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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, May 16, 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:

| | |
|---------------|---------------------|
| Mark Glassman | Vice Chairman |
| James Bovis | Assistant Treasurer |
| Glen Aleo | Assistant Secretary |
| Brian Shahin | Supervisor |

Also present were:

| | |
|--------------------|---|
| Andrew Mendenhall | District Manager |
| Andrew Cohen | District Counsel |
| Joseph Payne | District Engineer |
| David Starkey | Assistant Property Manager |
| Gerald Lynn | Sheriff's Department & Government Liaison |
| Deputy Aaron Smith | Pasco County Sheriff's Department |
| Mike Cline | Resident |
| Dennis Maher | Resident |

The following is a summary of the discussions and actions taken at the May 16, 2012 Meadow Pointe II Community Development District's Board of Supervisors Meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Glassman called the meeting to order; Supervisors and staff members introduced themselves.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

THIRD ORDER OF BUSINESS

Audience Comments

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

42 **FOURTH ORDER OF BUSINESS** **Guest Speakers**

43 There being no guest speakers present, the next item followed.

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45 **FIFTH ORDER OF BUSINESS** **Committee Reports**

46 **A. Sheriff's Department**

47 There being no significant issue to discuss, the next item followed.

48 **B. ARC/DRC**

49 Mr. Cohen confirmed the Board is allowed to discuss and make recommendations in the
50 absence of Committee members.

51 Mr. Glassman presented one item from the Architectural Review Report for the Board's
52 review and acceptance.

- 53 • 2012-29 – Installation of solar panels on the roof – Recommend approval per
- 54 Section 163.04 of the Florida Statutes.

55 There being no comments or questions,

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57 On MOTION by Mr. Glassman seconded by Mr. Shahin with all in
58 favor, the recommendation from the Architectural Review Report
59 was accepted.

60

61 There were Deed Restriction items.

62 **C. Government Liaison**

- 63 • Mr. Lynn addressed parking issues which were discussed at the recent PACA
64 meeting.

65 ➤ A Judge's ruling mandates parking will have to be enforced based on state
66 regulations in any gated community.

67 ➤ The roads on any CDD-owned property in a gated community are
68 considered public.

69 ➤ The county may enforce county ordinance regulations on public roads in
70 the CDD.

71 ➤ The CDD is authorized to enforce by issuing notices and towing vehicles,
72 but citations cannot be issued.

73 ➤ The Sheriff's Department can have a vehicle towed from the street if it
74 creates a hazard.

75 ➤ The CDD may be authorized to enforce certain regulations and tow
76 vehicles by adopting a Resolution in this regard.

77 ▪ Mr. Glassman asked Mr. Lynn to prepare a Resolution for Board
78 adoption to be reviewed by Mr. Mendenhall and Mr. Cohen.

- 79 • Fees for Deputy Services will be incorporated into the CDD’s budget.
- 80 • The county sent an order to perform the required asbestos abatement on the
- 81 Iverson property; demolition will be ordered immediately if none is found.
- 82 • Mr. Lynn briefly addressed the upcoming General Election.

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84 **SIXTH ORDER OF BUSINESS**

Staff Reports

85 **A. Engineer**

86 **ii. Manor Isle**

87 • The wall was constructed with recommendation of final payment based on the site
88 inspection conducted earlier this week.

89 **v. Reserve Study**

90 • A draft was sent to Severn Trent and distributed to the Board and staff.

91 Mr. Payne addressed the Verizon issue.

92 • Mr. Payne’s staff is providing the attorney feedback to prepare for the Motion for
93 Summary Judgment being filed by Verizon for dismissal of the case, which is
94 scheduled to be held May 23, 2012.

95 ➤ Mr. Santiago’s office is preparing defense against it.

96 ➤ A property survey and title search will be done, which will benefit this
97 case as well as the Lackey case.

98 There being no further discussion,

99

100 On MOTION by Mr. Bovis seconded by Mr. Aleo with all in
101 favor, The District Engineer was authorized to have a survey and
102 title search done on the Eagle Station Drive property within the
103 next week as discussed.

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105 • Staff will follow up on the status of mediation involving Verizon versus Mr.
106 Lackey.

