

**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 on Thursday, September 27, 2007 at 8:30 a.m. at the Lexington Oaks Clubhouse, 26304 Lexington Oaks Boulevard, Wesley Chapel, Florida.

Present and constituting a quorum were:

Don Peters	Chairman (via telephone)
Terry Bechtel	Vice Chairman
Peter Hanzel	Assistant Secretary
Raymond Dolente	Assistant Secretary
Fritz Nystrom	Assistant Secretary

Also present were:

Andy Mendenhall	Manager - Severn Trent Services
Bob Valentine	Engineer
Tracy Robin	Attorney
John Adams	Site Manager
Russell Garcia	Garcia Seufert
Several Residents	

The following is a summary of the minutes and actions taken at the September 27, 2007 Lexington Oaks Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Bechtel 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 23, 2007 Meeting

Mr. Bechtel stated each Board member received a copy of the minutes of the August 23, 2007 meeting and requested any additions, corrections or deletions.

Mr. Nystrom presented the following correction:

Page 15 – “re-plastering” should be “re-marciting”.

Mr. Peters presented the following correction:

Page 3 – “If the CDD took responsibility” should be “If the contractor took responsibility”.

On MOTION by Mr. Dolente seconded by Mr. Bechtel with all in favor the minutes of the August 23, 2007 meeting were approved as amended.

FOURTH ORDER OF BUSINESS

Attorney’s Report – Review of HPI Contract for Security System

- Mr. Mendenhall reported the HPI contract was finalized.
- Mr. Bechtel questioned when the security system will be installed. *Mr. Mendenhall explained HPI was supposed to coordinate with Mr. Adams but will contact Mr. Chuck Bellissimo to follow-up.* Mr. Hanzel will write an article for the newsletter to update the residents on the security.
- Mr. Dolente questioned whether the tower placement issue was resolved for the entrances. *Mr. Mendenhall explained Mr. Bellissimo was following the Board’s recommendation for the monument not to be seen, however, he changed the placement of the towers after meeting with the Board.*

SIXTH ORDER OF BUSINESS

Discussion Items

A. Fitness Center Specifications (Presented by Garcia Seufert)

- Mr. Russell Garcia from Garcia Seufert gave a presentation to the Board on the fitness center and discussed the following:
 - The Board requested one room, a storage garage and men’s/women restroom with showers. *Mr. Bechtel stated the Board preferred a men’s/women restroom, a storage room to store holiday decorations and lockers but not a garage.* Mr. Mendenhall recalled the Board requesting a one car garage.
 - Mr. Hanzel opposed the garage as it took away space from the fitness center.
 - The architecture will match the clubhouse.
- Mr. Dolente asked if there were going to be any mirrors. *Mr. Garcia confirmed the placement of mirrors on two walls and suggested mirrors along the perimeter to protect the equipment.*

- Mr. Garcia requested information on the equipment in order to plan the placement of floor outlets. *Mr. Mendenhall suggested a supervisor and Mr. Garcia tour the Meadow Pointe II fitness center.* Mr. Bechtel volunteered to take the tour with Mr. Garcia. Mr. Mendenhall will arrange for the Meadow Pointe II facility Site Manager to give the tour.
- Mr. Garcia reported the following items were missing from the plan:
 - Shape of the building
 - Entry features
 - Floor coverings – Recommended athletic flooring rather than carpet as it was easier to maintain.
 - Windows – Suggested hurricane resistant glass
- Mr. Nystrom preferred natural light
- Mr. Bechtel agreed windows should be installed.
- Mr. Dolente asked what the next step was. *Mr. Garcia will email the revised plans to Mr. Mendenhall by the middle of next week.*
- Mr. Garcia listed the additional steps to be taken:
 - Provide preliminary design plans
 - Draft design drawings identifying the floor plans, equipment layout, electrical design, plumbing, mechanical and exterior elevations.
 - Architectural advisement
 - Bidding and permitting when the working drawings are complete.
- Mr. Dolente questioned the timing for obtaining bids. *Mr. Garcia explained he can go out for bids in 30 days or less.*
- Mr. Bechtel questioned whether the site can be under construction by the end of the year and whether Mr. Garcia will prepare the bid package. *Mr. Garcia confirmed this was the case in both instances.*
- Mr. Hanzel questioned whether the volleyball area will be removed. *Mr. Adams confirmed the basketball and volleyball courts will not be removed as the fitness center will use up the available space between the existing parking lot and basketball court.*

FIFTH ORDER OF BUSINESS**Engineer's Report****A. Update on Capital Projects**

- *Playground* – Mr. Adams noted repairs are currently being made to the rubber floor and two swings still need to be installed. Mr. Hanzel requested Mr. Adams explain to the contractor repairs need to be made even though she received payment. Mr. Valentine stated one of the yard drains was buried. Mr. Adams will look at the area with Mr. Valentine.
- *Solar Pool Heater* – Mr. Adams noted a separate account will be established with Withlacoochee by Ms. Lynn Jackson for the heat pumps as required by Pasco County.
- *Fences* - Completed.
- *Drinking Fountain* – Completed.
- *Round-about Lighting* - Completed.
- *Landscaping Pulte Trailer Area* - Completed.
- *Hose Bibs* – Mr. Adams confirmed the pressure wash equipment was paid for and will be picked up.
- *Fitness Center* – Discussed earlier in the meeting.
- *Security System* – Mr. Bechtel verified the contract was awarded. Mr. Hanzel will write an article for the newsletter.
- *SWFWMD* –Mr. Valentine reported Ponds 27C and D are currently under contract for repair as the contractor was securing the materials. They will be starting the repair work shortly and will be finished three weeks after they break ground. The engineer is waiting for prices on Ponds 1B/5A. *Mr. Dolente requested the engineer review the prices the golf course submitted as the quote for the work in Belmont seemed high while the bid from the second vendor was 50% lower.*
- Mr. Bechtel questioned whether there was access through golf course property for the Ponds 1B/5A contract. *Mr. Valentine felt some shrubs could be removed by the newspaper bins and the ponds could be accessed by a turf path.* He further questioned when the contract for Ponds 1B/5A will be awarded. *Mr. Valentine explained the engineer wanted to work on all*

repairs at the same time. Mr. Mendenhall suggested awarding the contract for Ponds 1B/5A at a not to exceed price.

