

MINUTES OF MEETING
CHAMPIONSGATE COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the ChampionsGate Community Development District was held Tuesday, August 19, 2013 at 2:00 p.m. at the offices of RIDA Development, 8390 ChampionsGate Boulevard, Suite 104, ChampionsGate, Florida.

Present and constituting a quorum were:

Dennis Smeltz	Chairman
Ron Root	Vice Chairman
Thaddeus Kallini	Assistant Secretary
Phillip Montalvo	Assistant Secretary
John Lambert	Assistant Secretary

Also present were:

George Flint	District Manager
Scott Clark	District Counsel
Mark Vincutonis	District Engineer
Yvonne Shouey	RIDA Development
Marc Reicher	RIDA Development
Ariel Lovera	GMS
Teresa Viscarra	GMS
Joedel Zaballero	Osceola County
Mary King	Resident

FIRST ORDER OF BUSINESS

Roll Call

Mr. Flint called the meeting to order.

SECOND ORDER OF BUSINESS

Approval of the Minutes of the May 20, 2013 Meeting

Mr. Flint stated the next item is approval of the minutes of the May 20, 2013 meeting. Those were provided to you in your agenda packet. Are there any additions, deletions or corrections to those?

There not being any,

On MOTION by Mr. Root seconded by Mr. Smeltz with all in favor the minutes of the May 20, 2013 meeting were approved as presented.

THIRD ORDER OF BUSINESS

Discussion of Options to Reduce Heavy Traffic Flow on District Roads

Mr. Flint stated the next item is a discussion of options to reduce heavy traffic flow on District roads. This is an item that was brought up at the last meeting and I think Yvonne contacted Joedel Zaballero, traffic engineer for Osceola County. Ms. Zaballero was invited to a meeting to talk with the Board about your concerns regarding traffic on ChampionsGate Boulevard and whether there are any options for the District to reduce heavy traffic on that road.

The Board and staff outlined problems with the speed and impact of cut through traffic of cars and trucks and felt that truck traffic to be the most damaging to the roadways and suggested better signage and possibly flashers to slow down the traffic.

Ms. Zaballero suggested the following: Ask our county engineer to see if he would be willing to be entertain a no truck traffic or no through traffic. Will have her staff come out and take a look to do some quick counts to how fast they are actually travelling. Will look at options to help slow down traffic. We will do classification counts to see what the truck percentages are when your peaks are. It may be that your selective enforcement is based on time of day we may be able to tell you, you need make sure you have people out here from a certain time to a certain time. Portable flashing speed indicators are probably \$26,000 per location and are used in school zones and it makes people more aware. I would hesitate with flashers because people tend to not start seeing it anymore but because you have speed limits that are varying based on everyone else's speed they get more conscious of how fast they are going. A flasher tied to signals so that when it is about to turn red it will flash to say red light ahead.

FOURTH ORDER OF BUSINESS

Ratification of Proposal from All States Lighting, Inc. to Install Replacement Light Pole

Mr. Flint stated the next item is ratification of proposal from All States Lighting, Inc. to replace a light pole that was damaged by a vehicle that knocked it over. The cost of replacing it was \$8,395 we had to authorize it in advance of the Board meeting so I'm asking the Board's consideration in ratifying this proposal based on the dollar amount. We did file it with insurance

we have a \$5,000 deductible but we are getting a check for \$3,395 and it was mailed at the end of last week.

Ms. Shouey stated I have called the highway patrol to get the owners name but they have never responded.

On MOTION by Mr. Montalvo seconded by Mr. Kallini with all in favor the proposal from All States Lighting to install replacement light pole in the amount of \$8,395 was ratified.

FIFTH ORDER OF BUSINESS

Consideration of Proposal from Control Specialists to Install Flashing Beacon Light

Mr. Flint stated next is consideration of a proposal from Control Specialists to install a flashing beacon light in response to the Board's request.

Ms. Shouey stated it is already up and it just needs to be ratified too because you told me to go ahead with it.

On MOTION by Mr. Lambert seconded by Mr. Smeltz with all in favor the proposal from Control Specialists to install the flashing beacon light was ratified.

SIXTH ORDER OF BUSINESS

Consideration of Proposals from Patterson Well Drilling Co. to Abandon and Replace Well on Masters Boulevard

Mr. Flint stated the next item deals with the installation of a 4" well.

Ms. Shouey stated the proposal is to dig the new well, abandon the old well was \$10,400.

On MOTION by Mr. Root seconded by Mr. Lambert with all in favor the proposal from Patterson Well Drilling Co. to abandon and replace well on Masters Boulevard in the amount of \$10,400 was approved.

SEVENTH ORDER OF BUSINESS

Contract Renewals

A. Consideration of On-Site Management Agreement

Mr. Flint stated there are two agreements that need renewals. The first one is for on-site management with RIDA Associates and the second one is your landscape contract. The original

agreement with RIDA was a one-year agreement and it could be extended four additional one year periods. We are coming up on the end of the second year, October 1 would be the beginning of the third year and there is a slight modification to the scope and cost as indicated in the letter that Yvonne included in the agenda package.

Ms. Shouey stated since Weber does the banks on I-4 now, which used to take two of my guys three days to do we reduced the man hours.

Mr. Flint stated you reduced it 24 hours a month for a total of \$696 a month. The recommendation would be if the Board wants to extend the agreement that you direct the attorney to prepare an addendum extending it for one year based on the new dollar amount and scope rather than voting for the entire agreement again. If you did this you may want to change some of the terms and other things but the easy way would be to authorize an addendum extending it for one year per the original agreement.

On MOTION by Mr. Montalvo seconded by Mr. Root with all in favor District Counsel was authorized to prepare an addendum to the onsite management agreement based on the new dollar amount and scope.

B. Consideration of Landscape Maintenance Agreement

Mr. Flint stated next is to extend the agreement with Weber for the landscape maintenance agreement. They have agreed to hold their price so this would extend their contract for an additional year. This is just an amendment the original agreement stays in tact and the terms this would just extend the term of it. The original agreement contemplated extensions of the agreement but it needs to be done in writing so we prepared the amendment.

Mr. Reicher stated our observation as someone who manages this contract is that they are very proactive. The head guy for Weber spends significant time in this office with us coordinating proactive projects and I think they are doing a very nice job. They are not looking to walk away any time soon.

On MOTION by Mr. Kallini seconded by Mr. Lambert with all in favor renewal of the landscape maintenance agreement was approved.

EIGHTH ORDER OF BUSINESS

Public Hearing

A. Consideration of Resolution 2013-03 Adopting the Fiscal Year 2014 Budget and Relating to the Annual Appropriations

Mr. Flint stated next is a public hearing to consider the adoption of the Fiscal Year 2014 budget and impose assessments for Fiscal Year 2014. We have included Resolution 2013-03 in your agenda. The Board previously approved a proposed budget and set the date place and time for today for final consideration of the annual budget. The resolution would approve that budget, which is attached as Exhibit A. Ariel Lovera and Teresa Viscarra from the District Manager's office who were involved with the preparation of the budget and financials are here if the Board has any questions. It is based on the assessments remaining the same as they were in the current year.

Mr. Montalvo asked what happens in 2020 when the bonds are retired?

Mr. Flint responded the debt assessment goes away and the O&M assessment remains because the District still has the obligation to maintain what was constructed. The District is still in place, the operating and maintenance assessment will be in place but the debt assessment portion that goes on the tax bill will go away.

This is a public hearing and I will ask if there are any members of the public who would like to provide comment at this time. Hearing none, we will bring it back to the Board for discussion and consideration of the resolution.

On MOTION by Mr. Root seconded by Mr. Smeltz with all in favor Resolution 2013-03 was approved.

B. Consideration of Resolution 2013-04 Imposing Special Assessments and Certifying an Assessment Roll

Mr. Flint stated that brings us to Resolution 2013-04, which imposes the annual operating and maintenance assessments. There are two exhibits that are attached to that resolution, one is the assessment roll, which would be certified to the county for collection and also the budget you just approved based on the 2013-03 resolution.

It is a public hearing so I will ask if there are any members of the public who would like to provide comment on the annual assessment resolution. Hearing none, I will bring it back to the Board for consideration of the resolution.

On MOTION by Mr. Kallini seconded by Mr. Smeltz with all in favor Resolution 2013-04 was approved.

Mr. Flint stated we will close the public hearing.

NINTH ORDER OF BUSINESS

**Consideration of Resolution 2013-05
Amending the Fiscal Year 2013 Budget**

Mr. Flint stated the next item is consideration of Resolution 2013-05 amending the Fiscal Year 2013 budget. Any time the District is projected to exceed its total budget that is the control level on the budget if the total expenses are going to exceed the total expenditure budget the District has to amend the budget within 60 days of the end of the fiscal year. Because we meet on an as needed basis we weren't sure if there was going to be another meeting within 60 days of the end of the fiscal year so we brought forward a proposed amendment to the current year budget, which would increase the expenditures primarily due to the road project. We recognized in the past we have not appropriated the carry forward surplus it has been on the balance sheet but we haven't appropriated it and this amendment recognizes \$461,785 of carry forward surplus and then you can see on the expenditure side we have capital expenses and a transfer out.

Ms. Viscarra outlined the budget line items that have been increased to match the expenses in the current year budget most of which were due to a one-time expense.

On MOTION by Mr. Montalvo seconded by Mr. Kallini with all in favor Resolution 2013-05 was approved.

TENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There not being any, the next item followed.

B. Engineer

i. Ratification of Pay Requests for ChampionsGate Boulevard Renewal & Replacement Project

Mr. Vincutonis stated we have two pay requests from Jr. Davis for May in the amount of \$13,243.50 and June for \$87,469.83. We are actually sitting on the July invoice. We approve these invoices.

Mr. Root asked is the contract on time or is there liquidated damages?

There were some setbacks and we are about 30 days over the project completion time. They are late mainly due to ordering the pavers and not allowing enough time to get them. Overall I think they did a good job.

On MOTION by Mr. Root seconded by Mr. Smeltz with all in favor pay requests for ChampionsGate Boulevard renewal and replacement project as outlined above were ratified.
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ii. Update on Status of ChampionsGate Boulevard Renewal & Replacement Project

Mr. Vincutonis stated a follow-up on the pavement, there might be a third and final and maybe a fourth for retainage. Given the scheduling of the meetings do you want to discuss administratively trying to approve those or do those need to come back before the Board at some point?

Mr. Flint stated these have been processed we didn't hold them for the Board meeting and basically the Board is ratifying these at the meeting. You are certifying that the work is complete and it wouldn't be fair to hold the contractor up for a Board meeting to get compensated.

Mr. Clark stated the Board should decide the issue of the delay. We talked about it but you haven't yet been presented with an invoice that requires you to either impose or not impose that and that invoice is probably going to come before we meet again. I will make a comment that my last delayed damage expert in trial charged \$20,000 for his testimony if it gives the Board any perspective.

Mr. Root stated if the Engineer is comfortable that the work has been completed satisfactorily I don't know what action the Board has to take to ensure there is timely payment but if that requires a motion let's do it.

Mr. Clark stated if you are going to not enforce the delay clause in the contract you need to take Board action to tell staff not to do that.

Mr. Root stated I don't see where there was any real harm to the project or any adverse impact that I could see. I would not favor chasing that and move that we simply waive that part on the delay.

Mr. Kallini stated it actually slowed traffic down a little bit longer.

On MOTION by Mr. Montalvo seconded by Mr. Kallini with all in favor the liquidated damages were waived in the paving contract.

C. Manager

i. Approval of Check Register

Mr. Flint stated you have the check run summary from May 13th through August 12th general fund checks 3267 through 3326, capital reserve checks 1-5 and payroll register from your May meeting and the total is \$717,563.84. The detailed register is contained behind that summary. You can see there are several large checks for example one for \$429,000 check that moved the money to the capital reserves. We have to physically write a check from the general fund to the reserve fund to move that money and you can see that evidenced there. There are likely some checks in here for tax receipts and we have to move money to the debt service fund.

On MOTION by Mr. Smeltz seconded by Mr. Montalvo with all in favor the check register was approved.

ii. Balance Sheet and Income Statement

Mr. Flint stated you also have the balance sheet and income statement through July 31st. There is no action required by the Board if the Board has any questions we can discuss those.

iii. Approval of Fiscal Year 2014 Meeting Schedule

Mr. Flint stated you also need to approve an annual meeting schedule. In the past the Board has adopted a noticed indicating that it would meet on an as needed basis. You can choose to do that again. I put in a notice that would accomplish that or if you want to set specific dates and times you can do that as well.

On MOTION by Mr. Smeltz seconded by Mr. Kallini with all in favor the Board will meet on an as needed basis in Fiscal Year 2014.

Mr. Root stated the new flood maps that came out have parts of ChampionsGate or parts of Bella Trae now in a flood zone.

Mr. Vincutonis stated that has happened in several other communities. When the new maps were being drafted the county had a couple public viewings for those new maps. I think they sent out letters to residents that were going to be impacted. I don't know if anyone here was notified.

Mr. Smeltz stated yes, Bank of America said you are now in a flood plain and they needed insurance coverage, flood insurance to cover the mortgage and I got a second one that they wanted flood insurance to cover four times the mortgage. I sent the information to LOMR that it was approved in 2006 with some information that Jody provided, he called FEMA and they said they could request that be reinstated again and Bank of America came back and said you are not in the flood zone so you are okay.

Mr. Montalvo stated revalidating your LOMR is really the key to that. Everything has been done and we have the documentation in there to have it taken care of but the concern is if it doesn't come back we have many homes at least in the Bella Trae area that are in a flood zone and I don't know how it is going to affect the rest of ChampionsGate itself or any other development.

Mr. Root stated the biggest concern is when people come in and try to finance there is going to be an issue. It could possibly deter some people and if it spreads throughout ChampionsGate it is going to have a negative affect. If there is anything you can think of that can be done to help avoid that or get this documentation.

Mr. Vincutonis stated keeping those LOMR handy is the first step. Carlos Castro at the county is the flood plain manager unfortunately he doesn't have a large staff helping him so I think he has been overwhelmed. He was overseeing the public outreach on that. There were a lot of people who were outside the flood plain who are now in it, the maps have changed. A lot of the old LOMRs that were filed in the 1980's and 1990's removal of those properties were not reflected on the new maps so the county was asking people to protest and submit a form to the county and the county was compiling those protests on behalf of the residents of the county. The county and Carlos would be submitting this to FEMA and that is when a lot of these new validations came back. I'm not sure what step in the process was missed with Bella Trae or

some of ChampionsGate with Carlos but he would be a good point of contact to let him you are working on that and are trying to revalidate your LOMR.

Mr. Smeltz stated the amazing thing was all the flood plain stuff every development project I have been associated with that had a flood plain the developer spent the money to have flood plain survey and it was not even close to what FEMA had it down for.

Mr. Vincutonis stated their maps don't always make sense. Its based on old data.

Ms. Shouey stated I went to a meeting with FEMA not that long ago and they told me there was no flood zone in ChampionsGate at all. This is about six months ago when I went to that meeting.

Mr. Flint asked are you handling it through your HOA?

Mr. Vincutonis responded that is the first step we are going through to get that corrected. I was looking to see if there was any other information that we could utilize like Carlos for instance. I'm not sure if Jody has already contacted Carlos.

Ms. Shouey stated I'm going to try to get it for all of ChampionsGate just because we still have so much land.

TWELFTH ORDER OF BUSINESS Supervisor's Requests

There not being any, the next item followed.


THIRTEENTH ORDER OF BUSINESS Audience Comments

There not being any, the next item followed.

FOURTEENTH ORDER OF BUSINESS Next Meeting Date

Mr. Flint stated we can contact the Board as it is needed. At this point there is no date set. As business arises we can contact the Board and coordinate a meeting date.

On MOTION by Mr. Smeltz seconded by Mr. Lambert with all in favor the meeting adjourned at 3:20 p.m.



Secretary/Assistant Secretary



Chairman/Vice Chairman