

**MINUTES OF MEETING
OAKSTEAD
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Oakstead Community Development District was held on Tuesday, July 21, 2009 at 6:30 p.m. at the Oakstead Clubhouse, 3038 Oakstead Boulevard, Land O' Lakes, Florida.

Present and constituting a quorum were:

Joseph Cascio	Chairman
Barbara Feldman	Vice Chairperson
Diane Davis	Assistant Secretary
Sal Paradiso	Assistant Secretary
Lawrence Cymment	Assistant Secretary

Also present were:

Andrew Mendenhall	District Manager
Tracy Robin	District Counsel
Tonja Stewart	District Engineer
Nancy Intini	Park Director

The following is a summary of the discussions and actions taken at the July 21, 2009 Oakstead Community Development District's Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

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

SECOND ORDER OF BUSINESS

**Audience Attendance Count (5) and
Comments**

Mr. Mendenhall noted there were 5 audience members in attendance at the meeting.

THIRD ORDER OF BUSINESS

Consent Agenda

A. Approval of the Minutes of the April 28, 2009 Reconvened Meeting and the June 16, 2009 Regular Meeting

B. Approval of the Financial Statements through June 30, 2009

Each Board member received a copy of the April 28, 2009 and the June 16, 2009 meetings and was asked for any additions, corrections or deletions.

Mr. Paradiso noted a correction for the 1st page of the June 16, 2009 minutes. The correction will be made part of the official minutes of the meeting.

On MOTION by Ms. Feldman seconded by Mr. Paradiso with all in favor the minutes of the April 28, 2009 and June 16, 2009 meeting were approved as amended and the consent agenda was approved.

FOURTH ORDER OF BUSINESS

Attorney's Report

Mr. Robin reported he has been working with Mr. Mendenhall monitoring the progress of the construction project.

It was reported that Mr. Steve Stanley will call in to the meeting at 6:45 P.M. to speak about the Eminent Domain letter received from the County.

It has been 45 days since Mr. Robin last communicated with Mr. Bob Baltzer at the County about the roads, asking him for some backup information and he has not heard anything from him. The acceptance of the roads issue is troubling. It was noted that Oakstead is not alone with the problems in dealing with the County on these kinds of issues. Another Supervisor from another District has befriended Commissioner Mulieri and she may finally be realizing that in the case of that District and other Districts that the County allowed the Performance Bonds to expire and never got a Maintenance Bond. Their staff blew it and she has figured that out. She has been asking pointed questions of the County's engineer.

Mr. Robin suggested to the Board that if they know Ms. Mulieri they should begin to raise the Oakstead road issues with her so she can see that this is not an isolated circumstance. If she is informed of the problems from different directions and some pressure is put on the staff, maybe finally the Board will force the staff to deal with this issue.

Ms. Stewart is sending an email to Ms. Mulieri requesting a meeting with her, the Chairman and Ms. Stewart.

Mr. Robin noted the roads are owned by the County, as they accepted the roads on the plat by dedication and they are responsible for the maintenance. This District has sufficient documentation to support a case that the roads issue is being ignored by County Staff. The road acceptance needs to be acknowledged by the County and we need to move on.

Mr. Cyment asked what is happening with Parcel 5?

Mr. Robin responded he has not heard anything on Parcel 5.

Mr. Cascio asked does that mean the assessments will be on the taxes?

Mr. Robin responded that was his understanding; if they were not paid they would be put on the tax roll.

Mr. Mendenhall noted they would be on the next tax roll for two years, for this year and next year.

A lengthy discussion regarding the collection of the assessment for Parcel 5 ensued.

Mr. Mendenhall will consult with the assessment department of Severn Trent regarding the current non-payment assessment status of Parcel 5 and they will also discuss the process for possibly putting the assessment collection on the tax roll for this year.

Mr. Mendenhall introduced Mr. Steve Stanley, an Eminent Domain attorney who joined the meeting via conference call.

The following was explained by Mr. Stanley:

- The letter and attachments sent to the Board by Pasco County regarding the “proposed taking” was reviewed by Mr. Stanley.
- It appears they want to take property along Lake Patience Road, which would widen it in one section and in addition they want an easement that would be adjacent to that taking for a slope that would probably drain back into the Oakstead parcel.
- In addition to that, on the eastern boundary, the northeastern corner, they propose another taking which would run along north and south along the eastern boundary, roughly 300 feet and almost 10 feet wide. Based on the plat it appears that the District has an uplands or a wetlands mitigation lot, which leaves about 15 feet.
- It is assumed that Pasco County followed a resolution because they sent the District this letter. The government body has to pass a resolution for the body to do any acts. In the case of eminent domain the resolution is required to contain provisions that suffice enough evidence to a court that there is a public purpose, public need, and public necessity for the taking. This does not mean that the court is totally satisfied, it is just enough to get the resolution approved and going.

