

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39

**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 Wednesday, June 1, 2011 and called to order at 6:31 p.m. at the Meadow Pointe II Clubhouse; 30051 County Line Road; Wesley Chapel, Florida.

Present and constituting a quorum were:

Linda Straw	Chairperson
Mark Glassman	Vice Chairman
James Bovis	Assistant Treasurer
Glen Aleo	Assistant Secretary
Brian Shahin	Supervisor

Also present were:

Rolando Santiago	District Counsel
Yolanda Bush	ARC/DRC
Renee Glassman	ARC/DRC
Gerald Lynn	Sheriff's Department & Government Liaison
Aaron Smith	Deputy
Taryn Whitman	Resident

*The following is a summary of the discussions and actions taken at the June 1, 2011 Meadow Pointe II Community Development District's Board of Supervisors Meeting.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

Ms. Straw called the meeting to order and Supervisors and staff members identified themselves.

**SECOND ORDER OF BUSINESS**

**Pledge of Allegiance**

The Pledge of Allegiance was recited.

**THIRD ORDER OF BUSINESS**

**Audience Comments**

- Ms. Taryn Whitman requested immediate approval for an emergency home restoration repair.
  - A stucco bubble and crack is causing interior damage.
  - Ms. Whitman submitted a letter from the contractor, which was reviewed by the Architectural Review Committee.
  - The item will be added to tonight’s Architectural Review Report for consideration.

**FOURTH ORDER OF BUSINESS**

**Guest Speakers**

There being no guest speakers in attendance, the next item followed.

**FIFTH ORDER OF BUSINESS**

**Committee Reports**

**A. Architectural Review**

Ms. Bush presented the Architectural Review Report for the Board’s review and acceptance; a copy of which will be entered into the official record.

- 2011-13 – 10’ x 21’ screen patio on back of home, roof and structure is white – Recommend approval.
- 2011-14 – Repair of the stucco bubble on left side of home; re-painting of repaired area in the same color – Recommend approval.

There being no further discussion,

On MOTION by Mr. Bovis seconded by Mr. Glassman with all in favor, the recommendations from the Architectural Review Report were accepted.

**B. Deed Restrictions**

Ms. Bush presented the Deed Restrictions Report for the Board’s review and acceptance; a copy of which will be entered into the official record.

- 2011-040 – Toys, bikes and debris all over yard and sidewalk – N/A, since the property already has an active violation for the trash can and trailer.
- 2011-041 – Homeowner has not cut grass in over two months. Garbage cans are left lying on the ground – DR-14, DR-10.
- 2011-42 – Front lawn in disrepair with weeds and sand – DR-14.

- 1 • 2011-43 – Front and side yard in disrepair with weeds – N/A.
- 2 • 2011-44 – Storage of lawn equipment and chemicals at the side yard; owner
- 3 continues to park truck and trailer on the street at night, which has been ongoing
- 4 for three years – DR-19.
- 5 ➤ Upon investigation, there were no chemicals in the area.
- 6 • 2011-45 – Yard overgrown in rental home which is occupied – N/A.
- 7 There being no further discussion,

8 On MOTION by Mr. Glassman seconded by Mr. Shahin with all in  
 9 favor, the recommendations from the Deed Restrictions Report  
 10 were accepted.  
 11

12  
 13 **C. Government Liaison**

- 14 • Mr. Lynn discussed a letter he received from Commissioner Pat Mulieri regarding
- 15 the opening of Mansfield Boulevard; a copy of which will be entered into the
- 16 official record.
- 17 ➤ Mr. Lynn proceeded to read the letter into the record.
- 18 ➤ The County Engineer called Mr. Lynn and told him he would not approve
- 19 opening Kinnan to Mansfield due to the design of the road.
- 20 o He will not put this in writing because he may no longer be the
- 21 County Engineer at some point in the future.
- 22 ➤ The County Engineer would only recommend approval to open it to
- 23 Meadow Pointe Boulevard, since it was designed to be a feeder road.
- 24 ➤ The state requires a feeder road to be widened, which requires Eminent
- 25 Domain.
- 26 • The County Sheriff will attend one of the July Board meetings.
- 27 ➤ Mr. Lynn will contact Mr. Mendenhall to let him know which meeting the
- 28 Sheriff will attend in order to ensure he gets on the meeting agenda.

