

**MINUTES OF MEETING
OAKSTEAD COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of Oakstead Community Development District was held on Tuesday, December 19, 2006 at 2:30 p.m. at the Oakstead Clubhouse, 3038 Oakstead Boulevard, Land O'Lakes, Florida.

Present and constituting a quorum were:

John Witmer	Chairman
Barbara Feldman	Vice Chairman
Joseph Cascio	Assistant Secretary
Diane Davis	Assistant Secretary
Larry Cyment	Assistant Secretary

Also present were:

Bob Fernandez	District Manager
Mark Straley	Attorney
Mario Grasso	Field Manager
Nancy Intini	Park Director
Several Residents	

The following is a summary of the discussions and actions taken at the December 19, 2006 Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

Mr. Witmer called the meeting to order at 2:35 p.m. and Mr. Fernandez called the roll.

SECOND ORDER OF BUSINESS

Consent Agenda

A. Approval of the Minutes of the November 21, 2006 Meeting

B. Approval of the November 2006 Financial Statements

Mr. Witmer stated each Board member received a copy of the minutes of the November 21, 2006 meeting and requested any additions, corrections or deletions.

A correction was requested to the spelling of Mr. Cascio's name on page one of the minutes. A question was asked about the cell phone payment and mileage reimbursement entries on page ten of the check register.

Mr. Fernandez advised other cell phone plans would be investigated. Ms. Intini verified the mileage was documented and approved.

On MOTION by Mr. Cascio seconded by Ms. Feldman with all in favor the consent agenda was approved.

THIRD ORDER OF BUSINESS

Manager’s Report – Purchasing Policy Recommendation

Mr. Fernandez presented a draft of guidelines to provide an idea of Severn Trent’s recommendation on how to proceed with purchases. He reviewed the document and received comments and suggested additions which will be made prior to implementation.

Mr. Witmer requested copies of invoices in the professional services category be signed by Mr. Fernandez and included in agenda packages.

The Board concurred prior to making individual contacts, Mr. Fernandez screen any issue thought to possibly require legal or engineering services. The decision applies to the Field Manager, Park Director and staff as well as Board members.

It was suggested Board member committee liaisons be involved in the decision making process of expenditures prior to their approval for payment. Another option would be to designate two Board members as authorized signers.

On MOTION by Mr. Cymet seconded by Ms. Feldman with all in favor the purchasing guidelines were approved as presented with the modifications of (1) Ms. Feldman will be authorized to approve purchases emanating from clubhouse issues (2) Mr. Cascio will be authorized to approve purchases emanating from landscape issues (3) In the absence of the primarily assigned Supervisor, the other designated Supervisor shall provide approval (4) In matters affecting resident services such as electricity, water, sewer, drainage and gates having a limit of \$10,000.

FOURTH ORDER OF BUSINESS

Attorney’s Report

Mr. Straley reported the following:

- At the Board’s direction, a letter was sent to the person believed to have caused extensive damage to the Tanglewylde gate which required \$7,500 in repairs. The woman denied she damaged the gate and is assuming no liability. If pursued in county court, small claims division, the eyewitness’s testimony would be needed.
- Considerations before filing a suit should be the confirmation of what the witness will attest to, the attorney fee’s for the claim, which would be approximately \$1,500 to \$2,500, and whether or not the accused is good for \$7,500.

- Certain assets, such as homestead, are exempt from execution i.e. judgment lien creditor claims.
- Mr. Fernandez learned gate damage is not covered under the insurance policy.
- Filing a claim and pursuing the case to recover damages may have a deterrent effect on other citizens. There is time to consider what actions to take as there is no danger of the statute of limitations expiring soon.

Mr. Fernandez reported the resident called him and stated the gate had been broken several times, only one side was open and she was not the one who went through it. She implied the witness may be wrong because only half the gate was working. She made note there should have been a sign posted stating the gate was not working properly and what residents should do. Mr. Fernandez added he could hear someone in the room prompting her on what to say. The words being spoken on the phone were verbatim of what the other person in the room was coaching her to say.

On MOTION by Mr. Witmer seconded by Mr. Cascio with all in favor Mr. Fernandez was authorized to interview the witness to determine the credibility and report his findings at the January meeting where the decision will be made whether or not to pursue the legal case.

Mr. Cymment suggested the Board explore ways to limit exposure to the large expenditures by either purchasing more complete maintenance agreements or greater insurance coverage.

Mr. Straley learned there were questions at the joint meeting with the HOA about the declaration of covenants and deed restrictions. In response, he reported the following:

- The declarant is presently, technically, still DEVCO even though the developer essentially completed the development and left the project.
- DEVCO has some authority to change the deed restrictions and/or make amendments to the restrictions.
- Being the declarant is a right DEVCO could assign; i.e. under the covenants, they could assign their role as declarant to the CDD.
- The responsibility, associated risks and benefits of being the declarant include the right to amend the declaration without a vote of the population as long as the amendment does not destroy or substantially alter the general plan, scheme or development of the property.

- A wholesale revision to the deed restrictions would not be something the declarant could do.
- There are no particular liabilities or down-sides to being the declarant.

