

**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, November 18, 2009 at 6:30 p.m. at the Meadow Pointe II Clubhouse, 30051 County Line Road; Wesley Chapel, Florida.

Present and constituting a quorum were:

Linda Straw	Chair
Mark Glassman	Vice Chairman
Diana Ricker	Treasurer
Brian Shahin	Secretary

Also present were:

Andy Mendenhall	District Manager
Rolando Santiago	District Attorney
Bob Valentine	District Engineer
Bill Snyder	Property Manager
Renee Glassman	ARC/DRC
Yolanda Bush	ARC/DRC
Alan Baldwin	STS
Residents	

*The following is a summary of the minutes and actions taken at the November 18, 2009 Meadow Pointe II Board of Supervisors regular meeting.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

Ms. Straw called the meeting to order and the Board members and staff identified themselves for the record.

**SECOND ORDER OF BUSINESS**

**Pledge of Allegiance**

The Pledge of Allegiance was recited.

**THIRD ORDER OF BUSINESS**

**Guest Speakers**

**Alan Baldwin, STS**

- Outlined the new financial statement format.
  - General Fund for each Village.
  - Discussion ensued with regard to the financial format.

- Mr. Baldwin addressed the SBA Account and SBA Reserves.
- Further discussion ensued regarding the financial format and the accounting processes.
- Mr. Wayne Busbice addressed a community noise issue with concern to the high school PA system and distributed a document noting the Pasco County Noise Ordinance, which is attached hereto and made part of the public record.
  - Mr. Busbice suggests the Board assign a liaison to make the school aware of the community problem and to ask the deputy to check the decibel level at the next game.
  - Mr. Glassman suggested Mr. Busbice, as a former member of the CDD Board; accept the position as the liaison between the Board and the school.
  - Ms. Straw noted she is aware of numerous calls being made to the school so they are aware of the community's issue with the PA system.
  - Mr. Shahin inquired of Mr. Santiago if the Board is within their area of concern to do anything and Mr. Santiago noted it would fall more to the HOA's to address this matter, however the Board can lend their support and make a statement.
  - Mr. Santiago noted he would caution the Board about impaneling somebody to represent the Board or act on behalf of the Board as it goes outside of the scope of the Board's jurisdiction.
  - Further discussion ensued with regard to the Board being involved with the issue.
  - Ms. Ricker noted as a reminder that previously Relay for Life requested the Board's assistance for the use of the PA system and was told it was a county ordinance and not within the Board's jurisdiction.
  - Further discussion ensued with regard to the noise issue with the outcome for Mr. Mendenhall to draft a resolution noting the

Board's support of the residents who are looking to reduce the noise from the school's PA system.

- Ms. Glassman inquired if a deputy recorded the decibel level would he give a copy to the District to be able to show someone has checked the level and where they are and further discussion ensued.
- Ms. Lorraine Green, Longleaf, inquired if the residents would be told if codes change.
  - It was noted codes are not being changed the CDD was seeking verification of the codes currently in use.
  - If a new code is requested it is usually processed within 48-hours but residents will not be notified when it is processed – it can be verified at the gate.
- Ms. Green addressed the Petunias outside of the gate and inquired as to when they would be planted inside the gate.
  - It was noted they would not be and that this was a budget cut item.
  - If the Village would like to expend the funds it is something the Village can ask the Board to put in from the Village Reserves but it was cut from the community general fund.
  - Discussion ensued with regard to the Village planting and Scapes maintaining.
- Ms. Green addressed the policy regarding home businesses and inquired if the gated Villages would be included in the policy.
  - It was noted they are and further discussion ensued with regard to the issue.

**A. Audit Committee Selection Process**

**i. Appointment of Committee Members**

- The Board will sit as the Audit Committee and it was noted all committee members are present with the exception of Mr. Lynn.

**ii. Establishment of RFP Evaluation Criteria**

- Mr. Mendenhall outlined the Auditor Selection process and evaluation criteria.
- Discussion ensued with regard to the evaluation criteria.

**iii. Authorization to Proceed with RFP**

On MOTION by Mr. Glassman seconded by Ms. Ricker with all in favor RFP criteria was approved and staff was authorized to proceed with advertising and notification of the RFP.

**B. Approval of October, 2009 Financial Statements**

- Ms. Ricker has reviewed the September and October financials and noted she has no questions.

On MOTION by Ms. Ricker seconded by Mr. Glassman with all in favor the September, 2009 and October, 2009 financials were approved.

**FIFTH ORDER OF BUSINESS**

**Committee Reports**

**A. Architectural Review**

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

- 2009-134 – recommend approval.
- 2009-143 – recommend approval.
- 2009-144 – recommend approval.

