

MINUTES OF MEETING  
CAPITAL REGION COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Capital Region Community Development District was held Thursday, August 30, 2007 at 8:30 a.m. at the Brokaw-McDougall House, 329 North Meridian Street, Tallahassee, Florida.

Present and constituting a quorum were:

Sean Fennelly	Vice Chairman
Alan Hanstein	Supervisor
Mary Lee Kiracofe	Supervisor
Corbett Drew	Supervisor

Also present were:

James A. Perry	District Manager
Brian Crumbaker	District Counsel
Fred Greene	District Engineer
Abe Prado	St. Joe Company
Norman Robertson	PBS&J
Mercedes Pineiro	St. Joe Company
Toni Trimarco	GVA Advantis
Peter Soety	All Pro Landscaping

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Perry called the meeting to order at 8:30 a.m.

**SECOND ORDER OF BUSINESS**

**Approval of Consent Agenda**

- A. Approval of the Minutes of the June 14, 2007 Meeting and July 11, 2007 Meeting**
- B. Balance Sheet as of July 31, 2007 and Statement of Revenues & Expenditures for the Period Ending July 31, 2007**
- C. Allocation of Assessments**
- D. Check Register – 6/29/07 through 8/30/07**
- E. Summary of Projects Under \$5,000**

Mr. Perry stated item two is approval of the consent agenda. I will first ask if there are any items that the board or staff would like to pull or discuss?

Mr. Hanstein stated the only item I have is an item from the previous meeting. There was some discussion in the minutes about the minutes from the previous meeting that was going to be investigated and I wanted to make sure that was amended and put in correctly. I think it was something Mercedes mentioned there was some question about the land size.

Mr. Crumbaker stated it was the July 11, minutes, page 2.

Mr. Perry stated that was changed.

On MOTION by Mr. Drew seconded by Mr. Hanstein with all in favor the consent agenda items were approved.

### **THIRD ORDER OF BUSINESS**

### **Consideration of Resolution 2007-08 Setting a Public Hearing Date on Assessments**

Mr. Perry stated item three is consideration of Resolution 2007-08 setting a public hearing date on assessments in regards to Unit 23.

Mr. Crumbaker stated if you will recall you adopted two resolutions when you initiated the process for levying debt service assessments on Unit 23. The first resolution declared special assessments and the second set the public hearing. There was some attempt to work out a letter that was going to go out under separate cover so that folks in Unit 23 were on notice. St. Joe was sending a notice to let them know that they were going to receive a notice from the district because the one from the district tends to be very legalistic and in fact has language with regard to failure to pay could result in loss of property and that kind of thing and to make sure that people were comfortable with what they were going to be receiving and understanding that they were put on notice of the debt assessment that they were going to be receiving on the property, we ended up missing the deadline that is required under Florida Statutes to provide that mailed notice. What I have in the agenda package is just a simple resolution that is essentially a revised 170.07 resolution that sets the public hearing and in this case setting the public hearing for Thursday, September 13, 2007 at 8:30 a.m. at this location. I will be more than happy to answer any questions.

Ms. Kiracofe stated so the previous letter is not going out from St. Joe?

Mr. Crumbaker responded those letters have gone out. The one from St. Joe just advising they were going to receive it from the district went out and the district's letter regarding the debt service assessment as required under Chapter 170 and 197 has also gone out. Because we had a

previous resolution reflecting a different date we wanted to bring this back and in effect ratify staff's action with respect to moving that date to ensure we met the notice requirements under Florida law.

Mr. Hanstein stated and that is the same date as the budget hearing.

Mr. Crumbaker responded correct.

Mr. Perry stated subsequent to that mailing we have probably had three calls from residents in regards to those letters.

Mr. Crumbaker stated our office fielded one and it was a relatively new resident that just had questions and when we answered the questions he seemed okay with it and acknowledged he had notice of it as part of the sale to him.

On MOTION by Mr. Hanstein seconded by Ms. Kiracofe with all in favor Resolution 2007-08 setting the public hearing for Thursday, September 13, 2007 at 8:30 a.m. at the Brokaw-McDougall House, 329 North Meridian Street, Tallahassee, Florida was approved.

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2007-09 Setting a Public Hearing Date to Adopt the Budget for Fiscal Year 2008**

Mr. Perry stated section four is consideration of Resolution 2007-09 setting a public hearing date to adopt the budget for fiscal year 2008. If you will recall we originally proposed to have the budget hearing on August 16. With various work that was needed in regards to the budget we propose moving that date to September 13 and that is what this resolution does.

Mr. Crumbaker stated as a follow-up the TRIM notice that was issued and the published notice as well both reflected September 13. This is a ratification of staff's action to move the public hearing to make sure they could meet the notice deadlines.

On MOTION by Ms. Kiracofe seconded by Mr. Drew with all in favor Resolution 2007-09 was approved.

**FIFTH ORDER OF BUSINESS**

**Questions & Comments Regarding the Fiscal Year 2008 Proposed Budget**

Mr. Perry stated section five is the proposed fiscal year 2008 budget. The budget itself, you have the general fund and the various debt service funds, the footnotes to the budget itself,

there are also some amortization schedules related to the debt. I would like to walk through a little of the general fund. Going through the administrative side the biggest change that you will see in this proposed budget from the prior year relates to the trustee fees and about halfway down you will see there is \$30,000 allocated for the proposed fiscal year 2008 budget versus \$7,500 in the prior fiscal year. We have moved the trustee fees out of the debt service funds and put them into the general fund so they are now being funded through the general fund for all debt service accounts. Other than that most of the items in there are pretty normal. There are a few increases that are typical of cost of living or inflationary increases.

Mr. Hanstein stated on the attorney fees the adopted budget for last year was \$22,500, the projected for this year is \$47,900 but we only proposed \$30,000 for next year. Was there some one time increase this year that we don't expect to have next year?

Mr. Crumbaker responded it was associated with the landscape maintenance contract that was procured earlier this year. There was a lot of time involved in that as a result of contract adjustments and the project manual and dealing with pre-proposal meetings and that kind of thing as well. That is truly a one time expense.

Mr. Hanstein stated I just want to be sure that we are not under budgeting an item that was over budget for this year. The second question will probably require a little more explanation. The management fees that were budgeted at \$42,000 and are budgeted next year for \$44,000. Are these your management fees?

Mr. Perry responded yes.

Mr. Hanstein asked do we have anything in here for the contract with GVA?

Mr. Perry responded that is under field expenses.

Mr. Hanstein stated so that is only covered under field expenses, so these management fees at \$126,000 adopted for last year \$154,000. I will ask about that under the field portion.

Ms. Kiracofe stated I had a question on the attorney fees for the boundary amendment. This past year I noticed they were over budget and that was for Unit 23.

