

**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, September 15, 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 Cymant	Assistant Secretary

Also present were:

Andrew Mendenhall	District Manager
Tonja Stewart	District Engineer
Tracy Robin	District Attorney
Nancy Intini	Park Director
Mario Grasso	Field Manager

*The following is a summary of the discussions and actions taken at the September 15, 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 (10) and  
Comments**

Mr. Mendenhall noted there were 10 audience members in attendance at the meeting.

He explained this audience comments portion of the meeting is intended for general questions and the audience will have another opportunity to make comments before the meeting adjourns.

Mr. Jason Jolly reported on a notice he received regarding a sexual offender moving into his neighborhood. He questioned the Board on whether a notice could be placed on the clubhouse message board.

It was noted the message board was taken down, but it will be reinstated.

Mr. Cascio invited Mr. Jolly to attend the next workshop meeting to discuss the issue further.

**THIRD ORDER OF BUSINESS**

**Consent Agenda**

- A. Approval of the Minutes of the August 18, 2009 Regular Meeting**
- B. Approval of the Financial Statements through August 31, 2009**

Each Board member received a copy of the August 18, 2009 meeting and was asked for any additions, corrections or deletions.

Mr. Cascio MOVED to approve the consent agenda and Ms. Feldman seconded the motion.

Mr. Paradiso reported spelling corrections are required; Mr. Fred Krauer's name was misspelled.

He also inquired about any updates on the SBA account.

Mr. Mendenhall responded Mr. Stephen Bloom, the Treasurer, will compose a letter to Mr. Alex Sink expressing the District's concern. There have not recently been any new funds released.

On VOICE vote with all in favor the consent agenda was approved.

**FOURTH ORDER OF BUSINESS**

**Attorney's Report**

- A. Update on Eminent Domain**

Mr. Mendenhall explained since the District's Attorney is running behind schedule, he will update the Board on this matter.

He reported he spoke with Mr. Stanley and there has not been anything issued yet. A retainer check in the amount of \$1,300 was forwarded to Mr. Stanley, which is based on the agreement approved at the last meeting. Mr. Stanley will provide monthly updates on the case.

**FIFTH ORDER OF BUSINESS**

**Engineer's Report**

- A. Street Flooding**
- B. Update on Path Consideration**
- C. Discussion of Costs Related to Expansion Project**

The items above were not discussed by the engineer at this time.

Ms. Stewart handed out documents she received from the meeting with Commissioner Mulieri. She reported the documents clearly show that the majority of the county roads have been accepted for maintenance. Oakstead, Tuckerman, Manassas and the intersection of Oakstead and Lake Patience are all county roads and have been accepted by county roads. They have accepted full level maintenance of the road. The road classification list was also handed out by Ms. Stewart.

Regarding the roads, the following was noted by Ms. Stewart:

- In the acceptance, the Board of County Commissioners noted they are not accepting responsibility for sidewalks, but they have full responsibility for the roads and some of the drainage. The District will have to accept some responsibility for the sidewalks, particularly the one just built.
- We are moving forward and will continue to make contact with them to see closure for all the county roadways.
- We are not releasing any easements to the county until this is completely resolved. When we get into the taking of Lake Patience Road and the slope easement with the county, one of the things they asked was for us to do a right-of-way agreement similar to what we did with the boardwalk for maintenance of the landscaping and irrigation.

Regarding the trellises in the back, the following was noted by Ms. Stewart:

- A document regarding the trellises was handed out. You need to make some decisions as to exactly how you want to handle the maintenance of those structures.
- Ms. Intini discussed the replacement and maintenance of the structures.
- The document handed out by Ms. Stewart included her recommendations to Ms. Intini on the structures.

Regarding the extension of the pedestrian path, the following was noted:

- Documents were handed out regarding the pedestrian path and were explained by Ms. Stewart. She noted there is no easement in between the two lots to allow the District to have the rights to construct and maintain that path and if the District decides to build or maintain, she recommended obtaining an easement.