- 107 **i. Pond Survey**
- 108 • Staff is in the process of getting the expiring pond inspection permits done as
- 109 soon as possible.
- 110 • Mr. Mendenhall contacted two firms requesting pricing on providing a complete
- 111 report on all the ponds within the CDD.
- 112 ➤ Mr. Payne will also provide a quote to do this work.
- 113 **ii. Manhole Cover**
- 114 • Mr. Glassman is concerned the parking lot is going to be damaged from standing
- 115 water on the manhole which is sealed shut.
- 116 ➤ A couple of holes can be welded into the cover, but the District Engineer
- 117 cannot support the structural integrity.
- 118 ➤ The District Engineer can replace the entire manhole structure with an
- 119 inlet structure which has a new bottom and top.
- 120 ➤ Mr. Cohen suggested authorizing Mr. Payne to present the available
- 121 options with pricing at the next meeting.
- 122 **iv. Drinking Fountain**
- 123 • A new drinking fountain will be installed in front of the playground area next
- 124 week.
- 125 • Mr. Payne provided feedback for appropriate installation from an engineering
- 126 perspective.
- 127 • Mr. Glassman advised the adjacent sidewalk should be ADA compliant.
- 128 **B. Attorney**
- 129 **ii. Other**
- 130 • Aqua Pools was discussed.
- 131 ➤ Mr. Hanner accepted the terms of the settlement agreement which the
- 132 Board previously authorized.
- 133 ➤ Payment is due on the first of every month, and the May payment was
- 134 already received.
- 135 • The case against Mr. Foster regarding gate school was discussed.
- 136 ➤ Mr. Foster did not attend the Hearing.
- 137 ➤ Mr. Cohen prepared an Affidavit which will be sent for final judgment in
- 138 the amount of \$4,733.31.

- 139 • Ms. Martinson Fernandez will contact Mr. Shahin to coordinate all HOA matters
140 previously handled by Mr. Santiago.
- 141 • Staff is processing the request for refund of non-ad valorem assessments in the
142 amount of \$6,330.90 for a Public Works Special Assessment.
 - 143 ➤ Public Works sent a letter of intent to refund this amount, but nothing has
144 been received to date.
- 145 • Ms. Martinson Fernandez sent her comments to the Board today regarding the
146 rulemaking process for the Fining Resolution, and Operating and Recreational
147 Facility Rules; a copy of which will be entered into the official record; and will be
148 discussed at the next meeting.
- 149 **i. FMLA Update**
- 150 • Questions regarding employment issues were discussed.
 - 151 ➤ Mr. Cohen recommended the CDD procure the services of Special
152 Counsel which has better knowledge of these issues; and presented an
153 engagement letter and proposal from Kim Walker of the Williams Parker
154 Law Firm.
 - 155 ➤ Her rate is \$375 per hour plus costs; and her contract may be terminated at
156 any time.

157 There being no further discussion,

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159 On MOTION by Mr. Glassman seconded by Mr. Shahin with all in
160 favor the Vice Chairman was authorized to execute an Engagement
161 Letter from Ms. Kimberly Page Walker on behalf of
162 WilliamsParker Harrison Dietz & Getzen to assist the District with
163 employment-related issues in the amount of \$375 per hour plus
164 costs for five hours; after which the Board will consult with the
165 District Attorney to move forward in this matter.

- 166
- 167 ➤ Ms. Parker is aware of the urgency to proceed.
- 168 ➤ Mr. Cohen may engage Ms. Walker's services to modify the employment
169 manual if this issue is successful.
 - 170 ▪ Mr. Bovis will send an e-mail to Mr. Cohen with questions he has
171 regarding this manual as it applies to both hourly and salaried
172 employees.

- 173 **iii. Other (Continued)**
- 174 • Mr. Lynn asked for the status of four non-deeded mitigation areas which were not
- 175 legally deeded to the CDD from the developer.
- 176 ➤ Staff will go through the past minutes, as Mr. Santiago had no
- 177 information.

178 **C. District Manager**

179 **i. Discussion of Chain of Command for MPIO CDD**

- 180 ➤ If the Property Manager or Assistant Property Manager are not available,
- 181 the employee may report to the District Manager, who will consult with
- 182 the Chair.