Mr. Crumbaker responded this is actually two boundary amendments. We had Unit 23 boundary amendment and we are currently in the process of amending the boundary to create the second CDD. The clarification I want to make with this is this is not funded with special assessments that are levied on the land. These are funded with developer contributions in effect. Although they are recognized in the budget because the money flows through the district it is

outside of what you traditionally find in your general fund budget. The source of revenue is outside of this. It will be pulled out and there will be a separate line item in the revenue section saying developer contribution because they are paying for that directly. It is captured because the money is flowing through the district for purposes of those expenses. This is for both Unit 23 and the larger boundary amendment that is currently in process. Once we complete the boundary amendment which will probably be in the November/December timeframe I wouldn't anticipate any other boundary amendments in the future.

Mr. Hanstein stated the travel and per diem expense, who is that related to? Is that specific to you and management?

Mr. Perry responded I believe I am the only one that has costs incurred.

Mr. Hanstein stated I wonder why yours wouldn't be rolled into the management fee.

Mr. Perry responded we track it separately and submit any expense related to the travel up here. I don't believe we have any other incurred on that.

Mr. Fennelly stated the property taxes went from \$454 to \$2,500.

Mr. Perry responded we have \$2,500 as a placeholder on that.

Mr. Crumbaker asked why would we be paying any taxes at all?

Mr. Perry responded there shouldn't be.

Mr. Hanstein stated we adopted zero last year and incurred \$454. What property is that?

Mr. Crumbaker responded we shouldn't be because we have a lot more property than would generate \$454 if they were assessing all of our property but at the same time there may be one of these properties that for some reason didn't get the exemption.

Mr. Perry responded let me check into that.

Mr. Crumbaker stated there is a period of time in which you have to submit a new exemption because the district is an exempt governmental entity for property taxes which is why this is not a huge number but sometimes when it is conveyed from the developer or from a third party you miss the window for the year so that would have been in all likelihood that nominal amount there. I think that is probably one that could be reduced back down to the \$500 range just to have a placeholder.

Mr. Perry stated if there are no additional questions on the administrative side we will go to the field expenditure side. Most of these are attributable to additional improvements of the

district. I know Toni is here today if you have any detailed questions in regard to any of the line items in this part of the budget.

Ms. Kiracofe stated a couple of them are questions I posed last time about what is our existing number of units and how many new units are we considering.

Ms. Trimarco responded after a lot of work we have come up with a new set of numbers. The current units we have are 21, we brought in 2 last year, we expect 11 in 2008. That is units as well as ponds it is a combination. At the request of St. Joe we hired a horticulturist to go out and do field verifications of all of the landscape areas, the beds, do the tree count and we took his numbers, came back in and tried to unit price it. Some of these areas we need to re-verify or verify because the map provided to the vendor did not include all of the areas that All Pro is maintaining. There will be some adjustments to this but we feel very good about these numbers until we can confirm the areas in question.

Ms. Kiracofe asked is this revised from what is in here?

Ms. Trimarco responded yes.

Mr. Fennelly stated it is about \$100,000 less. This one is proposed at \$1,759,000 and this is \$1,647,000.

Ms. Kiracofe stated this one doesn't have the management fees on it, does it?

Mr. Hanstein stated they are a little less than proposed. Everything is down a little bit.

Ms. Kiracofe asked can you give us some examples from the past of how the contingency funds have been used?

Ms. Trimarco responded the contingency would take care of things like tree removal. When the large trees fall sometimes it can take up to \$3,000 to \$3,500 to have those cut down and the stump ground down. It could be additional irrigation that needs to be added. It includes anything that is not under contract and not a recurring charge and some of them can be quite large.

Mr. Fennelly stated with the existing and new units that come on, how many acres are being maintained by the CDD? Do we know the rough value per acre of maintenance?

Ms. Trimarco responded I can get that number for you.

Mr. Crumbaker asked what is the lake maintenance for \$600?

Ms. Trimarco responded because I'm not sure what we are going to need outside what is covered in the Lake Doctors contract I threw a number in. I can't imagine what it would be but I would like a little wiggle room.

Ms. Kiracofe stated when you rent the aerator where does that come in?

Ms. Trimarco responded actually I put money in the contingency fund to purchase the aerator. I think it was \$1,800. Actually a little over \$8,200 of the contingency fund is for mowing the preserve area. I spoke with the biologist and he said in 2008 we are going to have to mow the edges of the preserve areas and he got a price for that.

Mr. Hanstein stated my question is more about the management fee in general that is on there and how that is arrived at and how it is contracted and if we have a contract on that through the CDD with GVA Advantis and when that was contracted and what that fee actually entails and what does that include? Does that just include managing the field services and All Pro for which we are already contracting separately? Are there other vendors in there? That \$149,000 is what I need to understand.

Mr. Crumbaker stated there is an agreement between the district and GVA Advantis. I don't know when we entered into it.

Ms. Trimarco stated 2002 but don't hold me to that.

Mr. Crumbaker stated the contract is usually based upon a percentage of the overall field budget.

Mr. Hanstein asked is that something that we look at every year? If it was done in 2002 has it been evaluated since? What does it include and when do we review that because that is 10% of the contract.

Mr. Crumbaker responded I don't know that this board has reviewed the contract because that was entered into before I started working on this district and I haven't had a lot of discussion regarding the management agreement since I have been working on this district. It has probably been a few years.

Mr. Hanstein stated I certainly would like to see it. I think that there needs to be some management of the vendors and somebody who is accountable to the board. Without a lot of requests lately directly related to some of these CDD items and I just want to understand who the point person is going to be for that. I would love to see that contract and understand what GVA in this case is accountable for.

Mr. Crumbaker stated we can provide you a copy of that.

Ms. Kiracofe asked is 10% standard?

Mr. Perry stated for a frame of reference for operational which is what this is the fees range anywhere on the lower end of about 8% that I have seen up to maybe 15%. The 15% of course depends on the type of community and the structures that are in there, amenity centers and things of that nature. 10% is not unusual.

Mr. Crumbaker stated that is 10% of what is actually spent, not the budget.

Mr. Perry asked are there any other questions in regards to the field expenditures?

Mr. Fennelly stated with the exception of GVA and Tallahassee Utilities, all of the line items for landscape maintenance down to irrigation repairs, those are under either existing or future contracts with All Pro?

Ms. Trimarco responded yes.

Mr. Hanstein stated I know we have a representative here from All Pro as well but I have a question about the irrigation repairs. I drove around the traffic circle at Four Oaks and Blairstone and saw somebody moving out of their house with their sport utility up on their lawn and over the sidewalk which is CDD property and I'm sure taking out half the irrigation there, do we have any sense of how much of these repairs are related to vehicles and other issues that are not just leaks. Why would we pay for irrigation repairs in that they are either going to be from the install or some natural cause and I assume All Pro would take care of those under warranty or somebody driving up on these things and tearing them out and in which case is there any way to recover our cost on that?

Ms. Trimarco responded the CDD is only responsible for the irrigation repairs on the backbone roads. That is where we own the irrigation. The side streets the homeowners are responsible. A lot of repairs are due to vehicular damage especially in the new areas where construction is going on with the big trucks and deliveries and all of that. I will let Peter address that question as far as the established neighborhoods. Do we have a lot of repairs in those areas?