On MOTION by Ms. Ricker seconded by Mr. Glassman with all in favor the Architectural Review Report was approved as submitted.

**B. Deed Restrictions**

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

- 2009-143 – not within the CDD jurisdiction.

- Discussion ensued with regard to the resolution addressing sidewalk maintenance and the process if the homeowner does not provide the maintenance and District liability.
- Ms. Straw addressed the sidewalk issue presented at the last meeting and Mr. Santiago noted when a tree is on the property line it falls to both properties for maintenance.
- Further discussion ensued with regard to the sidewalk and maintenance.
- Discussion ensued with regard to Morningside and Deer Run as non-gated – are the sidewalks the same jurisdiction as the gated Villages and it was noted those sidewalks belong to the county and it would fall to the homeowner and the county for repair and maintenance.
- Further discussion with regard to the tree/sidewalk issue from the previous meeting.
- 2009-144 – DR #14.

On MOTION by Mr. Shahin seconded by Mr. Glassman with all in favor the Deed Restrictions Report was approved.
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- Mr. Lyle Newton – 1419 Baythorn Drive, Iverson, addressed the tree/sidewalk issue and noted the tree was planted by the previous owner.
  - Mr. Newton noted he does not feel he should share the cost on property that is not his.
  - Further discussion ensued with regard to the tree/sidewalk issue.
  - Mr. Santiago noted the District should stay out of title decisions and would hold both homeowners equally responsible if they feel the tree is on the property line as the burden falls to the homeowners to relieve themselves of the obligation if they feel they are not responsible.

- Further discussion ensued with regard to the responsibility, surveys and maintenance with the outcome being Mr. Newton provided a copy of his survey and Houston will contact the other homeowner to request a copy of his property survey.

**FOURTH ORDER OF BUSINESS**

**Resident Council Representative**

Mr. Glassman addressed the following:

- One resident attended.
- The speed limit on Meadow Pointe Boulevard has been raised to 40 and 45 mph – from the Clubhouse to Beardsley the speed limit remains unchanged.

**SIXTH ORDER OF BUSINESS**

**New Business**

- An email was received from the school requesting another car wash fundraiser on December 5 from 9 a.m. to 12 p.m.
  - As long as there is no scheduling conflicts this is fine.
  - Discussion ensued with regard to using the fundraisers as leverage to reduce the noise of the PA system.
  - It was noted going forward Mr. Snyder can make the decision on the school fundraiser requests.
- A resident email was received regarding the opening of Kinnen Road – the resident wants a shorter commute and would like the Board’s support.
  - The Board’s position on the opening of Kinnen Road has not changed and they remain opposed.
  - It was noted Meadow Pointe Boulevard will be utilized as the detour for SR 56.
- Mr. Glassman noted he received emails from two people regarding why the District does not allow fishing in the ponds.
  - Mr. Shahin noted he was contacted with regard to no fish in the pond on the one pond which allows fishing and addressed alternating ponds.

- Mr. Mendenhall will provide the email to the Board and Mr. Glassman will provide a response.
- Mr. Shahin noted he received an email regarding the survey.
- Ms. Straw noted she received a call from Ms. Amy Meadows with regard to the results of the resident survey.
  - Ms. Straw told Ms. Meadows that she had misspoke with regard to the results being available for tonight's meeting. They will be ready for the December 2, 2009 meeting.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Santiago reported on the following:

- Pool Bath – received an email from Precision Building Component, Inc.
  - Small contract - \$15,000.
  - It is a question of whether or not the work was done in a proper and workman like manner.
  - If not the recourse is to - get an estimate for what it cost to get it done, comply with the default or breach of contract provisions in the contract, five-day notice, and if the District wants to go down this road there is a Dispute Resolution Clause within the contract that is beneficial to everybody.
  - Before this is done the analysis and determination of whether or not this was proper and workman like product provided by the contractor has to be made.
  - If it is found the to be in a workman like manner and the reason for the defects is the way it is being cleaned, et cetera and not a result of their work then the District would not succeed in a breach of contract claim to recover any costs to have this work redone.
  - The question at issue first is – was it workman like, was it done appropriately, would another reasonable contractor have done this differently in a manner that would not result in these problems.