- Mr. Bechtel questioned whether the contract could be awarded to the lowest bidder if there were two bids. *Mr. Hanzel explained contracts could be let to the lowest bidder who is the best qualified. Just because a low bid comes in, it is the Board's responsibility to award to the most qualified. If there is a 50% difference between one bid and the second bidder, it will be hard for him to defend the lower bidder doing the work but if there is a 5% to 10% difference, the most qualified vendor should perform the work.* Mr. Bechtel further inquired about the nature of the two bids. *Mr. Valentine noted the bid from the golf course was \$70,000 and the bid from Lyons Hoe Excavating was \$35,750.* He will review the Lyons Hoe Excavating bid to make sure all requested items are included. They quoted \$19,255 to repair the Belmont pipes and \$35,000 to repair Ponds 27C/D.

Mr. Bechtel moved to authorize Mr. Nystrom to work with Mr. Valentine on awarding the contract for Ponds 1B/5A and Mr. Hanzel seconded the motion.

- Mr. Peters felt the bid for \$35,000 was low and was disappointed the repair of Ponds 27C/D has not started as promised.
- Mr. Nystrom questioned whether the engineer identified anything suspicious in the low bid for Ponds 1B/5A. *Mr. Valentine stated he did not find anything suspicious but he wanted to make sure the bid was complete. He suggested authorizing the Chairman to award the contract if the amount did not exceed \$40,000.* Mr. Nystrom further questioned whether there should be a start date. *Mr. Valentine felt October 15th gave the contractor enough time to secure the materials.*

On VOICE VOTE with all in favor the prior motion authorizing Mr. Nystrom to work with Mr. Valentine on awarding the contract for Ponds 1B/5A was amended to reflect the contract not exceeding \$40,000 and a start date of October 15th.

- Mr. Peters questioned whether the \$19,255 quote was for the excavation now or at a later time. *Mr. Valentine explained the quote from Lyons Hoe Excavating was submitted at the last meeting to excavate when the water level went down. It included the pouring of concrete around the hole and restoring with sod but did not include the replanting of any trees. He suggested the District's landscaper replant the trees.*
- Mr. Nystrom questioned access from the Arlington excavation areas. *Mr. Valentine explained access to one of the pipes will come from the street.*

Mr. Hanzel moved to approve the estimate from Lyons Hoe Excavating for the Belmont repair in an amount not to exceed \$20,000 and Mr. Nystrom seconded the motion.

- Mr. Hanzel suggested a completion date of October 31st. *Mr. Valentine felt October 31st was unreasonable and suggested November 21st.*

On VOICE VOTE with all in favor the prior motion approving the estimate from Lyons Hoe Excavating for the Belmont repair in an amount not to exceed \$20,000 was amended to reflect a completion date of November 21st.

- Mr. Peters inquired whether cost for the repair will be paid from the bond funds or O&M. *Mr. Valentine explained it depends on whether or not the problem was caused by poor maintenance or poor construction, which he will confirm as soon as he sees what is below the surface. The pond repairs will be paid from the bonds.*
- Mr. Bechtel continued with the capital improvement projects update:
 - *Pond Fountain - Installed.*
 - *Pond Plants – Mr. Adams reported the contract was signed and a 50% deposit was paid. They should start at any time. Mr. Bechtel noted the contract was let in July.*
 - *Risen Star Golf Cart Path – Completed. Mr. Peters reported \$3,813 was charged to the O&M funds but should be taken out of the bonds. Mr. Mendenhall will have the accountant do a reimbursement.*

- *Pond Aeration* – Mr. Adams reported an electrician is coming out next week to provide an estimate for the electrical for the pumps. Mr. Bechtel noted there were issues with the current electrician. Mr. Adams confirmed the current electrician was trying to get one permit for all stations as the county wants individual permits for each station.
- *Drain Depression* – Mr. Valentine will evaluate the drain depression in Hawthorne Village after the meeting.
- *Entrance Sign* - Mr. Hanzel sent a letter to the county requesting a waiver for a variance and is waiting for a response. If the county denies the Lexington Oaks CDD Board’s request, he will try to convince the other supervisors on the CDD Board to install the sign on the right side where the golf course has their sign.
- *Meeting Room* – Pending until completion of the fitness center.

B. Ponds 5A, 1B & 27 C/D

This item was discussed above.

C. Belmont Sunken Arcas

This item was discussed above.

SIXTH ORDER OF BUSINESS

Discussion Items

B. Review of Water Usage by Golf Course, Churchill, Remington & CDD

- Mr. Bechtel reported the following:
 - Met with the Greens Superintendent and the owner of the golf course on September 14th in regards to the water usage by the golf course.
 - The permit for wells the District uses for irrigation water is now in the name of the golf course.
 - The golf course has been re-metered and reporting their usage to SWFWMD on a monthly basis since January.
 - From February through August, the golf course used 67% of all irrigation water while the CDD, Churchill and Remington used 33%. All parties need to use more reclaimed water as only 4% was used. The total amount of well water used was 97% year to date.