Mr. Soety responded the established neighborhoods not so much. In the newly constructed areas sometimes we are lucky enough to see what trucks are doing the damage but without physically taking a picture or being onsite it is difficult to say who is the source of the destruction.

Ms. Trimarco stated this is a battle that we have fought since the beginning.

Mr. Fennelly stated this is like the problem we have with the stormwater ponds when somebody is not doing the right thing, it silts up the ponds and don't the contractors have to pay in a certain amount in the beginning and we would charge against that if we can identify certain damages are related to them. Is there a way to do some sort of blanket assessment of sorts, as part of getting that retainage back or that deposit back you take an estimate of the damages for the year that are attributable to the group of people and assess all equally?

Mr. Drew asked is that a \$5,000 deposit only \$4,000 of which is nonrefundable.

Mr. Fennelly responded right something along those lines to cover what we estimate to be the stormwater and irrigation and sidewalk damage. There is probably a laundry list of routine damages that come. Is that something we can kick around?

Mr. Crumbaker responded there may be some way of dealing with it where an entire unit is transferred to a homebuilder because then you can go to the homebuilder and have them provide some money or a bond or something of that nature for those types of improvements. I think we would have a little bit more of a problem when you have custom homes or multiple builders in the same area where it is hard to track.

Mr. Fennelly stated that is what I'm saying, I think they all have to kick in a construction deposit don't they? If it is a tracking problem and you can never quite see who did what, when, they all put in a construction deposit and you keep a percentage. They know going in they are going to lose some percentage of it to cover the collection of repairs.

Mr. Crumbaker stated we can take a look at that and see if there is something we can do there.

Mr. Fennelly stated the deposit isn't with the CDD.

Mr. Crumbaker responded no. We can establish our own fee upfront as new units are being constructed or we can talk to St. Joe about dipping into that in order to repair those but we can take a look at that between now and the 13<sup>th</sup>.

Mr. Hanstein stated \$50,000 is not insignificant.

Mr. Prado stated the only caveat is you might come across the contractors as having to pay this fee for this and their unwillingness to try to avoid damaging or trying to avoid sediment blowing off their site. They may think since they are already paying for it they might as well not spend money on silt fence or try to protect irrigation. That is something to consider when you think about this method of doing things.

Ms. Trimarco stated what I'm trying to do right now is work through St. Joe, Baycrest is building a school on the north end of the development and I'm requesting written confirmation that they understand they will clean out the lines as well as the silt from the pond and that will include the lines into the pond. I guess that is the Goldenrod area, east of Goldenrod, and St. Joe said that they would help me get that written confirmation. In the meantime we are watching the area for any hay bales that are not installed properly, silt fencing, we are policing the area.

Mr. Perry asked are there any more questions in regard to the field expenditures? With that again we will revise the budget for those field expenditures so that you will be getting a revised budget that will be proposed to be adopted by the board at the September 13<sup>th</sup> meeting. Those numbers will go down approximately \$100,000 on the field side.

Mr. Hanstein stated there is an item on page 6 the 3751 Biltmore Avenue hydrant \$40,000. The other ones I understand pumps and lights and things. I couldn't understand what a hydrant would require. I assume that is water. Do we pull water from the hydrants?

Ms. Trimarco responded yes for irrigation. I'm not sure of the date or timeframe but the reuse will be coming online and we are hoping to use that.

Ms. Kiracofe asked when do they really believe the reuse will become live?

Mr. Prado responded I think we are looking at the middle of next year.

Ms. Trimarco stated I believe the golf course will come on line first and then it will be disbursed through the community.

Mr. Prado stated it won't be everything, it will be as you go type of thing.

Ms. Trimarco stated I will be setting up an appointment with Lynn Putnam who is overseeing this for the city and I will have a lot more information after my meeting.

Mr. Prado asked will you take a look at that number because that is a lot of water.

Mr. Perry stated we looked at the current expenses and they are pretty high for those charges on the hydrants. That number appears to be pretty close.

Mr. Prado stated if we are spending \$40,000 on a water hydrant I think it is worth investigating.

Mr. Hanstein asked where does that cover? Is that just Biltmore? Because that is only half of that property on Biltmore.

Mr. Prado stated it is double listed, if you look at the third line item it is the same address.

Ms. Trimarco stated I will get with the city and find out about that.

**SIXTH ORDER OF BUSINESS**

**Consideration of Work Authorizations**

**A. Work Authorization No. 109 – Southwood – Master Natural Features Inventory (NFI) for LDR-1**

Mr. Greene stated behind Tab A is work authorization no. 109 this is for a master natural features inventory for LDR-1 which is 24 acres. This will be done by Post Buckley in the amount of \$7,670. These have been reviewed by Mr. Prado and we request your approval.

On MOTION by Mr. Drew seconded by Mr. Hanstein with all in favor work authorization no. 109 was approved.

**B. Work Authorization No. 110 – Southwood – Master Natural Features Inventory (NFI) Supplemental to the Overall NFI for Separate LDR-2 and LDR-3 Permitting**

Mr. Greene stated behind Tab B is work authorization no. 110 this is for an update of LDR-2 and LDR-3. This has been done previously but this is an update to the new criteria and standards and this fee is \$2,678. We request your approval.

On MOTION by Mr. Hanstein seconded by Mr. Fennelly with all in favor work authorization no. 110 was approved.

**C. Work Authorization No. 111 – Southwood LSF-3 Survey**

Mr. Greene stated behind Tab C is work authorization no. 111. This is for a ground survey by Allen Nobles & Associates for an area consisting of 58.4 acres. It is west of Four Oaks Boulevard and south of the future extension of Orange Avenue and west of the abandoned City of Tallahassee powerline. This work needs to be done so they can develop this particular parcel later on. The amount is \$37,200. We request your approval.

Mr. Fennelly asked is this contingent on us providing strip mowing in 100 foot increments?

Mr. Prado yes and it reduces the cost of the survey by about \$10,000.

On MOTION by Mr. Drew seconded by Ms. Kiracofe with all in favor work authorization no. 111 was approved.

**D. Work Authorization No. 112**

Mr. Greene stated item D is work authorization no. 112 is for the engineering report for the financing of the 2007 bonds and this is not to exceed \$4,000 plus reimbursables. This is a document we need to have done. We are going to try to have this closing on the 13<sup>th</sup> of September. We request your approval.

On MOTION by Mr. Drew seconded by Mr. Hanstein with all in favor work authorization no. 112 was approved.

**E. Work Authorization No. 113**

Mr. Greene stated the next item is work authorization no. 113. This is the preparation for an amended and restated improvement plan for Capital Region CDD which will show what projects are going to remain in the Capital Region CDD and what is going to be in the new Southeastern CDD. It will indicate what has been spent to date and what is yet to be spent in the Capital Region district. It will indicate what is going to be spent in the Southeastern CDD and what already has been spent there and try to allocate all of that between the two districts. We are shooting to have a draft of this by the first of October for review by the financial team and the board and the estimated amount for this including reimbursables is \$44,744. Half of this will be paid for by St. Joe.