A discussion on the District's possible liabilities and setting precedent regarding the path ensued.

*The record will reflect Mr. Cymment and Mr. Robin joined the meeting.*

Regarding the reserve fund and estimated future costs, the following was noted by Ms. Stewart:

- One of the things this did not take into consideration was entry monument gates; you are doing gate work now with the construction funds from the bond series, so there are other costs you will incur but they will not be huge costs over the next 15 years.
- Ms. Stewart had conversations with Duratech, the wall manufacturer installer and they have some minimal maintenance requirements on those too; they have an expected life of over 20 years. A program to do annual maintenance can be prepared to prolong longer life and there are no huge costs associated with that.
- We have \$454,143 in the Reserve Account today. It is estimated about \$1.6 Million worth of work over the next 10 to 15 years, so \$100,000 is what you are putting towards that fund every year or so. We are on track based on the current contribution in to that account to be on board to be able to fulfill these maintenance responsibilities.

Sidewalks and driveways:

A discussion on whether sidewalks and driveways are HOA, CDD or resident issues ensued.

Mr. Witmer explained it was decided at a previous Board meeting that if a sidewalk was installed by the resident or the builder, the resident is responsible for the maintenance of it along with the driveway apron. If the sidewalk was installed by the CDD along common property, the CDD is responsible for sidewalk maintenance. That was adopted and approved over a year ago.

Ms. Stewart responded, then our estimate for sidewalk grinding and sidewalk replacement is probably on target in terms of areas adjacent to common areas.

She continued, one thing that will also require a form of a workshop is the major environmental path. There is no long term maintenance responsibility toward that path. That can be part of the standard operations and maintenance budget. Erosion has its own account; it does not include aquatic planting.

Federal rules and guidelines in regard to water quality discharges were explained by Ms. Stewart.

The roadway under-drain issue was discussed; the under-drain is functioning okay based on our inspections. Unfortunately, over time we may find if it is not working we will not be able to get in to replace it. Dead trees were discussed.

Mr. Cyment asked Ms. Stewart if she will address the parks and recreation resources in terms of the replacement reserve account?

Ms. Stewart responded part of the study that Bracken Engineering did, regarding the recreation facility, is some of the maintenance stuff that needs to be done. You need to decide whether or not you want to do any kind of capital improvements because the expansion is probably the only capital improvement you want to do.

Mr. Cyment continued, the pool has periodic major maintenance; each of the villages has foam-clad signs that may need repair or replacement; which is probably about \$45,000 every 7 to 10 years.

Ms. Stewart noted roof costs and things like that are things we can capture too, unless there are any other capital improvements for the facility itself, then there should be no additional costs associated with that. I did not include landscaping because a landscape budget is probably what he already has in place. The 2009-2010 budget will be looked at, incorporate his budget to what I did and it will be compared.

Mr. Cyment noted he did not see clearly in the other study where the replacement and or major maintenance of the recreation facility including the clubhouse and the signs are included.

Ms. Stewart responded the signs and the gates were done as part of the bond program and she does not see any need for money to be set aside for those.

Reserves continued to be discussed.

Street flooding was discussed.

The algae covering the pond at the commercial property, directly visible from 54 was discussed.

Ms. Stewart suggested that the owner of the pond should be contacted regarding the unsightly appearance of the pond caused by the algae.

Mr. Robin noted if there is identifiable evidence of pollution caused by the pond an ecologist should be contacted to inspect the pond.

Mr. Cascio asked Mr. Robin to review the agreement in place with the commercial property regarding maintenance of the pond. The agreement will be forwarded to Mr. Mendenhall for review.

Ms. Stewart reported on the Demasi home, where the sod has been deteriorating.

Board consensus was that there is nothing further the District can do for Mr. Demasi regarding the sod deterioration other than reiterating to the landscaper not to use resident property to access District property, which has already been discussed with the landscapers. Mr. Mendenhall will contact Mr. Demasi regarding the outcome of this discussion.

