

**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, December 16, 2008 at 2:30 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
Tracy Robin	District Attorney
Tonja Stewart	District Engineer
Nancy Intini	Park Director
Mario Grasso	Field Manager

The following is a summary of the discussions and actions taken at the December 16, 2008 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 and Comments

The record will reflect there were 10 audience members in attendance and there were no comments made from the audience.

THIRD ORDER OF BUSINESS

Consent Agenda

A. Approval of the Minutes of the November 18, 2008 Meeting

B. Approval of the Financial Statements through November 30, 2008

Each Board member received a copy of the November 18, 2008 minutes and was asked for any additions, corrections or deletions.

Mr. Paradiso requested a change be made to page 2 of the minutes regarding the terms of committee liaisons.

The change will be made part of the public record.

Mr. Paradiso also requested a financial clarification of the \$13,500 year-to-date actual, under cable television, which is the first line under revenue and asked what is that from, is that something we paid out?

Mr. Cascio responded Mr. Witmer would know, but he believed he alluded to something along the lines that we had a contract with Brighthouse for service and they agreed to pay the District this fee and it is an annual fee.

Mr. Mendenhall explained typically something like that would normally go into an operating fund but he will double check.

Mr. Paradiso asked a question on the account balances; after the bills the District received, the one right after Severn Trent's, it's the account balances ending November 30th; I know you said a while back the SBA was restricted, I want to know if there is a status of this, when are we going to get the roughly excess of \$15,000 that is in two accounts?

Mr. Mendenhall replied from my recollection, I received an email probably about ½ week ago that they have released all the funds in the SBA, so it is in the process of being transferred out and into your normal operating account and that is pretty much what is happening for most CDD's that had money in there. It is completely liquid now.

Mr. Mendenhall asked for any other comments on the consent agenda and there were none.

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

FOURTH ORDER OF BUSINESS

Attorney's Report

Mr. Robin reported he followed up since the last meeting on the discussion regarding the Brighthouse Parcel and the other tract up on 54. We had a two hour conference call with Mr. Cyment, Ms. Ellis, Ms. Stewart and I. Mr. Cyment had one other question he wanted to run down with Ms. Stewart and Mr. Robin hoped to talk with Mr. Cyment about that before this meeting of the Board, but that did not occur since Mr. Cyment has not yet arrived at this meeting.

At this point he could only report to the Board that the meeting was held and there were no surprises in it but he will reserve his comments until the next meeting. Mr. Cyment may still show up at this meeting and we will have the opportunity to continue the report.

A document was distributed to the Board members by Mr. Robin. He explained you will recall that the County had said that the permit obtained for the sidewalk did not include the boardwalk. We obtained a copy of an agreement that the County wanted signed with respect to the boardwalk but the County provided an off the shelf agreement that really related to a landscape contract. We have been in contact with the County Attorney's office, although this agreement has not been approved as to its form yet by the County Attorney's office, they sent us a different agreement. We have modified it, edited and customized it to this transaction and I wanted the Board to at least see a draft of it. I believe this document has to go before the Board of County Commissioners.

The hot points in this document are the fact that the County is going to require continuing obligation of the District after you construct the boardwalk to maintain it perpetually. We wanted to make sure that was an expense and a liability that the Board understood and approved. The County is also requiring that the District carry insurance. There are insurance provisions under Section 4, 4A and 4B for both general liability insurance, workers compensation and employers liability and there is a provision for indemnification of the County in Section 5, which is something we try routinely to strike from all of the District's contracts. However, in the case of the County, I do not think we are going to be able to negotiate that and I want to be sure that the Supervisors are aware that this contract included an indemnification provision.

We have included at the very first few words that the provisions state to the extent limited by law or permitted by law in an effort to take advantage of the District's sovereign immunity, but this is one of the things we do not have any comments back on from the County Attorney's office. If these conditions are acceptable, I ask the Board to go ahead and approve this maintenance and license agreement in concept, subject to your counsel's approval and the Chair's final approval before signature. If there are significant changes we will bring them back to the next meeting. If there are minor tweaks and adjustments, we can have the Chairman sign it and begin to get it scheduled on the BOCC agenda. Until that happens, it is my understanding we will not get the permit to construct the boardwalk.

Ms. Stewart asked should I submit the executed agreement with my application or let you submit the package to the County Attorney's office and just give them copies?