Mr. Hanstein stated maybe an update would be in order for the Southeastern CDD, is it a CDD now?

Mr. Crumbaker responded it is not a CDD yet.

Mr. Hanstein stated so I guess they haven't actually spent any money as a CDD.

Mr. Crumbaker responded correct.

Mr. Hanstein stated I am guessing St. Joe is putting up the money but we are also paying in some as well. Are we going to recover some of those expenses from the Southeastern CDD when it is formed?

Mr. Crumbaker responded no the St. Joe portion will be recoverable from the Southeastern CDD whenever it is established. There are really two reasons for this, one is for future financing if there is any future financing for Capital Region and also to determine where we are to date. There is also a requirement under Chapter 189 that the district provide an update

with respect to its improvement plan and then they are supposed to submit that to the city and the county, other local general purpose governments in this case both regarding the infrastructure that is there so that will also be used for the basis for that ultimately. This \$22,372 will not be reimbursable. That will be out of future bond issues, it is not coming out of the O&M but that will be a Capital Region expense, the other half being a St. Joe expense until Southeastern is established.

Mr. Hanstein asked are you saying we will have to do this anyway?

Mr. Crumbaker responded you would have to do two things anyway. One is you would have to revise your improvement plan anyway because at this point the improvement plan is seven years old at this point. There are still future projects west of Capital Circle and we have to ensure we are identifying those and updating that improvement plan.

Mr. Hanstein stated but we believe in all of these cases that either St. Joe or in the future the Southeastern CDD is going to pay their portion of these projects that are Capital Region.

Mr. Crumbaker responded correct. In fact when Southeastern is established they are going to bear their own costs associated with the project, their proportionate share so there are some joint facilities, stormwater for instance where there will be some cost sharing between the two and we will bring those agreements back to the board and it will be based in part on Fred's report because we will have to determine the allocation of benefit between the two in conjunction with the financial advisor.

Mr. Fennelly stated it is not just going to talk about the improvements and status and all of that, it will talk about operating agreements going forward and having to carve all of that up.

Mr. Crumbaker responded it is where have we been, where we are at and where are we going. It will be used as the basis for those cost share agreements between the two districts. We are probably a little behind on doing this but you are also supposed to under Chapter 189 provide a list of the improvements that have been constructed and that kind of thing and this is an opportunity to kind of piggyback and there will be some efficiencies associated with that as well.

On MOTION by Mr. Hanstein seconded by Mr. Fennelly with all in favor work authorization no. 113 was approved.
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Mr. Greene stated I would like to add one item under here. We have taken some proposals for street trees in Unit 18, Unit 6, and Unit 9. They are being passed out to you. This is much lower than the other proposal we got and it is our recommendation that you authorize staff to enter into a contract with Greenways of America not to exceed \$32,841.

Mr. Drew stated at some point we had issued change orders to remove landscaping from some of the construction contracts. Is this where they are coming back?

Mr. Greene responded yes. We are waiting until it is time to do it. The problem we had with the other contract was it was three or four years old. It wasn't fair to the contractor and he had increases in prices of trees. I think this is probably the better way to do it.

Mr. Hanstein stated since this is Greenways they will warranty these separately?

Mr. Robertson responded they have a two year warranty on all of their trees and before we award the sum of their contract it has to be approved by the district and Toni will go out and check the trees.

Ms. Kiracofe asked will this once again be because these are not backbone roads the homeowners are responsible for the irrigation of the trees or the maintenance of them?

Mr. Robertson responded that is correct.

Mr. Prado stated Mossy Creek is a backbone road.

Ms. Kiracofe asked is there any plan of educating these homeowners that these trees are new and they are responsible for them?

Mr. Prado stated we are working on coordinating with the HOA for an introduction letter that this is your tree you are responsible for it and tips on the proper care for the tree. We are working with the HOA to prepare something like that and send it out.

Mr. Robertson stated part of the bids requested was for them to include the price to water the tree every month for six months after they install them and they agreed to do that.

On MOTION by Mr. Fennelly seconded Mr. Drew with all in favor the street tree proposal for Units 18, 6 and 9 was approved.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Change Orders**

**A. Change Order No. 6 for Unit 29**

Mr. Greene stated the next item is change orders. I am passing out a revised change order no. 6 to M of Tallahassee for Unit 29. Since we sent this to the district to put in the agenda package we have made some changes on the scope of work and I will go through those with you. What we show in this change order is it includes the cost of all landscaping not already contracted, we added some additional seed and mulch to aid in dressing the site prior to all city inspections. The city came out and they wanted a dropped manhole that was not shown on the plans so that is in here. Then we removed the second lift of asphalt, that is the final layer of asphalt, unit 29 and 30 except for Goldenrod Way, Mossy Creek Lane, and Orange Avenue. The reason for this is we have so many houses under construction out there that if we put this final layer down I think it would get torn up. The decision was made to take it out. It will be something that will come back later but for now take it out of the contract. Then we decided because unit 23 is ready for the final lift we would put that back in this contract and take advantage of the price we got because asphalt keeps going up. We also included the concrete pad for unit 30 that was not previously part of the contract. The revised change order now is an increase of \$44,900.58. There is no change in the contract time. It is our recommendation that you approve this change order.

Mr. Hanstein stated it sounds like you increased the change order and there is a net increase which is the change order but it looks like the contract price with change orders is less now. It went from \$7,201,000 to \$7,178,000.

Mr. Greene responded because the other one was a larger increase.

Mr. Hanstein stated we still have a net increase but it is smaller than the original increase.

Mr. Fennelly stated the change order had a lot of things and you took some of those things out of this revision.

Mr. Greene stated we took some out and added some in. We reviewed this with Mr. Prado and he is in agreement.

Mr. Fennelly stated the dropped manhole the city discovered a need for it when they came out to inspect the sanitary sewer system, it seems like something like that would have been anticipated in advance. Is there that much flexibility or ambiguity in their approval process that they can come out at the last minute and say you need a manhole. You would think the engineering principles would be established.

Mr. Greene responded you would think so but they still have the prerogative to come out and do it.

Mr. Prado stated it is the city standard that you can't have a drop more than 18" on that. There was submitted for permit with a 30" drop from that manhole and got reviewed and approved by the city and when we went through the final inspection with the city they identified that.

On MOTION by Mr. Drew seconded by Mr. Hanstein with all in favor change order no. 6 for unit 29 was approved.

**B. Change Order No. 1 for Unit 21**

Mr. Greene stated the next item is change order no. 1 for unit 21 for M, Inc. This change order reflects the changes between the bid documents and the permit documents. We go out to bid as soon as we get the plans ready while it is processed and reviewed by the city. Invariably we end up with changes to the documents we went to bid with. This reflects that. We also added some additional seed and mulch to get the site presentable. The increase here is \$29,535.56.