**FOURTH ORDER OF BUSINESS**

**Attorney's Report, continued.**

**A. Update on Eminent Domain, continued**

Mr. Robin reported he discussed with Mr. Stanley about not taking too much of a role in terms of talking with the county about the Lake Patience realignment areas as they are trying to keep the two issues of the roadway acceptance and the property taking apart. The county is not currently moving with any speed with the eminent domain question.

Regarding the acceptance of the road, there are parts of the road that have not been accepted and this continues to be monitored, making sure the county follows through.

**SIXTH ORDER OF BUSINESS**

**Manager's Report**

**C. Update on the Pool Project**

Mr. Mendenhall asked if the Board wishes to move forward with selecting one of the pool contractors who have submitted proposals?

The following was noted:

- Mr. Cyment noted we never came up with a complete cost of the pool project.
- Mr. Mendenhall explained while there might be some slight items that are change orders based on changes or some additions, some of the larger items, such as landscaping will not be conducted by the pool companies. If you are moving forward with a pool, you can still make a decision on a pool vendor and absent of the landscaping, you still have the same process of going out to get competitive bids or if you want to talk to a number of firms.
- Mr. Cyment disagreed.

- Ms. Feldman noted the Board agreed at the workshop to put a cap of \$90,000 on the pool and \$10,000 for landscaping regardless that the lighting was not mentioned, but we put a cap of \$90,000 and \$10,000 for landscaping.
- Mr. Cyment responded that was what the workshop was for; to discuss it and the Board meeting is here to make it policy.

Mr. Cyment MOVED to approve the cost of the kiddy pool and the accoutrements at not to exceed \$90,000 for the construction and landscape associated with that project at not to exceed \$10,000 for both inside and outside the pool area and lighting not to exceed \$4,000 and Mr. Cascio seconded the motion.

Ms. Intini added the following points to the previous motions discussion:

- The lowest bidder came in at \$89,083. That contract was for finish that would only last five years. Ms. Intini has a \$3,000 upgrade, which would bring the contract over \$90,000. The \$3,000 gives a 15 year finish on the pool.
- Mr. Mendenhall noted the amount mentioned in the motion is \$90,000, which would rule out all of the bids except for the Florida Playstructure bid. Mr. Cyment might want to amend the motion to move forward with Florida Playstructure since they are the only one that falls within that range. He suggested increasing the approval amount higher than \$90,000 to have a contingency built in incase there is a change order involved.
- Mr. Cyment noted the only reason he structured the motion was because of the discussion that we needed a motion. I wanted to put the numbers out on the table. I am not sure exactly what a pool should cost.
- Ms. Davis asked Ms. Intini which bid she recommends.
- Ms. Intini responded Ms. Feldman and I visited Florida Playstructures and checked out pools they built. They were given favorable reviews from previous clients. She suggested if Florida Playstructures is approved, she will need to check their license.

Mr. Cyment MOVED to amend the previous motion by adding a 10% contingency to the \$90,000, the \$10,000 and the \$4,000, Mr. Cascio seconded the motion with all in favor the construction amounts for the kiddy pool were approved.

On MOTION by Mr. Paradiso seconded by Ms. Feldman with all in favor awarding the contract to Florida Playstructures for construction of the kiddy pool was approved.

Ms. Intini explained the vendor said it is not a good idea to have pool decking and pavers were recommended. The vendor agreed to match the price for pavers as opposed to pool decking. The price will remain the same, which has been provided in writing by the vendor.

Mr. Robin will put together the contract to be presented to the vendor.

Mr. Cyment inquired about the warranty from the vendor.

Ms. Intini responded 15 years on the finish.

Mr. Cyment asked who is going to back it?

**D. Update on the Clubhouse Expansion**

Mr. Mendenhall reported the Board received two proposals from contractors on the clubhouse expansion and they were discussed at the last workshop meeting.

On MOTION by Mr. Paradiso seconded by Mr. Cascio with all in favor awarding the contract to Bonel Construction for building the clubhouse expansion was approved.

