

**MINUTES OF MEETING  
HEMINGWAY POINT  
COMMUNITY DEVELOPMENT DISTRICT**

A telephone conference meeting of the Board of Supervisors of the Hemingway Point Community Development District was held on Wednesday, October 28, 2020 at 2:00 p.m. It is being held in accordance with the Office of the Governor, Executive Orders authorizing the use of communications media technology, the Board of Supervisors and members of the public may attend and participate in the meeting utilizing the call-in information 1-646-749-3122, Access Code: 713-848-813.

Present and constituting a quorum were:

Anthony Pellicano	Chairman (via teleconference)
Russell Brick	Vice Chairman (via teleconference)
Cheryll Angell	Assistant Secretary (via teleconference)
Carlos Suarez	Assistant Secretary (via teleconference)

Also present were:

Paul Winkeljohn	District Manager (via teleconference)
Scott Cochran	District Counsel (via teleconference)
Roy Spallone	Resident (via teleconference)

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Winkeljohn called the meeting to order and called roll.

**SECOND ORDER OF BUSINESS**

**Approval of the Minutes of the  
September 23, 2020 Meeting**

Mr. Winkeljohn: The minutes from your September meeting were in your packets, and if those are in order, a motion to approve would be appreciated.

On MOTION by Ms. Angell seconded by Mr. Brick with all in favor, the Minutes of the September 23, 2020 Meeting were approved.
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**THIRD ORDER OF BUSINESS**

**Staff Reports**

Mr. Winkeljohn: Not a lot on today's agenda so we're going to start right off with staff report, Scott anything for our friends today?

**A. Attorney**

Mr. Cochran: Nothing too much, I'll just bring you up to date where we're at with the Executive Orders as far as doing the meetings with video conference like we are today. Under the current state of the Orders, the ability to conduct meetings in this way will expire at the end of the month, so that any meeting November 1st or after would have to go back to the normal way, which is that at least a quorum of the Board has to be present in person. We'll see if there is another Order, if it comes out that extends lifting that requirement further, but based on some commentary that accompanied the last Order, extending it, we don't really anticipate that there will be another Order extending it further, so our best guess at this point is that we will be returning to in person meetings starting in November, so that's the update there as far as that goes. So, that's really all I've got specifically to report.

Mr. Winkeljohn: Ok, any questions for Scott?

**B. Engineer**

Mr. Winkeljohn: We have nothing from our engineer today.

**C. CDD Manager – Consideration of Pool Service Contract and Proposal with Bright and Blue Pool & Beach Services**

From the management perspective, my vision and I think I've mentioned it before, in that scenario where we're required to have at least 3 Board members present would be to, at our meeting site have 3 of you, of your willingness to do that, be present and at least one of you with a laptop, and then keep the rest of the meeting virtual, and anyone that wants to join would be able to do so virtually, but staff and the least amount of people in the room as possible. That would be I think the appropriate way to handle it with the proper spacing, and if we wanted to, we could even do it outside potentially, if that were a concern of the Board members. I want to accommodate each of your concerns but that would be my recommendation and that's what I'm seeing other Districts consider at this time. The other thing is you could wait it out, and if you didn't

have any urgent business to conduct you could just wait a month or so, and just wait until perhaps, if the rates are going to go back up and the Governor is going to retract some of these things, that's entirely possible, I doubt it, but it's possible, so that would be another way to look at it. So, it's open for discussion, but that's the input that I'm seeing. No objections to that approach?

Ms. Angell: What do you want us to do? You didn't want us all there at the meeting?

Mr. Winkeljohn: Right, I would ask that anyone who is not comfortable first, and that only 3 Board members be present at the meeting, and to meet the rule, but the other 1 or 2 Board members, in your case you'll have a vacancy to fill, and those people could be virtual. For instance, like Carlos who's out of town frequently that would make an obvious person.

Mr. Pellicano: But if you're comfortable you can come to the meeting, right?

Mr. Winkeljohn: Yes.

Mr. Pellicano: Ok.

Mr. Winkeljohn: But just maximizing the safety factor as best we can.

Ms. Angell: I'm sorry, I had someone knocking at my front door. So, for me, I feel safe wearing the mask, and I mean if somebody could go instead, it's fine with me staying home and doing it on the camera, I don't care, but the thing is we'll all have to wear masks anyway, and we're not going to be sitting close to each other.

Mr. Winkeljohn: Right, and what we can do is when my staff conducts the quorum email, we'll ask what your preference is, and if I don't have a quorum in the room, I'll call one of you and just say, hey, can you go, that kind of thing, but I'll work it out, and if we can't have a quorum, we can't have a quorum. The good news is that it's the time of year when our meetings where mandated actions are behind us for quite a while, so we have that. The statutory requirements for budgets, and accepting audits and things like that, we've already done that, so we're in good shape there, but nonetheless, we'll conduct business the best way we can. The next item I have is really the reason I wanted to hold the meeting today, is the pool contractor. As you know, the last couple of meetings I've reported that they have been nonresponsive. Basically, I've put a dozen phone calls, emails, texts, and had no returned calls, and also noticed that

the pool has stopped being serviced, so my recommendation is to ask the Board by motion to terminate the contract immediately with PSM, and begin to, and what I can do is, we can keep doing week to week service with B&B, and there's no action for the Board for that, and I've gotten another couple of bids I'm trying to bring back to you and I'll bring those back and you can authorize it. The price that I'm getting from B&B is equal or below what you're already paying, so that's the good news there. So, the first thing that I'd ask is a motion to terminate the agreement with PSM Pools.