A discussion of the possibility of the HOA and CDD being joint declarants, removing a declarant altogether or asking Mr. Straley to serve in the capacity ensued along with the ongoing overnight parking issue.

On MOTION by Mr. Cascio seconded by Mr. Cyment with all in favor the request to have DEVCO assign declarant status to the CDD was approved.

Mr. Straley will contact Mr. Buck at DEVCO regarding the assignment.

Mr. Cyment requested all documents which exist for the community including (1) fully executed monument agreements (2) documents relating to the creation of the CDD with county approvals for sidewalks, bicycle paths and under-road drainage (3) maintenance and operation manuals (4) replacement schedules.

Mr. Straley advised the fairly voluminous documents may be with the project engineer, Heidt & Associates, who designed the infrastructure of Oakstead. He suggested Ms. Stewart be the one to gather and advise the Board on the requested technical material. Mr. Fernandez will provide the inventory sheet of all documents Severn Trent received from Rizzetta & Company.

A historical discussion on the monument agreements ensued. Mr. Cascio will forward to Mr. Fernandez a copy of the unsigned letter from Mr. Howell.

Mr. Cyment asked if the CDD could contract with a trash collector for the entire community.

Mr. Straley responded yes, the CDD has that special power as the ordinance creating the District includes garbage collection.

The record will reflect Mr. Straley left the meeting.

Ideas were discussed regarding contract and/or service options. Mr. Fernandez advised the best way to handle the situation for the balance of fiscal year 2007 was the Board rely upon the mechanism in place, which is each individual homeowner decides on their own garbage hauler. At budget time, the CDD could review the implications of providing the service. Mr. Witmer felt there was not sufficient time to address the issues prior to the changes taking effect

in two weeks. He felt it best to make no recommendation to residents as to which company to contact for trash service.

FIFTH ORDER OF BUSINESS

Engineer's Report

There being no report, the next item followed.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Field Manager

Mr. Grasso reported the following:

- Three estimates were obtained for a service vehicle. The preferred choice was for a \$8,470.50 Kawasaki Mule from Gulf Coast Turf & Tractor. The cost included a \$1,800 trade in allowance.

The features and benefits of each unit were discussed.

On MOTION by Ms. Davis seconded by Mr. Cyment with all in favor the purchase of the Kawasaki Mule for a total price of \$8,470.50 was approved.

Ms. Davis requested Mr. Grasso provide an updated list of his work responsibilities to show what he will be able to use the new vehicle to accomplish. The job description for Field Manager will be an agenda item for the January meeting.

- Total Plastic, Inc. provided an estimate of \$35,700 for the white vinyl fence on the trail. Previous estimates from other companies were \$87,000, \$65,000 and \$54,000.

Mr. Cascio felt more information was needed to make a decision and bids would be appropriate based on the value of the fence, which will be funded by the bond money and is on the project list.

Mr. Witmer felt the fence was not a priority item and sufficient information was not available to make a decision.

- Mr. Heath and Mr. Grasso measured the Strathmore resident's yard where there is approximately 1,300 square feet of sod needed. Prices for the sod were obtained by Mr. Heath.

The item was deferred for another month until Mr. Heath could be in attendance and present the cost estimates.

- The Tanglewylde gate was repaired and is operational. The bill will be submitted for payment.

- ATVs have been damaging several areas of turf near Lake Patience Road, Ashmont and Weymouth. Community support and intervention is needed to stop the activity.

B. Park Director

Ms. Intini reported the following:

- The vending machine company did not receive a copy of the signed contract and requested one be sent.
- The ADP payroll service fee is \$2,080 per year. Pay periods could end on Friday and the cost could be reduced if processed in-house by Severn Trent.

On MOTION by Mr. Cyment seconded by Mr. Casio with all in favor the payroll vendor for District employees will change to Severn Trent Services provided their fees are equal to or less than the cost of ADP and will be effective the first payroll in January 2007. The CDD is willing to adjust the pay schedule which will allow the reporting of actual hours worked.

- The real estate sign format was created. It is less expensive to have a whole sign made than one with slats. The sign will say Open House Information Available at Clubhouse and will be posted close to the clubhouse.
- The county advised lifeguards are not legally required within the community. The current student lifeguards could be replaced with CPR trained 'pool monitors'. It is unknown if the insurance rates would be affected if lifeguards were discontinued. Staff could be cut from four to two if lifeguards were eliminated.

Following a discussion of the issue, Ms. Intini recommended the Board discontinue the use of lifeguards at the pool.

On MOTION by Ms. Davis seconded by Ms. Feldman with all in favor the discontinuation of lifeguards was approved.

The decision will be communicated to residents through the newsletter and other avenues prior to the beginning of the pool season.

Mr. Cyment asked Ms. Intini to bring a staffing plan to the January meeting. It should include how many people will be replaced, the estimated rate of pay, the number of work hours and the type of work the monitors will perform.

