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**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, February 15, 2012 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	Chairperson
Mark Glassman	Vice Chairman
James Bovis	Treasurer
Glen Aleo	Assistant Secretary
Brian Shahin	Supervisor

Also present were:

Andrew Mendenhall	District Manager
Andrew Cohen	District Counsel
Joseph Payne	District Engineer
Bill Snyder	Property Manager
David Starkey	Assistant Property Manager
Yolanda Bush	ARC/DRC
Diana Cline	Resident
Mike Cline	Resident
Roland Gassler	Resident
Pat Wathington	Resident

The following is a summary of the discussions and actions taken at the February 15, 2012 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 identified themselves.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

43 **THIRD ORDER OF BUSINESS** **Audience Comments**
 44 Hearing no comments from audience members, the next item followed.

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 46 **FOURTH ORDER OF BUSINESS** **Guest Speakers**
 47 There being no guest speakers in attendance, the next item followed.

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 49 **FIFTH ORDER OF BUSINESS** **New Business**

50 Linda Straw
 51 • Mr. Payne was asked to prepare a first draft of the Reserve Study for review at the
 52 next meeting.

53 Mark Glassman
 54 • There was a fire in the park by Solitude over a week ago, which burned
 55 approximately one acre of land; the Department of Forestry believes it was
 56 accidentally or deliberately set.

57 Bill Snyder
 58 • A gentleman approached Mr. Snyder several times with a request to teach tennis.
 59 ➤ Mr. Snyder is in favor as long as he provides references which are
 60 approved by the Board; performed only on a monthly basis.
 61 ➤ Mr. Shahin is in favor as long as he does not dominate the courts and
 62 interfere with residents who want to use them.
 63 ➤ Mr. Cohen commented he should provide liability insurance and a
 64 business license if he has one; a background check should be completed.

65
 66 **SIXTH ORDER OF BUSINESS** **Committee Reports**

67 **A. Architectural Review**
 68 Ms. Bush presented the Architectural Review Report for the Board's review and
 69 acceptance; a copy of which will be entered into the official record.
 70 • 2012-04 – Paint house – Recommend approval.
 71 • 2012-05 – Install screen room on rear of home – Recommend approval.

72 There being no comments or questions,

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On MOTION by Mr. Glassman seconded by Mr. Shahin with all in 75 favor, the recommendations from the Architectural Review Report 76 were accepted.

 77

78 **B. Deed Restrictions**
79 There being no Deed Restrictions to report, the next item followed.

80 **C. Government Liaison**
81 There being no report, the next item followed.

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83 **SEVENTH ORDER OF BUSINESS** **Staff Reports**

84 **D. District Manager**
85 **i. Consideration of Resolution 2012-3 Setting the Policy of the District**
86 **with Regard to Support and Legal Defense**

87 Mr. Cohen presented Resolution 2012-3 for adoption; a copy of which will be entered
88 into the official record.

- 89 • The District has no record of a legal defense resolution from inception.
- 90 • This resolution calls for support and legal defense for the Board, District
- 91 Committees, District Manager, Field Manager, employees, Secretary, Engineer
- 92 and Counsel; and covers any acts performed within the scope of their authority.

93 There being no further discussion,

94
95 On MOTION by Ms. Straw seconded by Mr. Glassman with all in
96 favor, Resolution 2012-3 Setting the Policy of the District with
97 Regard to Support and Legal Defense; Providing a Severability
98 Clause; and Providing an Effective Date was adopted.

99
100 **A. Attorney**

- 101 • Mr. Cohen sent Mr. Foster, a former employee, a letter requesting reimbursement
- 102 for 75% of the District’s expenses incurred when he was sent to gate school in
- 103 accordance with an agreement requesting reimbursement to the District if
- 104 employment lasted less than three years.
 - 105 ➤ The total amount owed is \$2,059.28 to be paid by February 23, 2012.
 - 106 ➤ Mr. Cohen has not heard back from him, but will keep the Board updated.
- 107 • Options related to the judgment against Aqua Pools were discussed.
 - 108 ➤ Mr. Hanner failed to fill out the required fact information sheet listing
 - 109 assets.
 - 110 ➤ The judgment and the Judgment Lien Certificate were recorded to serve as
 - 111 lien on personal property throughout the state.

