

MINUTES OF MEETING
REMINGTON
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Remington Community Development District was held on Tuesday, February 27, 2018 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
Sal Perillo	Assistant Secretary
Carl Thilburg	Assistant Secretary
Kenneth Soukup	Supervisor
Pam Zaresk	Assistant Secretary

Also present were:

Jason Showe	District Manager
Leigh Ann Buzyniski	District Counsel
Alan Scheerer	Field Manager
Mark Vincutonis	HWA
Eric LaSalle	UPS
Several Residents	

FIRST ORDER OF BUSINESS

Roll Call

Mr. Brown called the meeting to order at 6:00 p.m. and Mr. Showe called the roll.

SECOND ORDER OF BUSINESS

Modifications to Agenda

Mr. Showe: I have none.

Mr. Perillo: Larry Hurley is not here, but I had information on the upcoming election for early voting and the actual days of voting. I wanted to forward that to him to put in the newspaper, so homeowners would know. Secondly, I went through my old mail and found something from Osceola County that talked about recycling. I also have it in Spanish. He can put in an article about recycling. The only thing is that I don't have Larry's phone number.

Ms. Strange: He's out of town.

Mr. Brown: You can give it to him later so it's not on the public record.

Mr. Perillo: One last thing, I was reading the article about a house in Mount Dora that was painted like Van Gogh. They were fined \$10,000. What happened was, a law firm out of California, who won nine cases in the Supreme Court in Washington, offered to represent them for free. I took a look at our pool. It is strictly legit. You have the information on the opening and closing time and the gate isn't locked. It's all legal. I'm concerned because young kids are mischievous. God forbid, they open the door, run in and some kid gets hurt or killed from them horsing around, would the law firm in California that helped the Van Gogh house represent us? If we get a lawsuit and they win \$1 million, it would cost every homeowner. There are 1,900 residents, which I divided by \$1 million, each resident would be liable for \$5,232. If its \$10,000,000, each homeowner is going to have to pay \$52,000. I'm recommending that we put a lock on that gate. I spoke to the people in charge of the pools for the town. I also went to the old Health Center and I spoke to a woman who told me *"You are legal if you have the pool hours posted and it was unlocked illegally."* I asked if she could give me the name of the person that runs the pool and I spoke to him. He said that the law is you could have it unlocked or locked, both are legal, so I'm going to recommend that we lock it. I don't know if you want to vote on it now or if everyone wants to speak about it. I'm recommending that we lock the pool. I think we will be in better shape if kids were hurt by climbing over the fence, rather than just walking up to the pool. I don't know if you want to talk about it now or later in the meeting.

Mr. Thilburg: Can residents access the pool in the evening? Yes or no?

Mr. Scheerer: Yes, they could.

Mr. Brown: There's no lock on it, but it's not open.

Mr. Scheerer: Security is here until 10:00 p.m., but we have roving patrol. It's not a problem to lock it. If the Board chooses to lock the pool, the manual latch that is on there is capable of being locked. The only thing that we would have to make sure of, is that when roving patrol leaves at 6:00 a.m., they would have to unlock it. Patrick and the weekend officers could lock the pool when its dark. Its real simple. If you want to do it, we can do it.

Mr. Perillo: As a reminder for security, the key could be on the wall with a note to lock it at sunset. The roving patrol could open it and hang the key there all the time.

Mr. Scheerer: Just let us know. We can get a bunch of those keys and instruct the officers.

Mr. Perillo: So if the pool is locked and somebody jumps the fence and goes in and drowns, are we still liable?

Mr. Scheerer: You need to ask the Attorney.

Mr. Thilburg: I think we would be in a better position, if he had jumped the fence, rather than having the fence unlocked. If we lock it, Sal, and somebody jumps the fence to bypass the lock, where's the liability?

Mr. Scheerer: I think you always have liability, regardless.

Ms. Zaresk: We are in conformance right now, if we put a lock on it, does that increase our responsibility if for some reason it doesn't get locked?

