

**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, September 17, 2008 at 6:30 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
Diana Ricker	Secretary
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
Residents	

*The following is a summary of the minutes and actions taken at the September 17, 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**

**Audience Comments (Limited to 3 minutes per speaker)**

- Mr. Bovis noted he would like to add an item to the agenda relative to the opening of the back gate at Longleaf.

There being no questions or comments, the next item followed.

**Longleaf Gate**

- Mr. Bovis noted there were requests at the Longleaf meeting last night from a few people who would like to have the gate opened.
- The consensus is not known as the Longleaf Board has taken no action on it.
- Mr. Lynn noted the CDD previously acted on a request from the HOA Board to lock the gate and until the HOA Board comes back to the CDD to state they want the gate opened it will remain locked.
- Mr. Bovis stated I will let them know.

**FIFTH ORDER OF BUSINESS**

**Resident Council Representative**

There not being any, the next item followed.

**SIXTH ORDER OF BUSINESS**

**Committee Reports**

**B. Deed Restrictions**

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

- Ms. Ricker asked on 2008-182 how do we know it is this homeowner's dog? *Ms. Glassman responded we take the word of the person who makes the violation report.*
- Mr. Shahin stated on 2008-185 it says N/A. I took a picture of the trailer and it was in fact there for a week. I asked Sheila to include it to document it in case it happens again.

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

**A. Architectural Review**

Ms. Glassman distributed, which is attached hereto and made part of the public record.

- Mr. Snyder addressed the fences. *Ms. Glassman responded there is a deed restriction for fences but we were told it was not the architecture of the home.*
- Mr. Snyder stated we need to review them as to where they are placed.
- Mr. Lynn asked did they send in a plot plan for location? We are running into a major problem and it is highlighted by the fact we have a new pond maintenance company plus the fact we have found the lawn maintenance company is not mowing properly along the lakes they need to have access to. A lot of the fences are going up on District easements.
- Ms. Johnson-Velez stated that is a trespass issue as opposed to a architectural issue.
- Further discussion ensued regarding the District needing to know if the fence is going to be on an easement and back entrance gates for access.
  - The District can tell them to be aware they are putting their fence up on an easement if they are provided a plot plan.
  - Mr. Valentine and Mr. Lynn have worked together to draft a notice to the homeowners regarding easements, gates, access, and the possibility of the fence being removed for the access of large equipment.
  - Sheila has the wording and will provide it to the ARC who will in turn send it out anytime there is a fence request regardless if an easement is involved or not along with the ARC letter for not in jurisdiction – follow Pasco County Ordinance.
  - It was noted it should also state the fence must be contained within property line.
- Further discussion ensued regarding fences and ponds.

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

#### **Deed Restriction Violation Attorney Log**

Ms. Bush distributed the Deed Restriction Violation Attorney Log, which is attached hereto and made part of the public record.

- Ms. Johnson-Velez noted the letters sent have not received any responses from homeowners at this time.
- Ms. Johnson-Velez stated I have two affidavits on which I need the Chairman's signature for the two cases we were able to get service of process on to the property owners.
  - The affidavits are in support of our motion for summary judgment.
  - Ms. Bush requested copies for their records.
  - Ms. Johnson-Velez outlined the service of process.
  - Sheila or Mr. Shahin will check the property records to see if the status of the abandoned or foreclosure properties has changed and they are now owned by the bank.
  - Mr. Shahin noted he has been looking into a subscription service for the District to be able to log into the system to review pending items.
- Further discussion ensued regarding progress and the many homes abandoned or in foreclosure in Pasco County.
- Mr. Lynn inquired as where they are with the Manor Isle paver issue.
  - Ms. Johnson-Velez is working with the attorney on the deed restriction cases to get it filed.
  - Mr. Lynn noted the homeowner has made a formal complaint in writing to the attorney stating there are other violations which are not being addressed within Manor Isle.
  - Sheila will distribute a copy of the letter to the Board.
  - Discussion ensued with regards to the violations listed in the complaint and the steps the District will take to address these.
    - It needs to be known when the change was made.
    - Mr. Shahin and Sheila will work together for recommendations of those properties on the list to be discussed at the next meeting.
- Mr. Lynn addressed the meeting with Pasco County as a point of information.
  - There will be a conflict between MP I and MP II.
  - MP I wants the park site deeded to them.