On MOTION by Mr. Hanstein seconded by Mr. Drew with all in favor change order no. 1 for unit 21 was approved.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Proposed Landscape Plan for the Common Area in Unit 19 in Southwood**

Mr. Greene stated the next item is consideration of proposed landscape plan for the common area in unit 19. This plan was put together by St. Joe staff and has some prices between \$4,500 and \$7,500.

Ms. Kiracofe asked have you talked to Mr. Swanson?

Mr. Prado responded we have not talked to Mr. Swanson.

Ms. Kiracofe stated he is the neighborhood rep for this area and is the one that brought it to the board a few weeks ago.

Mr. Hanstein stated where it says existing magnolia.

Mr. Prado stated there are three magnolias out there now.

Mr. Hanstein asked are they about this size now with that kind of shade cover?

Mr. Prado responded one of them is actually fairly big. They are not shade trees.

Mr. Hanstein stated the live oak would be a shade tree.

Ms. Kiracofe stated but a slow growing shade tree.

Mr. Hanstein asked is there a motion required to go further with this or is the motion to go get estimates on it?

Mr. Prado responded we solicited estimates on it already and they were from \$4,500 to \$7,500. It is the board's pleasure whether you want to proceed with implementing this or whether you want us to scale it down, whether you want us to meet with the neighborhood rep to discuss them, whether you are happy with the estimate we are showing and want us to proceed with the \$4,500 estimate.

Mr. Perry stated with the meeting being less than two weeks away you might want to defer it until you meet with the neighborhood rep.

Mr. Hanstein stated I think that is a good idea.

Mr. Prado asked from the board's perspective are you comfortable with what we are proposing on the dollar amount?

Ms. Kiracofe responded I am comfortable with it.

Mr. Hanstein stated I think a not to exceed of the \$7,500; so what is proposed would be fine.

## **NINTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. Attorney**

Mr. Crumbaker stated the only item I have is the boundary amendment is still in process. The Division of Administrative Hearings rendered its report and sent it over to the Land and Water Adjudicatory Commission. They reviewed the report and are now proceeding with the rule development rule-making process. I hope to actually get the Governor and Cabinet in the November timeframe for everything to be effective about three days thereafter.

The only other thing is that the next meeting we have the budget, unit 23 assessments and we also anticipate we will be bringing back the short two or three page supplemental engineer's report and assessment report for the Series 2007 BANs.

#### **B. Engineer**

There not being any, the next item followed.

### **C. Property Management Report**

Ms. Trimarco stated we had a very busy month. We had several calls concerning street trees that need to be replaced on non-backbone roads due to drought and other conditions. I met with Brian Crumbaker of Hopping Green just to confirm that this is not a CDD issue.

Mr. Crumbaker stated just as a clarification the HOA documents themselves clearly set out that it is the adjacent landowner's obligation. There is the ability of the association and/or the CDD to assume the obligation to maintain those, but there is not a requirement to do so. When they bought the property they bought it subject to the declaration that obligated that responsibility to the resident, the adjacent landowner. Unless this board wishes to increase assessments which would be necessary in order to maintain individual trees there is nothing that requires the district to take over that obligation. It is ultimately a board decision but not a requirement.

Mr. Hanstein stated just a comment on that. If it is the homeowner responsibility and we have discussed this before and I don't think we need to take it on as a CDD responsibility and raise the assessment across the board but if it is a homeowner responsibility we have the resources to educate them that it is their responsibility and what they need to do and I think we probably are not doing a great job of that now. You do see trees dying. Obviously you can't make somebody get out there and prune their tree but I think for a lot of people it is just an education issue. I think if we can put something in place and I have an item on this later for a lot of other things as well but if we can put something in place that allows the homeowners to come and get educated about how to take care of their street trees and what does it take I think we will go a long way to not having to ever take on that debt responsibility.

Ms. Trimarco asked did I understand that you and Mr. Crawford had a conversation about an educational seminar?

Ms. Kiracofe responded we are having a gardening class in October and it is about fall maintenance but this past spring we had a gardening class and All Pro came and we talked about various things but one of the last items mentioned was how to take care of your tree. But there were 60 people there out of 3,000 who live out there so there needs to be a better way. People who want to take care of their street trees will, and they will find out how to do it.

Mr. Hanstein stated right, it is the ones that aren't that we need to reach before we have to take it on as a responsibility.

Ms. Trimarco stated maybe you and I can talk about this.

Ms. Kiracofe responded okay.

Ms. Trimarco stated in following up to the Black Willow trees growing in Central Park lake I did talk to Mr. Yordan as well as the City of Tallahassee's biologist who is Rodney Cassidy and Dwight Arnold he is the administrator of land use and environmental services and Mr. Arnold plainly stated he has no intent of allowing those Black Willows to be removed. He said they are habitats of the wildlife in the lake area. Mr. Yordan has been advised of that decision.

All Pro Land Care had pruned the trees in the median. There were numerous calls because of the condition the trees fell under, they went through severe stress. We have worked with Stan Rosenthal who is the extension agent with Leon County as well as the University of Florida, he, myself and representatives from All Pro literally walked the streets and individually looked at each of the trees to determine if they were not going to make it if they needed to be replaced and there were numerous trees flagged to be replaced. I will be working further with All Pro with Mr. Rosenthal and with St. Joe on this issue.

I have spoken with Ray Mitchell with the City of Tallahassee electric operations concerning the delivery of the light poles we ordered back in June. They were scheduled to be here toward the end of September and in that conversation I found out that the manufacturer of these light poles is going to be replacing approximately 56 of these poles at their cost. The heads are too heavy for the poles, they are concerned about the liability that that opens up. At their cost they will replace these poles. We hope to have those delivered at the same time as our order which will be the end of September. Again, we will keep the community advised of what is going on.

Mr. Hanstein asked does that cover Mulberry Park?

Ms. Trimarco responded it is Merchants Row and that area. Earlier I spoke about working through St. Joe and contracting with Horticulture Services in North Florida to complete the field verification of all the plant material and we do have some more areas that need to be confirmed and the details straightened out but we are 85% to 90% there.

We lost two trees since the last meeting. One was near the overlook nature trail, it is a large pine and a large oak in Central Park. I will be working with the city to find out what tree is acceptable to replant in Central Park.

Mr. Hanstein stated I want to thank you for responding directly to some of the homeowner requests on town talk. I think that went a long way to resolving some of those issues that were posed up there.

Mr. Drew stated one other item I would like you to look at. Some of the signs along the nature trail and bike paths have been vandalized. Can we take a look at that?

Ms. Trimarco responded two weekends ago I did some bike riding through the trails, checking the signs. I did notice some of them need to be straightened which I will work on. All Pro has been working to get the bug debris and bird droppings off and that kind of thing. I only saw one that was missing a part of the sign.

Mr. Drew stated there are a couple that are painted. I will talk to you offline and tell you where they are.

