

MINUTES OF MEETING

**LEXINGTON OAKS
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors for Lexington Oaks Community Development District was held on **Thursday, January 22, 2004 at 8:45 a.m.** at the Lexington Oaks Clubhouse, located at 26304 Lexington Oaks Boulevard, Wesley Chapel, Pasco County, Florida.

Present and constituting a quorum were:

Tim Murray	Board Supervisor, Chairperson
John Mazuchowski	Board Supervisor, Assistant Secretary
Garth Noble	Board Supervisor, Assistant Secretary

Also present were:

Brian Lamb	District Manager, Rizzetta & Company, Inc.
Dayne Piercefield	District Engineer, Geo Surv3, Inc.
Matthew Campbell	Rizzetta & Company, Inc.
Bobby Fox	DEVCO, Site Superintendent
Homeowners	

FIRST ORDER OF BUSINESS

Call to Order

Mr. Lamb called the meeting to order.

SECOND ORDER OF BUSINESS

**Consideration of the Minutes of the
Board of Supervisors' Meeting on
November 13, 2003**

Mr. Lamb stated that the first item on the agenda is to consider the minutes of the Board of Supervisors' meeting on November 13, 2003 (behind tab 1). He asked if there were any additions, deletions, or corrections to the minutes. Hearing and seeing none, he asked for a motion to approve.

On MOTION by Mr. Mazuchowski, seconded by Mr. Noble, with all in favor, the Board approved the minutes of the Board of Supervisors' meeting on November 13, 2003 for Lexington Oaks Community Development District.

THIRD ORDER OF BUSINESS

**Consideration of Authorizations to
Disburse District Funds 2004-03 and
2004-04**

Mr. Lamb stated that the next item on the agenda is the consideration of Authorizations to Disburse District Funds 2004-03 and 2004-04 (behind tab 2). He stated that the disbursements contain invoices for standard contractual commitments and utilities. Mr. Lamb asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Mr. Mazuchowski, seconded by Mr. Murray, with all in favor, the Board approved Authorizations to Disburse District Funds 2004-02 and 2004-03 for Lexington Oaks Community Development District.

FOURTH ORDER OF BUSINESS

**Consideration of Fiscal Year 2001/2002
Annual Audit**

Mr. Lamb stated that the next item on the agenda is the consideration of the fiscal year 2001/2002 Annual Audit (under separate cover). He stated that the audit was performed by an independent firm, Stuart Angelo & Company, P.A. He asked if there were any questions or comments. There were none, so he asked for a motion to accept the audit.

On MOTION by Mr. Mazuchowski, seconded by Mr. Murray, with all in favor, the Board accepted the Fiscal Year 2001/2002 Annual Audit for Lexington Oaks Community Development District.

FIFTH ORDER OF BUSINESS

**Consideration of Auditing Services
Contract Extension**

Mr. Lamb stated that the current contract for District Auditing Services has expired. Stuart Angelo & Company, P.A. has submitted a proposal to extend the services for another year. Staff has reviewed the fee schedule and finds them to be consistent with the services to be performed and recommends that the proposal be approved. This would select Stuart Angelo & Company, P.A. to perform the audit for the fiscal year ended September 30, 2003. He asked if there were any questions or comments. Mr. Murray, who is also a CPA, stated that he was impressed with the extent of the services performed with the previous audit and does not see a reason to change firms. There were no other comments, so Mr. Lamb asked for a motion to approve the contract extension.

On MOTION by Mr. Murray, seconded by Mr. Mazuchowski, with all in favor, the Board approved the contract extension with Stuart Angelo & Company, P.A. for District Auditing Services for Lexington Oaks Community Development District.

SIXTH ORDER OF BUSINESS

**Review of Submittals from RFQ for
District Auditing Services**

Mr. Lamb stated that the next item on the agenda is the review of the submittals received from the recently published Request for Qualification for District Auditing Services to begin with the fiscal year ending September 30, 2004. The submittals received have been distributed under separate cover. The RFQ was published to obtain qualifications from other firms that may be willing to provide this service to the District. Based on a possible five year contract, two firms submitted their qualifications: Harvey, Branker & Associates, P.A and Stuart Angelo & Company, P.A. Pursuant to Chapter 287, Florida Statutes, the Board is required to rank the firms based on their qualifications and expertise. A matrix of evaluation criteria was also circulated to the Board. These criteria range from the holding of appropriate licensure, to the familiarity with and location to the project. There was a brief discussion by the Board, after which they ranked the firms as follows: Stuart Angelo & Company, P.A. was ranked first, and Harvey, Branker & Associates, P.A. was ranked second.