- From that point, they are required to do what they have done; sent out this pre-suit letter. This particular letter assumes that there is some kind of a business out there on this property they are taking. This letter that was sent in May is a business damage letter requirement they are doing.
- Subsequent to that, they are required to do pre-suit negotiations. They are required to negotiate in good-faith, get an appraisal, get a good-faith estimate of value and present that to the District.
- They are supposed to try to negotiate a settlement based on the good-faith estimate. The District is allowed to get its own appraisal, so you can negotiate with them. The costs are paid by the government. You are entitled to an attorney, an appraiser, possibly a surveyor and if there was a business there you would be entitled to an accountant and any expert that is reasonably necessary for the District to advance its case.
- In the state you are in, you are ready to be represented by an attorney based on this letter they sent you. It was noticed that the letter was copied to the Senior Attorney at Pasco County who Mr. Stanley has worked with for years; his name is Richard Vickers. Based on the fact that Mr. Stanley knows Mr. Vickers, even though he has not been retained by the District yet, he called Mr. Vickers and had a brief conversation with him. He confirmed that they are planning to take the property for the Lake Patience Road project. He informed Mr. Stanley that he would send everything he has on the matter to him.

If the Board does not retain Mr. Stanley, the information will be made available to Mr. Robin and Mr. Straley.

- It appears that an engineer surveyor is needed to lay the legal descriptions out for a clear and concise picture of exactly how they are affecting the District's property. Mr. Stanley's analysis is based on his experience, observation and conclusions; however they need to be substantiated by having the actual takings laid out, so that it can really be seen. The attorney for Pasco County, Mr. Vickers, said he would send something to that effect to Mr. Stanley but the District also needs to double check it for their own insurance that it is accurate. There are so

many facets in eminent domain that are based on accurate descriptions, accurate property sizes and exactly where and what the taking is.

- If pre-suit negotiations fail, if there is no settlement, then the “condemner” which is Pasco County would have to go to court to prove that they have a need for the property, what is called an “order of taking”. They have to prove public necessity, public purpose and they have to show evidence that the taking would be based on a reasonable value. It would have to be on a fair value by an appraisal. At the point where they prove all these things, if they can, they actually would take the property. They would deposit in the court register their good-faith estimate that the court approved so they could take the property; however, it is not over at that point. The property owner can still contest the value; if the value is not up to what the property owner believes is fair and reasonable value for their property they can contest that. There will be more negotiations and probably mediation. All the costs, including court costs will ultimately be paid for by the “condemner”, the County Government, Pasco County.
- This appears to be an interesting case and something Mr. Stanley would be interested in handling for the District if that is what is decided. If Mr. Stanley is to handle this matter, his experience shows that he has extensive eminent domain experience in jury trials. He would ask for a \$1,500 retainer fee, which would cover some initial expenses and fees that would be reimbursed to the District at the conclusion of the case from the government.

On MOTION by Mr. Paradiso seconded by Ms. Feldman with all in favor retaining the services of Mr. Steve Stanley as the District’s Eminent Domain Attorney for the taking of land by Pasco County for the Lake Patience Road widening project with the retaining fee of \$1,500 to be reimbursed by Pasco County at the end of the case, was approved.

Mr. Cascio asked what the sequence of events would be for this issue.

Mr. Stanley explained he is waiting for the previously stated information from Mr. Vickers and at the same time he will begin to look at what experts are needed for the case and he

will prepare a retainer agreement between the District and himself. He will try to report back to the Board at each monthly meeting with an update on what is going on.

FIFTH ORDER OF BUSINESS

Engineer's Report

Expansion of Clubhouse

The following was noted:

- We need to be able to start the bidding process.
- Ms. Intini reported she talked to Brian today and he is waiting for the contracts. He said he can send out the bids by Monday and have them back within two weeks.

A lengthy discussion ensued regarding having Ms. Stewart and her company distribute the bid documents and review the bids instead of the architect.

Mr. Cascio would like to see a time line from the architect for what he thinks the process is and asks that Ms. Stewart endorse his submittal. Mr. Cyment did not agree.

Board consensus was to have Ms. Stewart consult with the architect on the bid documents and oversee the project.

Ms. Stewart will call Brian Seufert regarding the permitting for the project.

On MOTION by Mr. Cyment seconded by Ms. Davis with all in favor the final plans that were presented to the Board at their last workshop meeting, moving forward with the Garcia Seufert plans and handling the bid process with oversight by the District Engineer was approved.

