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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, April 18, 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	Assistant Treasurer
Glen Aleo	Assistant Secretary
Brian Shahin	Supervisor

Also present were:

Andrew Mendenhall	District Manager
Kelly Martinson Fernandez	District Counsel
Joseph Payne	District Engineer
Bill Snyder	Property Manager
David Starkey	Assistant Property Manager
Yolanda Bush	ARC/DRC
Gerald Lynn	Sheriff's Department & Government Liaison
Deputy Aaron Smith	Pasco County Sheriff's Department
Numerous Residents	

The following is a summary of the discussions and actions taken at the April 18, 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 members introduced themselves.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

THIRD ORDER OF BUSINESS Audience Comments

- Mr. Robert Upton of Baythorn Drive expressed his family’s concern for safety resulting from the recent drive-by shooting in front of their neighbor’s home; and believes cameras are needed at the gates to protect the community.
 - The CDD has no authority regarding private property.
 - Installation of cameras was not approved, as the Board was not able to justify the cost.
- Mr. Upton wants to know whether or not the CDD is handling the matter regarding the house which burned down.
 - Mr. Lynn discussed this at length with Commissioner Mulieri; and she will assist in getting the demolition expedited.
- Mr. Mike Cline of Deer Run commended the Deputy and the Board for their quick response in trying to slow traffic on County Line Road.

FOURTH ORDER OF BUSINESS Guest Speakers

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

FIFTH ORDER OF BUSINESS New Business

James Bovis

- The contractor working on the Manor Isle wall is dumping the refuse in the area.
 - Mr. Snyder commented this material is being stored temporarily for future projects.
 - Mr. Starkey is in the process of procuring an alternate site.
- The waste services contract should be ready for consideration at the next meeting.
- Mr. Starkey orchestrated a timeline for the pool renovation project and confirmed he chose July to finalize the design of pavers, tile and coping.

Mark Glassman

- The sidewalk which was repaired in front of Deer Run is still raised approximately nine inches and presents a safety hazard; and the CDD is liable for any injuries.
 - The Board directed Mr. Snyder to have this sidewalk repaired immediately.

- 74 ➤ Mr. Snyder should determine whether the repair should be done in-house
- 75 or by an outside contractor depending on the extent of the repair.
- 76 ➤ The District Attorney clarified the CDD is responsible for repairs
- 77 regarding tripping hazards.

Linda Straw

- 78 • Ms. Straw announced the Department of the Army sent a waiver for the CDD’s
- 79 mitigation areas.

SIXTH ORDER OF BUSINESS

Committee Reports

A. Architectural Review

82 Ms. Bush presented the Architectural Review Report for the Board’s review and

83 acceptance; a copy of which will be entered into the official record.

- 84 • 2012-19 – Paint house – Recommend approval.
- 85 • 2012-20 – Paint house – Recommend approval.
- 86 • 2012-21 – Removal and replacement of fence – Recommend approval.
- 87 • 2012-22 – Re-roofing of home – Recommend approval.

- 88 ➤ Ms. Straw abstained from voting on this item since it is for her home.

89 There being no further discussion,

90 On MOTION by Mr. Shahin seconded by Mr. Glassman, with Ms.

91 Straw abstaining from voting on Item 2012-22 and the remaining

92 Board members in favor; the recommendations from the

93 Architectural Review Report were accepted as presented.

B. Deed Restrictions

94 Ms. Bush presented the Deed Restrictions Report for the Board’s review and acceptance;

95 copies of which will be entered into the official record.

- 96 • 2012-011 – Trash can in front of home; routinely parks car or trailer on yard –
- 97 DR-10 for trash; N/A for the second item.
- 98 • 2012-012 – Yard is not maintained reasonably, high weeds, not watered – DR-14.
- 99 • 2012-013 – Mailbox in need of cleaning and/or painting – DR-18.
- 100 • 2012-014 – Mailbox in need of cleaning and/or painting; trash can without lids in
- 101 front of house; fish tank and gas cans are left out – DR-18, DR-10.
- 102 • 2012-015 – Mailbox in need of cleaning and/or painting – DR-18.