183 **ii. Requests for FMLA to be Brought to Board’s Attention**

- 184 • Mr. Glassman commented the Board should be made aware of any employees
- 185 who apply for FMLA.
- 186 • Mr. Cohen will determine the CDD’s disclosure responsibilities and asked the
- 187 Board to move forward with the meeting until these issues have been determined.

188 **iii. Report on Number of Registered Voters – 3,188**

189 Mr. Mendenhall presented a letter from the Pasco County Supervisor of Elections
 190 indicating there are 3,188 registered voters within the District; a copy of which will be entered
 191 into the official record.

192 **iv. Go Over 2013 Budget to Obtain Number for Trim Notification**

193 **v. Distribution of the Proposed Fiscal Year 2013 Budget and**
 194 **Consideration of Resolution 2012-5 Approving the Budget and Setting**
 195 **of Public Hearing**

196 These items will be addressed under Old Business.

197 **D. Property Manager**

- 198 • Mr. Glassman authorized Mr. Starkey to assume the role of Property Manager in
- 199 Mr. Snyder’s absence.
- 200 • People who are interested in using the facilities to teach lessons must present a
- 201 request for Board approval after it is reviewed by the attorney.
- 202 ➤ Mr. Cohen can draft a generic Offering Services Agreement template for
- 203 these services.
- 204 ➤ The District must have copies of insurance certificates for anyone
- 205 providing these services.
- 206 ➤ Anyone using the clubhouse must fill out a Room Rental Form.

- 207 ➤ This procedure can be modified when the Employee Handbook is
208 discussed.
- 209 • Mr. Starkey finalized a list of items he believes should be included in the budget.
210 • The CDD's sidewalks are being cleaned.
211 • The water fountain will be installed next week, weather permitting.
212 • Mr. Starkey is pursuing resolution of all issues with Riviera Pools.
- 213 ➤ Mr. Cohen was contacted by their attorney approximately three weeks
214 ago; and he expressed concerns with the contract.
215 ➤ Mr. Cohen is awaiting comments in writing from the attorney.
- 216 • The ponds are being cleaned and maintained.
217 • The CDD is up to code on all pool inspections.
218 • Mr. Starkey purchased and installed the lightning detector signs.
- 219 **iii. Report on Speed Signs**
220 • The *No Parking on Any Street* signage was installed.
221 • Mr. Starkey obtained two bids for solar-powered radar speed limit signs.
- 222 **iv. Status of Sidewalk Repair**
223 • Various sidewalk areas which were identified by Mr. Glassman have been
224 repaired at a cost of approximately \$3,500.
225 ➤ Mr. Glassman reminded Mr. Starkey the sidewalks must be inspected
226 throughout the year.
- 227 • Mr. Lynn wants to meet with Mr. Starkey to ensure the direction for the
228 Lettingwell signage is clear.
- 229 • Mr. Starkey and Mr. Snyder performed a sidewalk assessment within the District
230 and created a list of areas of concern, which he will send to the Board.
231 • Sidewalk maintenance and repair in front of private residences is the
232 homeowners' responsibility.
- 233 • Mr. Starkey was advised to send a letter to affected residents asking them to
234 repair these sidewalks citing the CDD's resolution.
235 • Mr. Cohen advised the CDD should repair all CDD-owned sidewalks as opposed
236 to depending on the homeowner to take care of it.

- 237 • A copy of the Resolution will be sent to Mr. Cohen for discussion at the next
238 meeting.
- 239 • Mr. Glassman asked Mr. Starkey to contact Mr. Keith Fisk of Meadow Pointe I
240 and find out what they do.
- 241 • Mr. Glassman asked Mr. Starkey to contact a grinder for some repair work.
242 ➤ Mr. Bovis suggested the landscaper cut the tree roots, which allows the
243 sidewalk to settle down.

244 The letter which was to be sent to HOA Presidents asking for budget items was
245 discussed.

- 246 • An e-mail was sent on May 3rd, but Mr. Starkey has not heard back from Villages
247 with their own management companies.
- 248 • The companies were reluctant to give the President’s contact information.
249 ➤ The letter should be sent to the management company in this case.
- 250 v. **Report on Filling Front Office and ARC/DRC Position**
- 251 • Mr. Starkey has temporarily taken over the ARC/DRC position per Mr. Snyder.

