

**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, November 17, 2009 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

Also present were:

Andrew Mendenhall	District Manager
Tonja Stewart	District Engineer
Tracy Robin	District Attorney
Nancy Intini	Park Director
Mario Grasso	Field Manager
Alan Baldwin	Severn Trent Lead Accountant

*For the record, Mr. Cymment was absent.*

*The following is a summary of the discussions and actions taken at the November 17, 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 (7) and  
Comments**

Mr. Mendenhall noted there were 7 audience members in attendance at the meeting.

He explained there are two segments of the meeting where audience members are asked to express their comments; one segment at the beginning of the meeting and one at the end. Audience members were asked to comment at this time.

Mr. Gene Murray of Weymouth asked Mr. Robin about the outcome of the follow up he indicated he would do regarding damage to the curbs in front of individual homes caused by the trees on CDD property.

Mr. Robin noted that he is prepared to address this matter along with the sidewalk matter under the Attorney's Report segment of this meeting.

A resident noted she would like to open up dialogue on the speeding problem on Marchmont Boulevard.

Ms. Stewart noted that the number one problem in every community is speeding and since the issue is speeding on CDD roads, the District has jurisdiction over what to do about it. Single family subdivision roads are expected to be regulated anywhere between 20 and 30 mph. Speed humps become an aggravation for the residents. If the Board chooses to implement speed humps, they can be regulated anyway they choose, as the roads are CDD property.

The speeding issue discussion continued with a suggestion to put up signs in the community or changing the road surface.

Mr. Mendenhall suggested that Ms. Stewart put together information on the possible speeding deterrents and have the Board discuss the options at a future workshop meeting.

The suggestion of hiring a deputy for problem speeding areas was discussed.

Mr. Paradiso suggested that he speak with the commissioner regarding the speeding issue.

Ms. Davis suggested starting with a few signs in the problem areas.

On MOTION by Mr. Cascio seconded by Mr. Paradiso with all in favor Mr. Grasso was authorization to purchase 6 signs indicating *Children at Play* at a cost of up to \$2,000.

The placement of the 6 signs was discussed. Mr. Grasso will meet with residents to discuss placement of the signs.

**THIRD ORDER OF BUSINESS**

**Consent Agenda**

- A. Approval of the Minutes of the October 20, 2009 Regular Meeting**
- B. Approval of the Financial Statements through October 31, 2009**

Each Board member received a copy of the October 20, 2009 minutes and was asked for any additions, corrections or deletions.

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

**FOURTH ORDER OF BUSINESS**

**Attorney's Report**

**• Update on Eminent Domain Case**

Mr. Robin reported there has not been any activity on the part of the County. Usually eminent domain is driven by how the County wants to proceed with it. Mr. Stanley has begun preliminary discussions with an engineer, an appraiser and a planner on the case for purposes of quantifying the damages that will be caused by the widening of the road and the increased water flow into the adjoining wetlands. This is designed to set up the damages case to see if the District can get some money. This picture will slowly develop.

**• Discussion of Letter Received from the Weymouth HOA Re: Sidewalks**

Mr. Robin reported there is no definitive answer to the question of maintenance obligations throughout the road right-of-way from the point of which the front property line of a private lot adjoins the right-of-way to the pavement; basically the landscaped area where the sidewalks are located.

Updated research shows there is no definitive answer to the question. The question was whether the District is responsible for the sidewalks, trees and landscaping located in the District's right-of-way or whether there are other parties also responsible. As the District is similar to a county or municipality, the powers you enjoy allow you to construct, operate and maintain this kind of infrastructure. The general rule is that local governments have a general duty to keep the right-of-ways reasonably safe, absent other extenuating circumstances. The courts have also realized that it is not possible for a local government to keep right-of-ways in perfect condition. Local governments are not the insurers for the individuals that use them. If there is a known hazardous condition, the District has to deal with it.

A memorandum prepared by Mr. Robin regarding Maintenance Responsibilities of the District and private property owners in Right-Of-Ways Owned by the District was handed out and discussed.

Mr. Robin noted this is something the entire community needs to work on together. When there are dangerous existing conditions, the Board needs to ask the Association to write a warning letter or make a request to the resident to correct the existing situation. Whether or not the resident is remedying the situation, the resident or the District should quickly try to make the hazardous situation safe.

Mr. Cascio expressed his opinion that the sidewalk repair should not become the burden of the CDD; the HOA and the resident should shoulder the responsibility. If the sidewalk damage is found to be the result of the vegetation on the resident's property, the District should give the resident the option to arrange for the repair or the District should have the option to make the repairs and transmit the cost back to the resident.

Mr. Robin cautioned Mr. Cascio about doing that explaining that the more detail you get into in terms of assigning financial liability to a piece of property, the more you open it up across the entire community regarding the amount of benefits there are to a particular property.

Ms. Feldman suggested that the HOA and the CDD conduct a joint meeting regarding the sidewalk repair issue after the engineer has inspected the community for sidewalk damages.

Ms. Davis reported she has a problem and she has notified the homeowner, but they are not doing anything about it. A lot of the villages have the problem and there are walkers falling due to the problem and it needs to be addressed.

The sidewalk inspection previously done by Ms. Stewart was discussed.

The letter from Ms. Debra Cappelli, Weymouth Community Association Manager regarding sidewalk issues in Weymouth was discussed.

The recommendation of using orange paint on the sidewalks that require repair was discussed.

Mr. Fischler suggested that a decision should be made whether the sidewalk repair issue will be the homeowner's responsibility or not. His opinion is that sidewalk repairs are the homeowner's responsibility.

