

**MINUTES OF MEETING
MEADOW POINTE
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Meadow Pointe Community Development District was held Thursday, July 3, 2008 at 2:00 p.m. at Clubhouse I, Meadow Pointe I Community Park, 28245 County Line Road, Wesley Chapel, Florida.

Present and constituting a quorum were:

Lutfi Jadallah	Chairman
Bob Koryus	Vice Chairman
Dennis Smith	Treasurer
Ed Zerbe	Assistant Secretary
Patricia Asklar	Assistant Secretary

Also present were:

John Ricciardi	District Manager
Tracy Robin	District Counsel
Keith Fisk	Operations Manager
Residents	

The following is a summary of the discussions and actions taken at the July 3, 2008 Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Call to Order

Mr. Jadallah called the meeting to order and all Supervisors identified themselves.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

THIRD ORDER OF BUSINESS

Consent Agenda

- A. **Minutes of the June 5, 2008 Meeting**
- B. **ARC Applications**
- C. **Approval of Financials and Invoices Through May 31, 2008**

On MOTION by Mr. Zerbe seconded by Mr. Koryus with all in favor the consent agenda was approved.
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The record will reflect Mr. Robin joined the meeting.

Mr. Jadallah asked Mr. Robin if he thought about what “shall” and “remain” mean? Mr. Jadallah was referring to the Deed Restrictions/Covenants.

Mr. Robin replied by stating he has given it some consideration. He explained we are focused on paragraph 17 and noted the following.

- Deed Restriction covenants are not a model of clarity and that is why the Board has experienced some difficulty in applying what you read on the paper to the facts of the situation.
- Intent/definition of the word “remain” as in for boats, trucks, etc. (as in such vehicles shall not “remain” permanently on the property). there is an interpretation issue.
- Treating “remain” as an outright prohibition would not “fly” with a judge. A day or two would be okay.
- A case by case analysis, based on the amount of time and the degree of abuse will be your best basis for regulating or prosecuting the worst offenders.

Mr. Smith handed out a letter he composed to be presented to the deed restriction violation board. He proposed that the letter should be the response.

Mr. Robin reported on the Jackson case, which the District filed a claim on in small claims court. Fines were levied in that case, based on 7 violations and directed the attorney to go to court to see if the fines could be reduced to money judgments. You can sue for enforcement of the violation and ask the court to enter a mandatory or prohibitory injunction to enjoin them from doing the violation activity. In that case the Board said to get the money judgment, it is cleaner, and see what the results of that are. A pre-trial conference has been scheduled for July 16th at 3:30 P.M.

The record will reflect the meeting paused to allow Mr. Robin time to review the letter composed by Mr. Smith.

After reviewing the letter, Mr. Robin suggested an amendment to the letter be made. He noted it is important that the record of how the Board arrived at its decision, in this case, its decision is you cannot keep it overnight; that is too long. It is important for the Board to articulate the reasons they adopted this approach so that in the future, if we do need to take this to a judge, we have something we can present that articulates, very clearly, a reason for that. This

letter has the capacity to serve that purpose when it is approved by the Board.

He made a suggestion for the second or third paragraph from the bottom of the first page; instead of asking the question about what is a reasonable amount of time, rework that to discuss what the Board's conclusion is and why it is reasonable to allow somebody to have it there for hours during the day, for the purposes of loading or unloading or doing minor maintenance or cleaning etc., but the Board has concluded that it is a reasonable period of time and beyond that it is not within the scope of what is a reasonable time. Mr. Robin suggested replacing those two paragraphs with a little bit more well developed justification and explanation for why you come to the conclusion "this is a reasonable interpretation".

Mr. Smith asked if the letter would be better coming from the attorney to that board or from the Chairman?

Mr. Robin replied that he did not think that who it comes from matters. It is important that it is the Board's decision, as a policy making body and it is important that you articulate the basis for your decision so that it is reasoned reasonable and logical.

