

**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, 2016 at 6:30 p.m. at the Meadow Pointe II Clubhouse; 30051 County Line Road; Wesley Chapel, Florida.

Present and constituting a quorum were:

Mike Cline	Chairman
Dana Sanchez	Vice Chairman
Renee Glassman	Assistant Treasurer
Glen Aleo	Assistant Secretary
James Bovis	Assistant Secretary

Also present were:

Bob Nanni	District Manager
Sheila Diaz	Operations Manager
Andy Cohen	District Counsel
Deed Restriction Coordinator	
Residents	

The following is a summary of the discussions and actions taken.

FIRST ORDER OF BUSINESS

Call to Order

Mr. Cline called the meeting to order.

SECOND ORDER OF BUSINESS

Roll Call

Mr. Cline called the roll with all members being present. A quorum was established.

THIRD ORDER OF BUSINESS

**Pledge of Allegiance/Moment of Silence
for our Fallen Service Members and First
Responders**

The Pledge of Allegiance was recited; a moment of silence was observed.

FOURTH ORDER OF BUSINESS

Additions or Corrections to the Agenda

The following items will be added to the Agenda:

- A. Pool
- B. Meadow Pointe Magazine

FIFTH ORDER OF BUSINESS

Audience Comments (*Comments will be
limited to three minutes*)

None to report.

SIXTH ORDER OF BUSINESS

Non-Staff Reports

A. Sheriff’s Department

The Sheriff’s Deputy reported on acts of vandalism which occurred in Wrencrest. The Board will review the Deputy’s scheduled work hours and consider changes.

B. Residents Council

The Spring Fling was a great success. A detailed report will be provided at the next meeting.

The next event is the Immunization Clinic which will be scheduled for September 2016.

SEVENTH ORDER OF BUSINESS

Consent Agenda

Mr. Cline presented the items on the Consent Agenda for acceptance.

A. Deed Restrictions

B. DRVC

On MOTION by Ms. Sanchez seconded by Mr. Bovis to accept the Consent Agenda. 5-0

#2016-108. Discussion ensued to determine if the driveway cleaning is a violation. A letter is to be sent to the homeowner asking them to clean their driveway; the other items listed will be cited as violations.

#2016-112. Discussion followed to determine if the driveway cleaning is a violation. A letter is to be sent to the homeowner asking them to clean their driveway; the other items listed will be cited as violations.

On VOICE VOTE with Mr. Aleo, Ms. Sanchez, Ms. Glassman, Mr. Bovis and Mr. Cline voting AYE the Consent Agenda was accepted as amended. 5-0

EIGHTH ORDER OF BUSINESS

Reports

A. District Counsel

Mr. Cohen addressed the following topics:

- **Trees in the County Right-of-Way**
 - When a tree is on someone else’s property you can trim the vertical plane.
 - County Line Road – trees in the landscape are on County property.
 - Mansfield Road – trees are within the CDD easement for the wall.
 - Beardsley – trees are on County property.
 - Trees in the County right-of-way should not be touched by the District.

- If for some reason the District needs to trim a tree in the County right-of-way, it should be made clear the District is not taking over maintenance of the tree but it is a one-time action to address a specific issue.

Discussion followed on the District Engineer's findings and the Plat for County Line Road. In conclusion there is a tree in the County right-of-way causing damage to the wall owned by the District. The District Engineer is to contact the County to ask them to trim or remove the tree(s) causing damage to CDD property.

➤ **Sidewalks**

- The County has accepted responsibility for County roadway right-of-way conveyed by deed on County Line Road, Mansfield and Beardsley.
 - Other roadways dedicated to the County by Plat are still in question.
 - The CDD has the following possible options:
 - Take no action.
 - Repair the sidewalks, resulting in the District assuming responsibility for them into the future.
 - File a Declaratory Action against the County asking the Courts to make a determination of responsibility.
 - Begin with a mediation process.
 - By-pass the County Attorney's Office and speak directly to the County Commissioners.

