

**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, October 25, 2005 at 8:30 a.m. at the Lexington Oaks Clubhouse, 26304 Lexington Oaks Boulevard, Wesley Chapel, Florida.

Present and constituting a quorum were:

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

Also present were:

Bob Fernandez	Severn Trent.
Shawn Millard	Clubhouse Manager
Mike McMillan	Luke Brothers
George Matejka	Resident
Sheila Matejka	Resident
Sharon Williams	Resident

FIRST ORDER OF BUSINESS

Roll Call

Mr. Hanzel 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 19,
2005 Workshop and September 22, 2005
Meeting**

Mr. Hanzel stated each Board member received the minutes for the August 19, 2005 workshop and September 22, 2005 meeting and requested any additions, corrections or deletions.

Ms. Dwyer stated the August 19, 2005 workshop was attended by Mr. Brizendine of Rizzetta & Company not Mr. Bob Fernandez.

On MOTION by Mr. Peters seconded by Ms. Dwyer with all in favor the minutes of the August 19, 2005 workshop were approved as amended.

Ms. Dwyer stated on page four, the third paragraph should be, “Mr. Robin stated...” and the fifth paragraph should be, “Mr. Murray stated...” On page six, under eighth order of business it should be, “Ms. Smith stated...”

Mr. Peters stated on page three, the sixth paragraph should be, “Mr. Peters stated...” The seventh paragraph should be “... for Geo Surv and District counsel.” On page five, the third paragraph should be, “Mr. Murray stated...” Under Project Manager, the first and the last paragraph on page five should be, “Mr. Millard stated...” On page seven, the fourth paragraph should be “Mr. Murray responded...” and the sixth paragraph should be “Mr. Murray stated...” On page eight, the fourth paragraph should be, “Mr. Millard responded...”

On MOTION by Ms. Dwyer seconded by Mr. Peters with all in favor the minutes of the September 22, 2005 meeting were approved as amended.

FOURTH ORDER OF BUSINESS

Ratification of Resolutions

Mr. Hanzel stated the next item is the ratification of Resolutions 2006-1 and 2006-2.

- A. Resolution 2006-1 Designating Bob Fernandez as Secretary and John Daugirda and Jean M. Rugg as Assistant Secretaries**

On MOTION by Ms. Dwyer seconded by Mr. Peters with all in favor Resolution 2006-1 designating Bob Fernandez Secretary and John Daugirda and Jean M. Rugg Assistant Secretaries was ratified.

- B. Resolution 2006-2 Designating Janice Moen Larned as Treasurer and Edward Goscicki as Assistant Treasurer**

On MOTION by Mr. Peters seconded by Ms. Dwyer with all in favor Resolution 2006-2 designating Janice Moen Larned Treasurer and Edward Goscicki Assistant Treasurer was ratified.

FIFTH ORDER OF BUSINESS

Staff Reports

A. Attorney

The being no report, the next item followed.

B. Engineer – Discussion of Drainage Water Control Structure

Mr. Fernandez stated included in the package is a report from Mr. Piercefield regarding the required maintenance and repair of the drainage water control structure. He will keep the Board advised of the progress relating to this matter.

Ms. Dwyer stated #56 should be on Mr. Piercefield’s list.

Mr. Fernandez stated I will follow up with Mr. Piercefield.

C. Property Manager – Discussion of Revised Exercise Room Hours

Mr. Millard stated it is requested the fitness center revert back to a 10:00 p.m. closing time.

Mr. Peters asked is there a liability if a staff member is not in the center until 10:00 p.m.?

Mr. Fernandez responded this is a question for the attorney, but a sign indicating “Exercise At Your Own Risk” should be sufficient.

On MOTION by Ms. Dwyer seconded by Mr. Peters with all in favor reverting fitness center hours back to 5:00 a.m. until 10:00 p.m. and no one under the age of 16 permitted in the fitness center at any time was approved.
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Mr. Hanzel stated for the record, there is a small part of the population who will benefit from the fitness center being open longer, but there has been abuse inside the center and it should be closed at 10:00 p.m. A deadbolt can be installed.

