

MINUTES OF MEETING
REMINGTON
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Remington Community Development District was held Tuesday, November 15, 2016 at 6:00 p.m. at the Remington Recreation Center, 2651 Remington Boulevard, Kissimmee, Florida.

Present and constituting a quorum were:

Brian (Ken) Brown	Chairman
Joseph F. Czarkowski	Assistant Secretary
Sal Perillo	Assistant Secretary
Carl Thilburg	Assistant Secretary

Also present were:

Jason Showe	District Manager
Leigh Ann Buzyniski	District Counsel
Mark Vincutonis	District Engineer
Alan Scheerer	Field Operations
William Bassetti	UPS

FIRST ORDER OF BUSINESS

Roll Call

Mr. Brown called the meeting to order.

Mr. Showe called the roll.

SECOND ORDER OF BUSINESS

Modifications to the Agenda

There not being any, the next item followed.

THIRD ORDER OF BUSINESS

Public Comment Period

There not being any, the next item followed.

FOURTH ORDER OF BUSINESS

**Approval of the Minutes of the October 25,
2016 Meeting**

Mr. Brown: Are there any changes or deletions to the minutes?

On MOTION by Mr. Czarkowski, seconded by Mr. Thilburg, with all in favor, the minutes of the October 25, 2016 meeting were approved.

FIFTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Showe: The Attorney is not here but I will note that we've advertised the rule hearing related to the street parking.

B. Engineer

Mr. Vincutonis: We are waiting for the RPMs to be installed at the front and they have the striping in for the barcode only. I'm not sure if those RPMs are on back order or what but I will follow up with them and see where they are.

Mr. Brown: The barcode only wasn't exactly what I had envisioned.

Mr. Vincutonis: I think 12 inch letters was discussed at one of the meetings.

Mr. Brown: Could you get a price on what larger ones would be?

Mr. Vincutonis: The big ones?

Mr. Brown: Yes, because you can barely see those.

Mr. Perillo: Some of the white markings on the humps are not very visible at night. We need to take a look at them. The new ones are great it is the other ones.

Mr. Scheerer: We will get it handled. We are going to look at additional striping anyways and stop bars for pedestrian crossing all the way to the school back down Lakeshore because some of those are fading.

District Manager's Report

1. Approval of the Check Register

Mr. Showe: We have checks 5241 through 5254 in the amount of \$20,200.47 in the General Fund. We have October Payroll in the amount of \$954.10 for a grand total of \$21,154.57. Alan and I can answer any questions about those invoices if you have any.

On MOTION by Mr. Czarkowski, seconded by Mr. Thilburg, with all in favor, the check register and October payroll in the amount of \$21,154.57 was approved.

2. Balance Sheet and Income Statement

Mr. Showe: There is no action required by the Board on these items and everything is looking the way it should.

3. Field Manager's Report

Mr. Scheerer: We did get the new Remington Recreation Center sign installed out front. It looks really well and it is going to last a long time. We had new shutters installed on the exterior of the building out front and those are aluminum instead of wood so they will not rot. We had some locks broken on the stalls in the restroom and we had those replaced. The fitness center, pool, gates, and cameras are all in good shape. We have one pond that is giving us some minor problems on Remington Boulevard, but the rest of the ponds look good. The landscaping is looking really good and REW is trimming some palm trees at the entrance off of Partin Settlement Road. We are still continuing to work on the sidewalks throughout the community. We met with the tree service company to give us a price for Remington Boulevard, Knightsbridge, and CDD common areas. I had them go through all of the neighborhoods as well so we are going to price the neighborhoods to see what kind of numbers per neighborhood it would cost us to lift the trees. Hopefully I will have that and we can discuss that and move forward with any direction that the Board may want to take.

Mr. Thilburg: I saw today that they were trimming trees on the Boulevard and they were doing a good job.

Mr. Scheerer: REW is just doing what is contractual right now. When we go through with this other tree company they are going to lift these up about 15-feet. This is just cosmetic trimming that is part of the contract with REW.

Mr. Brown: I talked to the County and they do not have a lease, per say, with OUC or KUA for the streetlights. The MSBU funds can't be used for tree trimming because of the way they are created. They can only be used for lights and the maintenance of the lights.