On MOTION by Mr. Mazuchowski, seconded by Mr. Murray, with all in favor, the Board ranked Stuart Angelo & Company, P.A. as the top submitting firm for District Auditing Services and authorized Staff to negotiate a contract for a five-year term for Lexington Oaks Community Development District.
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SEVENTH ORDER OF BUSINESS

**Consideration of Arbitrage Rebate
Calculation Report**

Mr. Lamb stated that the next item on the agenda is the consideration of the Arbitrage Rebate Calculation Report (behind tab 4). He explained that this calculation is an IRS requirement. Based on the report, the District is found to have negative arbitrage (-\$143,247.41), which is what the IRS is looking to confirm. He asked if there were any questions. There were none, so he asked for a motion to approve.

On MOTION by Mr. Mazuchowski, seconded by Mr. Noble, with all in favor, the Board accepted the Arbitrage Rebate Calculation Report for Lexington Oaks Community Development District.

EIGHTH ORDER OF BUSINESS

**Consideration of Pool Awning
Replacement Proposal**

Mr. Lamb stated that the next item on the agenda is the consideration of a pool awning replacement. A proposal has been received from Creighton Awning & Sign Company (behind tab 5). The proposal totals \$2,225.00. If the Board were to accept the contact with Creighton Awning & Sign Company for \$2,225.00, they are agreeing to pay a 50% deposit prior to any work being completed and pay the remaining balance upon completion. Mr. Lamb asked the Board to consider authorizing the repair and payment with a not-to-exceed amount \$3,000 so that he may review the materials and proposal in depth before executing the contract. Mr. Murray recommends that a reserve for these types of on-going maintenance concerns be addressed in the proposal for the upcoming fiscal year budget. Mr. Lamb stated that he would like to schedule a resident workshop prior to the May meeting (the actual date to be announced at the March meeting) to review the District's assets and obtain input about on-going maintenance concerns and levels of service as they pertain to the O&M assessments levied to the homeowners.

On MOTION by Mr. Noble, seconded by Mr. Mazuchowski, with all in favor, the Board approved the pool awning replacement contract with Creighton Awning & Sign Company (not-to-exceed \$3,000) for Lexington Oaks Community Development District.

NINTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel
Not present. Mr. Lamb stated that he has been in contact with Mr. Straley who has made himself available via phone, if the Board has any questions for him.

- B. District Engineer
Mr. Lamb stated that Mr. Piercefield has prepared an updated report on the road ownership and the District's O&M responsibility, based on discussions at the last meeting. He asked Mr. Piercefield to review this item. Mr. Piercefield gave a brief overview of the report. He stated that the community currently has 21 platted subdivisions. Each subdivision has several different parcels, which breakdown the actual responsibility for on-going maintenance and repair. According to the plat, the parcels were not dedicated to the public and were to be conveyed from Pulte Homes to the District. He stated that he is in the process of verifying that all the designated conveyances have been made. Ultimately, the District will be financially responsible for the upkeep of these parcels, as well as decide how these parcels are to be used.

Based on the recorded plats, within all of the gated communities, the County does not own or maintain any of the roads. This means that the residents of each of the gated communities will be responsible for the repairing and resurfacing of the roads, as it becomes necessary, and will need to acquire the funding to do so.

For those roadways with ownership transferred to the County, the maintenance of the roads does not immediately become the responsibility of the repairs because of warranty periods that the Developer is responsible for after the recording of the plat. If the road deteriorates within the warranty period, the Developer is responsible for returning the road to an acceptable standard. At the end of the warranty period, the County then assumes responsibility for operation and maintenance.

Currently, the only roads remaining under the warranty period are those roads in the new section of the community. The majority of the roadways, with the exception of the new section and the gated communities, have been given to the County and the O&M responsibility lies with them. Mr. Piercefield noted that there are a few plats that are still being reviewed and the map outlining the ownership and responsibilities is still in draft form. Mr. Lamb asked if there were any Supervisor questions. There were none.

C. District Manager

Mr. Lamb stated that the first item he has to bring before the Board is regarding the transition of Board elections to the Supervisor of Elections (memo behind tab 6). Based on information provided by the Pasco County Supervisor of Elections, the transition will begin with the November 2004 election. Two of the three seats up for elections will be filled by qualified electors from within the District. Any individuals wishing to run for the seats would need to contact the Supervisor of Elections directly to begin the qualification process. Over the next three elections, all of the seats will be transitioned out and eventually will be filled only by qualified electors. He asked if there were any questions. There were none.

Mr. Lamb stated that the next item being presented today is a meeting format change. This format is based on surrounding municipalities and agencies throughout the State and offers a more direct approach to the issue of audience participation. He asked if there were any questions. There were none, so he asked for a motion to approve the meeting format change.

On MOTION by Mr. Murray, seconded by Mr. Mazuchowski, with all in favor, the Board approved the meeting format change for Lexington Oaks Community Development District.
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Mr. Lamb stated that the next item for discussion is the possibility of refinancing the bonds. There are currently three individual bonds (1998, 2000, and 2002). The District's Investment Banker (Prager, Sealy & Company, LLC) is currently reviewing this issue will present their findings and recommendations at the next meeting. This is a part of the services provided by the Investment Banker contract.

Mr. Lamb stated that he has been working with the Chairman on the creation of an official District website. This would be a municipal website to aid in the dissemination of information to the public. He stated that it would cost approximately \$3,500 to create the site and would cost approximately \$100 monthly for the on-going maintenance of the site. The website would also provide directly links to other municipalities which may affect the community. The site would also provide a link to the HOA website, if one exists. Mr. Lamb noted that there are sufficient revenues in the current budget to address this item. He asked if there were any questions.

Mr. Murray stated that he feels this would provide a valuable resource to the community. He asked if the minutes and agendas would be posted on this website. Mr., Lamb stated that these items would be included. He recommends that minutes and agendas for the current fiscal year be included in their entirety, as well as budget and assessment information, so that a true picture of the District may result. There were none, so he asked for a motion to approve the creation of the website. Mr. Murray stated that he would like to take resident comment on this issue to aid in this decision.

Mr. Peter Hanzel stated that he feels that the minutes can be included in the newsletter, and that the Developer website is currently operating and he suggests that it be determined how frequently this site is being accessed. As far as communication, he stated that he has been able to direct his concerns to the District Office and they are responsive in getting the concerns addressed or forwarding them to the appropriate party. He feels that the money can be used for something else to benefit the community.

A resident stated that he likes the idea of being able to address his concerns, but if it is not going to preclude any actions taken, he feels that it is futile.

Ms. Joanne Harrison stated that the District could get a website built for free (she can refer several companies) and that hosting fees can be found much cheaper than quoted. She agrees that a website is a good idea, but doesn't feel that the quote is reasonable.

Another resident asked why the management firm is not absorbing the costs of the website as a means to provide excellent service to their client. Mr. Lamb stated that this is not a service provided under the District Management Services contract. The resident agrees that the establishment of a website is a great idea.

Another resident commented that the \$100 monthly fee breaks down to roughly \$.75 per household and he doesn't see any reason not to have it.

Another resident stated that this service is long overdue and he is for its creation.

Mr. Johnson (Remington) stated that the website is a good idea. He stated that the initial costs typically include the administration and design fees. He stated that he has been involved in building websites and know the amount of work required. He feels that the pricing is equitable.

Another resident stated that she doesn't feel the cost is excessive and that the creation of a website is a great idea. She advises that a frequently asked questions (FAQ) section be included. She also feels that if other local districts are implementing the same service, she feels this community should have the same availability.

There were no other audience comments, so Mr. Lamb asked for any discussion from the Board. There were none.

<p>On MOTION by Mr. Mazuchowski, seconded by Mr. Noble, with all in favor, the Board approved the creation of an official District website and authorized the Chairman and District Manager to negotiate a contract for Lexington Oaks Community Development District.</p>
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TENTH ORDER OF BUSINESS

**Supervisor Requests and Audience
Comments**

Mr. Lamb stated that the next item on the agenda is Supervisor requests and audience comments. He asked if there were any Supervisor requests or comments. There were none.

Mr. Lamb asked if there were any audience comments. Mr. Ballard (Saratoga resident) stated that he lives near a section of District property that continually emits dust onto his property. He stated that this has been reported several times and the issue has not been corrected. He also stated that there is a street light out near his home. Mr. Lamb referred Mr. Ballard to Bobby Fox. Mr. Fox is responsible for the coordination of maintenance issues. Mr. Fox noted that street lights would be reported directly to Tampa Electric and residents reporting these types of issues should also note the pole number before calling in the service request. Providing this number to TECO helps expedite the request.

Ms. Cass Peters stated that Mr. Piercefield noted that the roads carried a maintenance warranty after they are platted. She wanted to know how residents would be aware of this warranty period's expiration. Mr. Piercefield stated that the residents would need to contact the County directly to ascertain when the warranty bonds expire. He would not recommend addressing the surface the roadways until the construction is complete.

Mr. Don Peters asked if Lexington Oaks Boulevard has been turned over the County. Mr. Piercefield stated that the area up until the roundabout is controlled by the County.

Another resident stated that the Developer has promised that the road surface would be addressed when construction is complete.

Another resident asked when the parking area near the tennis courts is going to be completed and the area surrounding it landscaped. Mr. Noble stated that the Developer is working on this issue. He will update Mr. Fox on the timeline so that it may be made available to the residents.

Another resident

ELEVENTH ORDER OF BUSINESS

Adjournment

Mr. Lamb stated that there was no further business to come before the Board and asked for a motion to adjourn.

On MOTION by Mr. Mazuchowski, seconded by Mr. Noble, with all in favor, the Board adjourned the meeting for Lexington Oaks Community Development District.
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Brian K. Lamb
Secretary

Tim Murray
Chairperson