The options presented were reviewed; District Counsel will explore pursuing mediation and report back to the Board prior to taking any action.

➤ **Tree Lawn Issues**

The criteria for determining tree lawn responsibility for sidewalk maintenance and sidewalk repairs were reviewed.

- Roadways are owned either by the HOA, the CDD or the County
- Sidewalks next to a CDD road are generally on CDD property; sidewalks next to a County roads are generally on County property.
 - Normally there is an overlay in the HOA restrictions which identifies the homeowner is responsible for maintenance to the pavement's edge which means mowing the grass to the edge or pressure washing sidewalks.
 - Maintenance does not include capital outlay for repairs.
- It appears the HOA documents for the Villages in Meadow Pointe II do not contain overlay language.

If broken sidewalks are next to a CDD roadway, District Counsel concludes it would be the CDD's responsibility to fix; if the broken sidewalks are next to a County roadway it would be the County's responsibility to fix. Repairs would not be incumbent upon the homeowner.

District Counsel explained homeowners cannot be made responsible for repairs by Resolution of the CDD Board. To accomplish this, an Amendment to the Declaration of Restrictions would be needed.

If there is a tree on CDD property which is damaging a homeowner's infrastructure, they can request consent from the CDD to remove the tree as long as they comply with the County's Right-Of-Way Permitting. However when work is being done on CDD property, District Counsel recommends the CDD control the process and use CDD vendors with the required liability insurance to complete the work. An estimate for the work can be provided to the homeowner for payment. Liability issues would be a concern if a homeowner removes a tree on their own.

When a homeowner pays for a tree planted on CDD property, the homeowner owns the tree, but does not have any rights on CDD property without CDD consent. The CDD in turn does not have any right to cut down the tree without the homeowner's consent, but ultimately would have the right to remove it if it is damaging CDD infrastructure. The County's Right-Of-Way Permitting may be required.

If homeowners planted trees on CDD property without permission from the District, it was done so at their own peril if the CDD chooses to remove it.

➤ **Trees Planted by the HOA on CDD Property**

- The CDD can require the Tullamore HOA to remove the trees planted without CDD consent.
- If removal is not required, a written Maintenance Agreement with the Tullamore HOA can be provided requiring the maintenance of the trees into perpetuity.
 - Prior to any agreement, confirmation would be needed to determine if all other regulations were met.

Discussion followed whether the agreement should include a requirement to clean and maintain the area around the pond since the palm trees create an additional problem in pond maintenance. It was revealed the Tullamore HOA instructed the CDD landscape company not to mow an area around the backside of the pond which is CDD property. The CDD landscapers will be instructed to mow the backside area around the pond; the Tullamore HOA has responsibility for mowing the front side of the pond which is consistent with other HOAs in the CDD.

District Counsel will advise the Tullamore HOA the trees planted on CDD property are to be removed. The CDD may be amenable in considering a Maintenance Agreement rather than requiring removal of the trees.

- **CDD Driveway Deed Restriction Enforcement**
 - The CDD has architectural authority over buildings only.
 - It can include structures and outbuildings.
 - The CDD does not have authority over driveways.

NINTH ORDER OF BUSINESS **Finalize Proposed Trim Budget for FY 2017**

A. Distribution of the Proposed Budget for Fiscal Year 2017 and Consideration of Resolution 2016-5 Approving the Budget and Setting the Public Hearing

Mr. Nanni presented the Proposed Budget for FY 2017 with no increase in assessments. Resolution 2016-5 will approve the Budget and set the date of August 17, 2016 for the Public Hearing.

On MOTION by Ms. Sanchez seconded by Mr. Bovis to adopt Resolution 2016-5 Approving the Budget for FY 2017 and Setting the date for the Public Hearing.

Discussion followed.