- Further discussion ensued with regard to the pool bath with the outcome being Mr. Snyder will forward information to Mr. Valentine for his review and to render an opinion for the District.
- Jennifer from Mr. Santiago's office provided a report to Mr. Shahin today with regard to the Deed Restrictions.
  - There is a lot of activity with the Deed Restrictions – there have been suits filed and deposition.
  - Some still need documentation and others are not good so there may be a recommendation for a course of action which will end those cases.
  - It was noted it is not a result of process as to not receiving the information and it is the age of the cases.
- Business owner letters
  - Osceola and Duval Counties have recently dealt with the issue of residential use.
  - An associate in Mr. Santiago's office is preparing a legal opinion based on a couple of the cases from *Florida Law Weekly* that came out of there to give an idea of how those courts are dealing with this question.
  - What Osceola and Duval County does is not assuasive on what Pasco County does but it is persuasive and does give an idea of the trends of the courts.
- B. Engineer**
  - Repairing and paving roads
    - Initially each Village was discussed on its own merit to contract separately for each Village.
    - It has been lumped into one process and as a result of this the District must go out for bid.
    - Discussion ensued with regard to preparation of the bid documents.



On MOTION by Mr. Glassman seconded by Ms. Ricker with all in favor to postpone the road repair and sealing project until details of the specifications are completed was approved.

- Mr. Valentine was requested to work with Mr. Glassman to address the bid specifications.
- Wright Paving needs to be informed the District is not moving forward at this time.
- Mr. Valentine addressed the bid packages and noted the real problem is being able to provide a bid package with specifications and good description and quantity for the work without using the information Wright Paving obtained.
- Further discussion ensued with regard to the specifications.
- Mr. Glassman addressed previous work done within the District and noted this work was done correctly.

**C. Property Manager**

Mr. Snyder reported on the following:

- Contacted Creative Shades – there are 2” holes in the awning over the playground.
  - Creative Shades removed the shades today to repair and will hopefully reinstall tomorrow.
- Sandbox Issues – the sandboxes need to be maintained at least every six months. At this time they need to be belt sanded.
  - Mr. Snyder is checking the pricing of a sander.
- There is a fence down at the playground and trash cans which are rusted and they are going to try to mend them as they are expensive trash cans.
- They are cleaning the awnings on the verticals but they appear to be discolored and they are going to use rubbing compound to see if the color can be brought out.
- On Friday or Saturday night there were skateboarders at the basketball court.

- Some did not have card IDs – two of them came to the office this week to obtain IDs.
- They moved from the court to Manor Isle by the pump station.
- Discussion ensued with regard to placing a gate in this area and the possibility of providing an area for skateboarding.
- Gate damaged at Longleaf and Vermillion.
  - Photos and a FHP case number – the person was trying to leave when Robert was there, he pointed them out and FHP pulled them over.
  - The insurance company has been contacted and it was requested Mr. Snyder make sure he includes the District time as labor.
  - They were unable to catch the one in Longleaf.
  - Discussion ensued with regard to charging Robert's time to the Village's for gate repairs.
    - Determine a reasonable per hour charge for the service being provided (time and material) and then it will be booked with the expense code for the Village.
- Deputy Rick is working for the District as a staff member.
- Ms. Ricker thanked Mr. Snyder and his staff for picking up the slack for the last month that she has been out and especially appreciates it with the newsletter.
  - Mr. Snyder noted they have received a couple of ads.
  - Discussion ensued with regard to the splash ad on the hot spot and the determining pricing.

**D. Manager**

Mr. Mendenhall reported on the following:

- Website update
  - Shane has said he can essentially replicate the website and his web designer has noted it will cost approximately \$500.

- Mr. Mendenhall would like to have Ms. Mercer and Shane speak so that they both know what will be provided and there are no hidden items which will come up at the point of transition.
- Mr. Mendenhall will get with MSR to see what services they will be providing.
- If the Board is prepared to authorize moving forward with the transfer a not to exceed amount can be set.
- Mr. Shahin addressed what Ms. Mercer is not providing with the transfer of the website which includes the source code.
- Further discussion ensued with regard to what Ms. Mercer will be charging for the transfer of such as the HTML.
- Discussion ensued with regard to enhancements to the website to encourage/attract resident use.

**EIGHTH ORDER OF BUSINESS**

**Approval of the Minutes of the  
October 21, 2009 Meeting**

There being no comments or questions,

On MOTION by Mr. Glassman seconded by Mr. Shahin with all in favor the minutes of the October 21, 2009 meeting were approved as submitted.

**NINTH ORDER OF BUSINESS**

**Other Business**


There being none, the next item followed.

**TENTH ORDER OF BUSINESS**

**Adjournment**

There being no further business,

On MOTION by Mr. Glassman seconded by Mr. Shahin with all in favor the meeting was adjourned.

  
Linda Straw  
Chair