- 112 ➤ The Board was in consensus to authorize Mr. Cohen to send a letter to Mr.
113 Hanner requesting the fact sheet, and if a timely response is not received,
114 the District can potentially seek Contempt of Court or choose a *wait and*
115 *see* approach.
- 116 • Mr. Cohen prepared a letter to be sent to the owner of the Wrencrest Drive
117 property which the Board asked to be mowed.
 - 118 ➤ He wants to look through documents which Mr. Santiago sent before
119 sending the letter.
 - 120 • The Tampa Bay Masonry contract was discussed.
 - 121 ➤ Work will begin once the Notice of Commencement is signed.
 - 122 • The pool contract was discussed.
 - 123 ➤ Mr. Cohen prepared an amendment addressing the Board's concerns, but
124 has not heard back from the contractor.
 - 125 ➤ Ms. Straw discussed items which are included in the amendment.
 - 126 ▪ The contractor is to obtain Workmen's Compensation Insurance at
127 the CDD's cost.
 - 128 ▪ Mr. Cohen increased the liability limits since the contractor does
129 not have umbrella insurance coverage.
 - 130 ▪ Any workers including subcontractors are to provide their own
131 automobile insurance.
 - 132 ➤ Mr. Cohen does not recommend the CDD purchase materials even though
133 it is tax exempt.
 - 134 ➤ Mr. Payne was told contractors in this industry are having difficulty
135 obtaining performance bonds when the project is not new construction.
 - 136 ➤ Mr. Payne commented the contractor is willing to increase his retainage
137 from 10% to 15% to provide security back to the CDD if the Board
138 authorizes them to proceed with no performance bonds or workmen's
139 compensation.
 - 140 ➤ Mr. Bovis suggested going out for an RFP; to which Mr. Cohen was
141 amenable.

- 142 ▪ Mr. Glassman agreed with Mr. Bovis, and suggested the Board
143 come up with a specific list of specifications to present to the next
144 contractor, which is Riviera; and if they cannot comply, the Board
145 may go out for an RFP.
- 146 ▪ Mr. Cohen will draw up a blank contract to present to them.
- 147 ➤ The Board discussed the possibility of obtaining the services of a paver
148 contractor who can subcontract the pool work.
- 149 ➤ Mr. Snyder and Mr. Starkey will approach Natural Springs Pools again to
150 determine whether or not they want the project on the CDD's terms.
- 151 ▪ A formal RFP will be prepared if any of the options do not work
152 out.
- 153 • Mr. Cohen continues to work through the potential modifications to the Deed
154 Restrictions/Rules of Procedure.
- 155 **B. Engineer**
- 156 • Mr. Payne did some work regarding permits for pond inspections.
- 157 • Mr. Payne will present a first draft of the Reserve Study next month.
- 158 • Mr. Payne attended a second deposition with the Verizon attorney.
- 159 ➤ Mr. Payne was told by Mr. Santiago they are going to depose Verizon
160 staff next month, which will mark the end of the discovery phase.
- 161 ➤ Ms. Straw will schedule a teleconference call between herself, Mr. Cohen
162 and Mr. Santiago to determine the next steps.
- 163 • Mr. Payne discussed the area in which the CDD is considering resealing the roads
164 which are discolored and cracked.
- 165 ➤ The cracks are open and Mr. Payne believes the sealant material and rain
166 runoff are chemically combining on the pavement surface to form a
167 whitish-grey streak.
- 168 ➤ He is going to have two paving contractors verify his finding.
- 169 ➤ Mr. Cohen confirmed the contractor which did the original work will have
170 to be notified of the issue and let the CDD know how they are going to
171 rectify it.

- 172 • The landscapers are leaving brush to the side, which is permitted according to
173 OLM, but Mr. Snyder was told this is prohibited by SWFWMD because it is
174 considered a fire hazard.
- 175 ➤ Mr. Payne looked at the contract; and it specifically states the landscaper
176 may leave some trimmings discretely at the permission of the District.
- 177 ➤ It does not become a SWFWMD issue until the trimmings reach the pond
178 outfalls.
- 179 ➤ Mr. Payne will make Paul from OLM aware the District prohibits this
180 from being done.
- 181 **B. Property Manager**
- 182 • The mule was sold *as is* for parts.
- 183 ➤ Mr. Snyder is unable to find the title.
- 184 ➤ Ms. Straw asked Mr. Mendenhall to obtain a copy of the title from the
185 DMV.
- 186 • The electrical panel which operates the gates in Glenham had to be replaced.
- 187 ➤ The new panel and lightning detector were installed by Star Electric
188 Services.
- 189 • There was a good amount of staff participation and input at the safety meeting.
- 190 ➤ Mr. Snyder recorded the meeting.
- 191 • One of the employees had an accident with the mule and sent Mr. Snyder a
192 certified letter from his attorney indicating he is pursuing litigation for his
193 injuries.
- 194 ➤ The CDD already has a Workmen's Compensation claim filed; and the
195 CDD's insurance attorneys are involved.
- 196 ➤ The Board agreed the employee should get a release from his doctor
197 indicating he is well enough to go back to work.
- 198 • The ponds were discussed.
- 199 ➤ A new chemical is going to be used to treat the ponds.
- 200 ➤ Mr. Snyder was told the plants should all be back in good shape no later
201 than the middle of April.