Mr. Scheerer: I had an owner call me about the trees and I explained to him that the residents had the obligation to trim those trees but obviously we can't expect them to get up

around the streetlights. I did tell him that we are looking at figuring out what the cost would be and whatever the Board decides to do. We don't have to trim them all but if the Board wants us to phase that in then we will leave it up to you and have some legitimate numbers by the December meeting.

Mr. Brown: Could you all do a drive by and see how many trees are in the streetlights?

Mr. Scheerer: Sure, and Knightsbridge is a little different because they have a totally different light pole. The interior community poles are just a standard soft light Duke Energy pole. We are going to be counting all of the trees in each community and what we will do is try to identify how many trees are definitely in the streetlights. We will price everything and maybe REW can help us out with the street trees that are obstructing the streetlights. I think there is a huge need to have the trees lifted especially on the Boulevard and CDD property.

Ms. Buzyniski joined the meeting at this time.

Mr. Perillo: The parking on the apron that the CDD is responsible for that property and it is being enforced by the HOA if somebody parks on the grass between the sidewalk and the street, I would like to know how that came about? Was the HOA originally at that position to handle that or was that originally a CDD thing to enforce?

Mr. Showe: I don't think the CDD has ever enforced anything in front of homeowner property.

Mr. Perillo: They legally do on paper.

Mr. Showe: No I don't think so. We technically own it but as the homeowner's covenants and codes they have the responsibility of maintaining it. Even though we own it, it is not really part of our maintenance responsibilities.

Mr. Perillo: The confusion in my mind was that we own it and they have the responsibilities to enforce it so that is why I'm questioning you. The original HOA was one unit and it expanded. I was wondering if that was owned by the CDD and when they expanded the HOA it combined all of the other ones. Was that something that the CDD was responsible for?

Mr. Brown: I think what you are talking about is when they first built each of the separate neighborhoods each had their own HOA and then they all combined to make the master HOA.

Mr. Perillo: Before they combined I was wondering if the CDD was responsible for that property or every HOA was granted their control over the property even though they didn't own it?

Mr. Brown: No.

Mr. Scheerer: There was a lot of property that the HOA was maintaining at some point that wasn't actually deeding to the CDD for maintenance. Those areas were not included in that deed.

Mr. Czarkowski: The HOA did a Quit Claim Deed to the CDD for a lot of those properties so the HOA has no common properties at all. To answer your question, the HOA was responsible for parking according to the covenant and deed restrictions. However, when talking to the HOA lawyer, the lawyer said that you would have a hard time enforcing parking on the street because you do not own the street because those are public streets. If you are going to take this issue to court I know it says this in your covenant and deed restrictions, however there are State and County laws that is going to supersede your covenant and deed restrictions. The HOA dealt with the CDD because the CDD owned the roads. They were responsible for maintenance and upkeep of the roads so therefor they could enforce parking on the roads. If you look at the regulations of the Resolution it says roads and not the Right-Of-Way. The Right-Of-Way includes the sidewalk and the easement between the sidewalk and the street. That still then fell back to the HOA when somebody would park on the grass between the sidewalk and the street.

Mr. Perillo: We just changed the rules that the CDD would not enforce between the sidewalk and the street.

Mr. Czarkowski: That was always the rule. There was no change.

Mr. Perillo: The CDD laws said that we had the right to do that.

Mr. Scheerer: Not between the sidewalk and the curb.

Mr. Perillo: Yes we did she was going to change it and turn that over to them.

Mr. Scheerer: That was never approved to my knowledge.

Ms. Buzyniski: It was not approved but it was a discussion item. We did submit to the Board that we felt like since the statute had changed that the CDD would have authority. Whereas prior to the change in statute, we didn't think the CDD had the authority but after the change the CDD had the authority to tow off of that area. The suggestion was made if the Board wanted to we were going to amend the rule.

Mr. Perillo: But up to that point it was the CDD's responsibility to tow that area.

Mr. Showe: No, the original parking rules did not allow us to tow from that area. It was only the street.

Mr. Perillo: My understanding was that the CDD was responsible for the road and the apron between the sidewalk and the road.

Mr. Showe: We've never maintained those areas.

Mr. Scheerer: Are you talking prior to the Board adopting a parking resolution?

Mr. Perillo: Yes.

Mr. Scheerer: There was no parking enforcement on the roads by anybody prior to 2006.

Mr. Czarkowski: It all fell on the HOA but the HOA had no power to enforce it because he said if you take it court you would lose so it is a losing battle.

Mr. Perillo: The Attorney said who couldn't enforce it?

Mr. Scheerer: The HOA. He was only talking about street parking and that is when the Board got with Scott Clark and asked him whether or not it would be possible for the CDD to enter into an agreement and adopt a Resolution to allow the District to tow from the roads. That is how we got to the roads and that is where we are right now.

Mr. Perillo: The last issue that came up the CDD was going to take over the aprons and we decided not to?

Mr. Showe: That was an option that was provided per Counsel's review of the statutes.

Ms. Buzyniski: You said taking over but to clarify we are talking about towing and not ownership or maintenance.

Mr. Showe: The rules they drafted specifically said we would not have any ownership or maintenance responsibilities it would just be for towing vehicles that were parked there.

Ms. Buzyniski: There would still be an obligation to comply with the HOA Declaration.

Mr. Brown: It still seemed like Mr. Clark had reservations about doing that at the time.

Mr. Showe: It goes back to the intent of parking and that originally was that people were having a hard time getting emergency vehicles through the streets. That issue has been solved.

Mr. Perillo: I'm not talking about that issue I am talking about right now the HOA feels that if they go to court they can't win and it's not their property.

Mr. Scheerer: That was on the roads.

Mr. Perillo: How about the apron? Joe was talking about the apron.

Mr. Czarkowski: No, I was talking about the roads.

Mr. Perillo: Where do we stand with the apron?

Mr. Czarkowski: If you take somebody to court about the apron then most likely the Judge is going to ask if they will be on the apron anymore and nothing happens.

Mr. Perillo: Did anybody mention that we have over a 100 people a month on the apron at court?

Mr. Brown: That is not on the apron that is blocking the sidewalks.

Mr. Perillo: I am talking specifically about the apron.

Mr. Showe: I don't know that we have any record or tracking of how many are parked on the apron.

Mr. Perillo: Sure we do.

Mr. Brown: No, they only were counting the people that pulled across the sidewalk and blocked the sidewalk. It had nothing to do with that easement piece.

Mr. Perillo: I'm going to go over my notes again but they were talking about something that had to do with the apron. No one can enforce them parking on the apron between the sidewalk and the street?

Mr. Scheerer: The HOA has a policy where they send the violation around and the CDD is doing nothing with the apron.

Mr. Perillo: The HOA can't tow either?

Mr. Scheerer: I don't know what the HOA is doing that is a HOA question. If you are in violation they will send you letter letting you know that you are in violation of the covenants and restrictions.

Mr. Perillo: For clarification, the CDD is responsible for the road?

Mr. Showe: Correct.

Mr. Perillo: Are we responsible for the apron also?

Mr. Scheerer: The area between the sidewalk and the curb?

Mr. Perillo: Yes.

Mr. Scheerer: Not for maintenance, no sir.

Mr. Perillo: For parking.

Mr. Brown: No.

Mr. Perillo: So the HOA has that responsibility?

Mr. Scheerer: Yes.

4. Security

Mr. Bassetti: This last month at Partain Settlement gate we had 15,128 cars coming through and at the Lakeshore gate we had 6,820 cars. There were 82 total tags, 4 tows, 35 code letters, and 2 attempted tows. The repeat offenders total was 154.

SIXTH ORDER OF BUSINESS

Supervisor's Request

Mr. Czarkowski: We are getting close to the holidays and for the Christmas lights please make sure all of the outlets are working.

Mr. Scheerer: We will make sure everything works.


SEVENTH ORDER OF BUSINESS

Adjournment

Mr. Brown adjourned the meeting at 6:26 p.m.



Secretary Assistant Secretary



Chairman/Vice Chairman