- The argument is once Trout Creek deeded it to the county - it became county property it was no longer contained within the MP I CDD jurisdiction.
- Mr. Lynn has requested the property be turned over jointly to both MP I and MP II.
- Ms. Mulieri has stated joint ownership never works.
- Wire Grass is interested in purchasing the property.
- The only entrance/access to the park is within MP II.
- The other issue will be parking.
- If the property is deeded jointly any improvements to the park will be cheaper if both Districts do it together as well as sharing the maintenance through an Interlocal Agreement.
- Possibility of MP I charging fees for the use of the park to recoup cost.
- Mr. Glassman noted it was also discussed if the county retains the site Wire Grass will they also have use of the park site.
- Further discussion ensued regarding the Pasco County meeting with the outcome being the District has to come up with a plan and a purpose to say what the District's recommendations are in terms of how they would like it resolved and what is in the best interest to be submitted to Mr. John Gallagher.
  - A recommendation was made for a workshop specifically for the park issue to get input from the residents to prepare a plan.
- Ms. Glassman addressed her concerns for the park site.
- Mr. Glassman addressed the Pasco County meeting and comments made.
- Further discussion regarding a workshop meeting and if it will lead to any new thoughts.
- Mr. Glassman inquired if the District has a right to obtain an injunction to go above the Commissioners if the property is deeded solely to MP I.
  - Ms. Johnson-Velez stated an injunction is one possibility to stop a conveyance.

- Mr. Lynn stated it is Ms. Johnson-Velez and her firm's opinion that the county does not have the ability to just turn property over to somebody. They have to go through what is called a bidding process. *Ms. Johnson-Velez stated Meadow Pointe is in the Trout Creek DRI and there was an obligation under the DRI to dedicate some park land. We were unable to tell if this was part of the required dedication. We did pull the deed and the conveyance was from Trout Creek to the county. If it was part of their developer obligations when they got their development order then generally, as with an Impact Fee, if the county does not use it – it generally goes back to the party or entity that conveyed it.*
- Further discussion ensued regarding the issue with the outcome being Ms. Johnson-Velez will contact Ms. Elizabeth Blair to see if they can tell her by what authority the county is trying to do this.
- Mr. Snyder addressed his concerns with MP I owning the property.
- Mr. Bovis addressed the county retaining ownership and MP I and MP II entering a joint 99 year lease of the park site. *Ms. Johnson-Velez stated this is an option.*
- Discussion on the park issue continued.
  - If the county goes to the bid process the District cannot come up with the funds to purchase the park.
  - If the property can be conveyed will the District's position be for joint ownership with MP I?
  - Mr. Shahin suggested putting in something in the newsletter to let the residents know about the park issue.
  - Mr. Bovis requested Mr. Lynn contact Mr. Gallagher tomorrow to find out how soon he needs MP II's plan.
  - Mr. Bovis inquired if tonight's meeting can be continued without setting a date. *Ms. Johnson-Velez responded no. If you are going to continue it – it has to be to a date and time.*
- Mr. Lynn outlined the items on Mr. Dennis Smith's list:

- Remove the barrier and block for authorized vehicles only.
  - ❖ Disagree – should be parking inside the park and a gate installed which can be opened and closed at set times.
- Install a sign similar to the other CDD park sites stating rules and regulations.
- Widen the narrow clearing from the end of the new street to be cleared and leveled.
- Sod two acres of our choosing.
- Mulch a six foot path from the end of the paved road to the sodded area.
- Exempting the CDD from all county taxes.
  - ❖ Basically the county says this is okay for those portions.
- Requested an exemption from permitting.
- Classify the county park site as a public park for all land development code purposes.
- Waive all impact and permitting fees.
- Waive all fees for variances and appeals on decisions on zoning variance requests.
- Waive the requirement to mitigate or pay fees for any tree removed and not be required to put up additional trees.
- Install “No Parking” signs on each side of Solitude.
  - ❖ It is already no parking and additional signs will do no good.
- Retain all responsibility for work performed on the site prior to transfer of ownership including any wetland problems caused by site work and any monitoring.
  - ❖ The county agreed to do so.
- Requests Mr. Gallagher contact the County Attorney office to review the legal aspects of transferring the property and ownership to control of MP I CDD only.
  - ❖ Disagree – prior discussion.

- Discussion ensued regarding no organized athletics at the park site.
- Mr. Kevin Carter stated it is very important for the Board to provide a written response to Mr. Smith’s points to the county as soon as possible.
- Mr. Carter noted he would like to see MP I and MP II work out the park site ownership between them before going back to the county.
- It was noted the other option - once a consensus is reached - is to hold a joint meeting with MP I.
  - Mr. Glassman addressed that the residents of MP I do not understand what could happen if the MP I Board decides to build a clubhouse on the property and the cost to them.
- Discussion regarding the response to Mr. Smith’s list:
  - Is it understood ownership will be equal and undivided.
  - No entrance from MP I. *Mr. Bovis noted the county had previously requested Wire Grass provide an accommodation for access to the property.*
  - Further discussion ensued regarding access.
  - The consensus of the Board response to Mr. Gallagher is to include the items which MP II is disagreeing with, no organized athletics and to note the main goal is joint ownership.
    - ❖ Mr. Mendenhall will distribute a copy of the letter to the Board.
    - ❖ Ms. Ricker will draft an article for the newsletter.