D. Clubhouse Committee

Ms. Intini reported the following:

- Teen Night and Meet Santa were events during the past month. Contests were held which included Gingerbread House, for trimming the tree, and a Light the Community, where prizes were awarded.
- The Toys for Tots drive was a huge success and the Marines were very grateful.
- A craft sale was held at the clubhouse which was also a huge success.
- The holiday party was cancelled due to lack of participation. No cost was incurred for cancelling the tent.
- The cost for the seven events held was approximately \$300.
- There will be an all day event with activities on Super Bowl Sunday, February 4th.
- The next committee meeting will be January 4th at 4:00 p.m.

F. Landscape Committee

Mr. Hickson reported the following:

- The architect developed costs associated with the project and they will be presented at the January Board meeting. The numbers will be broken down by trees, shrubs, grass etc.

E. Resident Council

Mr. Hickson reported the council was discontinued.

G. Newsletter Committee

Ms. Bilello reported the following:

- The December newsletter will arrive by December 21st and will be delivered by the post office by December 23rd.
- The bulk mail permit includes the entire development. Everyone in Oakstead receives the newsletter.

Mr. Cascio stated he was asked to draft a letter to be signed by the president of the HOA along with the Chairman of the CDD stating the primary responsibility of managing the newsletter would be handled by the CDD. A copy of the executed agreement with the St. Petersburg Times will be included.

C. Finance Committee

Mr. Witmer reported the following:

- Board members received an email from Ms. Gobeli in which she recapped the minutes of the meeting held December 5th.
- Meetings are held the second Tuesday of each month at 7:00 p.m.

- There were issues raised by the committee which were addressed towards Severn Trent and the current financials. Item 5B of the email listed several requests of Severn Trent.

Mr. Fernandez indicated he will ask the accountant to address each item and respond to the Board via email. Mr. Witmer stated he could contact Ms. Polanec directly because there were a couple of other issues not mentioned in the list.

SEVENTH ORDER OF BUSINESS

Supervisor's Requests

Mr. Cyment questioned the need for agenda packages being sent to the individuals listed at the bottom of the letter.

Mr. Fernandez advised the names will be reviewed and if a current relationship does not exist, they will be removed.

Mr. Witmer indicated some Board members and staff are posting on the Oakstead Forum website and there was a question about whether or not it opens the CDD to any type of liability.

Mr. Fernandez responded the District is exposed to a violation of the Sunshine Law if one Supervisor posts his or her opinion about something and another Supervisor reads it. It would be the same as if they were carrying on a conversation. He suggested Supervisors not participate in the forum at all. He felt Mr. Straley would advise Supervisors not participate in something which expresses their opinion about something in a medium which could potentially reach another Supervisor and they would be made aware of how one felt about an issue to come before the Board for a vote. Staff would only be affected if staff would be conveying an opinion of a Supervisor; staff cannot be a conduit. He noted if something has already happened in a meeting, it can be discussed.

EIGHTH ORDER OF BUSINESS

Audience Comments

Mr. Paradiso asked if a letter was sent to Commissioner Mulieri about the dirt road on the side of the school. He learned the south side of Lake Patience Road is owned by Oakstead and the immediate north side is owned by the Pasco County Facilities Management Department. The extreme north side which borders Lake Patience Road is owned by the Pasco County School Board. Mr. Paradiso and Mr. Grasso had an appointment to meet with Mr. Jim Murphy from the Property Appraiser's Office to drive the dirt road together and see exactly what the issue is regarding barricading the area.

Ms. Dorothy Sherwin asked if a resident could be on the CDD Board, the Oakstead HOA board and a committee all at the same time as it would be a conflict of interest.

Mr. Fernandez stated a conflict of interest is where a public official is excluded from voting on a matter they would financially benefit from. If they have that conflict, they have to declare it.


Mr. Witmer indicated there was nothing to prohibit someone from serving on multiple committees or boards. There is no exclusion from the CDD to the HOA.

NINTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Ms. Feldman seconded by Mr. Cascio with all in favor the meeting was adjourned.



Bob Fernandez
Secretary



John Witmer
Chairman

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Also present were:

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Mario Grasso Field Manager Nancy Intini Park Director Several Residents

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December 19, 2006

Oakstead CDD

On MOTION by Mr. Cascio seconded by Ms. Feldman with all in favor the consent agenda was approved.

THIRD ORDER OF BUSINESS

Manager's Report - Purchasing Policy **Recommendation**

Mr. Fernandez presented a draft of guidelines to provide an idea of Severn Trent's recommendation on how to proceed with purchases. He reviewed the document and received comments and suggested additions which will be made prior to implementation.

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December 19, 2006 Oakstead CDD

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December 19, 2006
Oakstead CDD

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December 19, 2006 Oakstead CDD

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FIFTH ORDER OF BUSINESS Engineer's Report There being no report, the next item followed.

SIXTH ORDER OF BUSINESS Staff Reports A. Field Manager

Mr. Grasso reported the following:

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December 19, 2006 Oakstead CDD

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**B. Park
Director**

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December 19, 2006 Oakstead CDD

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Mr. Witmer indicated there was nothing to prohibit someone from serving on multiple committees or boards. There is no exclusion from the CDD to the HOA.

NINTH ORDER OF BUSINESS There being no further business,

Adjournment

On MOTION by Ms. **Feldman** seconded by Mr. **Cascio** with all in favor the meeting was **adjourned.**