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**MINUTES OF MEETING  
CORY LAKES  
COMMUNITY DEVELOPMENT DISTRICT**

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The Regular meeting of the Board of Supervisors of the Cory Lakes Community Development District was held on Wednesday, December 16, 2009 at 6:00 p.m. at the Cory Lake Beach Club, 10441 Cory Lakes Drive, Tampa, Florida.

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Present and constituting a quorum were:

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Kerri Ringhof	Chairperson
David Burman	Vice Chairperson
Jane Taggart	Supervisor
Ron Fitzgerald	Supervisor
Scott Shaw	Supervisor

Also present were:

John Daugirda	Manager
Mark Straley	Attorney
Tonja Stewart	Engineer
Michael Cachon	Field Manager
Numerous Residents	

[Note: the minutes of the meeting are a summary of the discussion and actions taken at the December 16, 2009 meeting; and upon the Board of Supervisors' approval are the permanent "Record of Proceedings" of such meeting.]

**FIRST ORDER OF BUSINESS**

**Roll Call**

Ms. Ringhof called the meeting to order.

Supervisors introduced themselves.

Mr. Daugirda established a quorum of the Board was present.

**SECOND ORDER OF BUSINESS**

**Chairperson's Opening Remarks**

Ms. Ringhof welcomed everyone to the meeting.

1 **THIRD ORDER OF BUSINESS**

**Manager's Opening Remarks**

2 Mr. Daugirda stated my report was included in your package and I will present comments  
3 throughout the agenda.

4  
5 **FOURTH ORDER OF BUSINESS**

**Board Discussion on Agenda and Meeting  
Protocols**

6  
7 There not being any, the next item followed.

8  
9 **FIFTH ORDER OF BUSINESS**

**Hearing on Aydin Matter**

- 10 **A. Open Hearing**  
11 **B. Presentation of Evidence**  
12 **C. Aydin Response to Evidence**  
13 **D. Discussion**  
14 **E. Decision**  
15 **F. Close Hearing**

16 As the Aydin Family had not arrived, Mr. Daugirda suggested continuing the item for a  
17 short while at the Board's discretion.

18 Mr. Fitzgerald reported he had a conversation with the Aydin Family regarding the  
19 incidents and hoped they would be in attendance for a meeting of the minds.

20 Board consensus was to move on with the agenda and come back to this at 6:30 p.m.

21  
22 **SIXTH ORDER OF BUSINESS**

**Staff Reports**

23 **A. Attorney – Avatar Assessments**

24 Mr. Straley stated Avatar has retained a lawyer and sent a letter to the Chair expressing  
25 objections to the maintenance assessments the District has levied on the Avatar parcel. I drafted  
26 a response which was circulated to the Board for comments.

27 Ms. Taggart stated it addressed all of our concerns and is very straight forward.

28 Mr. Shaw stated it was fine.

29 Ms. Ringhof stated I wanted to have a sit down with Mr. Daugirda and Mr. Hedger before  
30 we took action; however, I want to put it to rest without having this back and forth between  
31 attorneys. I will leave it up to the Board. Is there enough here to be done with this or do we need  
32 to take a little more time as to why they think they have a case for this whatsoever?

33 Mr. Daugirda responded I agree with Mr. Straley's response to the letter that we did  
34 comply with notices and hold public hearings and had an opportunity to appear for challenge and  
35 formal resolutions prepared and approved by counsel were adopted for the budget and

1 assessments. We have a strong record of proper compliance and take issue with what is  
2 represented in the letter. Avatar even paid one year.

3 Mr. Straley stated they hired a lawyer, written this letter, and it deserves a response.  
4 Beyond that, I don't want to get into a letter writing competition with Avatar and does not serve  
5 any purpose. If they are going to formally challenge the assessments, the ball is in their court to  
6 bring a lawsuit to challenge it. I don't think they have a legal basis to do so. The discussions  
7 with Mr. Shaw and staff can continue.

8 Board consensus was for Mr. Straley to finalize and sent the response letter.

9  
10 **B. Engineer**

11 Mr. Daugirda stated the engineering is traveling and should be here shortly.

12  
13 **FIFTH ORDER OF BUSINESS**

**Hearing on Aydin Matter (Continued)**

14 **A. Open Hearing**

15 The Hearing was Opened.

16 Mr. Burman outlines the hearing procedures and the order of appearance of the witnesses,  
17 a copy of which is attached hereto and made a part of the public record.

18 Mr. Daugirda, being a Notary Public of the State of Florida, swore in the witnesses.  
19

20 **B. Presentation of Evidence**

21 Ms. Ringhof paraphrased the written incident report she provided which is attached  
22 hereto and made a part of the public record.

23 Mr. Cachon stated the morning after the incident I inspected the canopy and found the  
24 beginning of a tear of roughly 6". I obtained a quote from a company to take it down, repair it  
25 and re-install it at a cost of \$315.

26 Mr. Burman asked is there any time where the guard passes them though without  
27 checking?

28 Officer Markel responded there should be no time where they are not checked through  
29 and put into the computer.

30 Mr. Cachon stated additionally we witnessed a couple of gentleman taking rocks from the  
31 geoweb and throwing them into the lake. We asked them to stop and explained what the geoweb  
32 was for; they stopped and walked around the building.