On MOTION by Mr. Bovis seconded by Mr. Shahin with all in favor Mr. Lynn was authorized to move forward on the park issue as discussed.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Ms. Johnson-Velez reported on the following:

- Noted she had another discussion with the Tullamore HOA attorney regarding the towing issue.



- He has spoken with his client about possibly getting a delegation from the CDD of the authority to tow vehicles from those streets.
- The HOA has a concern of being subject to the Sunshine Laws and Public Record Laws since they will be standing in the place of the CDD for purposes of authorizing towing on their streets.
- Their attorney has requested I ask if the CDD would consider conveying those streets to the HOA so they are within HOA ownership and they will not have this issue.
- The issue did come up regarding funding of the streets and have requested a record of the funds the CDD is holding in reserves.
- Mr. Lynn addressed his concerns with conveying the streets and noted he would like to turn the gates over to them if they turn the roads over.
  - If they would want the CDD to maintain the gates with respect to access codes a fee could be arranged.
  - Everything would include – right-of-ways, gates and landscaping at the gates.
  - The Board would remain responsible for street lighting.
- It was noted Tullamore currently has \$22,500 in their reserve fund.
- The gates at Tullamore have been a major expense.
- Mr. Shahin suggested providing them information regarding future obligations such as road repairs.
- Further discussion ensued regarding the issues involved with turning responsibility over to Tullamore.
- Mr. Lynn inquired if anything has been received from Atlas Towing regarding the gate issue. *Ms. Johnson-Velez noted she has not received anything.*
  - Mr. Lynn and Mr. Snyder have been reviewing other towing companies as Atlas Towing seems to be less responsive to requests for service.
  - There is some speculation the drivers may be taking kickbacks not to tow vehicles and the situation is being investigated.
  - Further discussion ensued regarding towing.

*The record will reflect the Board took a recess at 8:35 p.m. and reconvened at 8:46 p.m.*

**B. Engineer**

Mr. Valentine reported on the following:

- Distributed information regarding Vermillion, which is attached hereto and made part of the public record.
  - A survey was performed to take elevation shots.
    - The top sheet is location numbers, station limits, width and square yard area.
    - There is just over 2,500 square yards of repair needed to correct for all drainage issues.
    - The next seven sheets are photos after a rainstorm and the numbers correspond to the 11"x17" sheet which is an aerial photo of Vermillion.
    - Following the aerial photo is five sheets which are profile sheets.
    - The profiles were generated from the survey data and note the drainage inlets and the location.
    - The redlines are the recommended length of repair necessary to proper drainage.
    - Mr. Valentine outlined the profiles by location.
    - On location #5 the green line shows where the pavement should have been when originally constructed.
    - It was noted the redline will give enough of a slope to correct the problem.
  - The estimated cost of recommended repairs is \$30,000.
  - Once repairs/patches are completed the whole area will need to be recoated which is not included in the estimate. The original estimate for sealing coating was \$11,000.
  - Stripping will be an additional costs.
  - Total estimate is approximately \$50,000.

- Mr. Valentine was requested to get a final figure and provide to Mr. Snyder before the next Board meeting.
- Discussion regarding where the funds should be taken from with the outcome being it is to be paid from the Vermillion Reserve.
  - Mr. Mendenhall noted the Vermillion Reserve is currently \$92,000.

### **C. Property Manager**

Mr. Snyder reported on the following:

- Manor Isles lights will be completed this week.
- Pond foliage is being cut back in order for mowing to start taking place.
  - Can the debris be mulched and used? *The general consensus of Mr. Valentine and Nanaks is no.*
  - Further discussion ensued regarding the ponds and it was noted of the 108 ponds in the Districts most need some sort of clearing.
  - Mr. Snyder noted this will be an ongoing process.
- The sunshades on the pool deck are being replaced at no cost to the District.
- I have been trying for three weeks to speak with someone on the discount of the paint – the District is getting a 20% discount and it has been moved to 33%.
- The Colehaven telephone entrance needs to be replaced with a new one as there is corrosion in the circuit board.
- They are trying to minimize callbacks for repairs.
- The walls are not cracking where previously repaired they are now cracking in higher areas and will be ongoing repairs.
- The entrance gates are being painted and they are currently at Colehaven.
- The fence has been reinstalled on the left entering Colehaven.
- There are some issues with rusting on the gates.
- Different primers have to be ordered depending upon whether the gate is steel or aluminum.
- The supply dispensers are in the restrooms and Syntex is no longer being used at a savings of \$303 per month.