Mr. Smith will email the letter to Mr. Robin who will modify the two paragraphs of Mr. Smith's letter and the Chairman will sign off on it.

Most of the Board agreed to define "remain" as over-night, subject to revisions suggested by Mr. Robin.

<p>On MOTION by Mr. Smith seconded by Ms. Asklar with Mr. Jadallah, Mr. Smith, Ms. Asklar and Mr. Koryus voting Aye and Mr. Zerbe voting Nay the Chairman was authorized to execute the letter to the DRVB indicating that the Board interprets "remain" to mean that any of the vehicles covered by the paragraph cannot remain on a lot if it stays over night (subject to revisions by District Counsel including Board rationale for making this determination).</p>
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Mr. Smith brought up the landscape contract noting the contractor wants a 5% increase over the current \$156,000. He also noted that it is the consensus of the Board to continue with the current landscape contractor.

Mr. Robin suggested it be submitted as a fuel surcharge.

The Board was asked by Mr. Robin, to designate or find a volunteer to go to the mediation on July 16, 2008.

Mr. Smith volunteered to act as the Board representative at the July 16, 2008 mediation.

Mr. Robin noted mediations are not binding and we do not have to do anything. It is unlikely that we will get close to a resolution on this issue.

The record will reflect a 5 minute break was taken.

FOURTH ORDER OF BUSINESS

Audience Comments

Ms. Peggy Perry noted at Christmas season she has been decorating but last winter they lost all the lights. She would like to use garland this year at a cost of approximately \$100 plus lights at a cost of \$50; for a total of \$150. She requested the funds from either the CDD or the Community Council.

Mr. Smith suggested someone should get with all the villages and see what their needs are.

Ms. Cantelmo thanked Mr. Fisk for the pickle ball courts and expressed her concern regarding the over night parking issue. She owns an RV and if she comes in late at night she would like to have the opportunity to keep the RV over night and get it out the next morning.

Mr. Smith explained the District does passive enforcement, not active enforcement; we do not act unless we get a complaint.

FIFTH ORDER OF BUSINESS

Deed Restriction and Architectural Review Matters

Mr. Fisk noted there are no deed restriction matters to be discussed.

Mr. Zerbe asked for the status on 1814 Tangledvine Drive.

Mr. Fisk reported the deed restriction says he must maintain his property.

Mr. Zerbe would like to get it updated.

A copy of the Deed Restriction Update dated July 2008 is attached hereto and will be made part of the public record.

SIXTH ORDER OF BUSINESS

Operations Manager's Report

Mr. Fisk reported on the following items from the Action Item List Handout.

- Main Entrance@ Bruce B. Downs: Re-paint signs – Defer to October
- Pond Planting – 14, 15, 16, 19 & 29 (shelf areas) Pond 29 can be held off.

On MOTION by Mr. Smith seconded by Mr. Zerbe with all in favor the CDD will plant 100 plants on pond 51 and the cost of the plants will be reimbursed to the CDD by Mr. Zerbe.

- It was recommended to take pond #29 off the list for pond planting and only do ponds 14, 15, 16 and 19.

Mr. Smith noted this will reduce the cost to about \$3,500.

On MOTION by Mr. Smith seconded by Ms. Asklar with all in favor the bid from Florida Natives Nursery for plantings in ponds #19, 14, 15 and 16 was accepted.

- Mr. Fisk will contact the nursery to find out when they will start the project.
- The rain held off the start of the marquee lighting project and Mr. Fisk will contact them to find out when the project will begin.
- Re-surfacing of Pinedale Park is complete.
- There was an OLM inspection on July 29th at 10:30 a.m.

Mr. Zerbe requested to go along on the next inspection.

A copy of the Action Items List dated July 2008 is attached hereto and made part of the public record.