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253 Mr. Shahin MOVED to authorize Mr. Starkey to hire an employee
254 to permanently take over the ARC/DRC position.

- 256 ➤ Mr. Mendenhall has discussed Ms. DiPeri’s exit interview and she
257 requested the presence of a Board member; the Board denied the request.
- 258 • Mr. Mendenhall and Mr. Starkey will work jointly to prepare a job description.
- 259 i. **Report on Amount Due to Mr. Starkey for Overtime Not Paid to Date**
- 260 • Mr. Starkey’s hours were approved by the Board at the last meeting.
- 261 • Mr. Mendenhall was asked, by the Board, to sign off on behalf of Mr. Snyder
262 since he is not present.

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264 Mr. Bovis MOVED to approve payment of overtime hours not
265 paid to date to Mr. Starkey; and Mr. Shahin seconded the motion.

267 Upon further discussion,

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

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vi. Report on Purchasing New ID Card Software and Costs

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- Staff currently issues IDs to Meadow Pointe I, II, III and IV.
- The upgrade will allow maximum capability even if the District becomes fully built out at an estimated cost of \$6,000 to \$7,000.
- New cards will have to be distributed.
- Mr. Shahin asked for more information in writing since it was not included in the budget; and he offered to assist Mr. Starkey in this effort.

B. Attorney

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ii. Other

Mr. Cohen presented a letter indicating a CIP increase in the hourly rate for attorney’s fees as of October 1, 2012 of 3.3% or \$7 per hour; a copy of which will be entered into the official record.

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SEVENTH ORDER OF BUSINESS

Supervisors’ Status Report

Mark Glassman

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- Mr. Glassman distributed a list of incomplete projects and miscellaneous items which may be of concern as the Board is turned over upon General Election for the Board’s perusal and comment at the next meeting.
- Ms. Diaz requested a change in her employment status from part-time to full-time.
 - A lengthy discussion ensued.
 - Some items need to be clarified with Ms. Diaz for discussion at the next meeting.

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EIGHTH ORDER OF BUSINESS

Approval of the Minutes of the April 18, 2012 Meeting

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Mr. Glassman stated each Board member received a copy of the Minutes of the April 18, 2012 Meeting; requesting any additions, corrections or deletions.

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Mr. Glassman MOVED to approve the Minutes of the April 18, 2012 Meeting; and Mr. Shahin seconded the motion.

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303 There were two edits to the Minutes.

- 304 • Page 5, Line 152, *Deputy Smith* should replace *Mr. Payne*.
- 305 • Page 5, Line 155, *Deputy* should replace *Engineer*.

306 There being no further additions, corrections or deletions,

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308 On VOICE vote with all in favor, the Minutes of the April 18,
 309 2012 Meeting were approved as amended.

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312 **NINTH ORDER OF BUSINESS**

Other Business

313 There being no issues to report, the next item followed.

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315 **TENTH ORDER OF BUSINESS**

Old Business

316 **A. 2013 Budget Review and Consideration of Resolution 2012-5 Approving the**
 317 **Budget and Setting the Public Hearing**

- 318 • Ms. Straw will forward changes she discussed at the last meeting.
- 319 • Mr. Starkey sent his requested items amounting to approximately \$60,000 for
 320 consideration.
- 321 • The Board should approve the highest possible assessment since it can be
 322 decreased, but not increased prior to the Public Hearing.
- 323 • The current assessment level is at \$1,371,301; which is approximately \$20,000
 324 higher than last year.
- 325 • The recommended assessment level should be approximately \$250,000 to
 326 \$300,000 higher than the current level.
- 327 • The reserve fund needs to be replenished upon completion of the pool renovation
 328 project.
- 329 • Attorney and engineer fees will be higher.
- 330 • Mr. Cohen advised a letter should be sent to all residents if the Board approves a
 331 budget higher than the previous year as mandated by Chapter 170 of the Florida
 332 Statutes.
- 333 ➤ The previous two attorneys did not believe this was necessary.

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