On VOICE VOTE with Ms. Glassman, Mr. Aleo, Ms. Sanchez, Mr. Bovis and Mr. Cline voting AYE, Resolution 2016-5 Approving the Budget for FY 2017 and Setting the Date for the Public Hearing was adopted. 5-0

EIGHTH ORDER OF BUSINESS **Reports (continued)**

Case #2015-128 was appealed and Ms. Williamson requested the fine be dismissed. Proof was provided the violation was corrected.

On MOTION by Ms. Glassman seconded by Mr. Bovis to rescind the fine for Case #2015-125 and only collect the administrative costs in the amount of \$48.00.

On VOICE VOTE with Ms. Glassman, Mr. Aleo, Ms. Sanchez, Mr. Bovis and Mr. Cline voting AYE to rescind the fine for Case #2015-125 and only collect the administrative costs in the amount of \$48.00. 5-0

B. Architectural Review

<u>CASE #</u>	<u>Village</u>	<u>Address</u>	<u>Request</u>	<u>ARC Recommendation</u>
2016-152	Morningside	29602 Fog Hollow Dr.	Paint House	Disapproval
2016-153	Morningside	29952 Morningmist Dr.	Paint House	Approval
2016-154	Morningside	29952 Morningmist Dr.	New Roof	Approval
2016-155	Glenham	30247 Ingalls Ct.	New Fence	Approval

Discussion ensued on adhering to the approved color schemes adopted by Resolution.

On MOTION by Ms. Sanchez seconded by Mr. Bovis to approve the Architectural Review Recommendations for Case #2016-152 thru 2016-155 as submitted.

On VOICE VOTE with Ms. Glassman, Mr. Aleo, Ms. Sanchez, Mr. Bovis and Mr. Cline voting AYE the Architectural Review Recommendations for Case #2016-152 thru 2016-155 were approved as submitted. 5-0

C. Operations Manager

Ms. Diaz reviewed the Operation Manger's reported dated June 1, 2016 and the following items were highlighted:

- RFP Landscape Bids were prepared by OLM.
 - A pre-bid meeting is scheduled for June 3, 2016 in the MPII Clubhouse.
- Sidewalk repairs were discussed with District Counsel.
- Quarterly Staff and Safety Meeting was held.
- ID card cards are not compatible with the new ID Reader equipment.
 - Guarantees were given the reader would read the ID cards.
 - At no cost, the company provided new ID cards and a one year warranty. This resulted in a cost savings of over \$5,000.
 - The first card order will be at \$1.00 per card versus the standard price of \$2.50 per card.
- Pool Deck.
 - Since sealing the pool deck pavers there has been a problem with sand in the pool.
 - MPI experienced similar problems with their pool; they purchased an automatic pool sweeper which solved the problem.
 - Two proposals were received for pool sweeper equipment.
 - Additional details and information will be provided on pool sweeper equipment.
 - A demonstration of the equipment will be scheduled.

TENTH ORDER OF BUSINESS

Audience Comments (Limited to 3 Minutes)

Audience comments were received by the Board on the following items:

- Documenting the IT cable connections.
- Replacement of ID cards.
- Tree removal plans.

ADDITIONAL AGENDA ITEMS:

A. Pool

- Concern regarding maintenance of the pool.
 - Test the water daily with a test kit.
 - Check alternative pool service companies.
 - Operations Manager is satisfied with the pool service.
 - The new life guards are doing a good job.
 - Discussion on ID checks/work scheduling.

B. Meadow Pointe Magazine


- Cease and Desist Order Received
 - Does not apply to the Meadow Pointe Magazine.
 - This was verified with District Counsel.

ELEVENTH ORDER OF BUSINESS

Adjourn the Regular Meeting and Proceed to a Workshop

Mr. Cline requested a motion to adjourn the meeting, and not proceed to a workshop since the items were addressed during the meeting.

On MOTION by Mr. Glassman seconded by Mr. Aleo with all in favor the meeting was adjourned. 5-0



Chairman/Vice Chairman