29  
 30 **SIXTH ORDER OF BUSINESS**

**New Business**

31 **James Bovis**

- 32 • The barricade issue on Morningside was discussed.

- 1           ➤     Mr. Jim Widman suggested a letter be sent to him or Mr. Reck indicating
- 2                     the amount the CDD is willing to pay to assist in having the barricade
- 3                     removed, which is in the total amount of \$900.
- 4           ➤     Ms. Straw believes the Board should authorize removal of the barricade
- 5                     since the CDD originally authorized having it put up.
- 6           ➤     The county will not allow District staff to remove it, as it may be a
- 7                     liability issue, but Ms. Straw will write a letter to them indicating their
- 8                     price is too high and the CDD is willing to remove and deliver the
- 9                     barricade.
- 10          ➤     The barricade recently blew over in a storm.
- 11                     o     Mr. Santiago suggested the CDD can approach the county to have
- 12                     the barricade removed because it may present a health and safety
- 13                     issue for residents since it is not fixed into the ground.
- 14                     o     Ms. Straw indicated the CDD should have approached the county
- 15                     in this regard at the onset of discussion.
- 16                     o     Mr. Bovis suggested the letter indicate the barricade recently blew
- 17                     over and the CDD now recognizes this as a hazardous issue.
- 18                     o     Mr. Shahin is concerned the county may brace it into the ground.
- 19          ➤     Ms. Straw will send a letter to Mr. Widman and copy Mr. Reck and
- 20                     Commissioner Mulieri.
- 21          ➤     Mr. Bovis requested a copy of the letter.

22  
23 **SEVENTH ORDER OF BUSINESS**

**Property Manager**

24           Mr. Snyder did not attend the meeting, but presented discussion items for Ms. Straw to  
25 discuss.

- 26           •     The estimate from American Ecosystems, Inc. for aquatic pond plantings in the
- 27                     amount of \$9,000 was discussed; a copy of which will be entered into the official
- 28                     record.
- 29           ➤     Ms. Straw is going to discuss with Mr. Snyder because she does not
- 30                     believe this estimate represents what the CDD asked for.
- 31           •     Mr. Shahin asked for a status of pool deck repairs.

- 1           ➤     It is cracking; and he does not want the CDD to continue addressing this
- 2                     issue every year by just repairing the cracks.
- 3           ➤     The only solution to the cracking issue is installation of pavers, which is
- 4                     exorbitantly expensive, with the last quote being approximately \$35,000.
- 5           ➤     Mr. Glassman indicated the cracks are sealed underneath, but the top
- 6                     component is breaking apart due to shifting of the concrete.
- 7           ➤     Ms. Straw suggested this issue be discussed with Mr. Snyder when he
- 8                     returns.
- 9           ➤     Ms. Straw commented there should be a line item in the budget for
- 10                    maintenance of the pool and pool deck.
- 11           ➤     Mr. Shahin wants to know what the plan is for removal of the brown paint
- 12                    in the pool where the water drains.
- 13           ➤     The pool deck is also slippery.
- 14           ➤     Mr. Bovis would like Mr. Snyder to report on the labor and material costs
- 15                    to repair or replace the pool deck with pavers.
- 16                    o     Mrs. Glassman commented the pavers are extremely hot and will
- 17                             burn the feet.
- 18                    o     There is approximately 13,000 square feet of decking and the price
- 19                             will be well over \$30,000.
- 20           ➤     Ms. Straw will speak to Mr. Snyder and ensure that he addresses these and
- 21                    other issues.

**EIGHTH ORDER OF BUSINESS**

**Status Reports – Supervisor Areas of Specialization and Comments**

**Brian Shahin**

- Mr. Shahin with follow up with Ms. DiPeri regarding some items on the Deed Restrictions Report which may require a second opinion.