- 108 • 2012-016 – Mailbox in need of cleaning and/or painting – DR-18.
- 109 • 2012-017 – Mailbox in need of cleaning and/or painting; unsightly weed growth
- 110 around home – DR-18 for mailbox; N/A for weed growth.
- 111 • 2012-018 – Mailbox in need of cleaning and/or painting – DR-18.
- 112 • 2012-019 – Mailbox in need of cleaning and/or painting; parked car blocks
- 113 sidewalk – DR-18 for mailbox; N/A for the parked car.
- 114 • 2012-020 – Mailbox in need of cleaning and/or painting; trash can without lids in
- 115 front or front side of house which attracts wildlife – DR-18; DR-10.
- 116 • 2012-021 – Trash can without lids in front or front side of house which attracts
- 117 wildlife – DR-18.
- 118 • 2012-022 – Yard is not maintained reasonably – DR-14.
- 119 • 2012-023 – Christmas lights still on exterior of home which is a fire hazard –
- 120 N/A.
- 121 • 2012-024 – Utility trailer parked in driveway with a *For Sale* sign; commercial
- 122 truck in driveway with advertisement for the business on the side – N/A.
- 123 • 2012-025 – Parking on front lawn – N/A.

124 There being no further discussion,

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 126 On MOTION by Mr. Glassman seconded by Mr. Aleo with all in
 127 favor, the recommendations from the Deed Restrictions Report
 128 were accepted as presented.

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 130 **A. Architectural Review (Continued)**

131 Mr. Basteto’s request for paving on his property which was not included in the report was
 132 presented for the Board’s review and acceptance.

- 133 • The sidewalk on the apron was removed and replaced with pavers.
- 134 • Mr. Glassman reminded the Board no sidewalks are to be removed or replaced, as
- 135 they are owned by the CDD.
- 136 • Mr. Basteto is requesting an exception.
- 137 • The Board must be careful not to set a precedent if the exception is approved.

138 There being no further discussion,

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On VOICE vote with Ms. Straw, Mr. Bovis and Mr. Shahin voting aye; and Mr. Glassman and Mr. Aleo voting nay, Mr. Basteto’s request for an exception for having pavers installed on the apron of his driveway was approved as presented and discussed.

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C. Government Liaison

Mr. Lynn distributed the latest statistics from the Sheriff’s Office for discussion; a copy of which will be entered into the official record.

- The Property Manager’s office received notification of missing *No Parking Any Time* signs which need to be replaced, as they are required by County ordinance.
 - The CDD is responsible for purchasing and putting up the signs, as they were originally installed to satisfy county requirements.
- Deputy Smith discussed the issue in detail under his report.

SEVENTH ORDER OF BUSINESS

Staff Reports

B. Engineer

Deputy Smith made the following comments:

- The County ordinance to have *No Parking* signs on the pavement of any subdivision street is not enforceable in private communities, and covers all gated communities in the county, with the exception being the CDD’s traffic agreement which mandates enforcement through states statutes only.
 - The statute does not specify a vehicle cannot be parked on a specific street; and parking is legal as long as they are without *No Parking* signs, fire hydrants or crosswalks.
 - Citation will be issued on vehicles in gated communities with limited entrances and exits having *No Parking on Any Street* signs posted at each entrance and exit.
 - The CDD may enforce under the State statute.
- Mr. Lynn commented the County and Sheriff’s Department Attorneys will speak specifically to the parking issue at the next PACA Meeting on the second Thursday of May at 7:00 p.m.
- The Board concurred this issue will have to be summarized in the next newsletter.

172 **SIXTH ORDER OF BUSINESS** **Committee Reports (Continued)**

173 **C. Government Liaison (Continued)**

- 174 • Mr. Lynn requested follow-up on the contract as to whether or not a liability
- 175 policy listing the county is necessary.
- 176 ➤ Ms. Straw reminded Mr. Lynn to submit contract prices for the upcoming
- 177 budget season.
- 178 • Mr. Lynn asked Ms. Martinson Fernandez to follow up with Mr. Cohen for the
- 179 status of four non-deeded mitigation areas which have not been legally deeded to
- 180 the CDD from the developer.

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182 **SEVENTH ORDER OF BUSINESS** **Staff Reports (Continued)**

183 **A. Attorney**

- 184 • The Thomas Hanner litigation was updated.
- 185 ➤ The Settlement Agreement was sent, but the attorneys have not heard back
- 186 from Mr. Hanner as to whether or not he intends to sign it.
- 187 ➤ The first payment of \$300 is due on May 1, 2012; at which time the Board
- 188 will know whether or not he intends to abide by the agreement.
- 189 ➤ The Board requested an asset search even though the agreement does not
- 190 require one.
- 191 • Litigation with the Small Claims Court was filed in the matter in which the CDD
- 192 is seeking reimbursement from a former employee for gate school training.
- 193 • The deed restriction for Mr. Grogan regarding lawn maintenance was updated.
- 194 ➤ A letter was sent on May 20, 2012 requesting his reply to the deed
- 195 restriction, but the attorneys have not heard back from him.
- 196 ➤ Mr. Starkey commented the lawn was mowed and the owners are in the
- 197 process of trying to rent it out.
- 198 ➤ An updated inspection needs to be requested by the attorney’s office as
- 199 part of this process.
- 200 • The Fining Resolution was re-drafted and will be distributed to the Board for
- 201 review prior to proceeding with the rulemaking process.
- 202 • Staff is in the process of reviewing the CDD’s Operating Rules, Employee
- 203 Handbook and Recreation Rules; and drafts will likely be available for the next
- 204 meeting.

