and drain into the drainage?
 - You can but Mr. Valentine recommended only doing this where there is an issue.
 - If grading the entire road, Mr. Valentine would install gutters first - it will be cheaper and quicker.
 - o Is it technically possible with the initial fix to grind something to allow the water to go?
 - It can be done but unless it is surveyed it is known if it can be cut down low enough to get it to the nearest inlet without going to low as the slope is being created.
 - o Would like to explore least expensive option before paving to eliminate the problem.

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- o Ms. Haskins stated the re-paving was done to make it look nicer.
- o Mr. Carter stated the main feedback we are getting from our homeowners is there is a big black stripe down the middle of our parking lot and it is an eyesore.
 - Mr. Valentine would recommend a tar sealer over the whole thing before paving.
 - Mr. Carter stated we want a long term solution we do not want to keep coming back.
 - Mr. Lynn noted there are two issues - the flooding and the appearance.
 - Mr. Shahin noted the pooling is every 10' to 15'.
- o Ms. Tabitha Holden inquired as to the dollar amount in reserves.

Mr. Mendenhall responded it is currently projected at \$92,621.62. A portion of that is used each year for maintenance expenses for gates and that sort of thing. Expenses for this year were approximately \$11,393 to date.
- o Ms. Holden inquired as to why options were not looked at before.
 - Mr. Valentine responded that was not our direction. We were instructed to repair the potholes on the pavement.
 - Further discussion ensued regarding the repairs and ponding.
- o Mr. Carter inquired as to what Mr. Valentine's recommendation would be. • Mr. Valentine would not use the RePlay if the concern is for aesthetics.
 - The black sealer would be more cosmetic for appearance.
- o The drainage issue needs to be resolved before paving or resurfacing.
- o Further discussion ensued regarding repairs with outcome being a survey will be done.
- o The HOA was requested to note the standing water areas.
- Mr. Carter noted they are having issues with speeding - the posted speed limit is 15 mph. There has been a suggestion of speed bumps.
- o Further discussion ensued regarding speed bumps, issues and options.

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C. Property **Manager**

Mr. Snyder reported on the following:

- The recently completed Deer Run project has a breach and the company needs to come back to look at it. They have been contacted.
- The new pond company has a boat for areas not accessible by foot or motorized vehicle.
- There have been complaints regarding TV reception - Lighthouse has been contacted and was in today to install new connections.
- Discussion of towing - not necessary to contact the resident as there are signs posted at the entrances.
- Deputies are issuing citations for those parked after closing at the clubhouse.
- Discussion of pool deck and Sherwin Williams honoring the five year warranty.
- Several people have installed fences with no access to the ponds - they are working to get access to all of the ponds.
- There will be a tracking record developed for the ponds to make sure all are being taken care of.
- There will be a notice in the newsletter requesting the residents help with watching trash cans and reporting if trash is blowing from the trash trucks.
- Staff has been instructed to pay close attention on trash day.
- Received calls from Manor Isle on lights - if weather permits should be completed in one week.
- The pool motor is being rewired due to a problem with the switch.
- They are starting at Colehaven and working back for power washing and painting the walls.
- By the end of the year gates and entrance gates painted, and hinges and latches repaired.
- A staff safety meeting was held:
 - o Addressed dealing with muratic acid, goggles, gloves, and such.
 - o Hurricane kits - emergency lights, flashlights, batteries, rain gear and straps.

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- Mr. Glassman asked what happens if there are double fences to the ponds? Is the policy still giving the District **access** or it will be removed?
 - o Mr. Lynn responded if an **area** is blocked and equipment needs access the easement will be cleared at the homeowners' expense.
 - o Further discussion ensued regarding the easement access.
- Mr. Bovis complimented Mr. Snyder and his staff for keeping the community running, looking good and often times with many interruptions a day.
- Mr. Lynn addressed the spreadsheet prepared by Mr. Valentine on road repairs and pavement maintenance.
 - o The numbers used versus the financials is the total amount in the reserve fund which includes other items.
 - o Mr. Valentine noted the spreadsheet includes other miscellaneous items.
 - o The numbers should be reflected as reserve numbers and not total balance.

D. Manager

There being no further report, the next item followed.

TENTH ORDER OF BUSINESS Other Business

- Mr. Bovis addressed the CVS alcoholic beverage issue.
 - o The sales were denied by the County Board.
 - o Ms. Tabitha Holden was thanked for attending and testifying in addition to Mr. Bovis.
 - o It was noted Ms. Holden was the only other resident in attendance at the meeting.
- The Mansfield project will be very safety minded for the school children.
 - o They will not be working during the times the children are going to and returning from school.

NINTH ORDER OF BUSINESS Approval of Minutes of the July 16, 2008 Meeting

Mr. Lynn stated each Board member received a copy of the minutes of the July 16, 2008 meeting and requested any additions, corrections or deletions.

Mr. Mendenhall noted Mr. Bevis has provided some amendments for the minutes.

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On MOTION by Mr. **Bovis seconded** by Mr. **Shahin with all in favor** the minutes of the July 16, **2008 meeting were approved as amended.**

ELEVENTH ORDER OF BUSINESS Audience Comments • Mr. Carter
addressed assessments.

- o It was noted page eight breaks down the debt service, general fund and garbage pick up.

- Mr. Carter asked can Ms. Johnson-Velez work with the HOA attorney to enforce delinquencies.

- o The CDD has no legal rights to the HOA portion of dues and fees.

- o HOA fees are private corporation fees and asking the CDD to help collect them is the same as asking the county, as they are government entities.

- Ms. Glassman suggested for the newsletter to place all new items in the beginning.

- Ms. Tabitha Holden addressed the paving issue with regard to funds in reserves.

- o The District will have to look at the costs and may have to increase assessments next year or a direct bill this year.

TWELFTH ORDER OF BUSINESS Approval of July 31, 2008 Financial Statements

This **item tabled.**

THIRTEENTH ORDER OF BUSINESS Adjournment There being no further **business,**

On MOTION by Mr. **Ziegler seconded** by Mr. **Bovis with all in**
favor the meeting was adjourned.