Ms. Dwyer stated there is a crime watch patrol meeting tomorrow night and I can propose the padlocking issue.

Mr. Millard stated the 5:00 a.m. unlocking will be a problem.

Mr. Peters stated when funds are available a card recording who and when they enter and how long they remain will be a better solution than trying to lock the door. Someone on crime watch is not always available every evening at 10:00 p.m.

Mr. Millard stated when the key entry system is initiated we will be able to lock sections so they cannot be used during certain hours. I can lock the fitness center from 10:00 p.m. to 5:00 a.m.

Mr. Hanzel stated this new policy is effective immediately.

Ms. Dwyer asked were these fitness rules published in the newsletter?

Mr. Millard responded no, because there were some discrepancies.

Ms. Dwyer stated they should be published in the next newsletter.

D. District Manager

Mr. Fernandez stated I distributed resignation letters from Mr. John Mazuchowski and Mr. Tim Murray dated October 20, 2005. The process to replace these supervisors can begin. This can be addressed today or at the next meeting.

Mr. Hanzel stated a notice placed in the newsletter is informing residents the Board is seeking supervisors.

Ms. Dwyer stated resumes must be submitted by 4:00 p.m. on November 14, 2005.

Mr. Fernandez stated Severn Trent is working diligently on the transition of management services from Rizzetta & Company and hope to have financial reports soon.

Mr. Hanzel asked are they being cooperative?

Mr. Fernandez responded some members of the Rizzetta organization are more cooperative than others. Mr. Brizendine and the financial personnel have been cooperative. The closing of bank accounts requiring us to open new accounts was unnecessary and caused some difficulty in the transition.

Mr. Hanzel asked is there anything we can do to help?

Mr. Fernandez responded your understanding that we are doing our best for the smoothest transition and we will have the financials to you soon is appreciated.

Ms. Dwyer asked what will Severn Trent's fee be for taking over the Rizzetta bond contract?

Mr. Fernandez responded we can perform the service for the same price Rizzetta is charging. The District currently has a contract with Rizzetta but if the Board is interested in making the transition we will come back with a formal document.

Mr. Hanzel asked will Severn Trent match their \$625 monthly charge?

Mr. Fernandez responded yes.

Ms. Dwyer stated the attorney recommended we stay with Rizzetta because they are familiar with the bond issues. Will this cause a problem?

Mr. Fernandez responded Mr. Daugirda and Mr. Robin discussed this and Mr. Robin was convinced there will not be problems in making the transition. The Board can speak with with Mr. Robin directly and get his thoughts on it.

On MOTION by Mr. Hanzel seconded by Ms. Dwyer with all in favor severing all ties with Rizzetta & Company and initiating a new contract for financial advisory services with Severn Trent was approved.

Mr. Fernandez stated we will draft a new contract and present it to the Board at the next meeting.

SIXTH ORDER OF BUSINESS

Other Business

Mr. Millard stated I received a letter from Lexington Oaks residents representing a non-profit organization called Real-Truths. They are requesting access to the clubhouse to host movie nights for residents and members of the community on one or two Saturday evenings per month.

Mr. Hanzel stated my concern is we already have a contract with a church who rents the facility. This church also has resident members from Lexington Oaks and we charge them. There should be fair and equal treatment for all parties.

Mr. Fernandez stated my advice to other Districts has been to set a policy so the Board can consistently address any requests made for use of the facilities. Include criteria and if the group meets these points than the request will be granted. If a policy is in place there is consistency in treating groups fairly.

Mr. Peters stated we do have a policy including criteria for fees, deposit and cleanup.

Mr. Fernandez asked does the policy include criteria for waiving the fee?

Mr. Hanzel responded yes, it is at the discretion of the Board.

Ms. Dwyer asked who are these people? They are primarily concerned with unchurched individuals. Will they be selling the items they mention in the letter at the clubhouse?

Mr. Millard responded I will not allow them to do that.

Mr. Fernandez asked does the policy require organizations to present their 501C3 designation for non-profit?

Mr. Hanzel responded no.

Mr. Fernandez stated proof it is a bonified non-profit organization may be a criteria for the Board to consider.

Ms. Dwyer asked do they fall into the same category as the church we charge?

Mr. Hanzel responded yes.

Mr. Peters stated I want to know more about this organization before the Board makes a decision.

Mr. Hanzel stated Mr. Millard will request more information from the organization, including their 501C3 and any other documentation showing they are non-profit. The Board can waive the fee but does not have enough information to make a decision at this time.

Mr. Millard stated I distributed information from Aquagenix regarding the control of algae. On the third page is a proposal for stocking the ponds with grass carp. This will help with the submerged growth of plants turning into algae. The grass carp needs replacement every three years because they do not reproduce. I will check with SWFWMD to find out if this requires a permit. Barriers must be placed in some areas to control the grass carp from getting into the conservation area.

Mr. Peters asked where would we put the 750 grass carp?

Mr. Millard responded in every pond. Aquagenix knows the exact size of the ponds and how many fish will go into each. This is for the CDD ponds not the golf area.

Ms. Dwyer asked what will the barriers look like?

Mr. Millard responded it is a small piece of wood with slits going down the sides to keep the fish from moving into the conservation area. I distributed information on the grass carp to the Board. Aquagenix informs me this is the last step we can take to get the algae under control. They are not asking for approval. This is information for the Board before moving forward.

Mr. Hanzel asked is Aquagenix a good company and are there other companies who can perform this work? The District should think about changing vendors and going out for bids on contracts due to expire such as insurance. The aqua range at the golf course uses fish to control the algae and it works well.

Mr. Millard stated I checked the Florida Native Nursery invoices. They perform maintenance on our mitigation areas for a monthly fee of \$850. This service will stop at a certain point.

Mr. Peters asked who approved recent payments? The first time we saw these charges was last month.

Mr. Millard responded I never approved a Florida Native Nursery invoice. Pulte is the only other company who can approve invoices.

Mr. Peters stated there must be a contract. The District should not pay another invoice until we see a contract and find out who approved the invoices. This was discussed at the September 22, 2005 meeting and Mr. Brizendine was going to follow up.

Mr. Millard stated I distributed invoices from Accurate Electronics, Inc. regarding the gates.

Mr. Hanzel asked are we being charged for rework?

Mr. Millard responded no. I have a key and can now reset the gates if they get stuck.

Mr. Peters stated the opening of the Hawthorne entrance and exit is smaller than any of the other villages which are approximately 12' curb to curb. This gate is 10' 8" and is 16" narrower on each side, therefore cars and trucks are (allegedly) hitting it. Mr. Murray is concerned with safety if a fire truck cannot enter. I went to the fire house and was informed they were able to enter every village in Lexington Oaks. I measured the trucks and the widest point from mirror to mirror is exactly 9'. It is not a problem for them to enter.

Mr. Millard stated the sensor for Preakness has been faulty for 1 ½ years and the battery back up for two years.

Mr. Peters asked was the CDD always responsible for these gates?

Mr. Hanzel responded it was Pulte or Sterling. We never saw any bills until recently. If all finances are turned over to Severn Trent, we will have control over issues such as payment for the gates. Sterling will not get involved.

Mr. Millard stated the battery at the Preakness gate was replaced.

Mr. Hanzel asked was the equipment Pulte installed inferior?

Mr. Millard responded I do not know.

Mr. Hanzel asked is there any preventative maintenance on these gates?

Mr. Millard responded no.

Mr. Hanzel stated it may save us money to find out what the cost is for preventative maintenance and bringing the Preakness gate up to standards. Mr. JC notified me on Sunday that a white truck hit the Hawthorne gate. The Sheriff was notified. He suggested AV equipment be installed to determine if vehicles are actually hitting the gate. Was this done at Remington?

Ms. Dwyer responded yes, there was an incident where someone hit the gate and we are asking them to pay for the repair.

Mr. Matejka stated the problem with the Hawthorne gate is it swings open 60 degrees.

Mrs. Matejka stated originally there was a problem with the arm. There was water and the base it was mounted on was tipping.

On MOTION by Mr. Hanzel seconded by Ms. Dwyer with all in favor Mr. Millard was authorized to obtain quotes for establishing preventive maintenance and bringing up to standards the Hawthorne and Preakness entrance gates.

Mr. Millard stated I received a quote for \$478.80 to replace the ramp for the elliptical machine. I will get another quote before the Board makes a decision.

Ms. Dwyer asked how old is the machine?

Mr. Millard responded over three years old. The machine is not broken, the ramp needs replacement.

Mr. Hanzel stated there are three options regarding the irrigation:

1. The CDD stays with the current contract.
2. The CDD pays for the main lines, the valves, the control boxes and the flash wiring. The invoices not paid amount to \$2,292.94. The invoices we will pay amount to \$4,794.23. I am still researching ten other invoices.
3. The CDD pays for invoices over the \$2,029.10 Luke Brothers has contracted for irrigation work. The problem is this does not include their monthly inspection fee.

Mr. Peters asked what is the \$2,029.10 Luke Brothers is charging for monthly irrigation?

Mr. Millard responded it is a breakdown of their \$22,000.

Mr. Peters stated it is not in their \$22,000 a month contract.

Mr. Millard stated they must breakdown what is included in the \$22,000. Part of the \$22,000 is the \$2,029.10.

Mr. Hanzel stated we pay \$22,000. Each month the invoice is for five items; tree trimming, seasoning color, irrigation services and repair, pest control and ground maintenance.

Mr. Peters stated the contract states the repair and maintenance of the irrigation system is included. The invoices are not separated properly.

Ms. Dwyer stated it will be difficult to collect the \$16,000 in overpayment from Luke Brothers.

Mr. Peters stated if the Board wants to be tough, the option to enforce the contract works. If we want to be reasonable, we can pay for the items they cannot control such as main lines, control boxes etc. The \$2,000 a month is a pull out of the air number someone came up with.

Mr. McMillan stated the \$2,000 is calculated using how long it takes to check certain irrigation zones.

Mr. Peters asked has the \$2,000 been broken down in each invoice since the beginning?

Mr. Millard responded since the irrigation inspections began.

Mr. Hanzel stated there is a contract and Luke Brothers is responsible for irrigation repairs. There are certain expenses built into the contract. The District pays \$22,000 a month for Luke Brothers to take care of the community.

Mr. Peters stated I could support the charges for uncontrollable circumstances if irrigation was the only issue. I feel Luke Brothers is not doing a good job in other areas and their performance will continue to deteriorate if we keep paying additional charges.

Mr. McMillan stated we can get together with Mr. Millard and identify the irrigation problem areas and find out who inspected them to make sure we do not lose control.

Mr. Hanzel stated the Board wants to be fair. The concern is whether Luke Brothers will continue to do their best for our community to bring it up to standards. We are receiving emails from residents regarding items needing attention and Luke Brothers is not being pro active.

Mr. McMillan stated we have tried to rectify the irrigation problems out of goodwill and almost acting like the bank. We are trying to stand by our name and responding accordingly.

Mr. Peters stated six months ago we were new and did not have as-builts and could not check which lines went where. Luke Brothers has been doing work and has been paid for it. Other items are not being taken care of and irrigation is not the only issue.

On MOTION by Mr. Peters seconded by Ms. Dwyer with all in favor enforcement of the contract with Luke Brothers stating they are responsible for all repairs and maintenance of the irrigation system was approved.

SEVENTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

Mr. Matejka stated there are problems with cell phone service and we were informed a tower would be installed in 2006.

Ms. Dwyer stated the Board voted against installation of a tower.

Mrs. Matejka stated a surveyor from King Engineering visited my property and I was told by Mr. Murray the damaged soil will be replaced.

Mr. Peters stated the property is an easement in the back and the original drain pipe was not properly installed. I will follow up to correct the problem with Mr. Murray.

Mr. Hanzel stated your letter states you want something done by November 22, 2005.

Mrs. Matejka stated it has been two years.

Mr. Hanzel stated if Mr. Murray does not agree to repair it, we should have a cost estimate ready for the next meeting so the Board can act on the issue.

Ms. Williams stated on July 29, 2005 the back of the wall on my property was damaged. I spoke to Mr. Millard and I want to know when it will be repaired.

Mr. Hanzel asked are you talking about the monument?

Ms. Williams responded yes.

Mr. Hanzel asked can we get someone out there today?

Mr. Millard responded yes.

Ms. Williams stated our property line abuts the common areas and the weeds are encroaching on to our property.

Mr. Peters stated we will look into this. Does anyone know the status of the repair of the boulevard between the county and Pulte?

Mr. Hanzel responded I spoke to the county and was informed the boring report indicates the road construction is not correct. Mr. Widman is out until the end of the month. I sent our District Commissioner a note indicating we need to stay on top of Pulte Homes to get the road repaired. Does the Board want to go with another news story regarding Pulte's negligence?

Mr. Peters stated four weeks have gone by since they did the test borings and they are not clearly stating the results. Does Mr. Murray's resignation have anything to do with this? I would hold off on another editorial until we find out what the results are.

Mr. Hanzel stated I agree because there are residents who are trying to sell their homes and it does not look good for the community. I am planning to attend a Board of County Commissioner meeting this evening and I will bring this up.

Mr. Peters asked was the bi-annual inspection of the water control system ponds ever completed? Mr. Murray was to look into this. Mr. Piercefield was going to get quotes for the major issues so if King Engineering does not repair them we know what the cost will be.

Mr. Fernandez responded I will ask Mr. Murray for a report regarding the water control system ponds.

Ms. Dwyer stated the July, August and September minutes are not on the website and I believe Rizzetta should do this.

Mr. Hanzel stated they contract with a company called webmaster and I have contacted them for information on how it is updated.

Ms. Dwyer stated it is important for this to be kept up to date because many of the residents check it. Can Severn Trent provide this service?

Mr. Fernandez responded I will coordinate with Mr. Brizendine on this issue.

Mr. Hanzel stated the Riverside Fellowship Church Resolution is outdated and needs to be updated. Mr. Fernandez needs to get together with Mr. Robin to revise it. Mr. Millard should continue to provide income reports. In July there was income from the soda machine of \$176, is this monthly income?

Mr. Millard responded I believe it is bi monthly.

Mr. Hanzel stated there is \$5,000 to \$6,000 due to the District from auto claims. We were told Rizzetta was looking into this and we should recoup the money. Also, this building does not belong to us and I feel it should. Pulte Homes owns this building and indicated a survey is needed on it, but a legal description on the property exists. I would like to get a Quit Claim Deed to transfer the building to us.

Mr. Fernandez stated I will follow up on these items.

Mr. Hanzel stated when we take over the building from Pulte we should request completion of the following items:

1. The roof be pressure washed.
2. Painting of the facility including repair of any cracks be completed.
3. Repair of the columns be completed.

Mr. Peters asked is the CDD going to be asked to pay for the pond work behind Unbridled Court?

Mr. Hanzel responded Pulte will probably ask the CDD to pay. They claim the ponds and the infrastructure belong to the District. We should not approve it, they should pay for it.

EIGHTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Ms. Dwyer seconded by Mr. Peters with all in favor the meeting was adjourned.

Bob Fernandez
Secretary

Peter Hanzel
Vice Chairman