Mr. Brick: And do we not want to start a contract with B&B or something?

Mr. Winkeljohn: Well you could, I'd like to get a second price just for a number of reasons, the biggest one is that you had B&B when they were under a different manager before, and different account services and they had a problem, so you moved to PSM, so I use them in Homestead, all over Homestead and I've had excellent success with them, but that doesn't mean it's going to work for you guys. They got there, they brought the pool up to standard right away because I didn't want you to get a health violation because they're still inspecting the pool, the State Health Department and should we want to open, I don't want to have to say, we can't open because the pool is not clean, so I took those actions for obvious reasons. We can talk about it, if you want to offer B&B the agreement you can do that. I do remember there are members in your community who are very sensitive to not having multiple quotes, and that might be something we can just be more patient with, and show the multiple quotes before we make a final decision.

Mr. Brick: I just thought if it's the same price we are paying the current contractor, we could just have them do it, but that makes sense, we should always try to get multiple quotes, so I agree with that.

Mr. Winkeljohn: That was my thought.

Ms. Angell: I think we should do that, so we don't have anybody complaining that we just go with one company.

Mr. Winkeljohn: Right.

Mr. Brick: Ok, so I make a motion that we terminate the existing company.

Mr. Winkeljohn: That was a motion from Russ, is there a second?

On MOTION by Mr. Brick seconded by Mr. Suarez with all in favor, authorizing staff to terminate the existing contract with PMS Pools was approved.

Mr. Winkeljohn: And we'll send the proper notification to them. Obviously, they haven't been paid either because as soon as I saw they weren't performing the services, we didn't respond to any of their payment requests which coincidentally all happened about the same time. So, I'm guessing something happened with their business due to the COVID I'm guessing, and I hope they're alright. We did have excellent technical advice from Jason, who was our service provider, but we can't get anything from him now. So, I hope the best for them, but we'll see what happens, in the interim though I'm getting a price to get the fountain running again. They've already shocked the pool and I'll continue on a week to week basis with B&B like I said until I get some other prices back.

Mr. Pellicano: Who's going to be responsible for bringing the pool pumps, I mean the fountain pumps back up and running?

Mr. Winkeljohn: I've asked B&B if they could do it just to get it started, but if you have somebody else that you know of that can do a fountain, it's the same concept as a pool so I thought that made sense to keep it together.

Mr. Pellicano: Well I was thinking about 10 yards of dirt.

Mr. Winkeljohn: Like make it a planter?

Mr. Pellicano: Right.

Mr. Winkeljohn: Well, to me right now, without you putting in a mosquito treatment, it's a petri dish for breeding mosquitoes.

Mr. Pellicano: Right. So, I have a question on that, I looked at the contracts for the other company that you're putting in, they only have on there one fountain, so could we just make sure that, if we do engage in a contract with them that it has two fountains on there, because I don't want to fight over later on, over one fountain not being done, and the other one being done, so that's the only glitch that I saw in the contract that I saw.

Mr. Winkeljohn: I got it, good tip.

Mr. Pellicano: It was actually two fountains with two different things, so I want to make sure it's in the contract the right away so we don't have any more issues with these things.

Mr. Winkeljohn: I can ask Milton for a price to retrofit the large fountain and make it a planter, if you'd like because all you have to do is just add drainage to it basically, and literally what you said, you put in dirt, but you put in a sub-straight that helps with the drainage and planters. In a hotel, I was in the resort business and what we learned to do was actually just put potted plants in there and cover that with mulch, I don't know if those would get stolen, but that's easier when they die, and it's much less expensive to replace them. We did have trouble with somebody stealing our plants before.

Mr. Pellicano: Ok, while we're on the subject, last month we did say that the entrance feature was going to be painted and they were going to start within a week to 10 days, it's now 30 days later and they still haven't started.

Mr. Winkeljohn: Yes, and do you have any wild guesses why, the two step process was one, the repair the company was going to fix, the damages on the corners that needed to be repaired, and then the painter. I've got everything teed up and they just had no dry conditions to do the work. I believe the repair company was going to try to get out there yesterday or today because it finally stopped raining, and as soon as that's done, the painter is going to be a little bit backed up, but he knows we want to be at the top of the list. So, I've been calling and working on it every day and every day it's been we can't go because nothing we do will work with the rain, sorry that didn't work out according to schedule. That was on my list of reports today, but thanks for getting to it, so back to the planter, do you want me to ask Milton for a price for that option and see what it would cost, and if it's something we want to consider?

Mr. Pellicano: Yes, do you have to run sprinklers to that too or no, because how is it going to get any water if it doesn't rain?

Mr. Winkeljohn: Yes, you can put a drip line in it is what you usually use to keep the water minimal.

Mr. Pellicano: Ok.

Mr. Winkeljohn: The other thing I have is the entry to the pool, the credential system, I have the letter drafted to send to the residents, and there's one little online capability I liked that one of my other communities used was, in the letter there's a form that they click in, instead of having them mail in a form and do that, they can do it online, so I'm looking at that option, but I'm pretty close within a few weeks of thinking it's a good idea to go ahead and start that process. We agreed we would just, I have the mailing list of the residents, we'll have an affidavit for those that are not the actual property owner where they get the property owner to certify they are the authorized user per that property, that the appropriate approach I've used in other communities that ties, so you have better control over who uses the pool, that it's not somebody who doesn't even live in the community, so we're pretty much ready in that respect.

Ms. Angell: I have a question, are all your names of the community up to date, do you know?

Mr. Winkeljohn: Well the HOA provided me a list, so that's the most current I would be able to get, anything I have on behalf of the District is a year to two years out of date because it goes off of property records, which are not updated live, they're updated on a cycle, and many times they're not correct. So, the addresses I have absolutely, but the actual owner representative, I have the deeds and I can double check who's on the deed at that time, and if they can send me a warranty deed that changes it, then I update to the new warranty deed. If they're not on the warranty deed, and they're a tenant, they send me the lease, and they have the owner sign away their rights. What we don't want, and I don't think you're going to be wrought with fraud, but I don't want a system that allows that, where somebody who doesn't live in the community gets somebody to sign it for them, and they're using your pool for a party, they might come up with this scheme just to use it for a weekend or something, so we want to do everything we can think of to prevent abuse, or misuse.

Ms. Angell: Ok.

Mr. Winkeljohn: So, that's the update there, so in the next couple of weeks I'll send that around to the chairman and anybody else who wants to look at it, but I want to test the form and make sure that's working correctly before I go live. That is all I have under manager's report.

**D. Property Manager**

There not being any, the next item followed.

**FOURTH ORDER OF BUSINESS      Financial Reports**

**A. Approval of Check Run Summary**

**B. Balance Sheet and Income Statement**

Mr. Winkeljohn: On your agenda are the financial reports, I just want to bring a little bit more attention to today's financials as they are through September 30th, that's the end of your fiscal year. I'm pleased to report that you left the year obviously in a positive, but your cash availability for reserves grew as we hoped it would, without having to raise the assessment last year so that's good stewardship on your part. My memory is not as good as it used to be, but I did have something else, the light at the tot lot by the way, I have that scheduled for replacement, the bulb was ordered, I just forgot to make a note of that, but that's on my hit list of things to do. So back to the financials, each year you have about \$15,000 \$20,000 of discretionary money what I call, which is noncontracted available money that doesn't hurt your reserves next year. We talked about items like playground upgrades, furniture, you've already bought the furniture for the pool, so we bought the fence upgrades to the pool if we wanted to tick that up a little more, or do something else, the plantings around the pool was one of the things on our list, but now that the year is over, I just wanted to bring to your attention that you had an excellent year, and you were still able to conduct those operations.

Mr. Pellicano: So, what do we have in reserve right now, is that this figure on the front page?

Mr. Winkeljohn: It would be a little over \$70,000 in reserves.

Mr. Pellicano: That's outstanding.

Mr. Winkeljohn: Right, and for a District whose total assessment is \$144,000 to be exact, what that means is you're about halfway to what I would say is the ideal, don't touch it reserve, type amount, and what that does for you is in the event of a storm, or a major storm, you're able to pay whatever the market price is to get your community back into shape really quickly, and you're able to maybe have some funds to start replanting. That's the most likely scenario, there are others. In the last few storm events the reimbursement from FEMA has been much less lucrative to put it lightly, so



I'm not advising Districts to expect if they pay for it that it will be reimbursed. Most of the interpretation from FEMA reimbursement has come to the fact that the municipalities and the counties are actually responsible for your cleanup first, so most communities don't want to wait for that, and that's where you come in as a District, you probably would spend your own money to push things out. The property you own is fairly minimal so it wouldn't be terrible, but it's something the District could serve, it's a role you could serve, and that's one of the main reasons for reserves. The other are the obvious infrastructure items that you own, you have a rather substantial entry monument, lighting system, amenity center with a pool, those are all items that have wear and tear and replacement costs, so your reserves should be tied to those responsibilities.

Mr. Pellicano: Do you talk to the engineer on a regular basis?

Mr. Winkeljohn: Juan Alvarez, yes quite a bit.

Mr. Pellicano: Ok, I'd like to know how drastically the stormwater drainage calculation has changed based on all the permeable ground that has been covered that's unauthorized by the residents, and how that affects us.

Mr. Winkeljohn: Right, and that's the immediate reality. I'm laughing because I've been in this business over 30 years and the business is based on storm calculations from over 50 years ago, and I think we all know the storm frequency and the saturation the rainfall has, we've have 400 or 500 year storm events in the last 10 years, so they're no longer 100 year events if they're happening every 5 to 10 years. The South Florida Water Management District knows this, that global calculations for our area are probably, they're wrong, they're out of date, and so the calculations that the properties were permitted under are probably insufficient. So, the corrections of that which is where you're headed, where people start to put in impermeable at things, they basically remove the green space, putting in planters, they put in pavers, which actually push the water, they don't absorb water like natural ground would, they're considered impermeable, patios, and things like that, widening their driveways. Dade County is very good about that calculation and if it's permitted, they're excellent at it, if it's not permitted there's no test. What Juan usually does in other communities where the HOA is active, and this is something to think about in your future, is the HOA gets a cut at

those projects. The CDD would never see it, but once the HOA sees a new pool, or any activity on the property, it goes to our engineer for review, and he will calculate the negative impact and whether it would meet the requirements and hurt us. So, that's absolutely a very timely question on your behalf and a very important one to consider.