SEVENTH ORDER OF BUSINESS

District Manager's Report

Mr. Ricciardi reported an engagement letter to perform the financial audit for Fiscal Year 2008 was received from the firm of Keefe, McCullough & Co., LLP. The terms and conditions remain the same and the only difference is they are requesting an increase of \$250; from \$8,250 for the Fiscal Year 2007 audit to a not to exceed \$8,500 for the Fiscal Year 2008 audit.

It was noted the District has used this firm for a number of years with no problems, not only in this District, but other districts managed by Severn Trent.

On MOTION by Mr. Smith seconded by Mr. Zerbe with all in favor the engagement letter from Keefe, McCullough & Co., LLP to perform the Fiscal Year 2008 financial audit at a fee of not to exceed \$8,500 was accepted and the Chairman was authorized to execute the engagement letter agreement.

Mr. Ricciardi also noted that this agreement can be renewed automatically as long as both parties agree to any new conditions, if there are any.

EIGHTH ORDER OF BUSINESS

Chairperson's Comments

Mr. Jadallah reported he was informed that there is a company that the County hired to install new meters for the reclaimed water. He talked to a County employee today and they are checking all the reclaimed water boxes. Upon noticing that at a resident's house there were two PVC pipes going inside that box, the County employee said they are not supposed to be there and they will fix that before the meters will be replaced. The company doing the work is from North Carolina and they already started in the Savannahs, Broadlands and the Arbors. All the boxes are being checked to make sure they are ready for the meter installation.

Ms. Asklar reported on her comments regarding the OLM inspection.

On MOTION by Mr. Smith seconded by Mr. Jadallah with all in favor implementation of items 1, 2, 5 and 6 as indicated on the handout submitted by Ms. Asklar (OLM Drive Around On June 24, 2008) for landscape improvements was approved.

A copy of the handout submitted by Ms. Asklar is attached hereto and made part of the public record.

Mr. Smith reported on the following:

- The District is in better shape than was previously reported regarding the budget.
- At the last meeting he volunteered to write a letter to the Community Council in reference to the annual community fair and handed out a drafted letter for the Board's review.

On MOTION by Mr. Smith seconded by Mr. Zerbe with all in favor the drafted letter to the Meadow Pointe Community Council submitted by Mr. Smith regarding the Annual Community Fair/business Expo was approved and the Chairman was authorized to execute the letter.

Mr. Smith suggested he meet with the Community Council at their next meeting to discuss this matter at that time.

A copy of the drafted letter submitted by Mr. Smith is attached hereto and made part of the public record.

Mr. Zerbe noted he did not receive the minutes from the interim meeting and Mr. Jadallah reported he did not finish them as he had a problem with the recording of the meeting.

Mr. Ricciardi informed the Board that if it is their wish, they could engage Severn Trent to transcribe the minutes of the second CDD meeting of the month for a fee of \$125 per meeting.

The consensus of the Board was to approve the engagement of Severn Trent to transcribe the minutes of the second CDD meeting of the month and the District will purchase the appropriate digital recording device for the purpose of recording said meeting. Mr. Fisk will forward the recorded minutes via email to Mr. Ricciardi's office for transcription.

On MOTION by Mr. Zerbe seconded by Mr. Smith with all in favor Severn Trent Services was engaged to perform transcription services of the minutes of the Meadow Pointe CDD's second meeting of the month for a fee of \$125 per month and the District will purchase the recording equipment necessary to record the meetings.

Mr. Zerbe noted the door colors that we approved are now in the book and he made a copy that is in the file.


Mr. Smith noted he will make the change and Mr. Robin will redo it and send it back with a new file number. We will then reprint the ARC policy.

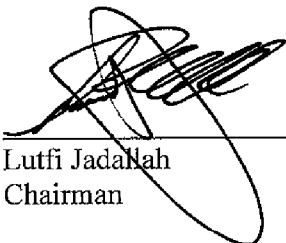
NINTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Mr. Smith seconded by Mr. Koryus with all in favor the meeting was adjourned.


John Ricciardi
Assistant Secretary


Lutfi Jadallah
Chairman