1 Mr. Daugirda asked do you recognize the individuals who threw the rocks?

2 Mr. Cachon responded yes, Mr. Aydin and other gentleman.

3

4 **C. Aydin Response to Evidence**

5 Ms. Aydin asked was the other individual notified of this incident? It is not just my  
6 family.

7 Mr. Burman responded the other incidents are taken care of separately; right now, we are  
8 dealing with this one.

9 Ms. Aydin asked are we talking about two incidents?

10 Ms. Ringhof responded the reason you were called in front of this Board is the awning  
11 incident; the stack of other incidents was provided as back up as history.

12 Ms. Aydin provided a written response to the letter, a copy of which is attached hereto  
13 and made a part of the public record.

14 Ms. Aydin stated the letter written to us listed several incidents, and a lot of the reports  
15 did not even mention my son's name, Alper. Ms. Aydin proceeded to read into the record the  
16 Response #9 on the 11/18/09 incident, Response #8 on 11/6/09.

17 At the Board's agreement, Ms. Aydin proceeded to read into the record the remaining  
18 points of the letter in response to the remaining points listed in the letter provided to the Aydin's.

19 Mr. Burman presented an additional incident report occurring on 12/13 at 2:00 a.m. at the  
20 Beach Club for her records.

21

22 **D. Discussion**

23 Mr. Burman asked CPO Dwyer, can you provide a summary of the cumulative affect of  
24 what is written in these reports?

25 CPO Dwyer responded when I was first assigned here we had a lot of problems with the  
26 children, Aydin and the group he was hanging with. Over the summer we didn't have any  
27 incidents, and recently a few more. Most of the kids he has been hanging with I don't see that  
28 often any more. Even with the current incidents, they are not as big as the used to be. As for the  
29 speeding incident, when he came around the corner he almost took out the bush and the tires  
30 squealed. As for the open container, they just admitted they opened it.

1 Mr. Fitzgerald stated in my conversation with Mr. Aydin, one of the concerns is his son is  
2 being targeted. Do you take notice more of him versus the rest of the crew?

3 CPO Dwyer responded most of the others I don't see as much any more. I see Alper and  
4 Negard most of the time. I don't run around trying to find specific people doing things. I talk to  
5 Alper and I talk to them if they are in the area where something is wrong as part of the  
6 investigation if I didn't personally witness something.

7 Ms. Ringhof asked can you explain why the paintball incidents were included in the  
8 package when the Aydin name was not mentioned?

9 Officer Markel responded everything I associated or could have been associated with  
10 Alper Aydin I included in the package.

11 Mr. Daugirda summarized the evidence presented and the main issue is the awning, and  
12 Alper Aydin admitted to climbing on the structure, that is was wrong, and the damage repairs  
13 will be paid for. The second incident is geoweb rock throwing. There is no contesting that it  
14 occurred, it is just the significance the Board needs to look at. The other incidents were  
15 background information and Ms. Aydin has brought forward explanations and facts where her  
16 son is not mentioned in the reports. The primary behavior at issue has been established and the  
17 Board determination what significant it has.

18 Mr. Straley stated the Board can take into account this is the second hearing involving  
19 this young man. There was an earlier situation of driving backwards on District roads that was  
20 resolved with a warning.

21 Ms. Ringhof stated just for your information, the picture I took was on my cell phone and  
22 is a head to two shot and with this phone you need to be quite a few feet away, so I was not "in  
23 his face." [Ms. Ringhof proceeded to show Ms. Aydin the picture on her phone.]

24 Mr. Alper Aydin stated it was not so much the picture, it was the way she approached me  
25 and in my teenage view it is considered "Getting into someone's face." I am not trying to  
26 criticize your behavior. I would have been more cooperative if you came up to me in a more  
27 positive attitude.

28  
29 **E. Decision**

30 Mr. Fitzgerald stated the agreement regarding restitution has been made. Do you feel  
31 there is a fair penalty in addition?

1 Ms. Taggart stated I find it very responsible that he has showed up at this hearing,  
2 admitted to wrong doings, and the Aydin's are willing to pay for the awning. I would like to see  
3 some behavioral type of restitution whether it be volunteering to not be at the Beach Club for 30  
4 to 45 days.

5 Ms. Ringhof stated I appreciate that you understand where we are coming from. Do you  
6 understand why we are taking these sanctions and that your parents money paid for this property  
7 and their assessments pay for this community, and you are taking money out of your parents  
8 pockets? I would like to see a greater respect for District's property, and since a lot of these  
9 incidents you were either or witness or a party, and ask others to not damage District property.

10 Mr. Alper Aydin responded I will not partake in any malicious damage to the property  
11 and I agree not to come up to the Beach Club at 30 days. Can I meet my friends at the tennis  
12 courts?

13 Mr. Burman suggested a time limit of 10:00 p.m. as most amenities are open from sunrise  
14 to sunset unless there is lighting then it is 10:00 p.m.