Ms. Davis asked Ms. Stewart where are we with the ponds? She wants Ms. Stewart to be aware that the polymer was put down, which was supposed to prevent erosion but it eroded and then there were heavy rains. She does not want him to say he is not responsible for not completing the project.

Pool Project

Mr. Paradiso asked where do we sit in terms of getting the project ready for bid?

Mr. Mendenhall explained that one is under the threshold for having to go through a public bid process. It is another situation we can do by invite. Two pool companies have contacted him and Ms. Intini has one or two others.

Mr. Paradiso reported there is a gas line that needs to be moved, where the engineer suggests we place it. We will have to go to TECO to remove it.

Mr. Cyment requested that the bidding contractors be qualified by having previous experience of this type of pool construction and design. If they have not done it, he does not want them here. He would also like to see them be financially secure enough to post a bond to complete the project. This has become a problem in the market place.

Mr. Mendenhall noted typically, in this situation, there is a limited amount of companies that do this type of work; especially if we get into the specifics of this exact type of pool. If we reach out to the companies we know, once we receive their proposals, we can then do the due diligence looking to see what their history is

Mr. Cyment interrupted, I don't think so; we tell them right up front, you don't bid, you don't waste our time unless you are prepared to post a bond and you have experience in this type of work. We tell them the qualities we are looking for and let them pre-qualify themselves.

Mr. Cascio noted based on the ones that Mr. Mendenhall and Ms. Intini feel have the qualifications, track record, experience...

Ms. Feldman asked Ms. Stewart if there is a time frame that she and Ms. Intini should present all the kitchen items to her. Mr. Robin responded there will be the time that you need to pick those things up.

Mr. Paradiso asked Mr. Mendenhall to forward the bid documents to the Board when they are ready to go out.

Mr. Cyment wants the following included in the qualifications "that prior experience with this type of project is required".

Mr. Robin noted the posting of bond requirement can be put in the bid solicitation qualifications as well.

Mr. Cyment asked Ms. Stewart to explain, at a meeting on another day, the drainage structures and how it all relates.

Ms. Stewart explained the roadway under drain is not 100% throughout the community. It is there to control ground water, not runoff.

The record will reflect Ms. Stewart and Mr. Robin left the meeting.

SIXTH ORDER OF BUSINESS**Managers Report****A. Questions and Comments on the Proposed Fiscal Year 2010 Budget**

Mr. Mendenhall noted the proposed 2010 budget presented today includes the updates from the July 14, 2009 workshop meeting. The following was noted:

- We are looking to adopt the final budget in August.
- If changes are made tonight, those changes plus the changes made at the workshop should be ratified.

Ms. Feldman noted there is a difference in Legal Advertising, the figure at the end is \$84,000 will be \$85,700.

Ms. Davis noted regarding the clubhouse, it was suggested to reduce Ms. Intini's budget and she already has events that have been advertised or she has already been in progress to start these events throughout the rest of the year.

Ms. Intini asked the Board to reconsider reducing the Special Events line as this is the only line on the budget that we actually get money back on by having the events. After adding up all the deposits from the clubhouse this year the total was \$8,768.59. Her entire budget for special events is \$8,000 even though it says \$10,000; \$2,000 was for the mailing of the newsletter. She asked the Board to put the Special Events line item back to the full \$8,000.

Mr. Cascio explained that Mr. Witmer may have found some opportunities where some of the money deleted from some of the line items can be restored. He noted he would not like to spend a lot of time today speaking about budget details, but would like for Mr. Witmer update the Board on his findings on the proposed budget.

Mr. Witmer made a budget presentation to the Board and referred to a document he prepared, "Oakstead CDD Analysis of Cash Position at Start of FY 10/1/2008". He explained he was trying to get the O&M per unit down to an acceptable number.

A suggestion made by Mr. Witmer was to take the GAP Reserve down to about \$120,000, taking \$30,000 out of the current amount and take \$40,000 out of the Excess Cash on Hand, which gives us about \$70,000. We can use the \$70,000 to add some of these things back on the budget items, move the contribution for next year's budget back up to \$100,000 and also use the \$70,000 to further reduce the assessment. It might require more than that.

Mr. Cyment noted a simpler approach is to eliminate the GAP Reserve.

Mr. Cascio suggested discussing these budget issues at the next workshop meeting with Mr. Witmer in attendance.

Mr. Witmer recommended having Mr. Mendenhall and the District Accountant, Ms. Polanec review the Analysis of Cash Position and give any feedback they might have to Mr. Witmer.

Mr. Mendenhall noted the analysis can be an agenda item for the next workshop meeting.

On MOTION by Mr. Cyment seconded by Mr. Paradiso with all in favor the budget changes that were made at the last workshop meeting were ratified.