Mr. Hanstein stated I think everyone who has driven in the neighborhood has seen the newly posted golf cart signs. Somebody has actually put a post up and somebody asked me about now making sure that people know they can't take golf carts since they will be more prevalent in the neighborhood on the paths. This group approved some time ago some signage for the CDD paths that say no golf carts or explicitly said pedestrians and bicycles only. Do we know the status of those signs?

Ms. Trimarco responded I think at our last board meeting we talked about whether or not those bollards had been installed. Because of the new golf cart signage in talking to St. Joe we thought instead of the bollards that were not installed we would put up the signs and I spoke with the sign contractor and I will be working with Lori Elliot on getting those signs and placement of those signs.

Mr. Hanstein stated I continue to see golf carts on CDD property on the back trails on the golf course off Berringer Hill and back over by the school. Once the ordinance passes which I think is September 1<sup>st</sup> then people are on the streets and off the CDD property.

Mr. Fennelly stated I don't know if anyone has reported it but I guess with the drought a lot of the vegetation grew up in those lakes and now that they are filled back up the vegetation is dying in that area and it stinks. I'm assuming it is because of the vegetation and there is not a

leaky line somewhere. I don't know if there is something we need to do to help or if that is just the natural process and it works its way out.

Ms. Trimarco stated unfortunately it is a natural process. The technician warned me that this was going to happen. I can call and ask him to treat it.

Mr. Fennelly asked do they scoop out the vegetation?

Ms. Trimarco responded there will be chemicals put in the water. He is due any day but I will ask him to move it up as much as he can on the schedule.

Mr. Drew stated the issue with the smell at Capital Circle and Blairstone is there is a pressure release valve in the force main that is functioning perfectly well but the side effect is unfortunate. The City of Tallahassee has brought in an odor control specialist and they are going to try to fix that somehow.

#### **D. Manager – Meeting Schedule for Fiscal Year 2008**

Mr. Perry stated included in your agenda package is a proposed meeting schedule for next fiscal year and this is for meetings once a month at 8:30 a.m. on the second Thursday of the month at the Brokaw-McDougall House here. Are there any questions or comments from the board in regard to the proposed schedule?

Ms. Kiracofe stated based on a lot of input we received from some of the constituents of the CDD I would like to see some of these meetings at 5:30 p.m. in Southwood, not late into the evening but at a time when people who say they would like to come after work could come. I have received numerous calls about this.

Mr. Hanstein stated I completely agree. I spoke with Jim over the past couple of weeks. There have been several lengthy conversations on town talk about this and I think we need to look at what we can do. Maybe we should all have a better understanding of why it is here, at least I need to understand why it is here and what are the statutes that require where it can be. We have talked about this but maybe for the public record it is good to get it out there and have a conversation about it.

Mr. Perry stated the statutory requirements require the districts to meet in the county in which they are formed. With this district like several others we have offsite meetings. Typically districts, if they have facilities available, migrate to having onsite meetings. It is not unusual for districts to be offsite. That is the statutory requirement in the county at a public place and this is

a public place. In regards to time, probably 95% of the districts in the State of Florida meet during the day. Approximately 5% that I am aware of meet during the evening. That is pretty consistent with any form of government. With that said it is not unusual to have one, two, three meetings as a night meeting and that is typically in relation to the budget. In looking at the schedule we have here we are required with the change in statutes to provide the board a budget next year before June 15 with the schedule of the June 12<sup>th</sup> meeting that kind of falls in perfectly for a night meeting for the board or early evening at which time we will provide the district a proposed budget which we would look for you to approve at that meeting. That might be one meeting you consider to have as a night meeting.

Mr. Hanstein stated this coming budget meeting has already been noticed here.

Mr. Perry responded right. With that background I think the staff is flexible as far as meeting times and locations.

Mr. Hanstein stated if you look at locations and wanted to have it in the neighborhood there are not too many places. We have the community center, the St. Joe one and that is pretty much it. What would be the rules on the community center if we had it there? Would we have to pay for that? Are we allowed to have it there? Do the homeowner association covenants require that it has to be for some other type of function?

Mr. Crumbaker responded it really depends on the HOA and whether they charge a fee for outside entities to use it. Because they are a private entity they could treat us differently than other parties but it is really up to the HOA.

Mr. Weir stated I am the president of the homeowners association and that building is available for meetings if you choose to do so. There is a fee, it is fairly nominal. I don't know if it falls under the category of public place or not but it is available if you choose to use it.

Mr. Crumbaker stated as long as we can allow access, meaning if there is a gate it would have to be open, so that whenever we had meetings because it is not limited to just people in the community it is anyone.

Mr. Hanstein stated I understand that fee is approximately \$300. It is considerably more than we pay here.

Ms. Kiracofe stated yes but it is for 3 hours of time. I'm sure that could be negotiated with the manager of the HOA.

Mr. Weir stated the only other thing about that particular spot is that it has limited capacity. I think there is a certain number of people that can be in that room and that is it. You need to be aware of that. Possibly outside on the lawn.

Mr. Crumbaker stated the other option we see in other communities is sometimes there is a school or a library.

Mr. Hanstein stated about half the calls and emails I got were they didn't care about the location they cared about the time and the other half didn't care about the time but they cared about the location. I will go on record and say that I think we need to have at least several at a time and place that is convenient for all homeowners so in the neighborhood at night is great. If we move all the meetings to 5:30 p.m. I probably wouldn't be able to make half of them because of family obligations and other obligations for other non profits. I think 90% do it during the day and that is a good time to conduct business and we have other vendors who need to appear here and some who come in from out of town. When does this have to be decided?

Mr. Crumbaker stated by the end of the fiscal year.

Mr. Perry responded we can defer it to our next meeting if you would like.

Mr. Hanstein stated with the understanding that there will be some investigation of other locations and revising the schedule to show at least a couple of meetings in the neighborhood at a later time. Is that something the other supervisors are comfortable with?

Ms. Kiracofe stated I would prefer at least one a quarter at a later time and in the neighborhood.

Mr. Hanstein stated absolutely.

Mr. Fennelly stated the problem with the neighborhood is that any of the facilities that would accommodate a meeting, schools or state office buildings, daytime meetings probably don't work for them because that is when school is in session. The onsite meetings would probably all have to be in the evening.

Mr. Hanstein stated which would make sense because those are the times that people want to come to those. I don't know how many people are going to show up at those but at least we can give them the opportunity to be there and having that budget as one of those I think would be great.

Mr. Greene stated we had one meeting several years ago in the high school in the gym and the acoustics were terrible.

Mr. Fennelly stated I don't have a problem with the dates.

Mr. Hanstein stated I only have one conflict on November 8<sup>th</sup> if you don't mind moving that date.

Mr. Perry stated I guess it is the pleasure of the board to defer this and look at facilities that would be available perhaps on a quarterly basis. When we say onsite I don't know what facilities might be available within 5 miles of Capital Region. What are we talking about?