**NINTH ORDER OF BUSINESS**

**Approval of the Minutes of the May 4, 2011 Meeting**

Ms. Straw stated each Board member received a copy of the Minutes of the May 4, 2011 Meeting and requested any additions, corrections, or deletions.

There not being any,

On MOTION by Mr. Glassman seconded by Mr. Aleo with all in favor, the Minutes of the May 4, 2011 Meeting were approved.

**TENTH ORDER OF BUSINESS** **Other Business**

Mr. Santiago discussed the fining resolution.

- This resolution is necessary if the CDD wants to impose fines.
- Ms. Straw recommends that a fine structure is set up for those in violation of deed restrictions beyond 14 days of noncompliance.
- The resolution is from Chapter 720 of the Florida Statutes, which applies to HOAs.
  - This is applicable to Meadow Pointe II because the CDD can enact rules and regulations pursuant to Chapter 720.305(2), which specifically states; *as may be amended from time to time.*
- The law requires one notification.
- The CDD may impose a fine to accrue at \$100 per day if the resident is not compliant on the 15<sup>th</sup> day.
- The CDD may levy a lien once the fine approaches \$1,000.
- The CDD will recover the fining funds only when the property sells at closing.
- The fine in the draft resolution has a cap of \$5,000.
  - Mr. Santiago commented that most Districts doing this have capped the amount at \$1,000.
- The attorney fees are above and beyond the cap amount.
- Mr. Santiago commented that property owners who have liens on their homes may only comply by enforcement.
- Ms. Straw commented that the CDD’s intent is to force these homeowners to comply; as they are not interested in becoming property owners.
  - Mr. Santiago commented that many HOAs are embracing the concept of becoming property owners for the purpose of collecting rent.
- This fining resolution must be enforced uniformly across the board.
- The Board will have full authority to grant relief of payments in certain instances.
- This resolution will amend the current procedure.
- Ms. Straw outlined a sample timeline for the process.

- 1           ➤     June 1, 2011
- 2           o     The Board approves a violation for the first letter.
- 3           ➤     June 2, 2011
- 4           o     The first letter is mailed.
- 5           ➤     June 16, 2011
- 6           o     The property is re-inspected and found to be non-compliant as of
- 7                     the 14<sup>th</sup> day.
- 8           ➤     June 17, 2011
- 9           o     The second letter is mailed.
- 10          o     There should be a notation that the penalty the Board chooses will
- 11                     begin to accrue on a daily basis as of the 15<sup>th</sup> day.
- 12          ➤     July 1, 2011
- 13          o     The property is re-inspected and found to be non-compliant as of
- 14                     the 14<sup>th</sup> day.
- 15          o     A letter is sent to Mr. Santiago indicating the property is not in
- 16                     compliance; a copy of which will be sent to the homeowner.
- 17          o     Fines will commence.
- 18          ➤     July 11, 2011
- 19          o     The CDD will have \$1,000 and Mr. Santiago will file the lien.
- 20          o     The homeowner will pay the fine to Mr. Santiago.
- 21          ➤     Mr. Shahin suggested the first letter can warn the homeowner the fines
- 22                     will commence in 14 days.
- 23          ➤     Mr. Santiago indicated that homeowners in violation can have their
- 24                     clubhouse rights suspended only if they are 90 days in arrears.
- 25          ➤     Mr. Bovis is against this process due to the state of the economy.
- 26          Deputy Aaron Smith gave an update.
- 27          •     Two individuals were arrested for entering residents' open garages and stealing
- 28                     bicycles in Northwood and Meadow Pointe I.
- 29          ➤     Residents should keep their garage doors closed.