- 205 ➤ Ms. Straw reminded Ms. Martinson Fernandez the Board would like to
206 adopt all of these documents at one Public Hearing.
- 207 • Mr. Persson is in the process of trying to get the refund for the non-ad valorem
208 assessments.
- 209 **B. Engineer (Continued)**
- 210 • The construction of the Manor Isle wall is going well, and staff provided
211 construction oversight.
- 212 • Staff has been responding to questions regarding the Eagle Station Drive location.
- 213 • Mr. Payne and Mr. Starkey attended inspections of the pond slopes, which
214 revealed the start of recession and slope failures along the original shorelines.
- 215 ➤ These items do not appear to be infringing upon private property lines at
216 this time, but Mr. Payne suggested the Board consider budgeting for a
217 pond evaluation study for next year.
- 218 ➤ Staff has a plan to maintain them in the meantime.
- 219 **C. Property Manager**
- 220 • Mr. Starkey presented a full report and slideshow regarding the slope failures.
- 221 ➤ Planting vegetation will be helpful.
- 222 ➤ Any work requires SWFWMD approval and is costly.
- 223 ➤ The Board requested a thorough cost analysis and proposals for the study
224 to be presented at the next meeting.
- 225 ➤ It was Mr. Payne’s opinion that none of these ponds present an emergency
226 requiring immediate work, but any staff maintenance will help until the
227 study is complete and the Board decides on the action to be taken to
228 permanently repair the ponds.
- 229 • Mr. Payne summarized Mr. Cohen’s report regarding the Verizon matter.
- 230 ➤ Verizon filed a Motion for Summary Judgment asserting no liability issues
231 exist from their perspective based on testimonies and depositions.
- 232 ➤ Verizon may be inclined to come to a settlement if they do not prevail.
- 233 ➤ The plaintiff is looking to go to mediation with the CDD’s insurance
234 company, which will likely be scheduled for June 19, 2012.
- 235 ▪ The Board must designate someone associated with the CDD via
236 motion to make decisions during the mediation.

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Mr. Bovis MOVED to designate the Chair to represent the CDD at the Mediation regarding the Lackey vs. Verizon litigation and make any decisions on behalf of the CDD; and Mr. Aleo seconded the motion.

- The Board will determine at the next meeting whether or not an alternate person should be designated in the event of an emergency.

There being no further discussion,

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

- Construction of the Manor Isle wall was discussed.
 - A check was received from the insurance company and deposited.
 - Mr. Starkey did a slideshow of the progress of the work.
- Mr. Starkey presented a timeline for the pool renovation project; a copy of which will be sent to the Board.
 - The payment schedule still needs to be finalized.
 - Mr. Starkey was asked to include a sub-task under *Finalize Design specs for the pavers/tile/coping* indicating the Board must decide on a design in order to expedite order of the materials.
- Staff is in the process of hiring lifeguards for the pool area.
- Mr. Snyder would like to meet with Mr. Aleo regarding the latest newsletter.
- Ms. Straw asked for follow-up regarding the status of the Minutes posted on the website.
 - Mr. Mendenhall confirmed the minutes are current on the website.
- The signage was approved.
- HVI Security recently replaced the cameras which were not functioning properly.
- The gate technician was able to get the vending machines operating properly, allowing the District to recoup funds to pay off any resulting expenses; and Mr. Starkey requested a motion to increase the technician’s responsibilities and

268 working hours based on a tracking system allowing the CDD to garner his wages
269 for clubhouse maintenance; and credit the gate funds accordingly.

270 There being no comments or questions,

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On MOTION by Ms. Straw seconded by Mr. Bovis with all in favor, an increase in responsibilities and working hours for the Gate Technician was approved as presented.

- 276 ➤ Mr. Starkey and Mr. Snyder will work this out with Severn Trent payroll.
- 277 • Mr. Starkey presented a prototype for new mailboxes throughout the community.
- 278 ➤ He received all of the appropriate insurance certificates for the Titan Sign
279 Company; and the installation price decreased from \$400 to \$220.

280 There being no further discussion,

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On MOTION by Ms. Straw seconded by Mr. Bovis with all in favor, selection of the Titan Sign Company as the preferred vendor to install the new mailboxes throughout the CDD was accepted.