- There was a one time charge for dispensers.
- Paper products will run approximately \$2.29 per thousand.
- Air fresheners will be coming from Art Delights.
- The target date to start treating the ponds is October.
- The Board needs to recognize we are going to run out of access on our controls as the capacity is becoming limited. Mr. Snyder can start to get prices.
  - Mr. Lynn is going to begin taking numbers out of the system such as lost cards which have not been found.
- Checking on more trash receptacles for Mansfield Road.
- Pool deck repairs are completed and sealed. It was noted the warranty stays intact – could not get them to backdate it.
- The five-ton unit heat pump has been installed.
  - It was noted the air conditioning unit for the other side of the building is on its way out.
- Mansfield Boulevard shrubs and sod is dying due to no irrigation.
  - Mr. Bovis noted he has spoke to the contractor for Pasco County and prior to the completion of the job there will be a walkthrough to record everything.
  - Mr. Snyder will document items/issues as they arise.
- Mr. Snyder noted the sleeves under the Mansfield and County Line Roads – they are under the road but they cannot be connected to as they need to be blown out.

**D. Manager**

Mr. Mendenhall reported on the following:

- An appraisal form was emailed to the Board for Mr. Snyder.
  - If there are any suggestions regarding change of content or form let Mr. Mendenhall know preferably by next week.
  - Mr. Mendenhall will right a review and then request the members of the Board do the same if they are comfortable with doing so and then they will be summarized.

- Mr. Mendenhall and Mr. Lynn can meet with Mr. Snyder to go over the review and bring back a summary to the Board at a later meeting.
- Discussion ensued regarding the timeline for the appraisal – Monday of next week for form changes to content and the following Monday for the actual completion of the form.

**EIGHTH ORDER OF BUSINESS**

**Approval of Minutes of the August 20, 2008 Meeting**

Mr. Lynn stated each Board member received a copy of the minutes of the August 20, 2008 meeting and requested any additions, corrections or deletions.

On MOTION by Mr. Shahin seconded by Ms. Ricker with all in favor the minutes of the August 20, 2008 meeting were approved.

**NINTH ORDER OF BUSINESS**

**Other Business**

- Mr. Bovis stated I did not receive any minutes where were they? *Mr. Lynn responded they were emailed in the package.*
- Mr. Bovis stated he did not receive the agenda package by email or US Mail. *Mr. Mendenhall stated I will check to see where it broke down.*
- Mr. Lynn stated if you do not receive something the week before the meeting or there about get to Mr. Mendenhall before then do not wait until the meeting.
- Mr. Shahin addressed the appraisal form and what the rational will be for changes and noted some concern with rating scale.

**TENTH ORDER OF BUSINESS**

**Audience Comments**

- Mr. Glassman noted at a previous meeting there was discussion of a potential breach again in the Deer Run pond. Was it taken care of?
  - Mr. Snyder responded I met with Gary and it was not a breach and was more cosmetic. They placed a stone on that should not have which fell off and gave the resident nearby the impression of bad workmanship. He is going to fix it and a couple of pocket holes along the side which will be taken care of.

- There is a lot of grass growing up and he is going to give as a price for a membrane. *Mr. Valentine noted the areas where grass is growing are supposed to be there.*
- Mr. Bovis spoke to the Superintendent of CVS with regard to the bill for work performed by District staff. He will get a check for the District.
- Mr. Bovis noted CVS has not applied for an appeal with regard to the liquor license.
- He noted is continuing discuss with the developer for the wall for the corner there to buffer Manor Isle.
- The permits should be issued Friday for the “hump” in the road.
- November is still the completion date for Mansfield Boulevard.
- At the end of September the new traffic control lights should be operating.

**ELEVENTH ORDER OF BUSINESS**

**Approval of July and August, 2008  
Financial Statements**

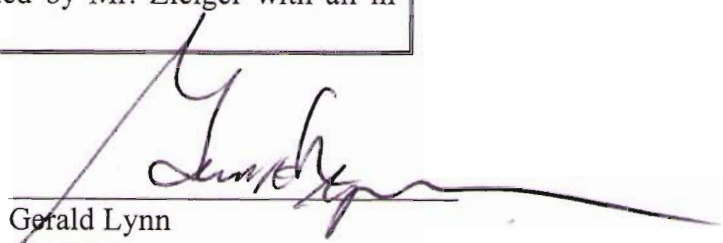
This item tabled.

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

There being no further business,

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



Gerald Lynn  
Chairman