- 1           ➤     Ms. Straw asked Deputy Smith to prepare a report for the newsletter
- 2                     reminding residents to be careful, especially since school is out; and e-
- 3                     mail it to Mr. Aleo.
- 4           •     The Board continued to discuss the fining resolution.
- 5           ➤     Ms. Straw commented that the economy is difficult for everyone, not just
- 6                     those who cannot afford it.
- 7           ➤     Mr. Glassman is in favor of this only if the funds coming in are designated
- 8                     specifically for the maintenance of the homes the CDD will have to take
- 9                     over, as opposed to the General Fund.
- 10          ➤     Mr. Santiago commented the foreclosure proceedings can commence as
- 11                     soon as the CDD deems it to be appropriate.
- 12          •     Ms. Straw commented that the District's intention is to ensure beautification of
- 13                     the community as opposed to collecting money.
- 14          •     The resolution must be published and adopted at a Public Hearing; and Ms. Straw
- 15                     advised that the Board should have a process in writing prior to moving forward.
- 16          •     Mr. Santiago recommends that the 14-day letter instituting the fine should have a
- 17                     deadline of 14 days from receipt of the letter and be sent via certified mail, which
- 18                     will be noted in the policy.
- 19
- 20                     

Mr. Glassman MOVED to accept the proposal for the referendum to commence a fining process for properties in violation of deed restrictions and move forward with setting a Public Hearing to adopt a resolution in this regard; and Mr. Aleo seconded the motion.
- 21
- 22
- 23
- 24
- 25
- 26          •     The fine schedule will be included in the resolution.
- 27          •     Mr. Santiago indicated the fining resolution will be adopted into the fee schedule.
- 28          •     Any changes in fees and charges require a Public Hearing.
- 29          •     Mr. Shahin suggested that adoption of the fining resolution and rules can be done
- 30                     at one Public Hearing.
- 31          ➤     Mr. Santiago does not believe this is a good idea because the entire rules
- 32                     will generate a great deal of discussion; whereas adoption of the fining
- 33                     resolution by itself can be done right away.



- 1           ➤     The advertisement will cost \$300 to \$500.
- 2           •     Ms. Straw asked Mr. Santiago the status of the rules.
- 3           ➤     Jennifer from his office needs to meet with Mr. Snyder and go through all
- 4                 of the fees to be put into one attachment.
- 5           ➤     Ms. Straw asked that she make an appointment with Mr. Snyder and Mr.
- 6                 Shahin.
- 7           ➤     Once Jennifer has the information compiled, the draft document with the
- 8                 complete fee schedule will be sent as part of his litigation update.
- 9           ➤     Ms. Straw would like to see the draft without the fee schedule.
- 10          •     Mr. Shahin wants to know what will happen if a resident disputes the fining and
- 11                 there is no fining committee.
- 12          ➤     The disputes will have to be abated until such time as there is a fining
- 13                 committee.
- 14          ➤     The committee must consist of three members appointed by the CDD
- 15                 Board who are not officers, directors or employees of the District and their
- 16                 immediate family members.
- 17          ➤     The committee will be an extension of the District according to the statute;
- 18                 and their findings are final.
- 19          •     Mr. Shahin wants to know if the Board is under any time constraints to schedule
- 20                 this Public Hearing if the resolution is adopted tonight.
- 21          ➤     The resolution itself will not be adopted, but passed to authorize Mr.
- 22                 Mendenhall to proceed with advertisement of the Public Hearing to adopt
- 23                 the final resolution.
- 24          •     Mr. Shahin recommends that the Board outline everything which needs to be done
- 25                 along with costs associated with the entire issue, as they will have to be factored
- 26                 into the budget; to which the rest of the Board was in agreement.

27         There being no further discussion,

28  
29         On VOICE vote with Ms. Straw, Mr. Glassman, Mr. Aleo and Mr.  
30         Shahin voting aye; and Mr. Bovis voting nay, the prior motion was  
31         approved as discussed.  
32

- 1 • Ms. Straw will ask Mr. Mendenhall when the Public Hearing will take place.
- 2 • Mr. Shahin would like to get summary documentation from Mr. Santiago's office
- 3 regarding this issue; to which he was in agreement.
- 4 • Mr. Santiago will e-mail Jennifer and tell her to contact Mr. Shahin to set up an
- 5 appointment.
- 6 • Mr. Bovis asked Mr. Santiago to look into what it would take for the county to
- 7 pass an ordinance to permit the District to cut the grass.

8 The ponds were briefly discussed.

- 9 • Mr. Shahin asked Mr. Santiago to find out the status of the title issues with the
- 10 ponds.
- 11 ➤ He will provide an update in his next litigation report.

