

**MINUTES OF MEETING  
LEXINGTON OAKS  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Lexington Oaks Community Development District was held Thursday, September 22, 2005 at 8:30 a.m. at the Lexington Oaks Clubhouse, 26304 Lexington Oaks Boulevard, Wesley Chapel, Florida.

Present and constituting a quorum were:

Tim Murray	Chairman
Peter Hanzel	Vice Chairman
Patricia Dwyer	Assistant Secretary
Don Peters	Assistant Secretary

Also present were:

Bob Fernandez	Severn Trent
Scott Brizendine	Rizzetta & Co.
Tracy Robin	Attorney
Dayne Piercefield	Engineer
Shawn Millard	Clubhouse Manager
Mary Smith	Resident
Vicki Wrobel	Resident
Jason Saderas	Resident

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Brizendine called the meeting to order and called the roll.

**SECOND ORDER OF BUSINESS**

**Pledge of Allegiance**

The Pledge of Allegiance was recited.

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the August 25,  
2005 Meeting**

Mr. Brizendine stated each Board member received the minutes for the August 25, 2005 meeting and requested any additions, corrections or deletions.

Ms. Dwyer stated on page 12, the first line in the second paragraph should be, "He stated that they would like to purchase..."

Mr. Hanzel stated on page 11, the seventh line under Staff Reports should be, "...Mr. Hanzel stated that it was a county right-of-way..."

On MOTION by Ms. Dwyer seconded by Mr. Hanzel with all in favor the minutes of the August 25, 2005 meeting were approved as amended.

**FOURTH ORDER OF BUSINESS**

**Consideration of Operation and Maintenance Expenditures for September 2005**

Mr. Brizendine stated this represents all expenses paid from August 1, 2005 to August 31, 2005 totaling \$61,516.31.

Mr. Murray asked what are the Florida Native Nursery invoices for? All the amounts are the same.

Mr. Brizendine responded it is for monthly maintenance. I do not have the summary and will follow up on this.

Ms. Dwyer asked what do the Verizon bills include?

Mr. Brizendine responded some of the charges are for emergency telephones. I will get a breakdown.

Mr. Murray asked what is the \$979 expense for clearance accounts and the \$1,200 for the ecological consultant on page one?

Mr. Brizendine responded the clearance accounts are insurance policies. The annual premium is \$2,913 and the amount due is \$979.

Mr. Murray stated the insurance policies were not shown to the Board when requested.

Mr. Robin stated the ecological consulting contract is a requirement according to the SWFWMD permit.

On MOTION by Ms. Dwyer seconded by Mr. Hanzel with all in favor the August invoices were approved pending follow up and reporting to the Board on the Florida Native Nursery and Verizon invoices.

**FIFTH ORDER OF BUSINESS**

**Consideration of Series 2002 Construction Requisition #117-118**

Mr. Brizendine stated requisition #117 and #118 are items tabled from the previous meeting.

Mr. Piercefield stated requisition #117 is payment to Geo Surv for additional repairs to the ponds in the amount of \$7,000. Requisition #118 is for repairing the pipe by Bay Area Environmental Services allegedly broken by Verizon.

Mr. Robin stated a letter demanding reimbursement for repair expenses was sent to Verizon.

Mr. Murray asked does the \$3,650 repair cost include the service fees of the District Engineer?

Mr. Robin responded no, but we can include it.

Mr. Peters stated the August 25, 2005 meeting minutes on page three state, "Mr. Brizendine stated that invoices coming from District Counsel and the District Engineer will now be paid with monies from the Operations and Maintenance fees rather than paying these two expenses from the capital bond proceeds."

Mr. Brizendine stated this should be amended for Geo Surv and District counsel..

On MOTION by Mr. Murray seconded by Mr. Peters with Mr. Murray, Mr. Peters and Ms. Dwyer voting aye and Mr. Hanzel voting nay Requisitions #117-118 were approved.
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**SIXTH ORDER OF BUSINESS**

**Other Business**

**A. Status on Signs for Tennis Courts**

Mr. Murray stated Mr. Hanzel will follow up with the resident requesting the signs for additional information.

**B. Discussion of Fiscal Year 2003-2004 Audit**

Mr. Brizendine stated the fiscal year 2003-2004 audit is complete and District Counsel will follow up with Grau & Company.