On MOTION by Mr. Paradiso seconded by Mr. Cascio with Ms. Feldman, Ms. Davis, Mr. Cascio and Mr. Paradiso voting Aye and Mr. Cyment voting Nay, capping the cost for the clubhouse expansion construction at \$100,000 for the building, \$40,000 for the remaining landscape, furniture, and equipment with a 10% contingency was approved.

Mr. Cyment requested that the minutes reflect that the discussion regarding the previous motion was based not on completing the project but his discussion was based upon evaluating all of the projects that might remain against the available money, and that is why he voted no. He is not opposed to completing the project at some point in time.

Mr. Paradiso asked Mr. Robin how fast the contracts can be put together.

Mr. Robin responded it will probably be about 10 days.

Mr. Cymment asked about ADA requirements.

Ms. Feldman inquired about the removal of the electrical box; is this something brought up by our engineer. Legally, do we have a problem; has the engineer or attorney been notified?

Mr. Robin responded his understanding is that this is an issue that certain board members had a concern about over a period of time.

Mr. Cascio reported we spoke to Commissioner Mulieri and her staff about that and the Assistant County Administrator and his Engineer saw the photos we brought and agreed it was a concern and inappropriate to have that facility there. They contacted Progress Energy and they said they were within their rights to put it there because the developer denied them an opportunity to put it elsewhere. Mr. Cascio asked them to show him the document where they were denied that access.

The county has put them on notice that this is a violation and even though we had their field engineer give us an estimate on the cost of relocation and identified a spot where it can be put which is acceptable to the utility, it is still pending and we will need help from Mr. Mendenhall and Mr. Robin to find out what the developer said or did they deny them an opportunity to locate it elsewhere. It is the utilities responsibility to put the infrastructure in a location where it does not have an adverse impact to traffic and minimizes hazards to the residents. Mr. Cascio concluded his contention is they made a mistake.

Mr. Robin noted the electric box is on county right-of-way, not on district property. It was placed there by the utility company and they are on notice of the issue.

Mr. Cascio will contact Mr. Sifford to see if he has any recollection of what took place with the utility work at the time the community was being developed.

*The record will reflect Mr. Robin left the meeting.*

The manager's report continued:

**A. Discussion of Workers Compensation Classification**

Mr. Mendenhall explained that it might make sense for the Board to reclassify Ms. Intini's status as listed under Worker's Compensation. She is currently listed under Clerical and it was suggested to reclassify her as Parks and Recreation. This reclassification would be

more expensive. Currently the Clerical rate is 64 cents per \$100 and the Parks and Recreation classification is \$4.03 per \$100; there is a difference of approximately \$1,400 per year.

Mr. Cymment expressed his opinion that more information should be gathered on all the District employees' classifications before going forward with the reclassification of one employee, Ms. Intini. He wants to know what the community standard is.

A discussion on Worker's Compensation classifications ensued.

Mr. Cascio would also like to find out what other communities are doing about this issue and asked Mr. Mendenhall to report back to the Board on this.

**B. Consideration of Reserve Allocation**

Mr. Mendenhall recommended to the Board that the accountant put together a budget amendment that allocates \$30,000 to a general reserve account for pond reserve for future pond erosion issues.

Mr. Cymment disagreed.

Mr. Mendenhall noted the Board should rescind the previous action to create the \$30,000 reserve for 2008/2009 and then at the next meeting a budget resolution will be presented which would memorialize the action of allocating those funds correctly out of that capital line item into the pond erosion item for 2008/2009.

Mr. Cymment noted he is comfortable with that, subject to leaving the separate reserve of \$30,000 moving forward unless it is found there is a lesser or greater need as time goes on.

On MOTION by Mr. Cymment seconded by Mr. Paradiso with all in favor rescinding the previous allocation of \$30,000 to pond reserve was approved.

**E. Update on the DTI Signs Payment**

Mr. Mendenhall reported there has not been any response to several calls made to this vendor. A letter will be written to them regarding the remittance of the balance owed to the District.