12 The Assistant Project Manager position was discussed.

- 13 • Mr. Mendenhall received one resume.
- 14 • Mr. Shahin commented that many people no longer read the newspaper to find a
- 15 job.
- 16 ➤ Ms. Straw suggested the ad run on monsters.com.
- 17 ➤ Mr. Shahin recommended the ad run on the appropriate on-line job
- 18 website specializing in this field.
- 19 ➤ Mr. Bovis suggested the ad may be placed on the appropriate website for
- 20 the state Workforce Department.

21 **A. Discussion of Proposed Fiscal Year 2012 Budget**

22 The Board proceeded to discuss the proposed Fiscal Year 2012 Budget; a copy of which  
23 will be entered into the official record.

24 Mr. Bovis proceeded to outline his recommended changes.

- 25 • An item titled, *Court-Related Revenues* should be added in the *General Fund*
- 26 under *Revenues*.
- 27 ➤ This will allow the CDD to track any litigation issues and settlements not
- 28 related to deed restrictions.
- 29 • *Contracts-Irrigation* should be added under *Field Expenditures*.
- 30 ➤ This covers inspection and management of irrigation as opposed to repair
- 31 and maintenance.

- 1 • On Page 4 under *Garbage/Solid Waste Revenue, Lettingwell* should be deleted.
- 2 • On Page 4 under *Revenues, Court-Related Revenues* should be added.
- 3 ➤ The verbiage should state; *For anything related other than Deed*
- 4 *Restriction related enforcement.*
- 5 • On Page 6 under *Field, Contract-Irrigation Monitoring and Inspection* should be
- 6 added.
- 7 • On Page 7 under *R&M-Irrigation*, the account number, 546041 should be added.
- 8 • On Page 8 under *Utility-General*, trash removal for the clubhouse should be
- 9 included.
- 10 • On Page 9, all of the money belongs to the villages which do not have HOAs.
- 11 ➤ The interest belongs to the villages which paid it and not in the General
- 12 Fund.
- 13 ➤ Ms. Straw suggested the amount of \$9,400 under *Payroll-Salaried* should
- 14 be increased to last year's amount of \$14,400.
- 15 • On Page 24, *Interest – Investments* under *Revenues* needs to be updated for this as
- 16 well as the other funds.
- 17 • On Page 24 under *Reserve, Roadways* should be added, which is account number
- 18 568138.
- 19 ➤ These items should be indicated across the board in each village.
- 20 • On Page 36 under *Allocation of Available Funds*, any villages with no amounts
- 21 under *Reserves – Prior Years*, should have something.
- 22 • Ms. Straw would like staff members to have identifiable jackets during the winter
- 23 since their staff shirts are covered when it is cold.
- 24 • Ms. Straw suggested the Board may want to set the trim a little higher to cover
- 25 any outstanding expenses.
- 26 ➤ Mr. Glassman asked Ms. Straw to provide a definition of *Trim Notice* in
- 27 the next newsletter for the benefit of residents.
- 28 • Mr. Bovis summarized utility rates.
- 29 ➤ There is no anticipated increase from TECO.
- 30 ➤ Pasco County probably will have an increase in Water & Sewer.
- 31 ➤ There will be no increase from OLM.

- 1           ➤     There will be no increase from LMP.
- 2           ➤     There will no increase from the pond contractor.
- 3           ➤     There will be no increase from Severn Trent Services.
- 4           ➤     Trash will increase by 16 cents per home, which is already included in the
- 5                     budget.

6  
7     **ELEVENTH ORDER OF BUSINESS**

**Audience Comments**

8           Hearing no comments from audience members, the next item followed.

9  
10    **TWELFTH ORDER OF BUSINESS**

**Adjournment**

11       There being no further business,

12  
13                     On MOTION by Mr. Shahin seconded by Mr. Aleo with all in  
14                     favor, the meeting was adjourned at 9:05 p.m.

15  
16  
17  
18  
19  
20  
21  
22  
  
Linda M. Straw  
Chairperson