15  
16 **On MOTION by Mr. Burman seconded by Ms. Taggart with Mr.**  
17 **Burman, Ms. Taggart, Mr. Shaw and Mr. Fitzgerald voting aye,**  
18 **and Ms. Ringhof abstaining, Aydin Family will pay \$315 to CDD**  
19 **for reimbursement for damaged property; Alper Aydin was**  
20 **banned from utilizing the facilities in and around the Beach Club**  
21 **for 30 days; Alper Aydin can use the lighted areas of the**  
22 **Basketball courts during operational hours until 10:00 p.m.;**  
23 **following the 30 day suspension use of District amenities, Alper**  
24 **Aydin may utilize all District facilities for the hours posted.**  
25

26 Mr. Daugirda was instructed to provide a written letter of the outcome of the proceedings  
27 to the Aydin Family, with a copy to the Tampa Police Department, and Wackenhut.  
28

29 **F. Close Hearing**  
30 The hearing was closed.  
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1 **SIXTH ORDER OF BUSINESS**

**Staff Reports (Continued)**

2 **B. Engineer**

3 Ms. Stewart stated I contacted the City of Tampa regarding the as-builts and I am  
4 awaiting a response. I will continue to talk with the City. Wilson-Miller has some documents  
5 and Genesis Group does not have all their documents. This is not unusual, typically SWFWMD  
6 has all the documents and get the permitted documents. We have a different history here as  
7 SWFWMD did not do the permitting due to a borrow pit; therefore, it is not as easy to get the  
8 documents. I have a master drainage plan, but we found out it is old. It will be a work in  
9 progress.

10 In meeting with Mr. Cachon and Mr. Fitzgerald several questions were raised:

11 **Lift Stations** - As clarification, the two lift-stations by the park site and over here is the  
12 City of Tampa's based on the plat identification. We have the one on Canary Island which is the  
13 private station to be maintained by the District. These tracks are not owned by the City, they  
14 have easements over the land. The City has a standard maintenance program and a system in  
15 place where if there is a problem there is someone to call. You may want to check the area to see  
16 if there is anything on there for a number to call. The lift station the District is maintaining does  
17 not meet City standards, and could not be designed to City standards due to the limited area.

18 **Rezoning Boundaries** – The property CLL owns where the old construction maintenance  
19 trailer was is in the District boundaries, but the piece not included is the pond at the entry with  
20 the fountain, the pond, the sidewalk, the boardwalk, etc. The North side is included; the South  
21 side is not.

22 Mr. Daugirda summarized: the south side is not in the District, the North side is the  
23 triangle that includes the maintenance yard is included, and the wetland parcel [pond] at Morris  
24 Bridge Entrance is not included.

25 Mr. Straley stated assessments is based on the benefit received by the District facilities.  
26 We need to confirm if it is currently assessed?

27 Mr. Cachon asked if the pond part of the District's stormwater system?

28 Mr. Straley asked is it connected to other ponds?

29 Ms. Stewart responded I would say the pond receives drainage from Cory Lakes  
30 Boulevard, and I don't believe it is connected to other ponds.

31 **Avatar Units** – The unit count is zoned for 250, and 170 it what is was approved for.

1 The Board discussed the zoning, unit counts, Avatar properties, the plats.

2 I'll coordinate with Mr. Cachon and get a full package to you.

3 **Well Permit Approval** – Responses are due by the 20<sup>th</sup>, so I'll be working with you over  
4 the next couple of days to get the response finalized.

5 Mr. Hedger is to research the triangular portion, the maintenance area, and the north  
6 portion which are within the District, as these may be assessable depending on benefit received,  
7 and report back to the Board; Additionally Ms. Taggart is to find out if it is subject to POA  
8 control.

9 **Naway Security Incidents** – Ms. Ringhof is to reach out to the Naway Family regarding  
10 the security incidents and the trend being presented, and provide them of the rules and legal  
11 restitutions.

12  
13 **SEVENTH ORDER OF BUSINESS**

**District Projects**

14 **A. Field Manager Report**

15 Mr. Cachon reported and discussed the following, and a copy of his report is attached  
16 hereto and made a part of the record:

- 17 ■ #0026 – We received three bids to repair the damage to the monument sign at the Cross  
18 Creek Entrance. Italian Cast Stone will repair the damaged sections and the decorative  
19 bans at a price of \$480 as this work needs to be done prior to painting. Differences in the  
20 bids are to repair the entire section for \$800+ or smaller sections for \$480. Either way it  
21 still needs to be blended. I am comfortable with Italian Cast Stone and I have seen his  
22 work and is willing to work with us. K&E is also a good company, but Italian Cast Stone  
23 was willing to pear it down to work with us.

24  
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On MOTION by Mr. Burman seconded by Mr. Shaw with all in 26 favor Italian Cast Stones Proposal to Repair the Cross Creek 27 Entrance Sign in the amount of \$480 was approved, as presented.
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- 29 ■ #0033 – We will begin the Roadway Paver Repairs soon for the third section of eight.  
30 We are getting close to the end of the main roadway. We are using a different method for  
31 pavers. We had a significant number removed from the last two repairs. We have had  
32 Labor Ready come in and done three days worth of work. We have four pallets of



1 recycles pavers to be used on this project at a savings of 32% compared to purchasing  
2 new pavers.