Mr. Scheerer: Of course, if security was here and they can't unlock it or there was a problem with the gate and we can't get out here right away, then you run the risk. Patrick's really good about putting pool closed signs at the pool, so we should just put out the pool closed sign. If the officer can't unlock the gate in the morning, the pool stays closed until staff or our pool provider can come out here and assist us with that. It's more of an inconvenience if it doesn't unlock, especially knowing that you are going into Spring Break next month, when all of the kids are going to be out. It's not a big deal. If the Board wants to do it, you can.

Ms. Zaresk: I guess my question is, right now we all know and I think we all understand that there's always some liability. Anybody can sue anybody for anything. By putting a lock on it, when there isn't one now, does that put an extra level of responsibility or does that affect anything? In other words, right now, there's no law, so it meets requirement and we've done what we are supposed to do. If we decide to put a lock on it, and God forbid something happens, does the fact that we have a lock on it, in any way, go against, you know what I'm saying?

Ms. Buzyniski: Do you mean, does it give you a burden that you wouldn't otherwise have? Is that what you are saying?

Ms. Zaresk: Right, exactly.

Ms. Buzyniski: That doesn't sound right to me. I haven't researched it, but I don't see how when you're putting a lock on it. You have a sign or a lock. I don't see how that would give you any greater scope of liability, than if you didn't.

Mr. Scheerer: The lock is already in place. We just don't lock it.

Mr. Brown: Is our liability greater at midnight, if someone opens the gate and goes in the pool and something happens to them, or after the pool is opened at 6:10 a.m. and no one is here and they go in?

Ms. Buzyniski: I don't think so. Your status might change, but your duty of care, being a place of public accommodation, I don't think changes it.

Mr. Thilburg: How do the other communities that you manage handle that?

Mr. Scheerer: We have a community that has onsite staff, just like here. They lock it and unlock it. When they leave, the pool is closed. We have other pools that are not locked in the evening and its open and available. The hours are posted. That's a requirement under the Department of Health. We have an obligation to close the pool at dusk, because we are not permitted for nighttime swimming. We met all of those obligations. This pool has been operating that way, since long before I got here. It's just a matter of preference. When we started with the security many years ago, we didn't lock the gate, ever, because we didn't have the roving patrol. The only person that we had was this one, the gate officers and the Supervisor. When you start doing parking enforcement, you have the roving patrol officer. We have the ability to do it, but it is going to require, obviously, security doing their job of locking and unlocking the gate in the morning. The locks are already in place. We are required to keep the equipment locked at all times. The same key and the same lock would be used if they chose to use the lock here.

Mr. Perillo stated the only reason that I brought this up, is I read about the Van Gogh house and this firm from California hearing about them and deciding to protect that house for free. They have a reputation and won nine cases in the Supreme Court. All I'm doing is bringing up that if we lose a \$1 million case, each family must pay \$5,000 and we would be in a better position if the gate was locked rather than the gate being open, even though we have pool closed signs posted. That's why I brought it up.

Mr. Showe: I will point out, Sal, that the District has insurance and there are statutory limits to the liability we have as a District. We have some protections because we are a governmental agency.

Mr. Brown: I can't say that I haven't thought about that; however, I probably went a step further where I thought about asking if you wanted to put a lock on it at some point. I would like to lock it at 10:00 p.m., like this place does, and they have to have their card to go in.

Mr. Scheerer: It will take a little longer to do, because there is probably some permitting involved, but we can try to get a system that would mirror what we have here, so resident key cards that are currently being used, will also work at the gate.

Mr. Brown: At 10:00 p.m. it stops working and you can't get in.

Mr. Scheerer: Unless you have the master key.

Mr. Perillo: Kids come with cards.

Mr. Brown: It gets deactivated and it won't work anymore. Can you see what that would cost?

Mr. Scheerer: Certainly.

Mr. Brown: I thought about before, that it would be nice to have the card work for that.

Mr. Perillo: The only problem is, the expense of putting that in by the pool, is going to be much more than buying a lock. You also have to look at how close he can get to the pool with an electrical line.

Mr. Soukup: It's all low voltage.

Mr. Showe: It does take the burden off of security to have them reopen it. If you put it on a time lock, its automatic.

Mr. Scheerer: We will get some proposals. This is a good time of year to consider that, with the budget coming up.

Mr. Showe: Absolutely.