**C. Status on Auto Accident Claims**

Mr. Brizendine stated letters were sent with two proposals to GEICO on September 9, 2005 and to Allstate on September 21, 2005 pertaining to two accident claims.

**D. Discussion on Invoice from Luke Brothers for Irrigation Work**

Mr. Hanzel stated Luke Brothers was overpaid approximately \$16,000 for irrigation work. Their contract covers irrigation repairs and the CDD must recoup this money.

Mr. Millard stated a meeting with Luke Brothers to discuss payment should be arranged. There is \$11,000 in irrigation invoices not paid.

Mr. Robin stated per District Counsel a one-year contract is in place stating they are responsible for all the irrigation work except for an Act of God. The question is reasonableness.

Mr. Hanzel asked how much are we holding in current unpaid invoices? A contract was signed and those standards need to be met. There are no minutes or notes from previous meetings with Luke Brothers. Mr. Sifford does not represent the CDD and cannot negotiate on its behalf. Documentation is not included with the invoices indicating they are reasonable fees. Inspection services are included in their contract and the invoices are for irrigation repairs during inspection. This indicates any vendor can submit a bid, later increase the price and we will pay it.

Mr. Murray stated Luke Brothers and Mr. Hanzel can meet to discuss what invoice amounts are reasonable and a payment amount can be presented to the Board for consideration.

Mr. Robin stated there was a structural issue with the system not contemplated by either party. It was previously discussed a meeting should take place to clarify where responsibility for irrigation permits stop and start and to redefine contract language. The water hammer problem is not resolved and is causing further damage to the system. General acknowledgement is Luke Brothers should not be responsible for those types of damage issues falling under constructural problems in the system which were beyond their or the Board's knowledge when the contract was entered into. An agreement needs to be reached on how to proceed so this does not occur again.

**E. Discussion on Payment to Hawkeye Pest Control for Treatment of Soccer Field**

Mr. Millard stated Hawkeye Pest Control treated a wall on the soccer field and an invoice for this service will be forthcoming.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

The being no report, the next item followed.

**B. Engineer**

Mr. Piercefield stated the contractor completed ponds 17BA and 17BB and the structure is in place.

Mr. Hanzel stated the incline behind the home of Mr. Hernandez is very steep and if someone is injured while mowing, he is liable. He is requesting the incline gradually continue so it is not as steep. Another resident, Mr. Hall is missing 3' x 7' of sod and he is concerned the area will wash out when it rains. He is requesting the sod be added. Both requests are reasonable.

Mr. Murray stated we will inspect the property and make repairs where needed.

Mr. Murray asked is the water control system working correctly?

Mr. Piercefield responded yes.

**C. District Manager**

Mr. Brizendine stated the District is transitioning management from Rizzetta & Company to Severn Trent. This will be effective the end of the month.

Mr. Hanzel stated there is a contract for financial services between Rizzetta & Company and Pulte Homes.

Mr. Robin stated this contract and the standard management service contract was initially entered into by Pulte and assigned to the District before it was formed.

Mr. Murray stated counsel will review the financial service contract to determine the reasonableness and inclusion of a termination clause.

Mr. Robin stated the Board can request a quote from Severn Trent for providing financial services. Rizzetta has the historical knowledge of the District's bond issues and I recommend the Board retain Rizzetta until the close out of the construction fund accounts. It will be costly for the Board to have a new company take over the financials now.

**D. Project Manager**

Mr. Millard stated the ashtrays were ordered for the smoking area outside the pool area. We are contacting residents for ideas regarding a teen night and asking if anyone is interested in chaperoning.

Mr. Murray stated this should not be held without the involvement of parents.

Mr. Millard stated pressure washing of the pool furniture will be done the end of this month. There are requests from residents for mirrors in the fitness center.

Mr. Murray stated mirror options and costs should be researched and reported back to the Board. Whatever is decided should be attractive.

Mr. Peters stated the holly trees will be removed and replaced.

Mr. Murray stated a quote for \$920 was obtained and approved for this work.

**EIGHTH ORDER OF BUSINESS**

**Supervisor's Requests and Audience Comments**

Mr. Murray stated Mr. Mazuchowski is no longer with Pulte Homes and a seat on the Board is open. My workload is not allowing me to devote the time needed to the District and I am resigning from the Board. I will remain active in the District and I will meet with the Board without concern for the Sunshine Law.