- 3 ■ #0052 – The Cachet Isle Gate was completed at just under \$4,000. They have a new key  
4 pad. The gate has been refurbished and arms adjusted, weld work, painting work,  
5 foundation work. It is working well, and we have 11 residents with an email group and  
6 this new system offers more customization as compared to the old system. We are  
7 putting together some paperwork for the group to look at for recommendation to the  
8 Board. We can provide temporary codes and now can do all the data entry work from  
9 here rather than from a third party vendor. The pedestrian walkway is fixed with a push  
10 button controls on both sides for enhanced security. Also Gate Tech installed a third  
11 hinge as they felt two was not adequate for the weight of the gates.
- 12 ■ #0062 - We are starting to have a problem with the stationary bike and replaced a lot of  
13 components. There seems to be some oxidation in the circuitry boards. I am told it is  
14 copper and you cannot just spray it. He cleaned it very well the last time. We don't know  
15 how long it will last, and the bike is a home-style bike and most likely will continue to  
16 fail. A commercial grade used bike goes for around \$500 or \$4,000 for a new one. It is  
17 something we will need to think about. I will monitor it.
- 18 ■ #0072 – The 11 exterior electrical outlets have been repaired at the Beach Club are  
19 working including the dock lights. I do need to upgrade the light bulbs which you cannot  
20 get from home depot. I need to go to Advance Motors or Pep Boys.
- 21 ■ UPS sent us \$100 for them to put their Pod on our property.
- 22 ■ **Storage Unit** - We talked about storage in the past and the Christmas Decorations need to  
23 be stored this year. We went to Cross Creek Storage and for a 15 X 10 unit is \$170 per  
24 month. The other option is a mobile mini storage on site at an initial charge of \$295.65  
25 for first month, is \$90 per month with the 12<sup>th</sup> month free.

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27 

On MOTION by Ms. Taggart seconded by Mr. Burman with all in 28 favor the expenditure of \$295.65 and \$90 per month plus tax for a 29 Mobile Mini Storage Unit for one year was approved, as 30 presented.
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- 1           ▪ **Gate Tech Preventative Maintenance** – They provided a preventative maintenance  
2 program twice a year to check all the gates for \$300 a year. This is inspection only,  
3 diagnostics, and minor repairs such as oil and grease rollers, bearings, hinges, etc.,  
4 and tighten hinges and screws. They are to provide us a detailed list of recommended  
5 replacements with a quoted price for parts and installation. Their Special Contract  
6 Rate is \$95; and since we have an automatic open on the gates there would be no  
7 reason for them to come out other than normal business working hours.  
8

9           On MOTION by Mr. Fitzgerald seconded by Mr. Burman with all  
10 in favor the expenditure of \$300 per year for a Preventive  
11 Maintenance Program with Gate Tech was approved, as presented.  
12

- 13           ▪ **Resident Request** – Pond F is the pond between Cory Lake and Arbor Greene on  
14 Cory Lake Drive on the west side, and one of the rows of hedges ours. Time to time  
15 people commute through and a resident asked if the Security and Landscape-  
16 Aquascape-Facilities Committees to come together for a solution to screen it. I have a  
17 proposal to install six 7 gal. Oleander bushes at the District boundary and Arbor  
18 Greene to screen it. *Mr. Levant stated it only plugs up the wholes, and it does not*  
19 *stop anything. I am uncomfortable recommending it. It may have been a one time*  
20 *incident. Mr. Burman stated my gut reaction is to speak to the resident.*

21           Board consensus was to table and have Mr. Burman and Mr. Cachon meet with the  
22 resident if it comes up again.

- 23           ▪ **Bell Tower** – has very poor lighting, and we are in the process of refurbishing the  
24 monument wall. We get no visual impact from the current lighting. We have a  
25 proposal from Dave's Home Helper Service to reposition lights above the arches to  
26 float up the side of the building. The proposal is in the amount of \$700 for this  
27 project. This will need to be completed prior to painting.  
28

29           On MOTION by Ms. Taggart seconded by Mr. Shaw with all in  
30 favor the expenditure of \$700 for the Bell Tower Project with  
31 Dave's Home Helper Service was approved, as presented.  
32

- 1           ▪ **Aerator Time Clocks** – We have two proposals, one from Architectural Fountains  
2 for \$160 and Dave’s Home Helper Service for \$140.

3  
4           On MOTION by Ms. Taggart seconded by Mr. Fitzgerald with all  
5 in favor the expenditure of \$140 for a Aerator Time Clocks with  
6 Dave’s Home Helper Service was approved, as presented.  
7

- 8           ▪ **Electrical Repairs** – We received a \$5,000 allotment for our electrical repairs and the  
9 20 monuments have been repaired. Dave’s Home Helper Service has been showing  
10 us the invoices for the equipment he is installing and charges us 5% overhead.  
11 Through conversations with Dave and his vendor on the phone, we were able to get a  
12 bulk discount with his vendor and saved \$300 to \$400 on the lights. We are asking  
13 for an additional \$5,000 for Phase of the Electrical Repairs. We are looking to get the  
14 old bulb lighting replaced with low energy photocells and timers.  
15

16           On MOTION by Mr. Ringhof seconded by Mr. Taggart with all in  
17 favor the expenditure of \$5,000 for Phase 2 of the Electrical  
18 Repairs was approved.  
19

- 20           ▪ **Armstrong Environmental Services** – We met with Marty Armstrong and have a  
21 proposal that includes treating our main lake at Cross Creek, less treatment in areas  
22 that is not necessary in our mitigation areas, and with a substantial savings just short  
23 of \$10,000. We have a schedule and was very responsive.  
24

25           On MOTION by Ms. Taggart seconded by Mr. Burman with all in  
26 favor the 2010 Lake Maintenance Services Agreement with  
27 Armstrong Environmental in the amount of \$13,950 was  
28 approved.  
29

30           Ms. Ringhof stated at the last Board meeting we discussed your performance and impact  
31 you have had on this community, and we unanimously agreed you were deserving of a bonus.  
32 Merry Christmas.

1 Mr. Cachon stated this is more than I expected. I know the conditions of this community  
2 and I really do appreciate it. Thank you. I appreciate all the support and it is exciting for me to  
3 see how far we have come.