- Due to the way the system was designed and functioning, when there is a large demand for water and the line pressure in the reclaimed water line drops below 25 psi, the wells turn on. The pressure in the well is higher than the reclaimed water line and does not allow any reclaimed water through.
- There is nothing the CDD can do other than trying to use more reclaimed water.
- On a monthly usage, the CDD is allowed to use 200,000 gallons of water per day but from February through August the use of water is 50% higher.
- The golf course will take measures to use less water.
- Mr. Bechtel will email a spreadsheet to the Board and Mr. Mendenhall on a monthly basis.
- Mr. Hanzel questioned whether SWFWMD is aware of the over pumping. *Mr. Bechtel explained the golf course reports their monthly usage to SWFWMD.* He further questioned what SWFWMD's response was. *Mr. Bechtel confirmed SWFWMD will wait until the end of the year to see how much water has been used on an annual basis.*
- Mr. Bechtel stated the golf course is willing to pay 76% of the maintenance cost as 76% of the area is used by the golf course and 24% used by the CDD. The golf course will take over responsibility of the quarterly inspections performed by ITS and suggested Mr. Hanzel prepare an agreement with the golf course.
- Mr. Hanzel stated an agreement was drafted and provided to Mr. Tracy Robin, Esq. for review. Mr. Robin provided the agreement to the attorney representing the golf course but the issue seems to have been forgotten or never responded. Mr. Robin recommended the following options:
 - The golf course owning the well and pump station so they could be responsible for any fines imposed by SWFWMD since they caused the over-pumping, which is a violation of the SWFWMD permit.

- Having an Irrigation Engineer confirm the way the equipment is working and recommend modifications to insure use of the reclaimed water to the maximum extent possible, which is a requirement of the District's Agreement with Pasco County.
- The permit should not be transferred to the CDD until resolution on this matter.
- Negotiate an agreement with the golf course, if the system continues operating the way it is currently operating. However, the agreement should have indemnification provisions to protect the District against any SWFWMD fines and a bond or insurance coverage. *Mr. Robin felt this would be a difficult negotiation.*
- Having a cost sharing arrangement with the golf course with the District charging 75% of the cost plus 10% for management and oversight of the maintenance and operation of the contract. However, the billing issues should be resolved first.
- Meet with the golf course owners to develop long-range plans from which the attorneys (golf course and CDD) can prepare an agreement.
- Mr. Bechtel confirmed the permit is in the name of the Lexington Oaks golf course.
- Mr. Hanzel felt the water use permit for reclaimed water held in the name of the golf course was a concern and asked if there was any conflict with Board members who work part-time for the golf course voting on issues impacting the golf course. *Mr. Robin felt there was a conflict and will provide clarification.*
- Mr. Mendenhall stated the water bills were provided to the golf course by the county and the county was notified of the correct address for future bills.
- Mr. Robin feels the mechanical issues with the golf course need to be resolved before an agreement could be in place and suggests the District make sure the well can be operated without a permit or will be subject to fines imposed by SWFWMD.

- Mr. Peters questioned whether bond money could be used to pay the engineer to evaluate the irrigation pump operation control. Mr. Bechtel explained bond money could be used because the system is not designed to irrigate the areas currently being irrigated. *Mr. Robin will research whether this item was included in the 2006 project and whether or not bond funds could be used for this purpose as the capital infrastructure only benefits 25% of the District.*
- The cost to install a booster station to control the well is \$300,000. Mr. Peters questioned whether there will be enough reclaimed water available. *Mr. Bechtel suggested contacting Pasco County Utilities to see how much reclaimed water is available.*
- Mr. Bechtel suggested the District and/or the golf course drill a separate well. Mr. Robin felt this was difficult to accomplish and suggested the Board keep a tally of the cost to maintain and operate the irrigation water for the golf course for a year, bill the golf course and wait to see if they will pay. *Mr. Bechtel will coordinate with Mr. Valentine to create a list of possible solutions for changing control of the well from a manual operation to a fully automated operation and bring to the workshop.*
- Residents of Arlington, Delmar and Fairmont do not get reclaimed water. Mr. Hanzel felt the Board should look into the possibility of providing reclaimed water to these areas.

After further discussion, there was consensus from the Board to not enter into any cost sharing agreement with the golf course until the pump issues were resolved but directed Mr. Bechtel to work with Mr. Robin on an agreement with the golf course to pay 70% of the reclaimed water usage costs (providing them with copies of invoices for FY 2007). In the meantime, the Board will come up with some long-range plans to discuss at the workshop.

C. Request by Mr. Diaz for Gate Openers and ADA Modifications

- Mr. Diaz moved into the community several months ago and received two gate openers. However, since he purchased a three car garage home, he feels entitled to receive an additional gate opener. Mr. Hanzel stated the past practice has been for any additional openers to be purchased by the property owner for \$50. Mr.

Diaz stated he intended to declare himself disabled, if the District did not provide him with a third gate opener at no cost.

- Mr. Diaz informed the Board the call box was not ADA compliant. Mr. Adams informed the Board the gate company said there is no ADA requirement on the call box.
- Mr. Robin explained the ADA Law discusses providing reasonable accommodations. He felt Pulte offered the gate opener as a reasonable accommodation and the prior Board was reasonable in mandating two gate openers per home. However, he cautioned the Board about amending the policy not only for the financial implications but to not invite more problems in the future.

After further discussion, there was consensus from the Board to deny Mr. Diaz's request for an additional gate opener and continue the current practice of providing two gate openers per residence upon the sale of the home and additional gate openers available for purchase for \$50/each.

SEVENTH ORDER OF BUSINESS

Manager's Report

- Mr. Mendenhall reported the following:
 - A. **Status of Reclaimed Water Bills Sent to the Golf Course**
 - A letter of explanation and request to amend the contact information for the reclaimed water bills was sent to the County. They will forward past bills as well as future bills to the golf course.
 - B. **Insurance Update**
 - The Board requested certain coverage removed from the District's insurance policy. This information was provided to Ms. Paula Davis who will forward to the insurance company. *Mr. Bechtel requested a list of the requested changes from Mr. Mendenhall.*
 - The new supervisors training took place yesterday with Mr. Robin in attendance to provide legal assistance. Reference materials specific to Lexington Oaks as well as general CDD supervisor information were provided.
 - Received a check for \$3,060 for insurance reimbursement from an outstanding claim.