The sidewalk repair discussion concluded with Mr. Cascio requesting that Ms. Stewart resubmit the sidewalk report to Mr. Grasso, quantify the repairs and get a repair cost estimate to the Board and staff. Mr. Grasso was asked to apply orange paint to the sidewalk

repair areas and if the lifted sidewalk exceeds a certain height, place a barrier near the lifted sidewalks. Mr. Robin will look into the affect the ADA sidewalk requirements have on the sidewalks in the District. Mr. Mendenhall will respond to the letter from Ms. Cappelli noting how the District proposes to move forward with this issue.

Mr. Robin reiterated that the District does not have the capacity to use bond funds for operational or maintenance type items; only for capital improvements.

**FIFTH ORDER OF BUSINESS**

**Engineer's Report**

Ms. Stewart reported the Lake Patience roadway acceptance by the County was on the board agenda today. This would mean that all the county roads have been accepted by the County for maintenance. This will clear Manassas, Oakstead, Tuckerman and Lake Patience completely.

It was also noted as the clubhouse expansion is started, some civil engineering services will be needed. Documents have been submitted to SWFWMD for the District's protection. Ms. Stewart also asked to be informed when a pre-construction meeting is scheduled.

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

**SIXTH ORDER OF BUSINESS**

**Manager's Report**

**A. Update on the Pool Project**

Mr. Mendenhall reported the contract is now officially signed off by the District, the contractor and GB Collins. A pre-construction meeting is scheduled for Monday at 9:00 a.m. Ms. Intini and Mr. Paradiso will attend this meeting. Changes from the documents put out to bid have already been made and the contractors are aware of them. A construction schedule will be available at the meeting on Monday. The project should move relatively quick based on conversations with the contractor and the engineer. An update from the meeting will be forwarded to the Board.

**B. Update on Clubhouse Expansion**

Mr. Mendenhall reported the contractor is going through the various steps of Pasco County permitting, which could be lengthy.

Ms. Intini reported on the following:

- Tiles
- Doors
- Rugs
- Kitchen Counter/Sink

Mr. Mendenhall reported an insurance certificate in the amount of \$2 Million was requested to be submitted to Pasco County. Previously the insurance certificate amount was \$1 Million. Due to the District’s sovereign immunity status, an amendment will be written by the County Attorney to bring the required amount back to \$1 Million.

It was also reported that Mr. Heath would not be able to attend a meeting for the purpose of accepting the thank you award as previously discussed by the Board. A gift card will be mailed to Mr. Heath with a note expressing the Boards appreciation.

The Board also approved awarding a gift card to Ms. Bilello for her work on the Newsletter.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Field Manager**

Mr. Grasso briefly reported on the following:

- Ponds
- Gates
- Holiday Lighting

**B. Park Director**

Ms. Intini briefly reported on the following:

- Trellis repairs (2 Proposals Bonel and Motts)  
All the cross bars will be replaced and metal couplings will be put on all of them. The screens on top will be removed and replaced and it will be re-primed and repainted.

On MOTION by Mr. Cascio seconded by Mr. Paradiso with all in favor the proposal submitted by Bonel Building for the trellis repairs was accepted.

- Pool repair – two quotes have been received; awaiting one more quote. If the third quote is not received by the next workshop meeting, the Board will decide from the two quotes already received.

- Dog control issues
- Need for Mulch at Children’s Play Area
- Restricted Clubhouse Areas – discussion of restricted clubhouse areas.

On MOTION by Mr. Paradiso seconded by Mr. Cascio with all in favor the policy of not permitting residents, visitors or Board members to enter restricted clubhouse areas without prior authorization from the majority of the Board or being escorted by Mr. Grasso or Ms. Intini was approved. (staff will make any District related copies needed)

**C. Clubhouse Committee**

There not being any report, the next item followed.

**D. Landscape Committee**

There not being any report, the next item followed.

**E. Newsletter Committee**

Mr. Paradiso reported he will be trying to set up an appointment with a representative of the St. Pete Times to come up with a schedule for next year. He will try to get a schedule that is more favorable to the District.

**EIGHTH ORDER OF BUSINESS**

**Supervisors’ Reports, Requests and Comments**

Ms. Davis noted she and Mr. Grasso are going over some of the grooming problem areas around the community.

Ms. Feldman requested that the HOA board members attend the next CDD workshop meeting in December to discuss the parking around the clubhouse issue.

Mr. Cascio noted as per Mr. John Witmer’s notation, there has been no rescinding of the policy that the Board made many months ago with respect to allowing parking here. Since that time we received reinforcement from the HOA saying that it is a plausible solution to a dilemma. Since we have not had an official motion to rescind the decision we made earlier, we will continue to allow monitored and permitted overnight parking of moving-type vehicles for the purpose of accommodating residents moving into or out of our neighborhood and they will try to park on the south side of the facility and not on the north side lot.

Mr. Paradiso noted he does not agree; the rule is black and white the way he sees it.

Mr. Paradiso also noted he does not see much tree thinning going on, although the canopies have been raised on a lot of the trees. He thought that was the purpose of the tree pruning.

The overnight parking at the clubhouse issue was raised again.

Mr. Cascio reiterated there is a consensus from the HOA and the CDD boards that parking moving-type vehicles overnight on the south side of the clubhouse is allowed unless there is legal reason to do otherwise.

**NINTH ORDER OF BUSINESS**

**Audience Comments**


There not being any, the next item followed.

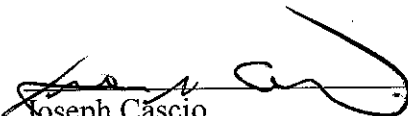
**TENTH ORDER OF BUSINESS**

**Adjournment**

There being no further business,

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

  
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Andrew P. Mendenhall  
Secretary

  
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Joseph Cascio  
Chairman