Mr. Robin responded I would do that otherwise it will take them longer to work through the process. They should be able to go through the entire approval process and say when this is signed and approved by the BOCC they stamp the permit ready to go.

Mr. Paradiso asked as a CDD aren't we only liable for up to \$250,000 if someone were to sue us?

Mr. Robin responded your sovereign immunity is that but you can waive that too. What we do not want to do is waive that sovereign immunity.

Mr. Paradiso asked why is the County requiring \$1,000,000 coverage, is that standard?

Mr. Robin responded this form of contract is designed for a developer or a homeowners association. It is really not designed for another governmental entity that enjoys some of the same sovereign immunity exemptions that the County does.

Mr. Cascio asked assuming there are minimal changes to the contract, what would be the approximate cost to the District in assuming its responsibility in terms of insurance, we presently carry insurance, are we being asked to carry additional insurance?

Mr. Robin responded I do not believe so. I believe these are within the insurance limit that the District already has in place. I do not think there are any additional costs there. Where the costs will come up is in the ongoing obligation to repair and maintain the boardwalk once it is constructed.

Ms. Stewart noted maintenance will be minimal and she does not see any reason why the Board should object to accepting the responsibility of maintenance.

Mr. Cascio noted the residents will be the primary beneficiary's of having that there, even though it is a public right-of-way, the percentage of use by non-residents will be very small. He has no problem with the District assuming responsibility for an asset that the residents are predominantly going to be using.

On MOTION by Mr. Paradiso seconded by Ms. Feldman with all in favor the contract with the County regarding the boardwalk pending review, adjustments and approval of Counsel was approved.

Ms. Feldman asked Mr. Robin if he is confident and satisfied with everything the County is asking and will they come up with their little jack-in-the-box later on?

Mr. Robin responded he is satisfied with where we are today; he cannot tell the Board that the County Attorney's office will not make additions or changes. He does not believe so, since they gave us this document as a base document, which should have all their pet peeves in it as a starting point. He would not anticipate that there will be any new issues coming up but he cannot give assurance that it will not happen. He will bring those back to the Board at the next meeting if that happens.

Mr. Robin continued, the termination provisions of the contract are essentially you have to repair and maintain it, if you do not do so, or if the County ever asks the District to remove it, the District is obligated to remove it at the District's expense.

Mr. Cascio asked could the boardwalk be impacted by the expansion or broadening of Oakstead Boulevard?

Ms. Stewart responded the boardwalk is located on the east right-of-way line. So the boardwalk is the only portion of the infrastructure that will complete that is actually able to remain with the widening of the road. I am anticipating a couple of things; the County can choose to leave it or they can choose to rip it out.

The record will reflect Mr. Cyment joined the meeting.

Mr. Robin explained to Mr. Cyment that before he arrived he was updating the Board on the conference call of last week regarding the Brighthouse Parcel. Mr. Cyment was asked if he resolved his concerns and if not, should the discussion be deferred to another meeting?

Mr. Cyment responded he never had a conversation with Ms. Stewart about current needs for retention. He stated my position at the time was that every parcel developed or not, if it is within the District it has been handled by earth moving machines so that its water has been directed one way or another. My argument is, for example, all the parcels including 5, 2, 3 and 4 and to some extent 1 have been denuded by the developer, have been sculpted to some point and their water is being handled within the boundaries of the District. If it is within the boundaries of the District, we are handling it and there is therefore some benefit they derive. The question is how much of that is chargeable.

Ms. Stewart stated let me understand based on what I heard from Mr. Robin and what I heard from you is that you believe that these parcels are receiving benefit from the communities drainage system.

Mr. Cyment reported the discussion on the phone was whether or not the parcel across from Weymouth if it is developed, it needs to contain its own water but that is the developed parcel. The undeveloped parcel still has drainage and that drainage has contributed to the system of the District.

A lengthy discussion regarding the drainage and whether the developer receives benefit from the drainage system and whether they should be assessed for any such benefit ensued.

Mr. Cyment noted we have to assume that there is a benefit today and a potential benefit in the future until SWFWMD says no.

Mr. Cascio noted for clarification, when the parcel is developed it will be the responsibility of the new tenants or owners to design their own water retention system or to utilize that of the District and at that point there would be benefit derived by that.