THIRD ORDER OF BUSINESS

Public Comment Period

Mr. Brown: If you have any comments, raise your hand and state your name, address and keep your comments to three minutes.

Ms. Strange: Linda Strange, 2706 Keswick Court. I received complaints and I would like to know why there aren't as many security guards as there usually are.

Mr. Brown: We staff the two guardhouses and there is roving patrol. That's all there's ever been.

Mr. Scheerer: We have increased security patrol during high profile times and we sporadically do that to enforce daytime parking.

Mr. Brown: The only time I have ever seen more here is occasionally when they train people. They will have two people in the guardhouse.

Mr. Scheerer: We have additional guards on National Night Out and Halloween.

Ms. Strange: There was a lady that moved all of the cones out of the way the other day. Then there was a sports car that goes underneath the gate arms and never stops for anything.

Mr. Brown: We could put a speed hump under there.

Mr. Scheerer: The gates were installed at the proper height per code. I don't think we can lower them anymore.

Ms. Strange: I just want you to take them down two feet.

Mr. Perillo: Then we will have kids jumping over the bar.

Ms. Strange: The police have been out there. They have done a better job when school is out. The school principal is going to start writing something for the newsletter.

Mr. Showe: I think he's here.

Mr. Ramos: Alan Ramos, Principal of PM Wells Charter Academy. I want to be good neighbors. Hopefully traffic hasn't been as bad in the afternoon. We changed the way that traffic flows. Everyone seems happy. It was good to finally meet everybody. I've been wanting to come out here. I appreciate the opportunity. We are trying to be a good neighbor. If you ever need a place to meet, I am happy to host any events that you want at the school and we won't charge you.

Ms. Strange: Do you have National Night Out there?

Mr. Ramos: Yes.

Ms. Strange: I will come to it.

Mr. Ramos: We are trying to get the face with the name and let you know that we are open for business. We are a charter school, serving Grades K-8, but we are a tuition free public school in every sense of the word. Many of our students live in this community. My address is 2426 Remington Boulevard. We are going to have summer programs and have an after-school program. If you ever have any issues with our students, let us know. It is a place to meet, if you ever outgrow this location. I am happy to accommodate you. We just want to be a good partner to Remington.

Mr. Brown: Is there anyone else?

Ms. Lyons: Yes. My Name is Karen Lyons and I live at 133 Club Villas. I think it is a great idea to use a passcode for the gate, except that we should have a Board Member lock and unlock the gate rather than security. We can actually save money by investing in something like

you are talking about, and be able to have a Board Member lock and another to unlock it. It would be beneficial to us in the long run, so we appreciate that very much, because we were paying \$5,000 a year for the last 15 years.

Mr. Scheerer: Absolutely.

Mr. Essing: Dennis Essing, from 186 Club Villas. I hope that the figure she just spoke of is completely wrong. There are other duties that security performs besides locking the gates.

Mr. Brown: Is there anyone else? Not hearing any,

FOURTH ORDER OF BUSINESS

Approval of Minutes of the January 30, 2018 Meeting

Mr. Brown: We have the minutes of the January 30, 2018 meeting. Does anyone have any changes?

Mr. Thilburg: I have one. I did not make one single comment on Page 6.

Mr. Scheerer: Duly noted.

Mr. Perillo: On Page 11, three consecutive lines said “*Mr. Perillo.*” I don’t think it was me all three times.

Mr. Scheerer: Say your name before you speak.

Mr. Brown: Are there any other changes?

Ms. Buzyniski: On Page 21, under the Attorney’s Report, in the third paragraph from the bottom, “*flower*” should be “*flag.*”

On MOTION by Ms. Zaresk, seconded by Mr. Thilburg, with all in favor, the Minutes of the January 30, 2018 Meeting were approved, as amended.
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FIFTH ORDER OF BUSINESS

Discussion of Trespass Signs

Mr. Scheerer: Per the Board’s request, we have a picture of what the signs will look like. Those are the signs you have to purchase from Osceola, so you don’t have a choice in the style. They are 18 x 12 and cost \$16.20 each. We were told that we need 8 to 10 signs.

Mr. Perillo: They are going to be different than our current signs.

Mr. Showe: They would say “*Remington CDD.*”

Mr. Thilburg MOVED to purchase eight trespassing signs at a cost of \$16.20 each, and Ms. Zaresk seconded the motion.

Mr. Brown: Do we need to amend the motion to send the letter?

Mr. Showe: The Board directed us to send the letter. You have to send the letter before they give you a case number and before they tell you what the signs are going to cost. A number was assigned to it, which is posted on the back of the sign for the police.

Mr. Perillo: After posting the signs, do they have to do anything else?

Mr. Showe: No.

On VOICE VOTE with all in favor the purchase of eight trespassing signs at a cost of \$16.20 each, was approved.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Buzyniski: At the last meeting, the Board discussed the golf course access road across Tract K. I looked into that, and what I found is that there is an Entryway and Boundary Easement, between the golf course developer, Remington Golf Course Partnership and the CDD. This easement grants the CDD a 10-foot-wide easement. One is parallel with East Lakeshore Boulevard. Under this easement, you could wall this area off, if you wanted to. We would say that inherent rights granted in this easement, would require that it be gated.

Mr. Perillo: They removed the gates.

Ms. Buzyniski: I think you have the right to have them put the gates back in. If they don't, then you can do it yourself.

Mr. Perillo: We don't want to do it. We want them to do it.

Mr. Thilburg: I talked to the Superintendent. The reason that the gate was taken down was because numerous times, when they called the police for a theft, the police would not go past that gate.

Mr. Perillo: Is this the new company?

Mr. Thilburg: Yes.

Mr. Perillo: The new company never locked that gate. People walk from Remington, up the street and around and that gate is never locked. I used to take the two chains and put the lock

in it, but I never locked it. They never allowed that gate. The previous owners, used to lock it every night. The new owners never locked it and then people tried to steal their maintenance equipment. They said the reason why they didn't want to lock it was because the people coming early in the morning, didn't want to get out of the car and unlock the gate. That gate was put in for security for Remington, because that road goes directly to the Villas. Anybody can walk right down the street.

Mr. Thilburg: Anybody can get into the Villas.

Mr. Perillo: I know. Its posted in the front that you can't drive down that road. We even locked the gates because people were still coming through. After we put that sign up saying that its private property, they locked the gate and it solved that problem. I was questioning them taking that gate out, because we have a gate on Remington Boulevard on both ends. That was another way of getting in with a car. If they had the gate locked, they can't get in with a car. That's why I brought it up. We are losing our security.

Mr. Thilburg: That's fine, but this company has only been here for two months.

Mr. Perillo: Okay.

Mr. Thilburg: That road stops at their maintenance shop. A vehicle cannot get past there.

Mr. Perillo: Yes it can. You can drive past that and go to another green. Take a ride in a cart and see where it ends up.

Mr. Thilburg: Anyway, I hope Club Villas is not worried about security.

Mr. Perillo: I am.

Mr. Thilburg: Then I would ask the Club Villas Board to put up a chain link fence surrounding Club Villas, so nobody can get in at all, unless they come through that main gate. That's up to their Board.

Mr. Perillo: The problem is they were supposed to have that gate. You are missing the point.

Mr. Thilburg: I know what you are saying.

Mr. Perillo: This is security for the CDD.

Mr. Thilburg: I was just making a general statement that if Club Villas wants complete security, they could put a chain link fence around their property, so nobody can get in.

Mr. Perillo: Our gates have to be put back in. That was set up years ago.

Mr. Thilburg: Then we have to have the Attorney do that.

Mr. Showe: I think we need to have the Attorney send a letter to the owner of the property.

Mr. Brown: They moved it, originally, because they started having those classes up there. They moved it back further.

Mr. Perillo: Yes, golf classes. The reason why I brought it up was because crime in Kissimmee is increasing. Now it's starting in St. Cloud and we are in between. It isn't going to be long before we are going to hear that certain things are happening in our neighborhood. That's why I brought that fence up. If they want to walk in, they can walk in. They can climb the walls to get in if they wanted, but I don't want them driving a car in.

Mr. Brown: I guess the only way to really tell, whether they were supposed to have it or not, is unknown. It wouldn't be on the plat, but it might be on the site plan.