4  
5 **B. Consideration of Street Tree Exit Strategy Policy**

6 Ms. Ringhof stated we approved this conceptually, but the pieces that are missing is the  
7 resolution we approved, and a resident agreement for the removal of their trees or Memorandum  
8 of Understanding, and the best practices so we have a complete package.

9 It dawned on me today if we changed the date we can use the newsletter that goes out to  
10 every resident, and then do a separate mailing to those that have already had a tree removed or on  
11 the watch list. Ms. Rugg is to send me a soft copy of the minutes as it was excellent as to the  
12 points we raised during the meeting.

13 Discussion was to change the start date to 2/1/2010. A trimming and fertilization is due  
14 in February that the CDD will not be doing; however, the residents can keep the same schedule.

15  
16 

On MOTION by Ms. Ringhof seconded by Mr. Fitzgerald with 17 Ms. Ringhof, Mr. Burman, Mr. Shaw and Mr. Fitzgerald voting 18 aye, Ms. Taggart voting nay, the Exit Street Tree Policy was 19 approved, as amended.
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20  
21 **C. Committee Requests/Recommendations**

22 Mr. Fitzgerald stated Mr. Jack Darling has joined the Landscape Committee. He is a very  
23 bright person and a concerned resident.

24 Ms. Wolf stated he has attended two meeting, and impressed on him the amount of  
25 research we do to bring items to the Board. His tree is 15 years old and is looking for  
26 replacement and even nurseries give you a one year warrantee.

27  
28 **i. Landscape-Aquascape-Facilities**

29 **a. Landscape Inspection Report**

30 Mr. Fitzgerald stated the score received is an 87 which is passing by the skin on their  
31 teeth. The second half of this year two of them they should have failed. In general, we are not  
32 happy with their performance. We have been trying to cut the budget and get control of  
33 expenses.

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**b. Nanak's Correspondence**

We wanted to speak to them about their contract and do things inside the contract. I forwarded all the information. We had a four hour meeting with them which was confrontational to begin with and pointed finger at everyone but themselves, but at the end they were very compassionate of our plight and knew what we were looking for. They know what they are doing and simply they are not putting the resources in. We asked them to increase their services and cut the money, which didn't go anywhere. We ended up where a repair piece for irrigation which is basically paying them for work they haven't performed yet, and it is going on a request basis; \$1,200 a month comes out of the contract, but we may end up spending that based on our requests for repairs.

Ms. Wolf stated also Nanak's did waive their \$6,000 increase for the second year.

Mr. Fitzgerald stated for the palm tree trimmings we are paying on a monthly basis for two trimmings. This was reduced from their monthly billing. The new monthly figure is \$19,466.67. It may not be all savings, but may be some savings and now control of \$9,000 that was automatic payments for services.

Mr. Shaw asked is that a good number to put in the budget starting in January?

Mr. Fitzgerald responded yes. We asked Mr. Mike Areson to be removed. I would match Mr. Bohannon against anyone. He knows exactly how to run this business.

**c. Visa Card for Mr. Fitzgerald**

Ms. Ringhof stated originally we had three people on our credit card, myself, Ms. Backes and Mr. Cachon. The request is to replace Ms. Backes with Mr. Fitzgerald.

On MOTION by Ms. Taggart seconded by Mr. Shaw with all in favor Visa Card Signatory for Mr. Fitzgerald was approved.

**d. Gate Tech Semi-Annual Service Contract**

This item was discussed under the Field Manager's Report.

**e. Dave's Home Helper for Aerator Replacements**

This item was discussed under the Field Manager's Report.

1                           **f.       Cross Creek Monument Sign Repairs**

2       This item was discussed under the Field Manager's Report.  
3

4                           **g.       Additional Expenditure of \$5,000 for Electrical Repairs**

5       This item was discussed under the Field Manager's Report.  
6

7                           **h.       Armstrong Environmental Service Contract at Reduced Fees**

8       This item was discussed under the Field Manager's Report.  
9

10                        **ii.       Quality of Life**

11                           **a.       Beach Club Security Deposit Refunds**

12       Ms. Ringhof stated we had a traditional Chinese Wedding here and asked to decorate on  
13       Wednesday. Ryan provided them a copy of what they could and could not do and highlighted it  
14       for them. As he left they have taped things to the walls, and they nailed something on the façade.  
15       Apparently, they nail they used was the size of a toothpick, applied caulk after it was removed  
16       and thought that was not sever enough for us to keep the security deposit. Ryan took photos of  
17       all of it.

18       Ms. Taggart stated we had a covenants meeting and we were floored when we saw all the  
19       stuff up. It was beautiful, but things were taped up everywhere and the fire place was covered.

20       Ms. Ringhof stated he has come in several times and they want some portion of their  
21       deposit back. They fixed everything, but my feeling is that is not the point. They did not follow  
22       the rules. I wanted to bring this to the Board.

23       Ms. Taggart stated I am sure others saw this, and it will get around that we allowed it.  
24

25                            On MOTION by Mr. Shaw seconded by Mr. Fitzgerald with all in  
26                            favor retaining of the \$200 security deposit was approved.  
27

28       Mr. Fitzgerald asked can we get an accounting of how much rental we received?

29       Mr. Shaw responded yes, and it is in the financials monthly.  
30

31                           **b.       Storage Facilities**

32       This item was discussed under the Field Manager's Report.  
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34  
35

1                                   **c.       Request to Rent Beach Club on Friday 1/15**

2           Ms. Ringhof stated I received a request for a rental on Friday, 1/15. We had set a policy  
3 for one rental per weekend. Additionally he told Ryan he would be willing to pay an extra  
4 cleaning fee if we were charged extra.