Mr. Witmer noted that the previous discussion of the collection of the Parcel 5 assessment should be followed up on.

Mr. Mendenhall noted he sent an email to Ms. Karen Ellis questioning whether there is the ability to get Parcel 5's assessment on the tax roll for this year.

B. Discussion of Re-institution of Adopt-A-Pond Program

Mr. Cascio reported he has not received the information he requested on this matter from the County Government. He is waiting for the information to finalize the draft of the agreement. He would like to format the agreement whereby any volunteer has to abide by certain rules. Hopefully a draft agreement will be ready for Board review at the next workshop meeting.

A resident of Tanglewylde asked instead of the Adopt-A-Pond program why doesn't the landscape committee broaden their horizons and see if they can go about this task themselves without having to go through the County?

Mr. Cascio noted the landscape committee has the opportunity to develop recommendations they can bring to the Board for consideration of approval; this would include the way we treat our ponds.

C. Discussion of Eminent Domain (Stephen Stanley)

This item was discussed earlier in the meeting.

D. Discussion of Damage to Plants from Contractor

This item will be discussed under the Field Manager's Report

Mr. Mendenhall reported on an item not on the agenda. He heard from the gentleman from DTI Sign and he will send the District a check for \$500 this week. If we engage our

attorneys it will cost more than we would get. After the \$500 payment, he owes approximately another \$2,000.

SEVENTH ORDER OF BUSINESS Staff Reports

A. Field Manager

Mr. Grasso reported on what was going on regarding the center island. He noted that he kept Mr. Kirkland in the loop during multiple phone calls. He is looking to work off the charges but there is no work to give him.

Ms. Davis recommended since he is not capable of paying at this time, he should be asked what is the most he can give on a monthly basis until his paid amount to us is paid. We need to set up some type of plan. A letter should be sent to him explaining he must pay \$170 per month. If he defaults, he must pay the full amount in 30 days.

Mr. Mendenhall was directed by the Board to draft the letter to Mr. Kirkland.

The estimates for Pond 55B were discussed.

On MOTION by Mr. Cascio seconded by Ms. Davis with all in favor the remediation of Pond 55B at a cost of not to exceed \$1,000 was approved.
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Mr. Cyment noted he would like the landscape committee to have a hand in this project because they should be developing a plan for the rest of the community.

Ms. Davis asked about the entrance, the center island is out of control.

Mr. Grasso responded they are behind 7 days in trimming and with the rain it has been growing faster.

Ms. Feldman noted the hedges along Oakstead Boulevard have been cut and they look very nice.

Ms. Davis informed Mr. Grasso that the hedges in Strathmore still need to come down another foot; you still cannot see over them.

B. Park Director

Ms. Intini briefly discussed the following:

- A leak detecting company inspected the pool today and found a leak and gave an estimate of \$3,500 to have the leak fixed. The leak is in an air vent that makes the bottom suction drain work. The leak was packed today.

- There have been two bids on the awning structure. There are 4 bad major beams and the cross beams all have to be replaced.

C. Clubhouse Committee

Ms. Intini reported we have Fun Fair for September but if the budget does not get passed, we will have to cancel it.

Mr. Cymment noted at the budget workshop the Board took the position that events need to be self-supported. We should start now seeing that the events are self-supporting.

Mr. Mendenhall noted that event is funded and this will be further discussed at the workshop.

D. Landscape Committee

Mr. Heath reported the landscape forum was held this month and it was successful.

E. Newsletter Committee

Mr. Paradiso stated August 1st; Kim will be sending out emails later this week.

EIGHTH ORDER OF BUSINESS

Supervisors' Reports, Requests and Comments

Mr. Paradiso asked if someone from the landscape committee would get back to Ms. Frohnhoefer about some kind of grass carp.

Ms. Feldman asked if Mr. Cascio heard from Progress Energy regarding the black hole and the utility light they were supposed to take care of. Mr. Cascio responded he is having difficulty getting them to respond. He will try to expedite that.

NINTH ORDER OF BUSINESS

Audience Comments

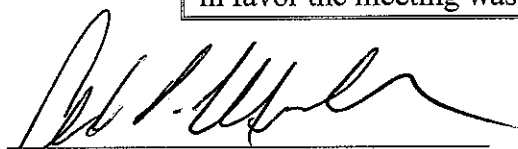
A resident of Tanglewylde thanked the Board for the hardscape out front.

TENTH ORDER OF BUSINESS

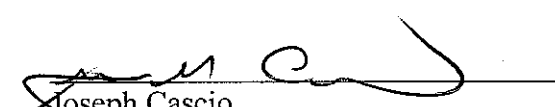
Adjournment

There being no further business,

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



Andrew P. Mendenhall
Secretary



Joseph Cascio
Chairman