Mr. Scheerer: Maybe.

Mr. Brown: It may be required on the site plan.

Mr. Showe: If they moved it, it's likely not on the site plan in the same spot.

Mr. Brown: I know that's why they moved it. Send me an email and I will see if it was a requirement on the site plan.

Ms. Buzyniski: That would be helpful to know, because there's some language in the Development Agreement about the CDD and the Security Plan.

Mr. Brown: Was that all you had?

Ms. Buzyniski: Yes. The recommendation would be if you want to take direction to write a demand letter, asking the golf course developer, Remington Golf Course Partnership to restore that gate within a certain period of time.

Mr. Brown: Let's wait to see if we can find the backup.

Mr. Showe: There's a plat.

Ms. Buzyniski: The idea is that their road is a purpose of use in your easement area.

Mr. Perillo: We will wait until next month.

Ms. Buzyniski: That's all I have.

B. Engineer

Mr. Vincutonis: All Terrain Tractor Service completed all work on the ramps. We need to take a look at the other new ramps that the second contractor installed, to make sure they are where they need to be.

Ms. Zaresk: I had time to use it and they look good.

C. District Manager's Report

1. Approval of Check Register

Mr. Showe: The Board received the Check Register. In the General Fund, we have Checks #5751 through #5591, in the amount of \$72,301.45. In the Capital Projects Fund, we have Checks #35-41 for \$125,340 and February Payroll, in the amount of \$918.80, for a grand total of \$198,560.25. Alan and I can answer any questions or comments from the Board.

Mr. Perillo: Last month, the Attorney worked .8 hours. You explained the .8 hours. I am looking at the Attorney's bill and its \$1,700. Do you have any idea what that is for? I have no idea what general matters are.

Mr. Showe: That was part of the direction from the Board at the last meeting, which was that we make the billing a little more general, instead of specific to the items that were in there. I can pull that invoice and give it to you.

Mr. Perillo: Can you give me an idea of what it's for?

Mr. Showe: Let me find out. There was \$130 for a phone call with Sal, \$390 to review the agenda and prepare for the trademarks, \$378 for the review of easement documents and all easements and 3.3 hours or \$858 for the travel to and attending the meeting.

Mr. Perillo: What easement documents?

Mr. Scheerer: Researching the gate issues.

Mr. Brown: Are there any other questions?

Mr. Perillo: No.

On MOTION by Mr. Thilburg, seconded by Mr. Soukup, with all in favor, the Check Register and January Payroll totaling \$198,560.25, was approved.

2. Balance Sheet and Income Statement

Mr. Showe: No action is required by the Board. Most of these accounts are falling under what we would expect. "*Miscellaneous Common Areas*" was for the sidewalk repair. We

expressed to the Board the number of repairs that we are doing for safety concerns. The last page has your assessment collections through January 26th. Your assessments are 90% collected, so we are in great shape.

3. Field Manager's Report

Mr. Scheerer: There were not a lot of changes since the last meeting. Chet Berry repaired the recreation side that was damaged. At the Recreation Center, the A/C is working well. I think everyone will agree with that. At the Amenity Center and Fitness Center, the pool is in good shape. The gates are working with some minor repairs. All of the ponds are being treated. REW is still on their twice a month mowing. I think they snuck an extra mowing because of the warm weather and the height of the grass. As you saw in the Check Register, we are doing a lot of sidewalk repairs. We had all of the exterior neighborhood walls pressure washed along the main Boulevard and Knightsbridge. We are still working on getting the sidewalk out front completed. We ordered additional trash cans. We probably have two to four that were damaged. Someone removed a portion of the black fence behind the baseball field on one of the gates. There is a double gate and the fence was gone so we had to replace it. That was done. All of the backflows that we needed to have tested and inspected were inspected and all backflows passed.

Mr. Brown: I was talking to Alan earlier about the flags. We were talking about putting one at Partin Settlement Road; however, at some point, they are going to put a red light up there, and I don't know what the configuration of that red light is going to look like. They will probably do something to the entire intersection. I don't know if that will affect where we are going to put the flagpole and if you wanted to do the one on East Lakeshore Drive first and leave that one off, until we get some plans from the County to see how they are going to put that red light up.