- 286 ➤ Mr. Glassman requested a photograph of the prototype be included in the
287 next newsletter.
- 288 • A wireless system for different applications, including Pandora, will be installed
289 at the fitness center.
- 290 • The resident who was suspended from using the CDD’s recreational facilities last
291 year as a result of an incident with the lifeguard is requesting a probationary
292 period for the summer allowing him to use the facilities.
 - 293 ➤ Deputy Smith will check on the incident to determine whether or not he
294 was arrested or cited for trespassing.
 - 295 ➤ Ms. Straw is in favor of considering granting him probation pending
296 receipt of a written request from this individual.
- 297 • Mr. Starkey is requesting a change in employment status from hourly to salaried;
298 plus a raise based on his increasing responsibilities, and the amount of time and
299 effort he puts forth on the job.

- 300 ➤ Ms. Straw asked Mr. Starkey to present the number of hours he is working
- 301 to justify a salary increase.
- 302 ➤ Mr. Glassman suggested tabling this item for a number of reasons, with
- 303 budgetary concerns being an important issue; and after much discussion,
- 304 the Board concurred with tabling this item at this time.

305 **D. District Manager**

306 **i. Acceptance of the Fiscal Year 2011 Audit**

307 Mr. Mendenhall distributed and presented the Audit for the Fiscal Year ended September
308 30, 2011; for the Board’s review and acceptance; a copy of which will be entered into the official
309 record.

- 310 • The Audit is positive and the District is in good shape.

311 There being no further discussion,

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313 On MOTION by Mr. Glassman seconded by Mr. Bovis with all in
314 favor, the Audit from Berger, Toombs, Elam, Gaines & Frank for
315 the Fiscal Year ended September 30, 2011 was accepted.

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317 **ii. General Election**

318 **a. Qualifying Information**

- 319 • Anyone interested in one of the expiring seats can refer to the information
- 320 provided.
- 321 • The timeframe is from June 4, 2012 through June 8, 2012.

322 **b. Consideration of Resolution 2012-4 Confirming The**
323 **District’s Use of the Pasco County Supervisor of**
324 **Elections to Continue Conducting the District’s Election**
325 **of Supervisors in Conjunction with the General Election**

326 Mr. Mendenhall presented Resolution 2012-4 for the Board’s review and adoption; a
327 copy of which will be entered into the official record.

- 328 • This Resolution confirms the Pasco County Supervisor of Elections will hold the
- 329 CDD’s elections.

330 There being no comments or questions,

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On MOTION by Mr. Glassman seconded by Mr. Bovis with all in favor, Resolution 2012-4 Confirming the District’s Use of the Pasco County Supervisor of Elections to Continue Conducting the District’s Election of Supervisors in Conjunction with the General Election was adopted.

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- The petition deadline is noon on May 7, 2012.

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iii. Discussion of ADA Compliance Report

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Mr. Mendenhall presented the 2010 ADA Standards for Accessible Design/Non Safe Harbor Elements Compliance Report prepared by DMK Associates; a copy of which will be entered into the official record.

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- This report puts the CDD on notice to comply.

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- Ms. Straw directed Property Management staff to produce a written plan as to how deficiencies will be addressed; as well as an action plan.

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- Mr. Mendenhall presented the CDD’s PACA renewal for the Board’s review and approval at a cost of \$50 for one year.

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There being no comments or questions,

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On MOTION by Ms. Straw seconded by Mr. Bovis with all in favor, renewal of PACA in the amount of \$50 for one year was approved.

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EIGHTH ORDER OF BUSINESS

Approval of the Minutes of the March 21, 2012 Meeting

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Ms. Straw stated each Board member received a copy of the Minutes of the March 21, 2012 Meeting; requesting any additions, corrections or deletions.

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There not being any,

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On MOTION by Mr. Shahin seconded by Mr. Glassman with all in favor, the Minutes of the March 21, 2012 Meeting were approved.

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NINTH ORDER OF BUSINESS

Other Business

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There being no other business, the next item followed.

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368 **TENTH ORDER OF BUSINESS**

Approval of March 31, 2012 Financial Statements

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

372 There being no comments or questions,

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

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378 **ELEVENTH ORDER OF BUSINESS**

Audience Comments

- 379 • Deputy Smith commented the drive-by shooting is currently under investigation.

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381 **TWELFTH ORDER OF BUSINESS**

Adjournment

382 There being no further business,

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

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~~Linda M. Straw~~ **MARK GLASSMAN**
~~Chairperson~~
VICE CHAIRMAN