EIGHTH ORDER OF BUSINESS

Staff Report – Site/Clubhouse Manager

- A. Update on Projects**
- B. Electrical Estimate for Pond Aeration Installation**

These items were discussed earlier in the meeting.

- Mr. Bechtel questioned whether any contractors were onsite. *Mr. Adams confirmed the contractor for the pool was waiting for a permit and he was waiting for an estimate from another bidder for the pond aeration installation.*

NINTH ORDER OF BUSINESS

Supervisor Requests

- Mr. Dolente questioned whether the columns holding the gate were the responsibility of the CDD or the villages as a vehicle hit the gate and damaged the bricks on the column. The gate was repaired through the village the homeowner lived in; however, the column was not repaired. *Mr. Hanzel explained the monuments fall under the CDD's ownership and the District could pay for the repair and receive reimbursement from the vehicle owner.*
 - Mr. Hanzel asked the attorney whether the CDD is responsible for the entire gate or a certain portion and whether the District should pay as a “good neighbor”.
 - Mr. Peters questioned whether the damage occurred after the monuments were repaired. *Mr. Dolente confirmed this was the case.*
- Mr. Hanzel requested permission from the Board to utilize the clubhouse on October 24th at no cost for a meeting to discuss the establishment of a transit system within Wesley Chapel.

On MOTION by Mr. Dolente seconded by Mr. Nystrom with all in favor the request from Mr. Hanzel to utilize the clubhouse on October 24, 2007 for a subcommittee meeting of the Metropolitan Planning Organization at no charge was approved.

- Mr. Hanzel thanked Mr. Adams for giving him a tour of the facility and addressed the following:
 - Requested the Board establish a set of expectations for Mr. Adams. Mr. Bechtel recalled the Board members providing a set of expectations to Mr. Mendenhall in the past. *Mr. Mendenhall will check his records.*

- Requested the newspaper racks in the parking lot of the community center be removed.
- Requested Mr. Adams look into establishing a router system for the clubhouse so residents can bring their laptop computers. *Mr. Mendenhall reported he has a router system at his office and offered to work with Mr. Adams.*
- Mr. Peters complimented the Board on the great meeting.
- Mr. Bechtel addressed the following:
 - Questioned how carryover items are handled in the OLM reports. *Mr. Adams explained there was a category for carryover items.*
 - Received several calls last week regarding nuisance alligators. The HOA published a phone number in the newsletter for nuisance alligators in a pond. Ms. Cass Peters stated the number was not in the current newsletter. Mr. Bechtel explained the phone number connects to the Nuisance Alligator Coordinator for the State of Florida who contacts a trapper to come out to trap the alligator. In order for the trapper to come out, the alligator must meet the following criteria:
 - 4' or longer
 - Real nuisance or perceived nuisance to either the property or residents.
 - Person calling must have the legal right to grant access
 - A resident calling the hotline was turned away because the alligator was not 4'. However, once the trapper comes out and the alligator is not 4', in most cases they remove it. One trapper left a trap and came back two days later. One trap caught a baby alligator. A resident was concerned about alligators being hauled away unnecessarily.
 - Expressed concern because this was out of the realm of the CDD and the homeowners do not have a right to permit trappers access to the pond as they do not own the land adjacent to the pond. *Mr. Mendenhall stated it was common for residents to call for assistance with alligators.*

- Requested a petition be filed with the state for the CDD to become a targeted harvest area where a Board member can give permission for someone to come out to trap the alligator. *Mr. Mendenhall cautioned the Board about taking action because no one on the Board or staff is an expert on whether or not an alligator is a nuisance and could be liable if someone is hurt by an alligator they were told was not a nuisance.*
- The residents do not want any alligators removed from the ponds unless they are a nuisance. Mr. Bechtel suggested putting a statement in the newsletter regarding how an alligator is classified as a nuisance.
- Mr. Hanzel stated he wants to participate in the harvest program but felt there was a tendency for residents to become proactive in wanting alligators removed from the ponds but they are part of the ecosystem.
- Mr. Nystrom felt the alligators were part of the food chain and should be protected.
- Mr. Peters felt unattended traps should not be left on the lake banks and people feeding the alligators should be reported and fined.
- Ms. Cass Peters felt legal action should be taken on unattended traps.

After further discussion, there was consensus from the Board to obtain more details on unattended traps and fines for feeding the alligators.

TENTH ORDER OF BUSINESS

Audience Comments

- Ms. Cass Peters expressed the need for multiple contacts in regards to reports on nuisance alligators and felt the District was opening itself up to liability.
- Mr. Tom Burke from Churchill and Ms. Marie Paschke attend a networking business owners group to promote their business. Ms. Paschke owns Cypress Creek Landscape Company and offered her services to the Board. Mr. Bechtel stated the Board only deals with OneSource but offered to provide her card to Mr. Adams.

ELEVENTH ORDER OF BUSINESS**Approval of the Financial Statements, Check Registers and Invoices**

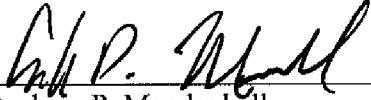
- Mr. Bechtel questioned whether the invoice for the monuments in the amount of \$16,000 was paid from the correct line item. Mr. Peters confirmed it was paid out of the correct place. *Mr. Mendenhall will have the accountant provide a budget amendment for plant replacement.*
- Mr. Hanzel addressed the following:
 - \$35,000 was spent for plant replacement but only \$10,000 was budgeted.
 - \$2,800 for the traffic study should be paid for out of the Hawthorne/Preakness accounts. *Mr. Mendenhall will check to see if this expenditure was paid.*
- Mr. Nystrom questioned whether bills from ITS for repairs should be provided to the golf course since they are for the well. *Mr. Mendenhall will collect the ITS invoices to determine which ones should be provided to the golf course.*
- Mr. Peters addressed the following:
 - The plant replacement line item is over budget by \$26,000 due to the annual replacement, which should be included in the basic contract. *Mr. Mendenhall will check with the accountant.*
 - \$1,900 should be paid from the Hawthorne/Preakness account for the sign. Along with the \$2,800 for the traffic study, the total amount taken from this account is \$4,700.
 - Requested the invoices from Accurate Electronics for October, November and December of 2004 for Hawthorne/Preakness. *Mr. Mendenhall will provide.*
- Mr. Bechtel questioned why the District issued a check to a resident for irrigation of new sod. *Mr. Peters explained new sod was installed on District property and the resident allowed the District to use their sprinklers to irrigate the sod so it would not die. The Board verbally agreed to reimburse \$74 to the resident.*