Mr. Hanstein stated I would like to specify within the boundaries of the CDD for the purposes of this. I think we should be able to find something in there. Somebody suggested talking to Kay Stevenson with Datamax they have an outstanding facility.

Ms. Kiracofe stated it used to be a minimum of \$250.

Mr. Crumbaker stated as long as you allow for open access that meets the requirement.

Mr. Hanstein stated we have had several town talk meetings there that they have allowed us to have at no cost.

Mr. Crumbaker stated we just can't have someone turning back someone who doesn't live in the community or something of that nature.

Mr. Perry stated we will come back to the next meeting with some options.

**TENTH ORDER OF BUSINESS**

**Other Business**

There not being any, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Supervisor's Requests and Audience Comments**

Ms. Kiracofe stated I have one and it came from this latest spate of requests for meeting changes and so forth. I would like us to look into the possibility of having a Capital Region CDD website that lists meeting times, that posts the agendas and post the minutes of previous meetings. In terms of who would host that is that something that your company would do? I know other CDDs do something similar to that. I would like us to explore that possibility.

Mr. Perry responded I had some correspondence with you in regards to this and we do have some districts that we have set up with this and I can give you a proposal in regards to that. I think it is an initial set up fee of \$250 to get the website designed and so forth and get the initial slug of documents on and then it is \$50 or \$100 a month to maintain the site and so forth, which would be posting of those minutes and any of the agendas and so forth.

Mr. Hanstein stated I agree and I think that is part of a larger communication issue that we need to address. The website would certainly help a lot as far as the minutes and any type of other documents. It came to my attention over the last month that there are some communication gaps still in the neighborhood about people understanding what are CDD responsibilities and what are homeowner association responsibilities and who to contact for those things. It happened this past month that some were issues that Toni was able to take care of but some of the requests like why aren't there meetings in the neighborhood and those, I have some question about the appropriate point of contact. Your name was put up there and I don't know if that was the appropriate course of action. I think we probably need to be more proactive about getting something out there that says these are the things we do that we are responsible for and this is who you call and I don't know if we could work this out but it would be great if there was just one number that somebody could call. I hate that homeowners have to figure out my tree is dead, is that a CDD tree, is that an HOA tree, a city tree. They get frustrated that they have to figure out exactly who is responsible for this thing and then they have to make the call. I don't know if it is ever going to be possible. That is why I was asking about your management fee Toni, for GVA. I'm wondering if it wouldn't be appropriate to have GVA kind of filter all CDD related calls to the appropriate person. It might be them or you, it might be the other way around. I don't know if that is part of our contract with you that that number is posted as it is on the TRIM notice and that anything goes to you but of course, you don't want to respond to HOA calls.

Ms. Kiracofe stated the converse of that is our HOA manager is already acting as a filter for that. They take numerous calls and right now they are able to send people to the right place in some capacity.

Mr. Hanstein stated my concern about that is I have not seen that happening in the past month. I almost saw the unfortunate other side of that which was that the HOA side really was saying that is CDD stuff and they need to respond and it wasn't a one stop shop it was more like a sign of frustration or something but it certainly wasn't what I wanted to see in response and town talk is a tough communication method anyway. I don't think it is the best way for people to communicate within the neighborhood. I have gone on record several times to say that because it is anonymous and people can post stuff out there without any recourse you get stuff up there that really isn't appropriate. I would like to see town talk require that your name and email

be posted. In the case where HOA did respond on this I don't know that the response was appropriate. I would like to see better communication. Abe made a comment earlier about coordinating with the HOA and I don't know that we are doing a great job of that now. Bill is here as president of the HOA but I would love to see a representative of the HOA here on a regular basis or that we are meeting with so that we can get some of these issues out.

Mr. Weir stated as president of the HOA I will make sure that Rick Jackley comes to these meetings from now on. He is manager of the HOA and he should be here. One comment on town talk and the comments on town talk: it is not a good medium. I have monitored it since I have been here and I can count on my fingers and toes the number of people who post. We are talking about a very small minority who have the propensity to raise hell but don't show up when you have a meeting. They are not here today. They weren't here two weeks ago when I had a Southwood 101 when they could have asked any questions they wanted to ask. They weren't there at the annual meeting which we held onsite at night. With regard to education you can lead the horse to water and that is as far as you can get it. I think we can do a better job of trying to get that horse to the trough but I think we are doing a pretty fair job of that right now. We are making ourselves very available. The homeowners have to respond as well.

Mr. Hanstein stated I appreciate that Bill. Certainly I completely agree on the grain of salt point. The only other side of that is while there are a few people who post there are a lot of people who read. There is this lurking crowd, while only a few people post it in there I had probably no less than 30 or 40 people told me they read the thread. Just for the purpose of this board there were a couple of threads up there and this is why the communication issue is important to me and I'm learning a lot as this goes on but there were a couple of posts specifically about the CDD up there. Because of sunshine laws I couldn't call Ms. Kiracofe or Mr. Fennelly and say how do we want to resolve this. I do think if we have an SOP in place to deal with issues moving forward and people understand that it will save us some grief later. I do appreciate that if you can communicate with Rick that communication channel needs to be open. We are supposed to be working together.

Mr. Weir stated the same people who contacted you had the opportunity to come ask that question at night and onsite and didn't.

Mr. Hanstein stated I agree with that. I think you addressed my light pole question, I appreciate that. We addressed the meeting times and location. Toni mentioned to me, and it

didn't make this budget, but I requested at the last meeting that we look at putting amenities in the budget and I think we identified some places where we might be able to shave off some of that money where we saw \$40,000 or \$50,000 that was questionable in several cases and I don't know if we are comfortable as a board here to come up with a figure we could put. I would love to see a number in there even if it is a token number for now. We need to put some number in the budget that covers the improvement of the CDD amenities and that would be things like the playground and more ball fields and things like that.

Mr. Drew stated this is not a capital improvement budget. It is operating and maintenance. Are you talking about maintenance dollars for existing places?

Mr. Hanstein responded that is a sticky wicket because is adding a swing set as an example to the playground which already exists a capital expenditure or it is maintenance? We don't have any capital outlay for those things now.

Mr. Perry responded you can designate under the O&M budget a capital line item if you desire for additional items or the option is using bond funds that are capital improvement program funds that are available. Typically, you would have a line item on the O&M budget for additional capital improvements or replacements.

Mr. Hanstein stated the neighborhood has grown a bit since we moved in in 2002 and while the neighborhood has grown I think the amenities haven't really kept up. When I say amenities I'm not talking about a hot tub, just the size of the areas that are available for homeowners and the things they can do for the number of homeowners. I would like to see something in the budget.

Mr. Drew stated the other challenge to that is that a lot of the open space is so designated and because it is designated as open space there are limitations to what you can do within that.

Mr. Hanstein stated some of the suggestions that I have had are actual ball fields, they wouldn't be lighted, they would just be mowed and if you did that you would want to put some benches around the ball fields. I'm talking about a soccer pitch, not putting down dirt for a baseball field and I think that is completely appropriate and the more things we do like that the more attractive the neighborhood is.