5

6                                   **On MOTION by Ms. Taggart seconded by Mr. Burman with all in**  
7                                   **favor Rental Request for Friday 1/15/10 was approved.**

8

9           Ms. Ringhof stated Mr. Cachon is off, and Ryan is manning the fort. He only gets paid  
10 while he works.

11           Mr. Levant asked why not pay him the days he has to take off.

12

13                                   **On MOTION by Ms. Ringhof seconded by Mr. Shaw with all in**  
14                                   **favor expenditure of a Visa Gift Card for a total of 16 hours pay**  
15                                   **for Ryan was approved.**

16

17                                   **iii.       Security – Virtual Guard Update**

18           Mr. Burman stated we should be up and running sometime in January. We have a  
19 connection problem between the two.

20           Ms. Ringhof stated Morris Bridge is up today and didn't get to Cross Creek. I should be  
21 able to get Cross Creek, but I know Mr. Ringhof spent three hours today. How does the camera  
22 system work?

23           Mr. Burman responded I am not sure, Wackenhut will have to figure it out.

24           Mr. Levant stated there is no camera. It is a box with a push button like the Cachet Gate.

25           Mr. Shaw stated you need to change that because one of the reasons we couldn't put it in  
26 the truck lane is because the camera was not waterproof.

27           Ms. Ringhof stated there is a bait and switch here, we need to get what they promised or  
28 it is a no go. We discussed at length about where to place the camera. It is a two way camera  
29 where you can see who you are talking to and vice versa. I remember this vividly. That is not  
30 what we agreed to.

31           Mr. Fitzgerald stated even if it is that, I would like to see them put it in. If a buzzer  
32 system satisfies the IRS requirements, this could be very profitable to us. They are putting it in  
33 for nothing and get the chance to try it out.

1 Ms. Ringhof stated they can put it in for nothing in the appropriate spot.

2 Ms. Taggart stated we will have a lot of residents not happy if it is just a buzzer. They  
3 want more security than that.

4 Ms. Ringhof stated that is not what we signed up for.

5 Mr. Shaw asked wasn't there supposed to be a monitor?

6 Ms. Ringhof responded yes. The guards are supposed to see who they are talking to, and  
7 vice versa.

8 Mr. Fitzgerald asked can you check into the IRS requirements?

9 Mr. Daugirda responded I'll talk to Mr. Straley.

10 Mr. Burman stated I'll call Jerry in the morning.

11

12 **EIGHTH ORDER OF BUSINESS** **Manager's Report**

13 **A. Management Project Report**

14 Mr. Daugirda reported and discussed the following, and a copy of his report is attached  
15 hereto and made a part of the record:

16 #18 – Irrigation – Ms. Ringhof stated Mr. Cachon, I and Mr. Bohannon met to discuss  
17 what has and has not happened. We then spoke with the City of Tampa. They did a walk  
18 through with Nanak's and identified the non-irrigation areas. There is still some discrepancy as  
19 to the number as they had 36 identified and two to be further determined. We are in the vicinity  
20 of 36 – 38 hook ups. The St. Pete Times has gotten a hold of this and is writing a story on it.  
21 She has requested our meeting minutes and I now think she fully understands how small this  
22 issue is and that we are not getting free water. The City of Tampa told her that they are planning  
23 on back billing us for four years depended on the data and water usage provided. The City will  
24 be providing us the City Water Map the city and Nanak's used for their walk through and  
25 delineate where the non-irrigation meters are so Mr. Cachon and I can see them ourselves and  
26 agree or disagree, then we will sit down with the city to hash this out. The city understands the  
27 ball is in their court to furnish the map. For the few meters that were on, we were at less than 1/3  
28 of the numbers, and the majority of the hookups have not been on since before Nanak's was  
29 placed on the property, and they are still on Mr. Cachon's repair list. All of them have been shut  
30 off and we are not using any non-metered water. There should not be a lot to talk about with the



1 city, but if what the city told the St. Pete Times is true, we will all be on the same page now that  
2 all the correct players are involved. We should get the map sometime after the holidays.

3 Mr. Fitzgerald stated when these things come up, a Board member should be made aware  
4 of these things so it does not spiral out of control.

5 Ms. Ringhof stated the original map was hand-written and the numbers were based on  
6 average uses. We needed numbers based on the District's actual usage and most of these have  
7 been off. We also have no records of what was going on before. All we can do is track what  
8 Nanak's has set up and a majority of them have been shut off the entire time they have provided  
9 service to us. Also when they took over a substantial amount was spent to get this up and going  
10 because things were not working to begin with, and 80% of them are still on the "To Be Fixed"  
11 list. Nanak's have been instructed to keep them shut off.

12 Mr. Fitzgerald stated here we have contractor's setting policy and Nanak's set them out to  
13 the world and Ms. Ringhof did not get them.

14 Ms. Ringhof stated at that was after my conversation with Juan that he is not to send out  
15 any numbers to anyone except me, and he sent them out to everyone but me and luckily the City  
16 as he cannot commit the District to anything.

17 Mr. Daugirda stated it sounds like the city will depend on our numbers which a realistic  
18 number and even if the technical and accounting person of the city do not agree, there are higher  
19 ups that have to sign up and this is negotiable and they don't have to reach back four years.