Mr. Pellicano: Plus, our storm drains were designed for a specific volume of water, and now that specific volume of water has increased by, I'm going to say a minimum of 30%, that means that all our retention ponds are going to be flooded way longer than they normally would be.

Mr. Winkeljohn: In theory, absolutely, yes and you guys are familiar with how much water is in them during the rainy season. Their volume is many orders of magnitude greater than the minimum requirement often, almost all Florida engineers have a 2 or 3 times factor, and many time 5 to 10 times factor that they use when they calculate, for that reason and for others, just because things happen during a storm where a pipe is crushed and so the redundancy of the system is considered. You all do not have a lake, a true lake on your property, so your storm system really either is retained in those retention areas or transmits outside of your property. Good question, I could ask Juan what he thinks, he and I work on a number of communities that had engineers that didn't do the things I just described, and they flood all the time.

Mr. Pellicano: Right.

Mr. Winkeljohn: The telltale is, are you flooding, and we've had enough rain, we've had an average of almost 2 ½ inches a day for the last 6 or 7 days in a row, and that's a lot of rain obviously. If you had a catastrophic error you would have seen it.

Mr. Suarez: The water from our drain, it doesn't go to that retention pond behind my house.

Mr. Pellicano: That retention pond behind your house is designed for street overflow, that's all it's designed for.

Mr. Winkeljohn: Drainage in your community, there's a couple of factors, but the first one is the roads themselves. The roads themselves are actually calculated to hold say a half inch to a couple of inches of water for a couple hours, until that water drains off the road and goes into the collection system, usually there's a french drain tied to the collection system which means it drains into the groundwater. You have a canal right

next to you, so no matter where the water is going it's going to that level, water seeks its level.

Mr. Suarez: Ok.

Mr. Winkeljohn: And in your community, it either goes through a direct pipe which I don't think it does, I think it's all french drained, which means that there's no pipe, it goes into the ground with a rock system basically. Those are good in one way, and they're very hard to clean and maintain in another way, so that's over the horizon for us, but let me do this for you, for one of our next meetings, is get a little summary of your system from him, and what the maintenance would be because ultimately you will want to start some maintenance on it. When it's under the developer, they block it off with turbidity cloth during construction which keeps it clean, that's what it's for, but once that's all removed and the paving is finished and the road's at it's finished height, now everything is tied together and you'll start to get the runoff and silt into the system, and in the next 3 to 5 years you're going to probably want to start, I usually use about a third of the community every year, so every 3 years your get a full inspection and cleaning of your drains.

Mr. Pellicano: I thought we were direct piped because they buried miles and miles of new sewer pipe all around us that I thought they were connecting to our pipe?

Mr. Winkeljohn: Well, storm pipe and sewer are obviously separate, a lot of the northerners use that term, but here in Florida, storm drain systems are obviously separate, and the sewer is totally Dade County and we don't have anything to do with that, but the storm drain pipe system, and basically the gutters and where those gutters go is our responsibility. In some communities they pipe directly like you just said, to a lake, and at that lake you would be responsible for the lake itself, and the pipe connecting it. In your case, the pipe probably just goes to what's called a french drain, which goes into the water table.

Mr. Pellicano: Right.

Mr. Winkeljohn: Which is an effective way to get a lot of drainage more quickly than a pipe system, but you're at the mercy of the percolation of the ground which you just described earlier in your question, and so you were dead on in that concern. So, the more people that block the grass and the greenways, the less permeable area, and

so the more the water is going to be pushed into areas that can only take so much and so you will, and if everyone went crazy and everybody paved over everything, you would have flooding, but like I said earlier, the county regulates that, but we can get a bite at it usually through the HOA approval process, that's the only way we get included. Again, the CDD, one of the things they weren't given was permitting authority in particularly your case, and without that, you sort of have to invent a way to get in the middle of it. Are there any other questions? So, the main point was on your financials was, congratulations on an excellent fiscal year. Is there a motion to accept the financial reports?

On MOTION by Ms. Angell seconded by Mr. Brick with all in favor, the Check Register and the Balance Sheet and Income Statement were approved.

Mr. Winkeljohn: In your November meeting there's going to be two things in front of you, one of which is the canvassing and certifying the results of your election which is a ballot, and I think there's two people on one ballot and there's a vacancy in the other seat, so the Board will first vote to take the results of the election, whoever wins, and then you will be asked to appoint somebody to the other vacancy. I think you already knew all of that but I just want to remind you that will take place somehow, at wherever we end up having, and how we will have our November meeting. If we have it at the clubhouse, and there's 3 of you there, I'm going to say I'll probably go so that if you appoint somebody, I can swear that person in and so they can conduct business right away, and if I don't go to keep the numbers at a minimum, I'll make sure there's a notary there to do it.

Mr. Pellicano: Yes, so that will take place at our November meeting?

Mr. Winkeljohn: Yes sir.

Mr. Pellicano: Ok.

**FIFTH ORDER OF BUSINESS**

**Supervisors Requests and Audience Comments**

Mr. Winkeljohn: Are there any other Supervisors requests? I would mention that maybe we could, at that meeting have a short resolution thanking Osmay for his service on the Board because he has decided not to run and he won't be holding the office any longer, that might be something we could do to thank him for his service formally.

Mr. Pellicano: Are we talking about like a plaque or something?

Mr. Winkeljohn: I was thinking, we could have the resolution that you all approve thanking him for his service and in the resolution, we can list the greater activities of the District while he was in office. That's an appropriation action I do in most of my communities. So, we can take it up in November, but if you wanted me to prepare that with Scott in advance I would like to know now if you agree with that idea, or if you just want to have Cheryll make him a cake or have a barbeque, I don't know.

Ms. Angell: I really think we should thank him, I mean he did a lot of work on our CDD Board, he really did.

Mr. Pellicano: Sure.

Mr. Winkeljohn: So, if there's no objections, I will draft with Scott a resolution for your vote in November.

Ms. Angell: Yes, for me.

Mr. Pellicano: Sure.

Mr. Winkeljohn: Alright, we'll do that.

**SIXTH ORDER OF BUSINESS**

**Adjournment**

Mr. Winkeljohn: That's all I have, so if you don't have anything else, Tony a motion to adjourn would be welcomed.

Mr. Pellicano: I have just a couple of things I wanted to bring up.

Mr. Winkeljohn: Go ahead, I'm sorry.

Mr. Pellicano: Real quick, I know we mentioned the sidewalks about a thousand times, but have we clarified because the documents that have been emailed, I don't see specifically in there where it says that the county is responsible for the sidewalks, is there a way to verify that?

Mr. Brick: Yes, I wanted you to show me that specifically Paul, because I read that thing pretty closely, I apologize Anthony.

Mr. Pellicano: No, you're good.

Mr. Brick: I spoke to Paul about this a couple of weeks ago, and he was away but I didn't see anywhere whatsoever where that language specifically named Miami-Dade County as responsible, as a matter of fact there's no naming language there at all. As near as I can tell, God is responsible for the sidewalks.

Mr. Pellicano: I agree with Russ, we need to get that clarified like in writing because there's going to be some issues coming down the line here and there's a lot of safety issues with the sidewalks right now, because a lot of the people now have been driving over them and they're all cracking and splitting and some of them are starting to sink, and I know there's a big punch list with these sidewalks that have been going on, we just can't finish it. So, we need to get some kind of answer from the county on whether they're responsible, or we're responsible, or the builders originally are responsible still because the safety issues, I don't know what we're doing with this stuff. I agree with Russ, I didn't see anything in the contract specifically that said or named anybody responsible for anything. I know the engineer said the county is responsible, but I'd like to see it in writing, only because it's going to come back and bite us, and I don't want to see anything come up later on, I don't want Scott to have to do some crazy research for no reason, I think we need to just need to clarify it.

Mr. Winkeljohn: Well the way it's handled is by the plat, and the property that's within the plat was transferred to Miami-Dade County, so if there's a sidewalk inside that legal description or on that drawing which there is, then they're responsible for the sidewalk. If it were transferred to the CDD, it doesn't have to say you own a sidewalk, it just says you own this piece of land, and the piece of land is what includes the improvements. The fact that it doesn't say literally the sidewalks is really second to what was transferred, and what was accepted as a transfer to the county, that's the best I can explain it. If Scott or if anybody else has a better explanation.

Mr. Pellicano: I just need to see it only because we need to get some of this stuff that's been going around for years finished, like I don't like these things that are still lingering, and the same people keep asking me and I keep telling them the same

answer because I don't really have a specific answer, other than the county was responsible but now that I looked at the contracts, I don't know if that's true or not because I can't verify that. So, I'd like to get that at least finalized, the sidewalk issue with the county and maybe the county can just say in an email, ok we're responsible for the sidewalks and then we're good. I don't know how we're going to clarify that because there's a lot of safety issues on these sidewalks and these drainage curves they put in, they're all cracking and some of them are just holding the water, they're just puddling up, they're not going anywhere, and on the corner by my house it doesn't drain anywhere, it just pools up over there. I'd like to get that at least that finalized, if that makes sense. Also, I know I talked to Paul about this, a dead tree on CDD property on the corner, at 253rd and 119th, I asked Paul to see if he could get that removed, it's dead, it's like a Halloween tree without Halloween yet.

Mr. Winkeljohn: Milton said he was going to be there the next day, did he do it yet?

Mr. Pellicano: I'll look tonight when I get out, but I haven't been out there yet.

Mr. Winkeljohn: Ok, because he was asked to do that.

Mr. Pellicano: Ok, it might not be there, I don't know.

Ms. Angell: Where did you say it was?

Mr. Pellicano: It's on 253rd and 119th, right across from Jamie's house, there's a dead tree in that big lot because I think somebody had parked a vehicle or something over there and probably hit it or something, but it's dead, it's been dead for a while, I just want to get it out of there.

Mr. Winkeljohn: Absolutely, and he should have cut that out already.

Mr. Pellicano: Ok, I'll double check tonight and I'll let you know.

Mr. Winkeljohn: Thanks.

Mr. Pellicano: Also, the playground, I know we had talked about opening the playground, but you were waiting on signs or something, can we have that clarified?

Mr. Winkeljohn: Yes, I have the signs, they were I think delivered today, and our maintenance guy will put it on there tomorrow and they'll be opened.

Mr. Pellicano: Ok, I just wanted to make sure that at least I'm following up on this stuff so we can open up some of those things for the residents. The other thing is,

there's a bunch of those grey pipes, and I sent Paul, if you guys don't know because you don't get all that, and I can't send you guys what I send Paul of course. So there's a bunch of grey pipes that are empty, like conduit pipes, that are sticking out of the ground all over the place, there's a couple by the pool, there's a couple on that long stretch in the front, I don't want any kid falling off a skateboard and impaling themselves on these things. They're just empty pipes that need to be cut down to the ground, they've been there since the builder was here, so I need to get those removed, we've been going back and forth with that for a little while too.