Mr. Greene stated I could definitely put in the improvement plan some money for recreational facilities because we have a line item that we did initially.

Ms. Pineiro stated you would have to identify land for something of that nature. Is Central Park and open green space sufficient for throwing a ball around?

Mr. Hanstein responded there have been some discussions and I'm not sure who at St. Joe had these discussions but I know that several homeowners have suggested making actual soccer or something that could be used as a football field. The problem with Central Park is there is no flat land there that you could run out the appropriate space. I think there has been some discussion over the extended pond area that was originally designated.

Mr. Drew stated I have had some discussions with one of the homeowners about the property south of the FSU School. The problem with that is I don't know that I feel comfortable at this point making any plans for that until the stormwater study is done.

Mr. Hanstein responded I completely agree that we don't have to actually identify where these things might be.

Mr. Drew stated shy of that one I think the balance of the open space is either conservation or is restricted to passive use. We are going to be challenged in terms of finding flat land, large tracts of flat land in Southwood.

Mr. Hanstein stated that is one of many possible amenity areas, additional playgrounds and that type of thing. If we decide to put an additional playground anywhere there would be a fairly big capital expenditure. Toni investigated some shade for the current playground and swings.

Ms. Trimarco responded that was right under \$50,000 for both of those items.

Mr. Hanstein stated I would be comfortable with \$100,000 for capital expenditures and upkeep on the current amenities. Just from what I saw I think we can find that just on some questions on what is in the existing budget now.

Ms. Pineiro stated I think we should probably have additional discussions offline with the majority property owner because there needs to be some sort of space identified. You would throw in \$100,000 without identifying which land the improvements would go on?

Mr. Hanstein responded well certainly the current playground which is CDD property I think is the first area. I don't know how big the playground was identified in the original plan for the neighborhood. If it is about as big as it is now or whether there is room to move out there.

Mr. Prado stated that was the original footprint.

Mr. Hanstein asked was that a permitting issue, we couldn't go another 50 feet in any direction on that?

Mr. Prado responded it is one of those things we would have to look at the zoning.

Mr. Hanstein stated we can have that discussion offline. I think that is appropriate it is just before the budget is passed I would like to get something in there that says amenities with a dollar figure that shows the homeowners that we are reinvesting in the neighborhood for things that they want to see.

Mr. Day stated I'm just piggybacking on the comments just shared, active recreation versus the passive park. I think many of us who moved into the community wouldn't care to see soccer goals on the beautiful passive Central Park when so many people have gotten used to its pristine nature. However, again just speaking for myself, while it would be neat to not have to drive to North Meridian each day for athletics I have talked with many of you individually regarding the property that had been conceptually thought about as an active recreation facility and due to new city requirements as you well know much of that land will be taken away but that doesn't take away the demand and need for active recreation facilities and for us to gloss over the fact that many of us moved into the area with the light expectations that active recreation facilities might be nearby someday. While it would be neat for you to consider some active recreation possibilities, having spoken with the city and the county about it they seem unresponsive right now because we represent a minority of the electorate. It is like FDOT time as far as planning for them, they say in the next decade we will address that. I don't know that that is responsive enough for an individual like myself. I think there are a lot of mature adults and young professional and young families living in Southwood and there is the need for active recreation. Since the county and the city seem a little unexcited and that can change hopefully you as district supervisors may consider at least having a strategy for active recreation. There is already a YMCA and other associations already accommodating some of our needs but many of our citizens are having to travel outside of the district for active recreation. As you consider the budget on capital or operations it is a set of priorities as you well know. If you have a line item for amenities or active recreation or something like this it shows you as supervisors have that as a priority. I think it does make sense to make an appropriation for amenities. The idea of site selection is kind of the chicken or the egg situation, do we pick the land or do we pick what we want. It is very easy it seems that picking what we want the site selection will be very narrow as

Mr. Drew pointed out there are zoning issues for other property. We talked about what would be the residual after the stormwater facilities but the acreage might be here. Perhaps our site selection has been done for us. You as supervisors I hope would budget an adequate amount for the staff time or expenses in developing at least a conceptual plan on what our goal would be. Such conceptual plan could be used with the city, with the county, with the state to go after other people's money to finance these kinds of facilities. Without a conceptual plan it will be more difficult to make our case before these other public bodies. I hope you consider putting in a line item for amenities, which will include a conceptual plan for active recreation here in the district.

Ms. Kiracofe asked Brad what level of demand have you determined?

Mr. Day responded clearly my polling numbers have not come in yet. I have only asked friends and neighbors. I had limited contact with the head of the YMCA about the types of teams and Southwood participants. I don't have a measure. Perhaps as part of an amenity evaluation that may be working with the homeowners association we could get some more formal feedback from the residents. That would dictate the demand in a more formal way. You as supervisors have contact with voters and citizens so you may be a better source of that than I am.

Mr. Hanstein stated from being a parent of a child who does a lot of YMCA sports as well as there have been a number of almost fully Southwood populated YMCA teams whether it be tee ball or soccer or flag football, we have always looked for a place to practice within the neighborhood and have the practices locally. Central Park offers a little bit of that but it would be nice to have a more formalized place to do that. That may be a YMCA thing as well and may be something they are working on independently.

Mr. Day stated I think it was contemplated in the original plan. Somewhere along the line it came up. Maybe with the management group they have other CDDs with the level of recreation. That might be a good way to judge too.

Mr. Fennelly stated I understand the stormwater issue down on the south side and looking at residual and all of that, is the proposed use mutually exclusive to stormwater? I know in other communities they will use stormwater areas. It limits the amount of structures you put up.

Mr. Drew asked the grass bottom of a dry retention basin?

Mr. Fennelly responded yes.

Mr. Prado responded it is going to be a dry basin. Theoretically if you wanted to you could. From the standpoint of limitations there is no limiting factor that you can't draw lines on the grass and run around. Obviously, when it is the rainy season you lose it.

Mr. Drew stated if the percolation rates are not high enough then you are going to inundate it and grass is not going to grow there anyway.

Mr. Prado stated there is going to be a constant fluctuation in levels. You wouldn't want to plan practice around that field being available.

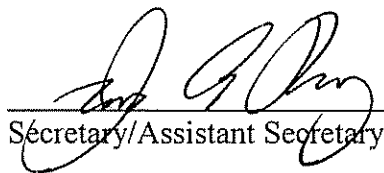
Ms. Kiracofe stated you also have to consider all of the secondary bi-products, parking, restrooms all of those things that go along when you bring people together. That is a strong consideration rather than chalking some lines in the bottom of a basin.

**TWELFTH ORDER OF BUSINESS**

**Next Scheduled Meeting – 9/13/07 at 8:30 a.m. @ Brokaw-McDougall House**

Mr. Perry stated the next meeting is September 13, 2007.

On MOTION by Mr. Drew seconded by Mr. Hanstein with all in favor the meeting adjourned at 10:20 a.m.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman