

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 **Wednesday, December 15, 2004 at 8:30 a.m.** at the Lexington Oaks Clubhouse, located at 26304 Lexington Oaks Boulevard, Wesley Chapel, Pasco County, Florida.

Present and constituting a quorum were:

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| Tim Murray | Board Supervisor |
| Peter Hanzel | Board Supervisor |
| Don Peters | Board Supervisor |
| John Mazuchowski | Board Supervisor |
| Patricia Dwyer | Board Supervisor |

Also present were:

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| Matthew Campbell | District Manager, Rizzetta & Company, Inc. |
| Eric Dailey | Rizzetta & Company, Inc. |
| Greg Tuman | Rizzetta & Company, Inc. |
| Tracy Robin | District Counsel, Straley Robin & Williams, P.A. |
| Dayne Piercefield | District Engineer, GeoSurv3, Inc. |
| Bobby Fox | Field Manager, Lexington Oaks CDD |
| Mark Baesch | Representative, SBA Network Services |
| Patty Alvera | Representative, SBA Network Services |
| Amy Cochran | Representative, SBA Network Services |
| Audience | |

FIRST ORDER OF BUSINESS

Call to Order

Mr. Campbell called the meeting to order and read the roll call.

SECOND ORDER OF BUSINESS

Administer Oath of Office

Mr. Campbell stated that the next item on the agenda was to administer the Oath of Office to the newly elected Supervisor. He stated that he is a Notary in the State of Florida and thereby authorized to administer the oath. Each Supervisor was asked to raise his right hand and swear and affirm to the oath she read. All Supervisors present swore and affirmed to the oath.

THIRD ORDER OF BUSINESS

**Consideration of the Minutes of the
Landowners' Meeting on
November 4, 2004**

Mr. Campbell stated that the next item on the agenda was to consider the minutes of the Landowners' meeting on November 4, 2004. He asked if there were any additions, deletions, or corrections to the minutes. There were none. He asked for a motion to approve the minutes.

On MOTION by Mr. Mazuchowski, seconded by Mr. Murray, with all in favor, the Board approved the consideration of minutes of the Landowners' meeting on November 4, 2004 for Lexington Oaks Community Development District.

FOURTH ORDER OF BUSINESS

**Consideration of the Minutes of the
Board of Supervisors' Meeting on
November 4, 2004**

Mr. Campbell stated that the next item on the agenda was to consider the minutes of the Board of Supervisors' meeting on November 4, 2004 (behind tab 2). He asked if there were any additions, deletions, or corrections to the minutes. Ms. Dwyer expressed her concern on having audience comments included in the minutes. Mr. Campbell explained that the minutes are not meant to be transcribed verbatim. He explained that the tape is always available to the public if they wish to have it transcribed at their own expense. Mr. Murray stated that the Board takes notes and uses them to address the audiences' concerns. Mr. Campbell stated that the onsite contact of the District is the Field Manager, Mr. Fox. A new Board member asked whether they were required to vote. Mr. Robin stated that all members of the Board present must vote. A Board member requested that the issues brought up by Ms. Dwyer be included in the minutes. Ms. Dwyer mentioned issues regarding the ponds, walls, and lift stations. He asked for a motion to approve the minutes as amended.

On MOTION by Mr. Mazuchowski, seconded by Mr. Hanzel, with all in favor, the Board approved the minutes of the Board of Supervisors' meeting on November 4, 2004 (as amended) for Lexington Oaks Community Development District.

FIFTH ORDER OF BUSINESS

**Consideration of Authorization to
Disburse District Funds 2005-02**

Mr. Campbell stated that the next item on the agenda was the consideration of Authorization to Disburse District Funds 2005-02 (behind tab 3). He stated that the disbursement contains invoices for standard contractual commitments and utilities. Mr. Campbell asked if there were any questions. A Board member asked about the invoice from ADP. Mr. Campbell explained that the invoice pertained to payroll for District employees. He asked for a motion to approve.

On MOTION by Ms. Dwyer, seconded by Mr. Peters, with all in favor, the Board approved Authorization to Disburse District Funds 2005-02 for Lexington Oaks Community Development District.

SIXTH ORDER OF BUSINESS

**Consideration of Series 2002
Construction Requisitions #91-#93**

Mr. Campbell stated that the next item on the agenda is the consideration of Series 2002 Construction Requisitions #91-#93 (recap behind tab 4). He stated that each of the requisitions have been approved by the Chairman and certified by the District Engineer. Mr. Piercefield provided a brief overview of the requisitions. He asked if there were any questions. There was a question regarding requisition #93 from King Engineering. General discussion ensued. He called for a motion to approve excluding Construction Requisition #93.

On MOTION by Mr. Mazuchowski, seconded by Ms. Dwyer, with all in favor, the Board approved Series 2002 Construction Requisitions #91-#92 (excluding #93 pending further review) for Lexington Oaks Community Development District.

SEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2005-01,
Canvassing and Certifying Election Results**

Mr. Campbell stated the next item on the agenda was the consideration of Resolution 2005-01, canvassing and certifying the election results of the Landowners' Election held on November 4, 2004 (behind tab 5).

Mr. Campbell stated that the approval of the resolution affirms the election results for the November Landowners' election. The overwhelming majority of votes cast were for Patricia Dwyer. She received 744 votes. Mr. Campbell asked for a motion to approve.

On MOTION by Mr. Peters, seconded by Mr. Mazuchowski, with all in favor, the Board approved Resolution 2005-01, Canvassing and Certifying Election Results for Lexington Oaks Community Development District.

EIGHTH ORDER OF BUSINESS

**Consideration of Resolution 2005-02,
Appointing Officers**

Mr. Campbell stated the next item on the agenda was the consideration of Resolution 2005-02, Appointing Officers (behind tab 6). Based on Board discussion, the following appointments were made: Tim Murray as Chairman; Peter Hanzel as Vice Chairman; Don Peters, Patricia Dwyer, and John Mazuchowski as Assistant Secretaries.

On MOTION by Mr. Peters, seconded by Mr. Mazuchowski, with all in favor, the Board approved Resolution 2005-02, Appointing Officers, Tim Murray as Chairman; Peter Hanzel as Vice Chairman; Don Peters, Patricia Dwyer, and John Mazuchowski as Assistant Secretaries for Lexington Oaks Community Development District.

Mr. Campbell asked that the Board appoint Greg Tuman as Assistant Secretary as a back up, in case he is unavailable to attend a meeting.

On MOTION by Mr. Mazuchowski, seconded by Ms. Dwyer, with all in favor, the Board approved Resolution 2005-02, Appointing Officers, Greg Tuman as Assistant Secretary for Lexington Oaks Community Development District.

NINTH ORDER OF BUSINESS

Consideration of Landscaping Proposal

Mr. Campbell stated the next item on the agenda was the consideration of Landscaping proposal (under separate cover). Mr. Fox gave a brief overview of the Landscaping proposal from Luke Brothers Inc Landscaping Services. He explained the assessment noted that the oak trees on the property were in need of center-pruning and dead wood removal. Mr. Campbell stated that there were insufficient funds in the existing budget. He stated that budget season is coming up and then this item could be brought up. The Board requested that Mr. Fox have an actual and total amount for the proposal. Mr. Campbell asked for a motion to table this item until the February meeting.

On MOTION by Mr. Peters, seconded by Mr. Hanzel, with all in favor, the Board tabled the Landscaping Proposal from Luke Brothers Inc. Landscaping Services for Lexington Oaks Community Development District.

TENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel
Mr. Robin gave an update on the lift station.
- B. District Engineer
Mr. Piercefield discussed the failures on drainage infrastructure which affected the ponds due to the inclement summer weather. He stated that the infrastructure needs repair in order to operate properly. General discussion ensued.
- C. District Manager
Mr. Campbell discussed the wireless tower proposal from SBA Network Services which was presented at the November Board meeting.

SBA Network Services is a wireless service provider and a radio/telephone engineering firm, which are responsible for providing the location and doing research analysis for the location of the radio and telephone communication towers (cell phone towers). He stated that he brought three representatives, Mark Baesch, Patty Alvera and Amy Cochran, to provide a brief discussion on the proposal. Mr. Campbell stated that a public hearing would need to be held in order to consider this item.

On MOTION by Mr. Mazuchowski, seconded by Mr. Peters, with four for and one opposition (Ms. Dwyer), the Board approved scheduling a public hearing to consider the cell phone towers proposal by SBA Service Network for Lexington Oaks Community Development District.