Mr. Mendenhall recommended to the Board that the August 17, 2010 board meeting time be changed from 2:30 P.M. to 6:30 P.M.

On MOTION by Mr. Paradiso seconded by Ms. Feldman with all in favor the meeting time for the August 17, 2010 CDD Board of Supervisors meeting was adjusted from 2:30 P.M. to 6:30 P.M.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Field Manager**

Mr. Grasso reported on the following:

- Greenbriar update
- Irrigation around the playground and clubhouse issues
- Pavers

Mr. Cascio indicated this would be a workshop topic.

**B. Park Director**

Ms. Intini reported on the following:

- Fencing
- Tables and chairs; the second lowest bidder, Bright Settings, will be contacted and their bid was \$11,117.02. The vendor has requested payment before delivery and a credit application was submitted to Mr. Mendenhall.

The method of payment for the tables and chairs was discussed and the issue will be looked into.

**C. Clubhouse Committee**

There not being any report, the next item followed.

**D. Landscape Committee**

Mr. Cyment reported we discussed trimming the hedges. The landscape committee was concerned that the large cut would adversely affect the growth habits of the plants, so Mario is now saying that is probably not going to happen, it is only temporary.

We talked about how to make the front appear more attractive and Mario is going ahead with that.

We talked about ponds and overall switching to a greener approach in that it was good for the environment.

**E. Newsletter Committee**

Mr. Paradiso reported October 1<sup>st</sup> at 8 P.M. submissions are due. Kim is concerned about the proofreading of the articles and concerned about the lack of participation.

Mr. Paradiso expressed his intention to recap each CDD board meeting and have his recap posted in the Newsletter. Board consensus was to approve of Mr. Paradiso's recap for publication in the Newsletter.

**EIGHTH ORDER OF BUSINESS**

**Supervisors' Reports, Requests and Comments**

Ms. Davis reported and commented on an email sent by Mr. Cyment. She read a written statement into the record.

*A copy of the statement and the email referred to in the statement are attached hereto and are made part of the public record.*

Ms. Feldman expressed her opinion regarding the work the Board has done in the past year. She suggested including the changes that have taken place within the District from 2007 to the present in an article to be published in the Newsletter.

Mr. Paradiso agreed with Ms. Davis and Ms. Feldman and expressed his opinion that employees and vendors should be treated with respect.

Mr. Cyment noted he is looking forward to responding to Ms. Davis. He will not personally close his eyes and accept the first information about spending \$27,000 to \$37,000 without additional bids.

Mr. Cyment noted this is a fractious board and expressed his opinion regarding Ms. Davis, the projects he supports and his feelings on what his job responsibilities are and his opinion of the job he has done.

Mr. Grasso's responsibilities, schedule, job performance and parking spot selection were noted by Mr. Cyment.

Mr. Cascio noted he was extremely disappointed at this discourse. This is not the forum to air these kinds of complaints or comments.

Mr. Cascio concluded the discussion by noting you have a right to provide commentary in terms of the actions of another supervisor. It should not be directed to that supervisor; your comments should be impersonal. We can all do better in our correspondence.

**NINTH ORDER OF BUSINESS**

**Audience Comments**

Ms. Windy Frohnoefer reported she will attend a National Public Lands Day at Starkey Park. There will be exhibits there from SWFWMD, Florida Fish and Wildlife, the EPA and Adopt-A-Pond will be there. The event will occur from 9:30 a.m. until 2:00 p.m.

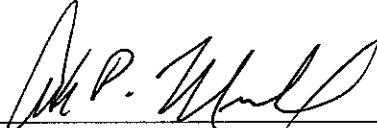
Her disapproval of the Board's handling of the Adopt-A-Pond program was expressed.

**TENTH ORDER OF BUSINESS**

**Adjournment**

There being no further business,

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

  
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Andrew P. Mendenhall  
Secretary

  
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Joseph Cascio  
Chairman