20 Ms. Ringhof stated Wayne, Florida Irrigation, said if we want to turn it back on we will  
21 have to pay for the backflows and not the meters much like your home. Also they mentioned,  
22 and Terry confirmed they have walked the property twice to identify the un-metered hook up and  
23 Nanak's has done it once on their own, and not one time have them tried to shut them off, even  
24 through they were off anyway. The city has known about it and has never talked to any of us  
25 about the un-metered hook ups that have been shut off. After sitting down with Nanak's and  
26 talking with Terry about getting the map, I don't believe this is going to be as contentious as the  
27 reporter was hoping for and it should not be blown out of proportion.

28 Mr. Daugirda stated the problem is being reduced down factually.

29 A resident asked do we know when the story is being written, as the tone may put this  
30 into a situation that is not there?

1 Ms. Ringhof responded I have call the reporter back and made a comment about the entire  
2 community getting free water and I explained to her that is not the case. Then she asked about  
3 our beautiful front entrance and told her it is on well water and not part of it. Mr. Cachon also  
4 explained to her the areas that we are talking about an that the water was shut off a long time ago  
5 because the Plumbagos cannot deal with a lot of water. They city did credit us with coming to  
6 them when we found this situation, and what she heard from me, Beau and Mr. Cachon, and  
7 from Terry I don't think it is an issue. I suspect when she realized it was a non issue, they may  
8 not be an article.

9  
10 **B. FY 2010 Tax Bill**

11 Mr. Daugirda stated May is the launch date for the Fiscal Year 2011 budget, and a copy  
12 of the tax bill is enclosed for the Beach Club at it is at zero because of the modification of the  
13 office status.

14  
15 **NINTH ORDER OF BUSINESS Financial Matters**

16 **A. State of District Finances**

17 **C. Budget Update**

18 Mr. Shaw presented his monthly reports for September 30, 2009, October and November,  
19 copies of which is attached hereto and made a part of the public record.

20 The monthly reports will list the net cash balance, general fund balance, revenue and  
21 actual expenditures comparative to budget and breaking out fixed and variable expenditures  
22 versus discretionary expenditures. In 2009, we ended up the year with a net cash balance of  
23 \$502,946; the revenue was off \$360,000 due to the Avatar shortfall; and our expenditures were  
24 \$574,000 under budget due to the Board's realization that we would not receive the Avatar funds.

25 The second half of the report is on material budget variances which is subjective on my  
26 part. I have listed the big ones for 2009 and the big one is the legal budget for Straley Robin  
27 which is \$42,000 over budget, and it looks like we are trending towards being over budget this  
28 year.

29 Mr. Daugirda stated 2009 was a highly contentious year.

30 Ms. Ringhof stated I see us addressing things to Mr. Straley that don't need to have a  
31 legal opinion. We are looking to control our finances and would like to put restrictions on going

1 to Mr. Straley. There are a lot of things Mr. Daugirda and I discussed that land in Mr. Straley's  
2 lap. I didn't expect him to write a response to this letter regarding Avatar.

3 Mr. Daugirda stated it was inappropriate for the attorney to send the letter to you. It  
4 should have went to Mr. Straley.

5 Ms. Ringhof stated there are things we ask Mr. Straley to do at a Board meeting, and we  
6 need to be more careful about what we give him to do, and that also goes for calling him.

7 Mr. Daugirda stated some questions are economic decisions and we don't need legal  
8 opinions for factual issues, and when we get into the legal arena like with this Avatar thing, then  
9 we need the legal opinions.

10 Ms. Ringhof stated we just need to be more aware of what we are providing or asking  
11 him to do. It may be something we can handle in house, and then have him review it and provide  
12 his input so we are not spending the funds to have him write it as well. Are his rates  
13 competitive? Should we ask him to cut his rate?

14 Ms. Ringhof reported on the logistics of the processing and scanning of invoices being  
15 handled by Mr. Cachon and those with DPF accounting; whereupon the Board discussed  
16 refinements to the processes and use of the Beach Club server.

17 Suggestions were to contact Attorney and Engineer to see how we can trim fees such as  
18 phone rates compared to in person or flat fees.

19 The Board discussed the legal bills and special litigation status.

20 Mr. Shaw was directed to review Attorney bills, Mr. Fitzgerald to review the Engineer,  
21 and Ms. Ringhof to review the Management Company.

22 Mr. Shaw stated we had a software problem with the October report, which Mr.  
23 Woodville reported to me. I prepared a November monthly report. In November the District  
24 should be in its worst position cash wise due to timing of the tax revenues. We ended up with a  
25 \$487,000 net cash balance; and \$50,000 favorable balance in actual expenditures. The numbers  
26 under fixed and variable expenditures are \$121,542 which we will want to look at that each  
27 month which is the money it costs to run the District with discretionary expenses of \$16,286.  
28 Under material budget variances there was no legal expenses to Straley Robin booked in October  
29 so the \$6,589 is for October and November and are already over budget. We spend \$1,089 on  
30 the Series B Bond special litigation issue and I don't understand why.

1 We will be looking at the budget and last year we were \$40,000 under budget on utilities  
2 and this year we are trending at the same level so the conclusion is utilities is over-budget, and as  
3 we look at peering down the budget anything that is not realistic should be changed.

4 Ms. Taggart stated initially there were 14 to 16 new street lights added into the budget and  
5 I believe the Letter of Credit is insufficient for what we have and we were almost at the end of  
6 our contract period and they said they may renegotiate the Letter of Credit so the Facilities  
7 Committee put in an amount to help cover that cost. That might account for some of it.