A Board member requested that the public hearing take place in the evening to enable more residents to attend.

ELEVENTH ORDER OF BUSINESS

Supervisor Requests and Audience Comments

Mr. Campbell stated that the next item on the agenda was Supervisor requests and audience comments. He asked if there were any audience comments.

An audience member suggested that the Pledge of Allegiance be recited at the beginning of each Board meeting. The Board stated that they would begin at the January agenda.

An audience member asked for verification the firm that was appointed as the Trustee of the District. District Counsel confirmed the Trustee is SunTrust Bank.

The president of the Women's Club requested that the District fund the coffee socials which would occur on a monthly basis totaling \$10 to \$15 a month. Mr. Campbell stated that the Women's club is strictly for women. He stated District funds need to be spent to benefit the District as a whole. The president stated that that the socials are for everyone in the District. Mr. Murray explained if the Board approved the expenditure, they would be setting precedence for this to occur with other solicitations. Mr. Campbell stated that the County does not provide funding for socials or benefits for any entities using tax payers' money. The president of the women's club stated that another issue she had was the lack of availability of the clubhouse for Sunday brunches. She stated that the clubhouse was being used currently by a Church during that time. Mr. Fox stated there is not a policy regarding clubhouse usage currently in effect. Mr. Campbell stated that he would draft a policy on clubhouse usage and bring it to the Board at a future meeting. A Board member recommended holding a public hearing addressing the issue including fees and reservations.

An audience member requested the status of the wall. Mr. Fox gave a brief update. Another audience member asked about replacement of trees that were damaged due to the storms. Mr. Fox stated he was researching this issue and in the process of getting quotes from different companies.

Mr. Campbell asked if there were any Supervisor requests. Mr. Mazuchowski had a question concerning the meeting schedule. He stated that the Board meetings were scheduled every other month and now they occur monthly. Mr. Campbell stated that he would research this issue further.

Mr. Peters requested that the Board hold a minimum of six evening meetings to encourage residents to attend. Mr. Murray stated that the meeting dates and time can be modified when necessary. Mr. Campbell stated that the February Board meeting would be held in the evening.

Mr. Hanzel had a few comments regarding the current District management company, Rizzetta & Company. He stated that the level of service over the past few months has drastically fallen short of expectations. He addressed the absence of communication entailing the returning of phone calls, emails, and the coordination of communication between current management, the residents and Board Supervisors. He also addressed the importance of staff consistency. He also stated that the Fiscal Year 2003/2004 the District was over budget in several line items. He stated that proper communication could have prevented this error. He stated the importance of having monthly reports and financial statements be provided to the Board. He stated that financial statements have not been provided in two years. He stated that one of the District managers was asked to hold a Resident/Board information workshop to the community and the workshop was never held. He called for a motion to terminate all contracts with the current District management company (Rizzetta & Company, Inc.). He motioned to authorize District Counsel to draft up a termination letter before the close of business today. He stated that the termination includes the District management contract (60-day notice is required), financial advisory services, and website administration services. Mr. Campbell stated that the District would need to place a public bid for District management services accordingly. He stated that he would work with the District within the 60-day period and provide any information that is needed.

Mr. Hanzel stated that he had a bid from another District Management company. He explained that the bid would not be necessary because the dollar amount is below the scope of Florida Statutory requirement for bid services. Ms. Dwyer stated she would second it and further stated that she didn't believe this issue should be pursued at this time. Mr. Campbell stated there was a motion and a second but a vote was not taken. Mr. Robin stated that RFQ process is a request for qualifications. It allows the District to select a consultant that would serve the purposes best and not just based upon cost. He stated that an RFP should be published in the paper. The Board decided to table this item until the January Board meeting.

On MOTION by Mr. Hanzel, seconded by Mr. Murray, with all in favor, the Board tabled the termination of the District management contract until the January Board meeting for Lexington Oaks Community Development District.

TWELFTH ORDER OF BUSINESS

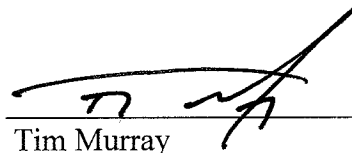
Adjournment

Mr. Campbell 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. Murray, with all in favor, the Board adjourned the meeting for Lexington Oaks Community Development District.



Matthew L. Campbell
Secretary



Tim Murray
Chairman