On MOTION by Mr. Dolente seconded by Mr. Nystrom with all in favor the financial statements, check registers and invoices in the amount of \$123,273.58 for the period ending August 31, 2007 were approved.

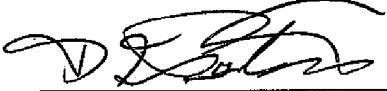
TWELFTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Dolente seconded by Mr. Nystrom with all in favor the meeting was adjourned.



Andrew P. Mendenhall
Secretary



Don Peters
Chairman

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 on Thursday, September 27, 2007 at 8:30 a.m. at the Lexington Oaks Clubhouse, 26304 Lexington Oaks Boulevard, Wesley Chapel, Florida.

Present and constituting a quorum were:

Don Peters Chairman (via telephone) Terry Bechtel Vice Chairman
Peter Hanzel Assistant Secretary Raymond Dolente Assistant Secretary Fritz Nystrom
Assistant Secretary

Also present were:

Andy Mendenhall **Manager - Severn Trent Services** Bob Valentine **Engineer**
Tracy Robin Attorney John Adams **Site Manager Russell Garcia Garcia**
Seufert **Several Residents**

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THIRD ORDER OF BUSINESS Approval of the Minutes of the August 23, 2007 Meeting

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Mr. Peters presented the following correction:

September 27, 2007
Lexington Oaks CDD

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Attorney's Report - Review of HPI Contract for Security System

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- Mr. Bechtel questioned when the security system will be installed. *Mr. Mendenhall explained HPI was supposed to coordinate with Mr. Adams but will contact Mr. Chuck Bellissimo to follow-up.* Mr. Hanzel will write an article for the newsletter to update the residents on the security.

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SIXTH ORDER OF BUSINESS Discussion Items

A. Fitness Center Specifications (Presented by Garcia Seufert)

- Mr. Russell Garcia from Garcia Seufert gave a presentation to the Board on the fitness center and discussed the following:
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 - o Mr. Hanzel opposed the garage **as it** took away space from the fitness center. o The architecture will match the clubhouse.

- Mr. Dolente asked if there were going to be any mirrors. *Mr. Garcia confirmed the placement of mirrors on two walls and suggested mirrors along the perimeter to protect the equipment.*

September 27, 2007 Lexington Oaks CDD

- Mr. Garcia requested information on the equipment in order to plan the placement of floor outlets.
Mr. Mendenhall suggested a supervisor and Mr. Garcia tour the Meadow Pointe II fitness center. Mr. Bechtel volunteered to take the tour with Mr. Garcia. Mr. Mendenhall will arrange for the Meadow Pointe II facility Site Manager to give the tour.
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 - o Shape of the building
 - o Entry features
 - o Floor coverings - Recommended athletic flooring rather than carpet as it was easier to maintain.
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September 27, 2007 Lexington Oaks CDD

**FIFTH ORDER OF BUSINESS Engineer's Report A. Update on
Capital Projects**

- *Playground* - Mr. Adams noted repairs are currently being made to the rubber floor and two swings still need to be installed. Mr. Hanzel requested Mr. Adams explain to the contractor repairs need to be made even though she received payment. Mr. Valentine stated one of the yard drains was buried. Mr. Adams will look at the area with Mr. Valentine.
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 - *Round-about Lighting* - Completed.
 - *Landscaping Pulte Trailer Area* - Completed.
 - *Hose Bibs* - Mr. Adams confirmed the pressure wash equipment was paid for and will be picked up.
 - *Fitness Center* - Discussed **earlier in** the meeting.
 - *Security System* - Mr. Bechtel verified the contract was awarded. Mr. Hanzel will write an article for the newsletter.
 - *SWFWMD* -Mr. Valentine reported Ponds 27C and D are currently under contract for repair as the contractor was securing the materials. They will be starting the repair work shortly and will be finished three weeks after they break ground. The engineer is waiting for prices on Ponds 1B/5A. *Mr. Dolente requested the engineer review the prices the golf course submitted as the quote for the work in Belmont seemed high while the bid from the second vendor was 50% lower.*
- o Mr. Bechtel questioned whether there was **access** through golf course property for the Ponds 1B/5A contract. *Mr. Valentine felt some shrubs could be removed by the newspaper bins and the ponds could be accessed by a turf path.* He further questioned when the contract for Ponds 1B/5A will be awarded. *Mr.*

Valentine explained the engineer wanted to work on all

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repairs at the same time. Mr. Mendenhall suggested awarding the contract for Ponds 1 B/5A at a not to exceed price.

- o Mr. Bechtel questioned whether the contract could be awarded to the lowest bidder if there were two bids. *Mr. Hanzel explained contracts could be let to the lowest bidder who is the best qualified. Just because a low bid comes in, it is the Board's responsibility to award to the most qualified. If there is a 50% difference between one bid and the second bidder, it will be hard for him to defend the lower bidder doing the work but if there is a 5% to 10% difference, the most qualified vendor should perform the work.* Mr. Bechtel further inquired about the nature of the two bids. *Mr. Valentine noted the bid from the golf course was \$70,000 and the bid from Lyons Hoe Excavating was \$35, 750. He will review the Lyons Hoe Excavating bid to make sure all requested items are included. They quoted \$19,255 to repair the Belmont pipes and \$35,000 to repair Ponds 27C/D.*

Mr. Bechtel moved to authorize Mr. Nystrom to work with Mr. Valentine on awarding the contract for Ponds 1B/5A and Mr. Hanzel seconded the motion.