Mr. Brizendine stated resignation letters from Mr. Mazuchowski and Mr. Murray are needed for the record. The Board will formally accept the resignations and then nominate replacements.

Mr. Robin stated as long as there is a quorum of three Board members attending meetings business can continue. Designating one replacement at a time will ensure there is an extra member in case someone cannot attend.

Ms. Smith stated the community appreciates all the time Mr. Murray devoted to the District. The cost of plant replacement in some areas is high and I suggest low-lying juniper be used as an economical alternative. What is the status of signage and the replacement of dead trees?

Mr. Murray stated signage is not allowed on the Boulevard. The CDD website will be updated to include a policy on the type of signage allowed. The dead trees are in the process of being replaced.

Ms. Smith stated the size of the replacement trees are smaller than what was there.

Ms. Wrobel stated landscaping around the traffic circle should be pulled back because sight is blocked from traffic coming on the left. Who is responsible for removing the silt fences?

Mr. Murray stated I will look into this and get back to you.

Mr. Saderas stated contracts entered into by the District should be honored and additional costs not incurred. The grounds have deteriorated since Luke Brothers took over. The recently distributed survey focuses on what should have initially been completed by Pulte as opposed to what is wanted in the future.

Mr. Murray stated we are trying to do both. We want to make sure the changes are directed to the correct areas and this is the reason for the survey.

Mr. Hanzel stated the survey is for capital improvements and use of the funds in the bond account which cannot be used for ongoing repairs.

Mr. Saderas asked who do I contact regarding Pocano pond improvements?

Mr. Murray responded we are making improvements to each pond and will include this on our list.

Mr. Barr stated the repair to the landscaping at the Hawthorne entrance gate has not been completed. There has been damage to irrigation systems caused by the sub-contractors repairing the ponds. We request the Board inform Pulte to notify residents when work will be performed and damage be repaired immediately.

Mr. Murray stated we are working on the irrigation problems. A better job will be done to notify residents when heavy equipment is brought onto their property. The subcontractor will repair whatever is damaged.

Mr. Barr stated I made the repairs myself and sent a bill for my labor to Tierney Development Company.

Mr. Murray stated we will follow up to make sure payment is received.

Mr. Hanzel stated the survey is complete and a workshop will be held to discuss the results; 323 surveys were returned with the following results:

- 74% Gate at entrance
- 56% Bar code for clubhouse
- 62% Drinking fountains for clubhouse
- 62% Lighting
- 59% Landscaping

Mr. Hanzel stated this is a survey and does not indicate the Board will complete any of these items. The Board will review and discuss the issues and a decision will be made. Can the \$27,000 remaining in the budget be used for irrigation? The CDD needs to obtain the legal ownership of the clubhouse. A legal agreement between Pulte and Lexington Oaks CDD Board should be prepared for the operation of the facility.

Mr. Murray stated a survey should be done and title provided on the existing land at Lexington Oaks.

Mr. Robin stated this property is dedicated by plat and Pulte has made a commitment to convey the title of property. I do not believe the District is at risk of not receiving this title.

Mr. Hanzel asked what is the status on sand at the play lot and the repair of the retention wall?

*MILLARD*  
Mr. Peters responded the work is in progress.

Mr. Murray stated a priority list for repairing the ponds will be prepared and contractor quotes requested.

Mr. Hanzel stated a workshop to discuss capital improvements, pond repair and supervisor replacement will be arranged by Mr. Fernandez.

Mr. Murray stated we should request a completion list from King Engineering.

**NINTH ORDER OF BUSINESS** **Approval of Financial Statements**

Mr. Peters asked where are the financials?

Mr. Brizendine responded I will check and e-mail them to you.

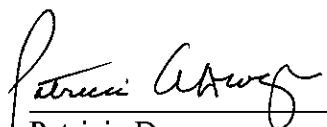
Mr. Robin stated Mr. Ricciardi has resigned from Severn Trent and Mr. Fernandez will be the District Manager.


Mr. Murray stated since Mr. Fernandez is new to Severn Trent, the Board requests Mr. Daugirda attend meetings and District manage for the first few months.

**TENTH ORDER OF BUSINESS** **Adjournment**

There being no further business,

On MOTION by Mr. Murray seconded by Mr. Hanzel with all in favor the meeting was adjourned.

  
Patricia Dwyer  
Assistant Secretary

  
Tim Murray  
Vice-Chairman