- 202 ➤ The Board wants to see the how well everything grows before authorizing
- 203 more plantings.
- 204 • Mr. Starkey presented a two-year gate damage report at the Iverson and
- 205 Wrencrest gates; a copy of which will be entered into the official record.
- 206 ➤ \$221 was spent at Iverson since February 23, 2010.
- 207 ➤ \$498 was spent at Wrencrest since February 7, 2010.
- 208 ▪ These amounts do not include general maintenance.
- 209 ➤ The minimum estimate for installation of security cameras at the Iverson
- 210 Gate is \$5,000.

211

212 Mr. Bovis MOVED to reject a resident's request to have security

213 cameras installed at the Iverson Gate due to cost effectiveness

214 issues, with a detailed letter of explanation to be sent to this

215 resident; and Mr. Glassman seconded the motion.

216

- 217 ➤ Mr. Glassman is concerned the resident may get a petition with a majority
- 218 of signatures in favor of the cameras.
- 219 ▪ Ms. Straw commented these residents may not be aware of the cost
- 220 involved.
- 221 ▪ Any residents who decide they want these cameras despite the cost
- 222 should present their case at the next meeting.

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224 On MOTION by Mr. Bovis seconded by Mr. Glassman with all in

225 favor; the prior motion was retracted.

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228 Mr. Bovis MOVED to authorize the CDD to send the resident

229 requesting security cameras for the Iverson Gate a letter of

230 explanation detailing the costs with an invitation to attend the next

231 meeting to discuss this further with the Board.

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- 233 ➤ Mr. Glassman suggested a survey be sent to these residents.
 - 234 ➤ Mr. Shahin commented the Board sets a precedent by making decisions on
 - 235 behalf of the community.
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Mr. Bovis MOVED to amend the prior motion and go back to the retracted motion in which a resident's request to have security cameras installed at the Iverson Gate was rejected due to cost effectiveness issues, with a detailed letter of explanation to be sent to this resident; and Mr. Glassman seconded the motion.

After further discussion,

On VOICE vote with all in favor, the prior motion was approved.

- Ms. Straw will draft the letter which will be reviewed by Mr. Mendenhall.
- Mr. Starkey announced there will be a joint garage sale with Meadow Pointe III on March 31, 2012 from 8:00 a.m. to 2:00 p.m.
 - Mr. Snyder asked Mr. Starkey to look into the possibility of Meadow Pointe III sharing the advertisement cost in the newspaper.
 - Mr. Starkey wants to ensure a sign is posted at Mansfield and 56th, as there is a significant amount of traffic in this area.
 - Ms. Straw asked Mr. Starkey to find out if Meadow Pointe III has an extra banner.
- Mr. Starkey investigated potential cell phone plans for employees.
 - Phones may be purchased for the CDD on a monthly basis and will be owned by Meadow Pointe II.
 - The monthly plan costs \$45 and includes unlimited data and minutes.
 - Ms. Straw is concerned the unlimited data feature will be subject to abuse.
 - Mr. Shahin is in favor of the data plan since the CDD will be able to review the monthly statements.
 - All phones should have a camera.
 - Three phones are necessary.

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Ms. Straw MOVED to authorize the Property Manager and his Assistant to purchase three cell phones and three coordinating plans at the discretion of the District.

- Mr. Snyder and Mr. Starkey should have smart phones in order to retrieve e-mail; and Robert should have a basic phone.

Mr. Glassman SECONDED the prior motion as discussed.

- Mr. Shahin recommends staff speak to Robert to ensure a basic phone will cover all of his needs on the job.

There being no further discussion,

On VOICE vote with all in favor, authorization for the Property Manager and his Assistant to purchase three cell phones and three coordinating plans at the District's discretion was approved as discussed.

- Mr. Starkey will present options for mailboxes at the next meeting.
- The time clock software is being transferred to the new server this Friday at 9:00 a.m.
 - Anti-virus software will be purchased for the server and hard drives.
- Lighting around the pool was discussed.
 - TECO does not do this.
 - They recommended the CDD work with an electrical engineer to come up with specifications for illuminating the pool.
- Mr. Starkey suggested one of the employees is appointed to manage the soda vending machines, as there have been problems.
 - Mr. Snyder suggested the machine can be tuned up by a vendor in Tampa at a cost of approximately \$50; to which the Board was in concurrence.
 - Mr. Snyder will maintain removal of the money and re-stocking; to which the Board was in concurrence.
- The Manor Isle wall construction contract was executed; and the insurance was submitted.