- o Mr. Peters felt the bid for \$35,000 was low and was disappointed the repair of Ponds 27C/D has not started as promised.
- o Mr. Nystrom questioned whether the engineer identified anything suspicious in the low bid for Ponds IB/5A. *Mr. Valentine stated he did not find anything suspicious but he wanted to make sure the bid was complete. He suggested authorizing the Chairman to award the contract if the amount did not exceed \$40, 000.* Mr. Nystrom further questioned whether there should be a start date. *Mr. Valentine felt October 15^h gave the contractor enough time to secure the materials.*

On VOICE VOTE with all in favor the prior motion authorizing Mr. Nystrom to work with Mr. Valentine on awarding the contract for Ponds IB/5A was amended to reflect the contract not exceeding \$40,000 and a start date of October 15a'.

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o Mr. Peters questioned whether the \$19,255 quote was for the excavation now or at a later time. *Mr. Valentine explained the quote from Lyons Hoe Excavating was submitted at the last meeting to excavate when the water level went down. It included the pouring of concrete around the hole and restoring with sod but did not include the replanting of any trees. He suggested the District's landscaper replant the trees.*

o Mr. Nystrom questioned access from the Arlington excavation areas. *Mr. Valentine explained access to one of the pipes will come from the street.*

Mr. Hanzel moved to approve the estimate from Lyons Hoe Excavating for the Belmont repair in an amount not to exceed \$20,000 and Mr. Nystrom seconded the motion.

o Mr. Hanzel suggested a completion date of October 31st. *Mr. Valentine felt October 31" was unreasonable and suggested November 21"*

On VOICE VOTE with all in favor the prior motion approving the estimate from Lyons Hoe Excavating for the Belmont repair in an amount not to exceed \$20,000 was amended to reflect a completion date of November 21st

o Mr. Peters inquired whether cost for the repair will be paid from the bond funds or O&M. *Mr. Valentine explained it depends on whether or not the problem was caused by poor maintenance or poor construction, which he will confirm as soon as he sees what is below the surface. The pond repairs will be paid from the bonds.*

o Mr. Bechtel continued with the capital improvement projects update: • *Pond Fountain - Installed.*

• *Pond Plants - Mr. Adams reported the contract was signed and a 50% deposit was paid. They should start at any time. Mr. Bechtel noted the contract was let in July.*

• *Risen Star Golf Cart Path - Completed. Mr. Peters reported \$3,813 was charged to the O&M funds but should be taken out of the bonds. Mr. Mendenhall will have the accountant do a reimbursement.*

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- *Pond Aeration* - Mr. Adams reported an electrician is coming out next week to provide an estimate for the electrical for the pumps. Mr. Bechtel noted there were issues with the current electrician. Mr. Adams confirmed the current electrician was trying to get one permit for all stations as the county wants individual permits for each station.
- *Drain Depression* - Mr. Valentine will evaluate the drain depression in Hawthorne Village after the meeting.
- *Entrance Sign* - Mr. Hanzel sent a letter to the county requesting a waiver for a variance and is waiting for a response. If the county denies the Lexington Oaks CDD Board's request, he will try to convince the other supervisors on the CDD Board to install the sign on the right side where the golf course has their sign.
- *Meeting Room* - Pending until completion of the fitness center. **B.**

Ponds 5A, 1B & 27 CID

This item was discussed above. **C.**

Belmont Sunken Areas

This item was discussed above.

SIXTH ORDER OF BUSINESS Discussion Items

B. Review of Water Usage by Golf Course, Churchill, Remington & CDD • Mr.

Bechtel reported the following:

- o Met with the Greens Superintendent and the owner of the golf course on September 14th in regards to the water usage by the golf course.
- o The permit for wells the District uses for irrigation water is now in the name of the golf course.
- o The golf course has been re-metered and reporting their usage to SWFWMD on a monthly basis since January.
- o From February through August, the golf course used 67% of all irrigation water while the CDD, Churchill and Remington used 33%. All parties need to use more reclaimed water as only 4% was used. The total amount of well water used was 97% year to date.

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- o Due to the way the system was designed and functioning, when there is a **large demand for water and the line pressure in the reclaimed water line** drops below 25 psi, the wells turn on. The pressure in the well is higher than the reclaimed water line and does not allow any reclaimed water through.
- o There is **nothing** the CDD can do other than trying **to use more reclaimed** water.
- o On a monthly usage, the CDD is allowed to use 200,000 gallons of water per day but from February through August the use of water is 50% higher.
- o The golf course will take measures to use less water.
- o Mr. Bechtel will email a spreadsheet to the Board and Mr. Mendenhall on a **monthly basis**.
- Mr. Hanel questioned whether SWFWMD is aware of the over pumping. *Mr. Bechtel explained the golf course reports their monthly usage to SWFWMD.* He further questioned what SWFWMD's response was. *Mr. Bechtel confirmed SWFWMD will wait until the end of the year to see how much water has been **used on an annual basis**.*
- Mr. Bechtel stated the golf course is willing to pay 76% of the maintenance cost as 76% of the area is used by the golf course and 24% used by the CDD. The golf course will take over responsibility of the quarterly inspections performed by ITS **and suggested Mr. Hanzel prepare an agreement with the golf course.**
- Mr. Hanel stated an agreement was drafted and provided to Mr. Tracy Robin, Esq. for review. Mr. Robin provided the agreement to the attorney representing the golf course but the issue seems to have been forgotten or never responded. **Mr. Robin recommended the following options:**
 - o The golf course owning the well and pump station so they could be responsible for any fines imposed by SWFWMD since they caused the overpumping, which is a violation of the SWFWMD permit.