Mr. Robin stated we have gone over an entirely different discussion but while we are there lets talk about this. The original petition to form the District, which I sent a copy to everybody, what you did not receive in that packet was the entire map showing the entire District boundaries because I was not able to reproduce a 3 foot survey and be able to put it in your email package. All we did is copy the footprint of the boundary along State Route 54, which is the area we are concerned with. The other thing was a utilities plan showing where all the major utilities were surrounding this property.

In the petition it sets forth the particular piece of land that the developer and the landowner's who signed the petition authorized the District to be created and all the landowner's of the land that will be subject to the District are required to consent to the formation of the District. That petition was processed and as I told you at the last meeting, for reasons we have absolutely no explanation for except that Heidt had done a boundary description of the planned community development which included the commercial pieces, the ordinance creating the District has the wrong legal description attached to it. It has the legal description for the entire PUD, which included that commercial area; while the legal description in the petition does not include those pieces. There is a scrivener's error, for lack of a better description in the ordinance.

Mr. Cymment raises a fair question in a sense that if it is here, if it is a benefit, shouldn't they pay. The problem is you cannot create a district on a landowner's land if they do not consent to it. That piece was never consented to and you cannot levy an assessment on a piece of land that is outside the district. That piece of land should have been outside the District and but for an error on the part of County staff in putting the ordinance together, would not have been located within the boundaries of the District. That is what is going on with the commercial piece on the west side of Oakstead Boulevard.

Mr. Cymment asked how will the scrivener error be resolved?

Mr. Robin responded we should defer that until we know all the answers to questions that have been raised by the Board. The scriveners error has been there for at least 10 years and can continue to stay there, it will not do anybody harm. It is surprising to all of us that when DEVCO sold the parcel to Mr. Howell and the title company did its title search that the title company did not turn this up. He has never seen this fact pattern before. If this is shown to the County Attorney's office and they pull their files, they will run through an amendment to the ordinance and have it corrected, maybe even on the consent agenda because this is not a decisional issue. There should not be any costs associated with that other than contacting the County Attorney's office, giving them sufficient facts to be put on notice and ask them for the fix.

Mr. Robin continued, the other part of this discussion that we need to go back to is refocusing on the tracts on the east side up on 54 and whether or not there is any benefit for those tracts that would make them subject to assessments by the District.

We spent a considerable amount of time with Ms. Karen Ellis going through all of the different factors of benefit that we could identify. What we did in this process is identical to what we did with the tract 5 process. Ms. Ellis looked at the budget classifications in your O&M budget; we looked at utility expenses, security expenses, landscaping expenses, recreational expenses, stormwater and administrative expenses. We went through every one of them one by one and everyone on the phone was in agreement except for the hanging question on the drainage system; that those tracts up along 54 did not receive benefit from any of those other categories. We have knocked out the drainage as well, which only leaves the administrative budget. I made the observation and I do not see how you can assess a portion of the administrative budget to those landowners when they do not receive any of the benefits that the District administers, that

the administrative budget covers. From that analysis I have concluded that on benefit assessment analysis, we are unable to find any benefits that your O&M assessments or budget covers, that those properties receive. As a result they are not subject to a special assessment for O&M purposes.

Mr. Cascio expressed his wish to conclude the discussion on this issue and asked Mr. Robin if he had anything else to report.

Mr. Robin noted if the discussion on the Brighthouse Parcel and the other parcel on 54 is closed, the public hearing needs to be set and a notice letter needs to be composed for the Chapter 170 hearing on Tract 5. A letter to the property owners giving them notice of the assessment has to occur at least 30 days in advance of the hearing and we publish an advertisement and have a public hearing for the Board to equalize and levy the assessments based on the assessment methodology that Severn Trent has come up with. Severn Trent has done the arithmetic part of it and the analysis but they have not changed or given us the amended assessment methodology, which will have to be adopted and the assessments levied.

The consensus of the Board was to set a Chapter 170 public hearing on the assessment levy for Tract 5 to be held in conjunction with the February, 2009 Board of Supervisors meeting.

<p>On MOTION by Mr. Paradiso seconded by Ms. Feldman with all in favor the Chapter 170 public hearing date to discuss an assessment levy to Tract 5 was set for February 17, 2009 at 2:30 P.M. at the Oakstead Clubhouse, 3038 Oakstead Boulevard, Land O'Lakes, Florida.</p>

Mr. Cyment noted that until the scrivener's error is repaired he is of the mindset that there may, in the future, be additional assessments.