Mr. Winkeljohn: Right, and there isn't any going back and forth with that, we got a price from Ortiz our general contractor and if you want me to go ahead and do that, I think we're going to put the same box in there, just like we did, I've authorized it but I wanted to get feedback from FPL that they knew we were going to do this. They didn't respond so I'm going to pull the trigger on that.

Mr. Pellicano: Right, this has been going on for a while with these grey pipes, I don't want a kid to fall because they're high enough that a tall kid can fall off his skateboard and get hit, so we'll get that taken care of, but that's really all I have unless somebody else has anything else.

Mr. Brick: The only thing I want to do is, could we get an update on the pool, because I don't know if there's been questions, and like Cheryll was saying about the Facebook stuff, I think what we should do is direct people, and then when we get updates on the pool to go to our CDD site and read the minutes because it's all in there because Anthony shouldn't have to, every other day, say the same thing on Facebook, so I think that if we could get something right now, that says here's the pool, here's why we can't open the pool, here's what we need to do to open the pool, and then we can just start directing people, if you want to know what it is, go to the CDD site, or read the minutes from the last meeting.

Mr. Winkeljohn: Ok.

Mr. Brick: So, we need to get an update on the pool and where we're at on that.

Mr. Winkeljohn: Well, there's been no rule change that we can accommodate the, and I know we've talked about it at quite a few meetings, and I should have mentioned it. So, there's still no way to monitor attendance without hiring somebody,



and you're not budgeted to hire somebody to do that for any period of time, so your decision was to keep the pool closed. After next week we might get a new set of rules because our meeting is just before the end of the month and usually the day or so after our meeting the Governor issues the next month's Order, so I don't know what he's going to say.

Mr. Suarez: So, for the group, do you guys think it would be worth our while so that people can see it, for us to get a quote on whatever it would be to hire somebody to manage the pool, to go out there and get a quote, have it in the record so if someone says, well how do you know how much it's going to be, or you guys get paid, why can't we pay an attendant, why can't we do this, so Paul is that something you can do for us, go out and get a few quotes? So, when residents see, hey here's what it's going to cost if we get an attendant there, and to maintain and do all the things that has to be done to maintain the pool and have it sanitized, or is there a way we can get a quote for that so we can have that on the record, and then maybe the residents all decide somehow or another that it's something they really want to do, but at least we've done our due diligence to say, hey here's what it's going to cost to open the pool to hire a person to do those things. How does the rest of the group feel about that?

Ms. Angell: Well Carlos, it's more than just the cost of getting a person. Also, we would be required, they would have to make appointments to go into the pool because you're only going to be allowed so many people, and then they're going to be allowed to be in there an hour because this is what other neighborhoods are doing. So, the person that is going to do it has to do a lot of work, it's not going to be cheap because that person is going to be in charge of taking appointments, and telling people that they can't come in because 10:00 a.m. is full with people already. I can see getting a cost, but that person is going to have to do a lot of work because it's more than just letting the people in.

Mr. Suarez: I know, but I think that we would be doing the neighborhood good for people who have the question, and it can be there so we can show people, hey look we can do this, but this is going to be the cost, this is what the potential injuries and taxes for the CDD could be, and all this stuff, at least have it out there so if people are questioning and have all these questions, because I think what we're saying has

probably been as Anthony said on the page multiple times, but yet we still get the same questions and so maybe if there's something that says, well how much is it going to cost, they're going to see that it's not cheap. That's just my thought, I think that it may help reduce some of the questions and concerns a little bit by the residents.

Ms. Angell: I agree with you, I think it's good to get a cost, but they don't realize everything else that person is going to have to do, it's just not hiring a person, and that person is going to say, come on in, everybody come on in, because everybody is not going to be able to do that, they don't want to hear it unfortunately, they don't want to hear that part of it, but I think it's a good idea to see what it does cost. It's going to be expensive, and you're right, we can throw it out to the community and say hey, we'll get it for you if that's what you really want when the pool is going to be let open, but they don't realize what's really going to go on, you just can't go to the pool today and say, hey here I am, you're going to have to make an appointment.

Mr. Pellicano: I agree with Carlos, I think that maybe that we should at least get a quote and I agree with that. I don't know, we need to get those key FOB things working before we even start that project, and I hate to say that but we really need to get that going now because if we open it up and then try to get the key FOB thing going, we're going to have problems. I don't think we're going to be able to open it anytime soon, but we need get the key FOB thing done too, but I don't have a problem getting a price, and I don't know if they're going to listen to it, but you could try.

Ms. Angell: I think getting a price first, we should because then you get your key FOBS, because when people come and say, oh here you're going to let me in the pool, and then we can really tell them, well we have this price per person to be at the pool, and then they're going to say, oh I don't know about that, so I think we should have the price so they can understand it and maybe pass out the paper at the time when they come to get their credentials, we'll have something in writing that we can give them and say, here you can read this.

Mr. Brick: We can email it with the credential FOB, the other thing too is, you know that person is going to have to be certified in water safety, CPR.