Mr. Perillo: I agree. That make sense. No sense doing extra work.

Mr. Scheerer: I don't know if there's "x" amount of feet of right-of-way (ROW) that we have to give the County, even though that's our property. Anything beyond that is the County. I don't know how much they are going to take to configure that, for all of their turn lanes. We will definitely move forward with the East Lakeshore Boulevard flagpole and hold off on Partin Settlement Road until the County can provide us with documentation.

Mr. Brown: If they are going to four-lane that road, they may do it right away.

Mr. Scheerer: We will proceed. That's all I have.

Mr. Brown: Are there any other questions for Alan?

Mr. Perillo: I was wondering what light you are talking about.

Mr. Brown: They are going to put a red light at Partin Settlement Road and Remington Boulevard.

Mr. Perillo: A street light?

Mr. Brown: A traffic signal.

Mr. Perillo: So it's an actual traffic light that's being put up by the County.

Mr. Brown: Yes, but we don't know how that's going to be configured, whether we are going to have to give up any property or not, for ROW down there.

Mr. Soukup: I would imagine that they have to cross the road with a cable.

Mr. Perillo: Not exactly.

Mr. Scheerer: It's a two-lane road now.

Mr. Brown: We want to see what they are going to do first.

4. Security

Mr. LaSalle: I am Eric LaSalle, the Security Supervisor. Partin Settlement Gate had 18,972 entries, versus 8,840 at the East Lakeshore Boulevard Gate. There were 48 vehicles tagged, 14 code enforcements and only 4 repeat offenders. We did not have any tows, because the repeat offenders were second offenders.

Mr. Perillo: If they were second offenders, they are repeat offenders and you can tow them. We give them a warning the first time. Am I right?

Mr. Scheerer: You are exactly right. It's one ticket and then a tow.

Mr. Perillo: Has anyone given them a ticket?

Mr. Showe: Yes.

Mr. Scheerer: They have Post Orders. They have been providing this service for quite some time. If Eric has any questions, he knows that all he has to do is call us, because if he is not getting direction from us, then he's not getting accurate information. I don't know who he's hearing it from.

Mr. LaSalle: From the last Supervisor.

Mr. Showe: That is incorrect.

Mr. Scheerer: Bill knew what to do. If a car is ticketed once, they are towed on the second infraction.

Mr. LaSalle: I appreciate that. Sal eluded to the guard at the gate and he is no longer here.

Mr. Perillo: Why? He didn't want to do the job or because he wasn't doing it here?

Mr. LaSalle: No. He found another job.

SEVENTH ORDER OF BUSINESS

Supervisor's Requests

Mr. Brown: Mr. Soukup?

Mr. Soukup: Yes. Over by Harwood, we have a safety hazard. There is a valve over there for irrigation that is all washed out. It is right at the edge of the sidewalk on the right side of the Harwood entrance. If someone was walking around there and they happened to step off of the sidewalk, they would twist their ankle. That's all I have.

Mr. Brown: Mr. Thilburg?

Mr. Thilburg: Yes, on Remington Boulevard, six pole lights were out. I took the pole numbers down and emailed them to OUC, but have not received a response. That was about four days ago.

Mr. Showe: They typically take a couple of weeks to respond, unfortunately.

Mr. Thilburg: On their website, it says five days.

Mr. Scheerer: They don't say which five days.

Mr. Thilburg: They have pole numbers on the pole, which is good. That's all.

Mr. Perillo: Did you send an email to Jason?

Mr. Thilburg: No. I filled out an OUC form.

Mr. Perillo: If you sent an email to OUC, you should've copied Jason.

Mr. Thilburg: It's a form on their website. You just fill it out and hit send.

Mr. Perillo: You fill out the form and let Jason know about it also.

Mr. Brown: Sal, do you have anything?

Mr. Perillo: Not this month. Maybe next month.

Mr. Brown: I don't have anything either.

EIGHTH ORDER OF BUSINESS

Adjournment

Mr. Brown adjourned the meeting.



Secretary/Assistant Secretary



Chairman/Vice Chairman