8 Mr. Shaw stated I also projected out for the remainder of this year per the Fiscal Year  
9 2010 budget as is and if we don't make any changes we will end up with a lower fund balance.  
10 The revenues is 16% under not including Beach Club rentals, and I have project per Mr.  
11 Woodville's assessment which is pretty accurate based on past history as the majority of the  
12 assessment will be in December/January. This way we have an idea of where we are. We have  
13 made a good start the first two months.

14  
15 **B. Approval of Financial Statement November 2009**

16 The Financial Statements for November 2009 was continued to the next meeting.

17  
18 **TENTH ORDER OF BUSINESS**

**Minutes of Meetings**

19 Ms. Ringhof stated each Board member received a copy of the minutes of the meetings  
20 outlined below, and requested any additions, corrections or deletions.

21  
22 **A. Approval of October 21, November 4 and November 18, 2009 Board**  
23 **Meetings**

24 Ms. Ringhof provided updates to the October 21 and November 18, 2009 Board meetings  
25 which will be incorporated into the adopted minutes.

26  
27 

On MOTION by Ms. Ringhof seconded by Mr. Burman with all in 28 favor the Minutes of the October 21, 2009 Board meeting was 29 approved, as amended.
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30  
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On MOTION by Mr. Burman seconded by Ms. Ringhof with all in 32 favor the Minutes of the November 4, 2009 Board meeting was 33 approved.
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On MOTION by Mr. Burman seconded by Ms. Ringhof with all in favor the Minutes of the November 18, 2009 Board meeting was approved, as amended.

**B. Acceptance of November 5, 2009 Finance Committee Meeting**

On MOTION by Mr. Burman seconded by Ms. Taggart with all in favor the Minutes of the November 5, 2009 Finance Committee Meeting was accepted.

**C. Acceptance of November 3, November 10 and November 24, 2009 Landscape-Aquascape-Facilities Committee Meetings**

On MOTION by Ms. Ringhof seconded by Ms. Taggart with all in favor the Minutes of the November 3, November 10 and November 24, 2009 Landscape-Aquascape-Facilities Committee Meetings were accepted.

**D. Acceptance of October 15, October 29, November 5, November 12, November 19 and December 3, 2009 Quality of Life Committee Meetings**

On MOTION by Ms. Ringhof seconded by Mr. Burman with all in favor the Minutes of the October 15, October 29, November 5, November 12, November 19 and December 3, 2009 Quality of Life Committee Meetings were accepted, as amended.

**E. Acceptance of December 7, 2009 Security Committee Meeting**

On MOTION by Mr. Burman seconded by Ms. Ringhof with all in favor the Minutes of the December 7, 2009 Security Committee Meeting was accepted.

**ELEVENTH ORDER OF BUSINESS            Supervisor Requests**  
There not being any, the next item followed.

1 **TWELFTH ORDER OF BUSINESS**                      **Public Comments**

2            Mr. Levant stated in the last several Security Committee meetings we talked about  
3 potential for making changes and the \$380,000 should have been \$366,000 and the virtual guard  
4 will recognize a savings this year. It would be a lot easier if the Board told us how much they  
5 wanted to save. We have a budget shortfall of 16.3% and Verizon and TECO are not going to  
6 give us a 16.3% reduction. Is the Board going to give guidance? I need help and don't know  
7 where to go?

8            Mr. Shaw responded I was at \$412,000 in savings and that is before the \$8,000 from  
9 Armstrong and the reduction in the Nanak's contract.

10           Mr. Levant stated except \$230,000 came out of the landscape budget and not a look at for  
11 security.

12           Mr. Fitzgerald stated I am not happy with it.

13           Mr. Levant stated it was discussed at the Finance Committee, but no input or no  
14 conversations. People were shocked at the budget situation and that was it. If the Board want to  
15 give direction to look at something and give guidance, fine; or if you have exactly what you  
16 want. If you take \$50,000 out, those funds could go towards the tennis courts or kiddie court or  
17 other things.

18           Ms. Ringhof stated we asked every committee to cut where they can, including security.

19           Mr. Burman stated we can only get away with paying \$10 an hour for a security guard.

20           Mr. Levant asked have we inspected it, talked about it?

21           Mr. Shaw responded my projections show we have already starting cutting the budget and  
22 did so last year. When we are talking about the Avatar part, we have already made some of those  
23 cuts in October, November and December. This is a moving target if we are talking about  
24 amending this year's budget. If we do want to spend money on discretionary things like capital  
25 improvements, we need to decide that.

26           Mr. Levant stated we put nothing in for the replacement of trees, and we can put \$50,000  
27 back in for the replacement of trees. We were only going to repair portions of the dock at the  
28 Beach Club, we can fix the whole dock area and put another \$25,000 back in.

29           Mr. Shaw stated we will take this up at the Finance Committee.


1 Ms. Ringhof questions on the check register were the two checks cut to DPFPG on October  
2 1, more clarity on the miscellaneous revenue, and OLM payment on November 5 for \$2,000 and  
3 November 18 to OLM.

4  
5 **THIRTEENTH ORDER OF BUSINESS Adjournment**

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On MOTION by Ms. Ringhof seconded by Ms. Taggart with all in 8 favor the meeting was adjourned at 11:25 p.m.
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9  
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11  
12   
13 John Daugirda  
14 Secretary

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Kerri Ringhof  
Chairperson