Mr. Robin reminded the Board that there still has been no further communication from the County's Real Estate Department on what was originally the request for the slope easement for a construction easement largely related to Lake Patience and we have tied that to the County's acceptance of roads. It is in the best interest of the District to try to bring this to closure and get the County to accept the roads.

Ms. Feldman noted she was asked to bring up a traffic matter to the meeting regarding the intersection of Oakstead Boulevard and Lake Patience Road, coming from Larchmont towards Ballastone.

Ms. Stewart addressed the matter by stating speeding is a problem across the board and enforcement is where this matter needs to go.

Mr. Cascio suggested that he attend the next security meeting to have a discussion with a deputy who attends that meeting or invite a deputy or one of his agents to a workshop meeting that would be opened up to the public for questions. He may give us options or alternatives on security issues including the traffic violations that we are experiencing.

Mr. Cyment suggested also inviting either the HOA President or the CDD Chairman of the neighboring community to a workshop meeting.

Ms. Feldman suggested also inviting the Oakstead HOA President and the two HOA President's from Tanglewylde and Weymouth.

Mr. Robin reported on past security problems that Ballentrace experienced.

FIFTH ORDER OF BUSINESS

Engineer's Report

Ms. Stewart reported on the following items:

- KMS & Associates, who will do the roadway evaluation, will be coming out here the second week of January. We will hopefully be able to talk about the conditions of the roads at the February meeting.
- The underdrain in this community is significantly better than in other communities. Upon inspection, 12 out of 34 drains were blocked. It was suggested to Mr. Cascio that he discuss the problem with Commissioner Mulieri. Mr. Krauer, the Tanglewylde President reported that a walk through will be done with the landscaper looking to take down all the trees along the curb sections in the area. It was explained that the builder planted the trees in close proximity to one another and they are choking each other and cutting off the life of the grass. Mr. Cascio recommended waiting until the report on how much of a problem is involved in the underdrain situation before approaching the subject with Commissioner Mulieri.
- Bio-Mass Tanglewylde Repair – It was Ms. Stewart's professional opinion that it was not an appropriate time to make the repairs. The repairs needed to be done

when the water level is at its deepest, which is expected to be April, May or early June.

- Switchgear and the Electrical Infrastructure – This subject was discussed at previous meetings. Mr. Robin revisited the issue of the bollard and the traffic accident and again advised that is not the District’s problem and if the District starts making improvements that alter the conditions in those areas even with right-of-way use permits, then the District will be inserting itself into the group of people who may be potentially responsible or liable if there is an accident. If you put a bollard in and the bollard causes some unusual damage to the car or the driver suffers an injury that some expert could say would not have happened if the bollard were not there, the District will be named in the law suit.
- Sidewalk Update – Pasco County is in the process of issuing a right-of-way use permit, which also includes replacement of the 4 foot handicap ramps to 5 foot in compliance with the ADA standards. The change order is ready to be executed.
- Change orders 1 through 4 from RIPA & Associates were discussed.

On MOTION by Mr. Cascio seconded by Mr. Paradiso with all in favor change orders 1 through 4 from RIPA & Associates were approved.

- Obtaining an evaluation and price to be able to put a driveway apron in front of the school was previously requested by Mr. Cymment and it was determined that the issue is a school board matter.
- The change order related to the quantity of concrete needed to do the project was discussed.

Copies of change orders 1 through 4 from RIPA & Associates are attached hereto and made part of the public record.

- Future Erosion Repairs – At the request of Ms. Davis last month, contact with ACP and Cornerstone was made. It was recommended that the next time erosion repairs are considered, three companies, Cornerstone, Bio-Mass and ACP should

be contacted for their repair recommendations and pricing. This should be done in April.

Mr. Grasso reported currently there are problems around pond 55B in Tanglewylde.

- Converting the District ponds to improve the water quality discharge to start doing a better job of the aquatic planting, which is similar to what Adopt-A-Pond does. The residents will need to be educated on this matter as the number one contributor of the problem is related to nutrients coming from the yards.

Mr. Grasso reported the handicap ramp across from Weymouth is already cracked. He also discussed irrigation, Floritan issues with Ms. Stewart.

Mr. Paradiso wanted to reiterate that Board members cannot call the District's Attorney and he does not feel that homeowner's should be calling the attorney either.

Ms. Intini wanted to note that Ms. Stewart met with her on the signs.

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

SIXTH ORDER OF BUSINESS

Manager's Report

Mr. Mendenhall pointed out to the Board that there is a construction schedule, which is a listing of everything that has been paid out and a lot of it is designated toward specific projects. The schedule can be found with the financial statements. That report notes the total of what we have left in bond proceeds.

Ms. Feldman asked Mr. Mendenhall for an update on the Potential Oakstead Capital Improvement Projects list, which was prepared and given to the Board by Mr. Witmer on September 6, 2008. Mr. Mendenhall will work with Ms. Intini and Mr. Grasso to update the list.

Mr. Cascio reported at the last workshop there was a consensus of the Board that because of the limited amount of time and long way to go to complete the capital projects, a monthly workshop meeting is needed.

<p>On MOTION by Mr. Paradiso seconded by Mr. Cascio with all in favor a workshop meeting schedule, noting revised monthly workshop meetings to be held on the second Tuesday of each month was approved and will be advertised.</p>

A discussion on proposal procedures for upcoming projects ensued. It was determined that Mr. Mendenhall will review the specifications for each project before proposals are requested and three qualified proposals will be obtained for consideration of the Board.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Field Manager

Mr. Grasso discussed the following:

- Manhole Repairs – Work has been completed.
- Estimate from Dave’s Home Helper Service for electrical run.

On MOTION by Mr. Paradiso seconded by Mr. Cyment with all in favor the estimate from Dave’s Home Helper Service, Inc. for electrical work in the amount of \$6,250, with the revised disclaimer was approved.

A discussion on holiday lighting ensued.

On MOTION by Ms. Davis seconded by Mr. Cyment with all in favor Mr. Grasso was directed to request Dave’s Home Helper Service to install Christmas lights around the monument, including colored lenses at a cost of not to exceed \$300.

- The mitigation area, on Lake Patience has been vandalized.

B. Park Director

Ms. Intini reported on the following:

- A staff member broke her nose while cleaning equipment in the playground area and workers compensation has been requested due to this incident.
- Pool drain cover compliance. The covers have been ordered but the manufacturer is experiencing a delay in production.
- The District’s tax exempt certificate has expired and a new certificate has been requested.
- Clubhouse hours – It was suggested to close the clubhouse at 6 P.M. on Sundays.

On MOTION by Mr. Paradiso seconded by Ms. Davis with all in favor as of January 1, 2009 closing the clubhouse at 6 P.M. on Sunday until daylight savings time begins and subsequently returning to closing at 9 P.M. after March 8, 2009 was approved.

Ms. Intini requested confirmation on the block concrete wall and the Board concurred.

- Toys for Tots – There were three families in Oakstead who were helped by the toys for tots program.

C. Clubhouse Committee

There not being any, the next item followed.

D. Landscape Committee

Mr. Paradiso reported the next landscape forum will be held on February 11th at 7 P.M. It was decided to let the bushes grow up until a minimum height is achieved, which will probably not happen until the middle of spring when they are in the growing season and they can be cut down.

Mr. Cascio recommended trimming the bushes before the minimum height is achieved as suggested by Mr. Paradiso.

Mr. Cyment suggested leaving the trimming decision to the experts, OLM.

E. Newsletter Committee

There will be an article on the landscape forum in the Newsletter in January. The next deadline for the newsletter is January 2, 2009.

EIGHTH ORDER OF BUSINESS

Supervisors' Reports, Requests and Comments

Mr. Paradiso suggested limiting Mike's hours from 24 to 20 hours until March or April 1st. He also suggested receiving only the first page of Ms. Intini's report instead of the five or six pages of her report.

Mr. Cyment suggested using the Gator more frequently.

Mr. Cascio distributed a copy of the contract with the St. Pete Times on publishing the Newsletter.

Ms. Feldman suggested that Wendy forward the information she obtained from Mr. Dewey to the Board and staff.

Ms. Davis wished everyone a happy holiday and happy new year.

NINTH ORDER OF BUSINESS

Audience Comments

Mr. Balboni complimented the holiday staff.

Mr. Krauer reported the barbed wire was compromised in the back between Kevin Howell and the pond in the back.

Ms. Intini reported on a bench for the tennis court and other benches.

TENTH ORDER OF BUSINESS


Adjournment

There being no further business,

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



Andrew P. Mendenhall
Secretary



Joseph Cascio
Chairman