- 303 ➤ The contract is comprised of the following fees:
- 304 ▪ Engineer's fees;
- 305 ▪ Attorney's fees;
- 306 ▪ District staff fees;
- 307 ▪ A minimal landscaping fee.
- 308 ➤ Staff is in the process of recouping funds from the insurance company.
- 309 ➤ Mr. Starkey believes the project will take approximately three months.
- 310 ➤ The start date depends on approval of county permits.
- 311 ➤ The project must be completed 60 days after the District executes and
- 312 issues the Notice to Proceed.
- 313 • Mr. Snyder will present prices for new pool furniture at the next meeting.
- 314 ➤ Mr. Bovis gave Mr. Snyder information on a recommended vendor.
- 315 ➤ Mr. Snyder will find out if this vendor offers discounts to governmental
- 316 entities.
- 317 • Staff continues to work on the annual review process for salary increases.
- 318 ➤ All reviews need to adhere to a certain timeframe to effectively change the
- 319 annual review date.
- 320 ➤ A grading process needs to be created commensurate to the salary
- 321 increases which are subject to the pool of available funds.
- 322 ➤ Ms. Straw suggested an effective date of April 1st each year.
- 323 • Mr. Starkey's hours and salary allocation were discussed.
- 324 ➤ Ms. Straw asked the Board to consider decreasing lifeguard staff to offset
- 325 Mr. Starkey's additional hours.
- 326 ➤ Mr. Bovis suggested delaying the pool furniture purchase and use those
- 327 funds to offset Mr. Starkey's additional hours.
- 328 ▪ Mr. Mendenhall confirmed funds designated for furniture may be
- 329 used for something else.
- 330 ➤ A spreadsheet will be created to track Mr. Starkey's hours.
- 331 ➤ Mr. Bovis believes Mr. Starkey should be assigned a specific number of
- 332 hours as opposed to working on an *as needed* basis; to which the rest of
- 333 the Board was in concurrence.

- 366 • Mr. Aleo is concerned this proposal does not indicate DMK is certified to do this
- 367 type of inspection.
- 368 ➤ The Board would like DMK to provide a statement certifying their
- 369 expertise to do this type of inspection and report.

371 Ms. Straw amended the prior motion for DMK Associates to

372 include a detailed statement of their expertise and certification to

373 do these ADA inspections.

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375 There being no further discussion,

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377 On VOICE vote with all in favor, the proposal from DMK

378 Associates to perform a survey and inspection and provide a report

379 to ensure the CDD is in compliance with the 2010 Standards for

380 Accessible Design for Non Safe Harbor Elements in the amount of

381 \$1,500 which includes a statement from DMK Associates

382 certifying their expertise to do these inspections was approved.

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385 **EIGHTH ORDER OF BUSINESS**

**Approval of the Minutes of the
January 18, 2012 Meeting**

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387 Ms. Straw stated each Board member received a copy of the Minutes of the January 18,

388 2012 Meeting; requesting any additions, corrections or deletions.

389 Mr. Cohen had the following corrections:

- 390 • On Line 193, *informed* should replace *assured*.
- 391 • Lines 199 and 200 should be deleted.

392 There being no further additions, corrections or deletions,

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394 On MOTION by Mr. Glassman seconded by Mr. Shahin with all in

395 favor, the Minutes of the January 18, 2012 Meeting were approved

396 as amended.

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399 **NINTH ORDER OF BUSINESS**

Other Business

400 There being no other business to discuss, the next item followed.

402 **TENTH ORDER OF BUSINESS** **Approval of the January 31, 2012**
403 **Financial Statements**

404 Ms. Straw presented the January 31, 2012 Financial Statements for the Board's review
405 and approval; copies of which will be entered into the official record.

406 There being no comments or questions,

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On MOTION by Mr. Glassman seconded by Mr. Shahin with all in favor, the January 31, 2012 Financial Statements were approved.

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412 **ELEVENTH ORDER OF BUSINESS** **Audience Comments**

413 There being no audience members present, the next item followed.

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415 **TWELFTH ORDER OF BUSINESS** **Adjournment**

416 There being no further business,

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

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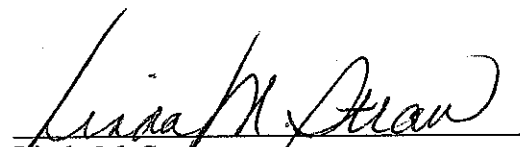
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Linda M. Straw
Chairperson