Mr. Winkeljohn: Not necessarily Russ, I know that's what a lot of people think, but we've been through this a lot. Your pool does not have a lifeguard, and so a person

coordinating activities in and out of the pool is not expected to be a lifeguard. So, that is not something we would be responsible for, but you want them to be capable, and now you're talking about somebody who has skills, customer service, how to deal with conflict, it's an infrastructure you don't have, so that's where the price is going to be interesting. I have a meeting on Friday with the company that I use for your custodial services, they have the capacity to provide that service, so I'll ask them what their price is Friday. I've already been through it and intuitively I know it would be more than you budgeted but for another month or so, in theory yes you could probably pull it off.

Mr. Brick: Are we going to have to provide that person with a cell phone?

Mr. Winkeljohn: Probably.

Mr. Suarez: That's what I'm saying, let's get a quote where all the stuff that could be so that we know those people with the questions come up, because I think we just saved a little bit when people actually see a number, they're going to be like whoa, that's expensive, or we may be pleasantly surprised, but I think it's going to be more of the whoa.

Ms. Angell: Yes, I think you're right.

Mr. Winkeljohn: Ok, I'm happy to do that, and I can do for your website, a summary of where we are with the pool. I think hopefully, we'll get some relief that they'll, like they just didn't consider pools that don't have staff or offices that are public, it's just not something the county's rules ever considered, our type of pool. The communities I have that have a HOA that uses the pools office as their onsite office, that solves 80% of the problems right there, because you have somebody who can manage the appointments, you have somebody that has a database at their fingertips of the community, and so they can connect the dots and then they're right there on the facility so they can open and close it, they can see what's happening, what's working, what's not, they all plan it, it's quite easy and I'm doing it all over South Florida, Dade and Broward, and it's gone fairly well actually. For you guys, with no onsite facility, look at all the infrastructure I just listed that doesn't exist, so that's really why it's not easy to do for you all. I've got it, we'll see what we can do.

Mr. Brick: One thing, if I could get back to the sidewalks, I made a ton of phone calls and wound up with the director of the construction of maintenance, and I also

wound up with the director of bridges and something or other, but the two entities that are responsible for repairing sidewalks. Now I turned over that information to one of the residents, and the unfortunate scenario here is that the paper I copied it down on, I have no idea where it is because we tore our whole house apart to put in new floors upstairs. So, it's just somewhere, but I just contacted the person I gave the information to, and he's going to send it back to me later, and I will send it to you Anthony, you Carlos, you Cheryll and you Paul when I get it, so that we all can start hammering these guys because the guy, no actually Paul I spoke to you about it, you might remember the guy's name.

Mr. Winkeljohn: Yes, it was Paul Blackwell.

Mr. Brick: Right, Paul Blackwell.

Mr. Winkeljohn: He's the guy that signed the permit off for DR Horton.

Mr. Brick: Right, the guy that told me he had no idea who was responsible for it. So, he gave me a number of another entity which was the bridges and structures, and supposedly they're responsible for sidewalks as well.

Mr. Winkeljohn: Right, the bureaucratic shuffle that the county is well vetted, they shuffle you around and I'm on the county website and you can see clear as day, when you click on any piece of land, the ownership comes up, and unless that land is the county's and your roads and sidewalks, they don't open up. So you see what I'm saying, it's got to be owned by somebody and if it isn't showing ownership, it's the county, so that's one way to prove it to yourselves, but I'll try to figure out a way to document it, I don't know how other than with a plat and the transfer of the plat. The way they sell property is they draw a big circle or square or whatever, an outline of the project and then they parcel or put folios on each piece of land, the remaining pieces were transferred to the county, and that included sidewalks and roads. I don't know Scott, maybe if you have any ideas on how to prove that the way they've asked, we can talk about that later, but if you have any suggestions.

Mr. Cochran: Yes, and I think maybe either Juan or you, or the 3 of us, between the 3 of us I think, like you said, it's probably a matter of just putting on paper the change from the plat what the reference is to the books and page numbers of the plats and things like that. Again, that's if they're denying it or if they won't recognize it in

writing, I remember there was way back, I think when this issue kind of first came to our attention about the bond being issued at least, I thought that somebody at the county took the position that it was the District's responsibility to maintain and Juan wrote them back and said, no it's not it's your responsibility, and what are you relying on in claiming that it's our responsibility, and I never saw any follow up to that from the county, I never saw any response to that from the county, so maybe it's a matter of picking up where that left off, or just having Juan or I can do it, create that change just showing from plat to conveyance to whatever because of those things, the county is responsible. That's the way I would know to go about it, but it might be easiest for Juan, I don't know.

Mr. Winkeljohn: Right, and the front entrance is a good example to clarify, that is actually county land as well, but there was a maintenance agreement adopted at the time of the permit that spelled out the front entrance as a responsibility of the District and that was an agreement between the initial developer, but there's no agreement for roads, or sidewalks, there never was, and there never has been. So, it's very convenient situation for them to doc, but we'll have to figure out a way, and when you look on the site, your front entrance, the wall in the front is a property of the District, it's got a folio number, it's got everything just like a property, but the roads and the front entrance do not, so it's a strange bird but we'll work with you to get to that next step. Any other questions?

Ms. Angell: I have a question, but not about that, can I go back on something?

Mr. Winkeljohn: Yes, anything.

Ms. Angell: You were talking about the dead tree for Milton to take down, the question I have is, are we paying him something extra to take that tree down or is it in his amount of money that we pay him?

Mr. Winkeljohn: Technically it would be an extra but it's such a small 2" around tree, I mean it's just part of maintenance for him to just cut it off at the ground, I'm sure he won't charge us.

Ms. Angell: Ok, and he knows how big it is?

Mr. Winkeljohn: Yes, it's really little.

Ms. Angell: I'm sorry?

Mr. Winkeljohn: It's very little.

Ms. Angell: Ok.

Mr. Brick: Is there a dead tree in front of the pool as well?

Ms. Angell: I don't know.

Mr. Pellicano: No, I didn't see that Russ.

Mr. Brick: Ok.

Mr. Winkeljohn: Let me know and we'll put it on the list of to do, but I know he was there, I don't remember what his service day was, but what day did you send that to me Tony, was it Sunday?

Mr. Pellicano: Yes, something like that, it was around Sunday.

Mr. Winkeljohn: I think his maintenance day was yesterday, so did anybody see him cutting, that would narrow it down, but he was supposed to be there this week.

Mr. Pellicano: I'll take a look at it tonight and let you know.

Mr. Winkeljohn: Ok, thanks.

Ms. Angell: Well I can ask him tomorrow, he's coming tomorrow to my house to do some work.

Mr. Winkeljohn: Alright.

Mr. Brick: You know I have a relative question, we're not going bear any kind of responsibility to anyone whatsoever to all of these people that are taking down all the legacy trees in the development?

Mr. Winkeljohn: Right, and we've talked about that a few times. Again, those trees are in the county right-of-way but when they're planted as part of the master plan, usually the associations is assigned with the responsibility of maintaining the look of the community, if you will, so a homeowner association often has that responsibility and in your case it's the individual resident's responsibility, and in theory the county could say the street trees are missing from in front of your property, you must replace them.

Mr. Brick: Actually, the ones I'm talking about are the royal palms and the black olives that were put there by DERM in the berm behind my house and all the properties on 119th Avenue. People are taking down those trees.

Mr. Pellicano: Is that your backyard Russ?

Mr. Brick: Yes.

Mr. Pellicano: Ok.

Mr. Brick: Our backyard has a berm in it, so if the water stays in my property and the water from their property doesn't run into the property in the development behind us. All of the yards along 119th Avenue have that berm and they all have legacy trees, royal palms, black olives, trees you are not allowed to remove, and people are taking them down literally left and right.

Mr. Winkeljohn: Right, so I'm looking at that and those trees are within your "property line" and so if there's a violation it would be issued against that property owner.

Mr. Brick: Perfect, that's all I need to know.

Ms. Angell: Are you talking about trees in their own yard?

Mr. Winkeljohn: Yes, in your own yard.

Ms. Angell: Because I've had coconut trees taken down from my backyard and I was allowed to, because I called the county. I could take those coconut trees down without a problem because it was on my property. The black olive tree, I had to measure it, what the trunk was because the lady was on the phone, I took the measurement for her, and it's so many inches up from the ground and everything and it was a small black olive tree and I was allowed to take it down, she had said no problem, so that's why I have no trees in my backyard. I mean I'm getting some tiny palm trees put in tomorrow, but I wanted all those big trees out of there, but I had to measure and I did all that and she had said, take everything down, it's your property and everything was approved to do it. So, if people are checking with her, so they said it was your backyard and you can do what you want with the coconut trees, you didn't have to ask anything about that, but the black olive I had to measure the trunk.

Mr. Winkeljohn: Right, and I can see a couple of people took them out and put pools in, and the person, I don't know the name of the community to your south, but there are houses that are adjacent where there's supposed to be a berm and bunch of trees and they're both missing. The enforcement of stuff like that, who knows, if you complain a lot about it and somebody turns them in, so to speak, then there could be a community-wide enforcement of it. I haven't seen that happen, I mean I don't live there so I don't know how active they are in your area, but in theory, whoever lives on that property is responsible.

Mr. Brick: As long as it doesn't fall back on us, I guess I don't care.

Mr. Winkeljohn: Definitely not District, yes 100%, nothing to do with the District.

Mr. Brick: Good, ok.

Ms. Angell: Our HOA would have to do things and since we really don't have one, you can do whatever you want.

Mr. Winkeljohn: The HOA would have to have a rule in place first, and then they would be an entity that could enforce it, and whether they would or not is a whole other conversation.

Ms. Angell: We do anything, we have no HOA.

Mr. Winkeljohn: Right, and the street trees in the driveway history, those are going to rear their head one day, the back one I don't know about.

Mr. Pellicano: Let me clarify that, so the management company has sent letters and all those ones that have taken out the front swale trees, and I know it's not CDD stuff but since it's been brought up, the pavers, the water fountains, and I know what water fountain you're talking about, all the stuff has already been sent to the management company, letters are sent, fines are being set and the ones that aren't compliant are getting sent to the attorney's office. So, all that stuff is being worked on, it's just unfortunately there's a process from Miami-Dade and the HOA system that we have to follow, it just takes forever, so that's the best I can tell you, that's on the HOA stuff.

Mr. Winkeljohn: Ok, understood. So, we'll tackle what we can one step at a time. Any other comments or questions for the District? Alright, I have a few things to work on for you all and we'll keep you informed, and with nothing else we just need a motion to adjourn.

On MOTION by Ms. Angell seconded by Mr. Suarez with all in favor, the Meeting was adjourned.

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman