

MINUTES OF MEETING  
CHAMPIONSGATE  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the ChampionsGate Community Development District was held Tuesday, December 11, 2018 at 2:00 p.m. at the offices of RIDA Development, 8390 ChampionsGate Boulevard, Suite 104, ChampionsGate, Florida.

Present and constituting a quorum were:

Phillip Montalvo	Chairman by phone
John Lambert	Vice Chairman
Ron Root	Assistant Secretary
Darin Tennyson	Assistant Secretary

Also present were:

Jill Burns	District Manager
Scott Clark	District Counsel
Mark Vincutonis	District Engineer
Yvonne Shouey	RIDA Development
Marc Reicher	RIDA Development

**FIRST ORDER OF BUSINESS**

**Roll Call**

Ms. Burns called the meeting to order at 2:05 p.m. and called the roll.

Ms. Burns being a Notary Public of the State of Florida administered the Oath of Office to Mr. Root.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Organizational Matters**

- A. Appointment of Individual to Fill Vacancy in Seat #3 with a Term Ending November 2022**

On MOTION by Mr. Lambert seconded by Mr. Tennyson with all in favor a vacancy was declared for seat 3.
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On MOTION by Mr. Root seconded by Mr. Montalvo with all in favor Peter Juliano was appointed to fill the vacancy in Seat #3.

Mr. Root stated I will forward his information to you so that you can contact him. He has a strong interest in the community and the CDD.

Mr. Clark stated if he declines, we will put it back on the agenda and address it at the next meeting.

**B. Administration of Oaths of Office to Newly Elected/Appointed Board Members**

**C. Consideration of Resolution 2019-03 Electing Officers**

On MOTION by Mr. Root seconded by Mr. Tennyson with all in favor Resolution 2019-03 was approved reflecting the following officers: Phillip Montalvo Chairman, John Lambert Vice Chair, George Flint Secretary, Ariel Lovera Treasurer, Yvonne Shouey Assistant Treasurer, Darin Tennyson, Ron Root and Peter Juliano Assistant Secretaries.

**FOURTH ORDER OF BUSINESS**

**Approval of the Minutes of the October 19, 2018 Meeting**

On MOTION by Mr. Lambert seconded by Mr. Root with all in favor the minutes of the October 19, 2018 meeting were approved as presented.

**FIFTH ORDER OF BUSINESS**

**Discussion of Poblocki Sign Company Correspondence and Monument Signage**

Mr. Clark stated this has been an ongoing issue for the Board and at your last meeting you directed me to write a letter, which I did, expressing the Board's dissatisfaction and the Board declined to accept the work. I received a response letter indicating that they wanted to talk to us about it. I think there have been two or more phone conversations the result of which is I wrote them again and indicated that we would be meeting today and asked that by last Thursday he present a proposal for consideration by the Board. I also asked him not to do any work prior to the Board agreeing on how we were going to move forward. I'm a little surprised that he is not here.

Mr. Reicher asked what are we trying to get him to do?

Mr. Clark stated there were really nice renderings of what the signs would look like and they don't look like that. There were some changes in materials because of things that happened on the job site. From there the discussion was open, obviously, if he can do what we want to have and what the Board approved and what is in the contract, that is fine, but I understood that he had trouble producing that because certain things didn't adhere or weren't really correct.

Mr. Reicher asked what do we want him to do now? What is going to make us satisfied?

Mr. Lambert stated personally I don't think they represent ChampionsGate, to me it looks cheap in comparison to what we initially talked about.

Mr. Reicher: What remedial action do you think he can take? I agree with your statement, but he is filling in cracks and cleaning up where he was sloppy. Inside those cabinets when they are lit, light bleeds out between the metal fabrication and the actual sign. It is super sloppy there at night. Should we make a request for remediation specifically or how do we resolve this?

Mr. Lambert stated my thought is to go back and ask him to provide what we requested.

Ms. Shouey stated I have a rendering and it looks kind of like this but not totally. I was shocked when I saw this.

Mr. Lambert stated what I thought after listening to the presentation was he was going to use the base and build on that, more or less take it down and build from that point, not take a piece of structure and place it on top of what was already there. It is not properly sized to take up the base it is hanging on but if you did that it would protrude even further.

Mr. Reicher stated if we are talking about things we can do to enhance it, because it is there and I'm not saying this is not the ultimate fix, but my expectation when we were going to rehab it, is that it was going to look more like the signs in downtown ChampionsGate, which have that faux stone running along the bottom and it fills in some of that negative boring green space and I think it would make it look like the cabinet isn't hanging over. That might change the scale enough at the bottom it would absorb some of that stuff and give it more balance instead of these faux rock structures, the hanging thing and painted green base. I don't know if that would satisfy it but in the places it hangs over you could do an EIFS treatment top make that gradient look more natural and less of a hanging over thing in the green area then cover that with a compound and spray that green so it had a little more contour to it that was a little thicker. I'm not a sign guy but I'm very visual and we do a lot of this stuff and I'm offering that up as a

possible suggestion on how we could mitigate what we have. I was in some of the Board meetings and we did agree to retro the signs, but I don't think they delivered the standard we thought it was going to be.

Mr. Root asked do you remember what the contract price was?

Ms. Burns stated \$121,000.

Mr. Clark stated our pathway is that we are going to get what we can get from them and then move on or we are going to say we don't accept it give us our deposit back and then we are going to litigate or we come up with a fix, which may cost us some more money. What you are describing is more than what the project was but maybe now that we all see it we would say this is what it is going to take and come up with a design that we agree with and a price if there is a price for it. If you do a stone feature that is outside of what the project was.

Mr. Reicher stated I don't disagree with that and maybe to avoid litigation on his side he says I can do this for this price. I'm just trying to get us to a solution, which is why I'm proposing that.

Mr. Clark stated I think that is smart.

Mr. Montalvo asked are we asking them to come with a rendition to modify the bottom base and make it look like stone to see if that is acceptable to us? Is that what we are talking about?

Mr. Reicher stated it is just a thought; I'm not recommending anything. I'm throwing it out there for discussion.

Mr. Montalvo stated that sounds reasonable to me. I think if we are going to get into a shoving contest on this we are either going to go to the mat and wait two or three years until we can get it done or we can try to come up with a solution. If he can modify it and do a rendition and we can put conditions on it such as getting competent contractors to do it that would be my view. He did all the work himself and we have to make sure that whoever does this remediation work does it correctly and it will take a competent contractor to do that.

Mr. Root asked at whose expense do we do this? It looks tacky the way it is but there isn't a lot of detail in these workups. Do we go back to this company and say we want something like Marc has described or do we just ask him to do the touchups and hire it out to someone else?

Mr. Clark asked if you ask him to do the touchups then you need to negotiate a discount in price. Currently we gave him a deposit of about \$35,000 so he is owed the balance of the

money. If you want to have someone else come in behind him and try to dress it up we need to figure out what that is going to cost and negotiate a buyout here.

Mr. Reicher stated Phil, I hear what you are saying but Poblocki is a big company it just seems like the whole process was a little off in terms of the installation.

Mr. Montalvo stated I personally talked to his boss in North Carolina in the very beginning when he had a deadline of getting it done in two weeks he assured me that it would be done in two weeks.

Mr. Lambert stated the signs that look the worse are the big signs. What if we targeted those signs for them to do some kind of rework as far as the design is concerned because the small signs don't look so bad.

Mr. Reicher stated the depth bothers me the most. He told us what the dimension was going to be in his proposal. To me where we were almost surprised is the overhang and how unfinished they look on the bottom and my expectation was that we were going to model after the ones from downtown ChampionsGate because we were so happy with that upgrade and that is how we started the whole discussion. I don't know that going away from Poblocki and going with another sign guy is going to get us a better deal because aside from the remedial work that he submitted, I think when the signs are lit at night they bleed white inside between the plastic facia and the metal of the aluminum. I think there is a gap that the light bleeds out from the sides. That is what makes them look unprofessional. In terms of brightness that is really good at night you can see them, there are some things that are right about them. I think they do a great job distributing the way finding so I think we succeeded there; they are nice directional in terms of helping people navigate. We are more dissatisfied with the outcome, but we are not as far away from having a product as we might think.

Mr. Clark stated in construction disputes when you bring a second contractor in you almost always buy litigation. We need to figure out what you want to ask them to do.

Mr. Reicher stated there is a third option, you can offer them a discount to settle before you litigate knowing you have the work priced by another party and can still come out at the same number but nowhere on these renditions does it say they are going to run that synthetic stone along the bottom even though that may be the right thing to do. It wouldn't be out of hand for this Board to spend another \$10,000 or \$20,000 to get it right either if we had a mockup and said, that solves all our problems because it is beyond what was in this scope. If we go that way

we need to keep an open mind and we might be increasing the scope a little bit and tell them they need to do it at cost just to satisfy us. If it were my project that would be my approach.

Mr. Root stated I would like to get costs associated with having this sign look like it is integrated into the wall similar to what Marc is describing. Once we know what that cost is, I don't know how to negotiate with a company that just wants to do a little painting and a little patching and get out of here.

Mr. Reicher stated we would be happy to take that on as manager. They do a lot of work for us at a lot of our hotels so we would be taking on this attempt with some leverage. We told our senior VP of construction that this was going on and he was shocked because we use them here and in other parts of the country.

Ms. Burns asked are you just talking about the larger signs?

Mr. Reicher stated no, I'm talking about them all if we are going to ask.

Mr. Clark stated maybe we need to turn you loose to exert the influence you just described and come up with a proposed solution. I thought we would have that from Poblocki and have a person here to have the conversation about how to fix this and we don't.

It was the consensus of the Board to have Mr. Reicher talk to Poblocki to work out a fix for the sign situation as described above.

## **SIXTH ORDER OF BUSINESS**

### **Discussion of Placing Additional "No Parking" Signs along Laura Lane**

Mr. Root stated I brought that up because I saw a truck parked down towards Walgreens. We originally had three signs and two of them are still where they were before, which is right at the corner and hardly anybody parks on the other side they are always on the north side. There are two signs within 10 feet of each other and I would say take the one closest to the Goodman corner and move it down toward Walgreens.

Ms. Shouey stated I'm hiring a company to tow and I'm putting the signs up.

Mr. Clark stated the way to do that is adopt a parking restriction and have a penalty of towing. It has to be done at a public hearing. If we are going to do this are there other places where we want to impose parking restrictions?

Ms. Shouey stated I don't think we have an issue anywhere else.

Mr. Reicher stated the problem is Laura Lane and you would also do it at Berwick because it is one of the loop roads.

Mr. Clark stated I have a resolution I have done before where we impose a rule and part of the rule will delegate to the Board of Supervisors to add areas to the restriction by subsequent resolution without going back through the rulemaking process. Let's do that, identify Laura Lane and set that up for the February meeting for a noticed rule adoption. If by February there is something else that becomes clear that we need to do it we will address it at that meeting as well.

Mr. Montalvo asked do we leave the enforcement to the Sheriff?

Mr. Clark stated I don't think the Sheriff will enforce a parking restriction.

Ms. Burns stated we will get an agreement with a towing company.

Mr. Montalvo asked have we had any progress looking at the design for the sidewalk on Laura Lane?

Mr. Vincutonis stated I took a look at it and handed out some diagrams. I looked at the most cost effective way to try to get a sidewalk along there. That rear road feels like an alley when you walk it and is maybe why a sidewalk was never planned to go there. We wanted to go through the excise and look at it and what we came up with is a sidewalk route that connects to the sidewalk that exists behind the 7-11, which has some oddities in it but figured it is an existing condition and we will connect to it, run behind the bank cross their drive and continue behind the real estate and medical building and that location has some challenges because there is a slope, utility box, manhole, maintenance shed real close there and then cross Laura Lane before you get to the Walgreens drive crossing to the north side of the road where you have plenty of room adjacent to the pond and connecting to the other bank off of Legends. That seems to be the best route. I put together some numbers and came up with \$82,000 and in talking it over with Shawn Hindle in our office he had the idea of maybe we could put signs at both corners saying, pedestrian access and pointing toward ChampionsGate Boulevard.

Mr. Reicher asked if we build this sidewalk are we going to light it or are we creating more liability?

Ms. Shouey stated you have to light it.

Mr. Root asked is this something we can delay until the February meeting when we have two more Board Members present?

Mr. Vincutonis stated this was just an idea that was floated at the last meeting.

Mr. Root stated we can all look at it visually at the February meeting. I would like to see an option so people are not crossing the street midblock.

Ms. Shouey stated you might want to add in some lighting.



On MOTION by Mr. Root seconded by Mr. Tennyson with all in favor staff was authorized to notice a public hearing for parking restrictions for the February meeting.

**SEVENTH ORDER OF BUSINESS****Staff Reports****A. Attorney – Consideration of Fee Rates for 2019**

Mr. Clark stated I have written a letter that is in your agenda asking that my hourly rate be increased from \$285 to \$300 effective the first of the year. I try not to do this often, but it has probably been six or seven years since I asked for any adjustment of the rate. I appreciate the Board's support of me through the years, but I would like to make this request.

On MOTION by Mr. Root seconded by Mr. Lambert with all in favor the hourly rate increase effective January 2019 was approved.

**B. Engineer**

This sidewalk item was taken earlier in the meeting.

**C. Manager****i. Approval of Check Register**

Ms. Burns presented the check register from October 1, 2018 through November 30, 2018 in the amount of \$219,446.78.

On MOTION by Mr. Tennyson seconded by Mr. Root with all in favor the check register were approved.

**ii. Balance Sheet and Income Statement**

A copy of the balance sheet and income statement were included in the agenda package. No Board action is required.

**EIGHTH ORDER OF BUSINESS****Other Business**

There being none, the next item followed.

**NINTH ORDER OF BUSINESS****Supervisor's Requests**

There being none, the next item followed.



**TENTH ORDER OF BUSINESS****Audience Comments**

Mr. Reicher stated we are continuing to make progress on trying to do enhancements to the interchange and we have a sufficiency report from FDOT that was affirmative to what we want to try to do. I showed it to the Board at the last meeting. I got pushed back 30 days because now I have to evaluate the high-speed route as part of the project because it is coming down the line. It is still moving forward.

On MOTION by Mr. Root seconded by Mr. Montalvo with all in favor the meeting adjourned at 3:05 p.m.

  
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Secretary/Assistant Secretary  
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Chairman/Vice Chairman