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- o Having an Irrigation Engineer confirm the way the equipment is working and recommend modifications to insure use of the reclaimed water to the maximum extent possible, which is a requirement of the District's Agreement with Pasco County.
 - o The permit should not be transferred to the CDD until resolution on this matter.
 - o Negotiate an agreement with the golf course, if the system continues operating the way it is currently operating. However, the agreement should have indemnification provisions to protect the District against any SWFWMD fines and a bond or insurance coverage. *Mr. Robin felt this would be a difficult negotiation.*
 - o Having a cost sharing arrangement with the golf course with the District charging 75% of the cost plus 10% for management and oversight of the maintenance and operation of the contract. However, the billing issues should be resolved first.
 - o Meet with the golf course owners to develop long-range plans from which the attorneys (golf course and CDD) can prepare an agreement.
- Mr. Bechtel confirmed the permit is in the name of the Lexington Oaks golf course.
 - Mr. Hanzel felt the water use permit for reclaimed water held in the name of the golf course was a concern and asked if there was any conflict with Board members who work part-time for the golf course voting on issues impacting the golf course. *Mr. Robin felt there was a conflict and will provide clarification.*
 - Mr. Mendenhall stated the water bills were provided to the golf course by the county and the county was notified of the correct address for future bills.
 - Mr. Robin feels the mechanical issues with the golf course need to be resolved before an agreement could be in place and suggests the District make sure the well can be operated without a permit or will be subject to fines imposed by SWFWMD.

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- Mr. Peters questioned whether bond money could be used to pay the engineer to evaluate the irrigation pump operation control. Mr. Bechtel explained bond money could be used because the system is not designed to irrigate the areas currently being irrigated. *Mr. Robin will research whether this item was included in the 2006 project and whether or not bond funds could be used for this purpose as the capital infrastructure only benefits 25% of the District.*
- The cost to install a booster station to control the well is \$300,000. Mr. Peters questioned whether there will be enough reclaimed water available. *Mr. Bechtel suggested contacting Pasco County Utilities to see how much reclaimed water is available.*
- Mr. Bechtel suggested the District and/or the golf course drill a separate well. Mr. Robin felt this was difficult to accomplish and suggested the Board keep a tally of the cost to maintain and operate the irrigation water for the golf course for a year, bill the golf course and wait to see if they will pay. *Mr. Bechtel will coordinate with Mr. Valentine to create a list of possible solutions for changing control of the well from a manual operation to a fully automated operation and bring to the workshop.*
- Residents of Arlington, Delmar and Fairmont do not get reclaimed water. Mr. Hanzel felt the Board should look into the possibility of providing reclaimed water to these areas.

After further discussion, there was consensus from the Board to not enter into any cost sharing agreement with the golf course until the pump issues were resolved but directed Mr. Bechtel to work with Mr. Robin on an agreement with the golf course to pay 70% of the reclaimed water usage costs (providing them with copies of invoices for FY 2007). In the meantime, the Board will come up with some long-range plans to discuss at the workshop.

C. Request by Mr. Diaz for Gate Openers and ADA Modifications

- Mr. Diaz moved into the community several months ago and received two gate openers. However, since he purchased a three car garage home, he feels entitled to receive an additional gate opener. Mr. Hanzel stated the past practice has been for any additional openers to be purchased by the property owner for \$50. Mr.

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Diaz stated he intended to declare himself disabled, if the District did not provide him with a third gate opener at no cost.

- **Mr. Diaz informed the Board the call box was not ADA compliant. Mr. Adams informed the Board the gate company said there is no ADA requirement on the call box.**
- **Mr. Robin explained the ADA Law discusses providing reasonable accommodations. He felt Pulte offered the gate opener as a reasonable accommodation and the prior Board was reasonable in mandating two gate openers per home. However, he cautioned the Board about amending the policy not only for the financial implications but to not invite more problems in the future.**

After further discussion, there was consensus from the Board to deny Mr. Diaz's request for an additional gate opener and continue the current practice of providing two gate openers per residence upon the sale of the home and additional gate openers available for purchase for \$50/each.

SEVENTH ORDER OF BUSINESS **Manager's Report** • Mr. Mendenhall reported the following:

A. Status of Reclaimed Water Bills Sent to the Golf Course

- A letter of explanation and request to amend the contact information for the reclaimed water bills was sent to the County. They will forward past bills as well as future bills to the golf course.

B. Insurance Update

- The Board requested certain coverage removed from the District's insurance policy. This information was provided to Ms. Paula Davis who will forward to the insurance company. *Mr. Bechtel requested a list of the requested changes from Mr. Mendenhall.*
- The new supervisors training took place yesterday with Mr. Robin in attendance to provide legal assistance. Reference materials specific to Lexington Oaks as well as general CDD supervisor information were provided.
- Received a check for \$3,060 for insurance reimbursement from an outstanding claim.

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EIGHTH ORDER OF BUSINESS Staff Report - Site/Clubhouse Manager A. Update on Projects

B. Electrical Estimate for Pond Aeration Installation These

items were discussed earlier in the meeting.

- Mr. Bechtel questioned whether any contractors were onsite. *Mr. Adams confirmed the contractor for the pool was waiting for a permit and he was waiting for an estimate from another bidder for the pond aeration installation.*

NINTH ORDER OF BUSINESS Supervisor Requests

- Mr. Dolente questioned whether the columns holding the gate were the responsibility of the CDD or the villages as a vehicle hit the gate and damaged the bricks on the column. The gate was repaired through the village the homeowner lived in; however, the column was not repaired. *Mr. Hanzel explained the **monuments** fall under the CDD's ownership and the District could pay for the repair and receive **reimbursement** from the vehicle owner.*
 - o Mr. Hanzel asked the attorney whether the CDD is responsible for the entire gate or a certain portion and whether the District should pay as a "good neighbor".
 - o Mr. Peters questioned whether the damage occurred after the monuments were repaired. *Mr. Dolente confirmed this was the case.*
- Mr. Hanzel requested **permission** from the Board to utilize the clubhouse on October 24th at no cost for a meeting to discuss the establishment of a transit system within Wesley Chapel.

On MOTION by Mr. Dolente seconded by Mr. Nystrom with all in favor the request from Mr. Hanzel to utilize the clubhouse on October 24, 2007 for a subcommittee meeting of the Metropolitan Planning Organization at no charge was approved.

- Mr. Hanel thanked Mr. Adams for giving him a tour of the facility and addressed the following:
 - o Requested the Board establish a set of expectations for Mr. Adams. Mr. Bechtel recalled the Board members providing a set of expectations to Mr. Mendenhall in the past. *Mr. Mendenhall will check his records.*

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- o Requested the newspaper racks in the parking lot of the community center be removed.
- o Requested Mr. Adams look into establishing a router system for the clubhouse so residents can bring their laptop computers. *Mr. Mendenhall reported he has a router system at his office and offered to work with Mr. Adams.*
- Mr. Peters complimented the Board on the great meeting. • Mr.

Bechtel addressed the following:

- o Questioned how carryover items are handled in the OLM reports. *Mr. Adams explained there was a category for carryover items.*
- o Received several calls last week regarding nuisance alligators. The HOA published a phone number in the newsletter for nuisance alligators in a pond. Ms. Cass Peters stated the number was not in the current newsletter. Mr. Bechtel explained the phone number connects to the Nuisance Alligator Coordinator for the State of Florida who contacts a trapper to come out to trap the alligator. In order for the trapper to come out, the alligator must meet the following criteria:
 - 4' or longer
 - Real nuisance or perceived nuisance to either the property or residents. • Person calling must have the legal right to grant access
- o A resident calling the hotline was turned away because the alligator was not 4'. However, once the trapper comes out and the alligator is not 4', in most cases they remove it. One trapper left a trap and came back two days later. One trap caught a baby alligator. A resident was concerned about alligators being hauled away unnecessarily.
- o Expressed concern because this was out of the realm of the CDD and the homeowners do not have a right to permit trappers access to the pond as they do not own the land adjacent to the pond. *Mr. Mendenhall stated it was common for residents to call for assistance with alligators.*

- o Requested a petition be filed with the state for the CDD to become a targeted harvest area where a Board member can give permission for someone to come out to trap the alligator. *Mr. Mendenhall cautioned the Board about taking action because no one on the Board or staff is an expert on whether or not an alligator is a nuisance and could be liable if someone is hurt by an alligator they were told was not a nuisance.*
- o The residents do not want any alligators removed from the ponds unless they are a nuisance. Mr. Bechtel suggested putting a statement in the newsletter regarding how an alligator is classified as a nuisance.
- o Mr. Hanzel stated he wants to participate in the harvest program but felt there was a tendency for residents to become proactive in wanting alligators removed from the ponds but they are part of the ecosystem.
- o Mr. Nystrom felt the alligators were part of the food chain and should be protected.
- o Mr. Peters felt unattended traps should not be left on the lake banks and people feeding the alligators should be reported and fined.
- o Ms. Cass Peters felt legal action should be taken on unattended traps.

After further discussion, there was consensus from the Board to obtain more details on unattended traps and fines for feeding the alligators.

TENTH ORDER OF BUSINESS Audience Comments

- Ms. Cass Peters expressed the need for multiple contacts in regards to reports on nuisance alligators and felt the District was opening itself up to liability.
- Mr. Tom Burke from Churchill and Ms. Marie Paschke attend a networking business owners group to promote their business. Ms. Paschke owns Cypress Creek Landscape Company and offered her services to the Board. Mr. Bechtel stated the Board only deals with OneSource but offered to provide her card to Mr. Adams.

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ELEVENTH ORDER OF BUSINESS Approval of the Financial Statements, Check Registers and Invoices

- Mr. Bechtel questioned whether the invoice for the monuments in the amount of \$16,000 was paid from the correct line item. Mr. Peters confirmed it was paid out of the correct place. *Mr. Mendenhall will have the accountant provide a budget amendment for plant replacement.*
- Mr. Hanzel addressed the following:
 - o \$35,000 was spent for plant replacement but only \$10,000 was budgeted.
 - o \$2,800 for the traffic study should be paid for out of the Hawthorne/Preakness accounts. *Mr. Mendenhall will check to see if this expenditure was paid.*
- Mr. Nystrom questioned whether bills from ITS for repairs should be provided to the golf course since they are for the well. *Mr. Mendenhall will collect the ITS invoices to determine which ones should be provided to the golf course.*
- Mr. Peters addressed the following:
 - o The plant replacement line item is over budget by \$26,000 due to the annual replacement, which should be included in the basic contract. *Mr. Mendenhall will check with the accountant.*
 - o \$1,900 should be paid from the Hawthorne/Preakness account for the sign. Along with the \$2,800 for the traffic study, the total amount taken from this account is \$4,700.
 - o Requested the invoices from Accurate Electronics for October, November and December of 2004 for Hawthorne/Preakness. *Mr. Mendenhall will provide.*
- Mr. Bechtel questioned why the District issued a check to a resident for irrigation of new sod. *Mr. Peters explained new sod was installed on District property and the resident allowed the District to use their sprinklers to irrigate the sod so it would not die. The Board verbally agreed to reimburse \$74 to the resident.*

On MOTION by Mr. Dolente seconded by Mr. Nystrom with all in favor the financial statements, check registers and invoices in the amount of \$123,273.58 for the period ending August 31, 2007 were approved.

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TWELFTH ORDER OF BUSINESS

Adjournment

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On MOTION by Mr. **Dolente seconded** by Mr. Nystrom **with all in favor the meeting was adjourned.**

Andrew P. Mendenhall Don Peters Secretary Chairman

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