

**MINUTES OF MEETING
VILLAGE COMMUNITY
DEVELOPMENT DISTRICT No 5**

The Meeting of the Board of Supervisors of the Village Community Development District No. 5 was held on Friday, January 17, 2014 at 8:00 a.m. at the District Office Board Room, 1894 Laurel Manor Drive, The Villages Florida, 32162.

Board members present and constituting a quorum:

Gary Kadow	Vice Chairman
Jerry Ferlisi	Supervisor
Chuck Wildzunas	Supervisor
Jerry Knoll	Supervisor

Staff Present:

Janet Tutt	District Manager
Diane Tucker	Administrative Operations Manager
Valerie Fuchs	District Counsel
Sam Wartinbee	District Property Management Director
David Miles	Finance Director
Barbara Kays	Budget Director
Brittany Wilson	Assistant to District Manager
Candy Dennis	Community Standards Administrative Coordinator
Candice Lovett	Staff Assistant

FIRST ORDER OF BUSINESS: Call to Order

A. Roll Call

Vice Chairman Kadow called the meeting to order at 8:00 a.m. and stated for the record that four (4) Supervisors were present representing a quorum. Walter Martin was absent.

B. Pledge of Allegiance

At Vice Chairman Kadow's request, Supervisor Ferlisi led the Pledge of Allegiance.

C. Welcome Meeting Attendees

The Board welcomed all those residents in attendance at a Village Community Development District (VCDD) No. 5 Board Meeting for the first time.

D. Audience Comments

Jack Donovan, 4694 Suffolk Street, inquired if there was a new rule allowing driveway extensions. Valerie Fuchs, District Counsel, advised there is not a new Rule; however, there are public hearings included on the agenda pertaining to the matter, and suggested if Mr. Donovan's questions are not answered at that time, to address the Board for further clarification.

SECOND ORDER OF BUSINESS: Approval of the Minutes from the Board Meeting held November 15, 2013 and the Joint Workshop held on September 27, 2013

<p>On MOTION by Jerry Ferlisi, seconded by Chuck Wildzunas, with all in favor, the Board approved the Minutes from the meeting held on November 15, 2013 and the Joint Workshop held on September 27, 2013.</p>
--

THIRD ORDER OF BUSINESS: District Property Management Reports

A. Landscape Maintenance Update

Dave Freeman, District Property Management (DPM) Supervisor, provided the Board with the following update:

- Washing of the villa entry walls is occurring.
- Lime Grove Villa wall has been repainted.
- Replanting will be completed in 15 of the villa units and the cul-de-sacs will then be addressed.

CONSENT AGENDA:

Vice Chairman Kadow advised the Board a motion to approve the Consent Agenda is a motion to approve all recommended actions. All matters on the Consent Agenda are considered routine and no discussion will occur unless desired by a Board Member or a member of the Public.

Ms. Tutt requested the Sixth Order of Business be pulled for Staff to provide additional clarification.

On MOTION by Chuck Wildzunas, seconded by Jerry Knoll, with all in favor, the Board approved the following items on the Consent Agenda:
FOURTH ORDER OF BUSINESS: Adoption of Resolution 14-03 adding the name of the Deputy Finance Director, Sarah C. Koser, to the Village Community Development District No. 5 Citizens First Bank account, updating the list of signatories for the Village Community Development District No. 5 account to include: Walter A. Martin, Gary H. Kadow, Janet Y. Tutt, Diane B. Tucker, John B. Rohan, David R. Miles, and Sarah C. Koser.
FIFTH ORDER OF BUSINESS: Approval of Amendment One to the Landscape and Irrigation Maintenance Agreement for District 5 Villas and Cul-de-Sacs with The Shepherd's Landscaping, LLC for the amended annual agreement amount of \$245,818.80 and authorized the Chairman/Vice Chairman to execute the Amendment.

SIXTH ORDER OF BUSINESS: Approval to advertise amendment and restatement for Chapter II of the District's Rule

Diane Tucker, Administrative Operations Manager, advised Staff is requesting authorization to advertise the amendment and restatement of Chapter II of the District's Rule pertaining to the enforcement of certain external deed restrictions and consideration to hold a Public Hearing to amend and restate Chapter II of its Rule to Bring About Deed Compliance.

Ms. Tutt advised the authorization to advertise the amendment does not finalize the proposed changes to the Rule, only approves the advertisement process to hold a Public Hearing to consider the revisions, which will be held in March 21, 2014 meeting at Lake Miona Regional Recreation Center.

Ms. Fuchs stated, as provided for in Florida Statute Chapter 120, prior to a Rule being considered or amended, public notice must be given to allow for public participation.

On MOTION by Jerry Knoll, seconded by Chuck Wildzunas, with all in favor, the Board authorized the publication of the District's intent to amend and restate Chapter II of its Rule to Bring About Deed Compliance and authorize the advertisement of Public Hearing to adopt the amended and restated Chapter II of its Rule to Bring About Deed Compliance.

SEVENTH ORDER OF BUSINESS: Budget Calendar for Fiscal Year 2014/2015

Barbara Kays, Budget Director, presented the proposed budget calendar for the Fiscal Year 2014/2015 budget process and stated typically the process is begun with a Preliminary Budget Workshop which is held to review the budget process, for Staff to review any major upcoming projects or any proposed increase to the maintenance assessment increase. At this time Staff does not have any major items to discuss with the Board and is not recommending an increase to the maintenance assessments. Staff is requesting the Board consider whether it would prefer to hold a budget discussion at the end of the Board's regular March meeting; hold a separate Preliminary Budget Workshop on March 17, 2014 or to not hold a Preliminary Budget Workshop and wait until the line item review which will be completed at the May 19, 2014 Budget Workshop. Ms. Kays advised the District Boards who have decided not to hold a Preliminary Budget Workshop has asked that Staff identify any items that may require discussion.

The Board concurred to proceed with option three (3), to not hold a Preliminary Budget Workshop; however, if any items arise, Staff can address those at the March Board meeting.

Ms. Kays advised at the May 19, 2014 budget workshop, the Board will conduct a line item review of the Proposed Budget prior to approving the Proposed Budget during its regular meeting on June 6, 2014. The Public Hearing to adopt the Final Budget is scheduled at your regular meeting on September 5, 2014. Ms. Kays advised that all Budget Workshops will be held at the regular meeting time of 8:00 a.m. in the District Conference Room located at 984 Old Mill Run in Lake Sumter Landing.

On MOTION by Jerry Knoll, seconded by Jerry Ferlisi, with all in favor, the Board approved to not hold a Preliminary Budget Workshop and will conduct a line item review at the Budget Workshop on May 19, 2014, approval of the Proposed Budget will occur at the June 6, 2014 regular meeting and a Public Hearing to adopt the Final budget will be held at the September 5, 2014 regular meeting.

EIGHTH ORDER OF BUSINESS: Case D5-02-14 VCDD No. 5 vs. Charles Walker

A. Staff Overview and Recommendation

Ms. Tucker advised Case No.D5-02-14 Village Community Development District (VCDD) No. 5 vs. Charles S. & Gene B. Walker, 616 Hartford Lane, Unit 76, Lot 29 is a violation of the District's Rule that specifically states "After the Home has been constructed, no reconstruction, additions, alterations, or modifications to Home, or in the locations and utility connections of the Home will be permitted except with the written consent of the Architectural Review Committee (ARC)." Ms. Tucker stated on January 16, 2013 an Architectural Modification Application was submitted to the ARC requesting approval to remove patio pavers and replace the pavers with rock mulch, rather than sod. The ARC approved the application with the stipulation to remove two (2) feet of patio pavers and replace that section of pavers with sod. On October 8, 2013, a complaint was received stating the patio pavers were not two (2) feet from the property line. On October 9, 2013 the violation was verified and a Deed Restriction Reminder was written. Ms. Tucker advised the Deed Compliance Officer spoke with the property owner who indicated he would remove the patio pavers two (2) feet off the property line and replace that section with sod. On November 1, 2013, the Deed Compliance Officer visited the property and spoke with the property owner who again stated he would move the patio pavers two (2) feet off the property line and replace that section with sod in accordance with the ARC approval. After following the Procedures for Compliance of External Deed Restrictions, a Notice of Public Hearing was sent on December 10, 2013. Ms. Tucker advised Staff is recommending the Board find the Owner in violation of the District's Deed Compliance Rule as cited by the Deed Compliance Staff; Owner has sixty (60) days to bring the property into compliance; If the property is not brought into compliance within sixty (60) days, there shall be imposed a \$150 fine to be paid within ten (10) days of the invoice; If the fine is not paid within ten (10) days of the invoice the fines shall accrue daily in the amount of \$50 until compliance is met and has been verified by Staff. It is the owner's responsibility to contact Community Standards Staff to verify compliance; If the property is brought into compliance within sixty (60) days of this Order of Enforcement, Case No. D5-02-14 shall be closed; If the fines reach a total of \$1,500, the case shall be turned over to District Counsel to seek all available legal remedies including seeking an injunction against the Owner and the Chairman shall execute the order of enforcement.

Supervisor Knoll requested clarification on the original request from the resident, which Staff provided.

B. Open Public Hearing to Receive Public Comment

Charles and Gene Walker, 616 Hartford Lane, provided an overview of the request advising that he was originally advised by his contractor that ARC approval was not needed and was unaware of the two (2) foot setback. Mr. Walker advised he has removed the pavers 18” from the setback and requested the Board grant a variance to allow the six (6) inches.

Mr. Walker responded to the Board inquiries.

Ms. Fuchs advised the manual provides for the two (2) foot setback; however, the Board could make a policy decision to change the manual.

C. Close Public Hearing

Hearing no further public comment, the Vice Chairman closed the Public Hearing at 8:45 a.m.

D. Board Determination

On MOTION by Jerry Knoll, seconded by Chuck Wildzunas, with all in favor, the Board found the Owner in violation of the District’s Deed Compliance Rule as cited by the Deed Compliance Staff; Owner has sixty (60) days to bring the property into compliance; if the property is not brought into compliance within sixty (60) days, there shall be imposed a \$150 fine to be paid within ten (10) days of the invoice; if the fine is not paid within ten (10) days of the invoice, the fines shall accrue daily in the amount of \$50 until compliance is met and has been verified by Staff and it is the owner’s responsibility to contact Community Standards Staff to verify compliance; if the property is brought into compliance within sixty (60) days of this Order of Enforcement, Case No. D5-02-14 shall be closed; if the fines reach a total of \$1,500, the case shall be turned over to District Counsel to seek all available legal remedies including seeking an injunction against the Owner and the Chairman shall execute the Order of Enforcement.

**NINTH ORDER OF BUSINESS: Appeal of ARC denial of Architectural Modification
Application #49668**

A. Staff Overview and Recommendation

Ms. Tucker advised the appeal of ARC denial of Modification/Alteration Application #49668 was submitted by Philip & Sue Peregrine, 938 Chester Court, to widen their patio villa driveway two (2) feet on both sides. On September 18, 2013, the application was submitted by the property owners and

on September 25, 2013 the application was reviewed by the ARC and denied based on the District's adopted Rule which states: "Except as originally constructed by the Developer, no driveways, walkways, cart paths or access shall be located on or permitted to any road right-of-way, walkways or cart paths." Ms. Tucker stated on September 26, 2013, a letter was submitted by the property owners requesting an appeal of the ARC's decision indicating safety issues exist when vehicles are forced to park on the street. Additionally, prior to the District assuming responsibilities of architectural review, the Developer allowed these types of modifications and there are several in the neighborhood.

Ms. Fuchs advised that the case is an appeal; therefore, the homeowner must prove the ARC did not correctly apply the District's Rule, Standards or Manual or prove due process was not provided.

B. Open Public Hearing to Receive Public Comment

Vice Chairman Kadow opened the Public Hearing at 8:51 a.m. to receive public input.

Philip & Sue Peregrine, 938 Chester Court, addressed the Board requesting the appeal be granted based on the fact that prior to the District assuming responsibility of architectural review, the Developer allowed these types of modifications to the driveways and to address the potential safety issues that can occur when vehicles are parked in the street which makes it difficult for an emergency vehicle to traverse the area. Mr. and Ms. Peregrine responded to the Board inquiries pertaining to their request to widen their driveway.

Jack Donovan, Arlington Villas, advised he previously applied for an extension of his driveway, which was denied based upon the District's adopted Rule. Mr. Donovan requested clarification of the denial, which Ms. Fuchs advised when the ARC considers an application it refers to the specific deed restrictions which have been adopted within the District's Rule.

Mr. Peregrine inquired if he could resubmit the application to the ARC and include pictures of homes in the neighborhood that have extended their driveway to prove the expansion is harmonious. Ms. Fuchs advised a resident can resubmit an application at any time and providing as much information or pictures as you can will assist the ARC in their consideration of the application.

C. Close Public Hearing

Hearing no further public input, Vice Chairman Kadow closed the Public Hearing at 9:12 a.m.

D. Board Determination

On MOTION by Chuck Wildzunas, seconded by Jerry Knoll, with all in favor, the Board chose to uphold the Architectural Review Committee denial of Architectural Modification/Alteration Application #49668.

TENTH ORDER OF BUSINESS: Appeal of ARC denial of Architectural Modification Application #49913

A. Staff Overview and Recommendation

Ms. Tucker advised the appeal of ARC denial of Modification/Alteration Application #49913 was submitted by Frank and Susan McComb, 1220 Everett Place, to widen their patio villa driveway two (2) feet on both sides and install a concrete slab by their front entryway for a barbeque grill. On October 1, 2013, the application was submitted and on October 9, 2013, the application was reviewed by the ARC and denied based on the District's adopted Rule which states: "Except as originally constructed by the Developer, no driveways, walkways, cart paths or access shall be located on or permitted to any road right-of-way, walkways or cart paths." Ms. Tucker stated on October 21, 2013, a letter was submitted by the property owners requesting an appeal of the ARC's decision based on the inconsistency within the Architectural Review Manual which provides, "Patio villas may widen their driveway no more than two (2) feet on one or both sides up to the edge of the home."

B. Open Public Hearing to Receive Public Comment

Vice Chairman Kadow opened the Public Hearing at 9:14 a.m. to receive public input.

Frank and Susan McComb, 1220 Everett Place, advised their property is located on a corner lot; therefore, the addition of the driveway would not hinder the neighbor's use of the dominant side of the house and advised other expansions have been approved in other villa units.

Discussion occurred pertaining to this application.

C. Close Public Hearing

Hearing no further public input, Vice Chairman Kadow closed the Public Hearing at 9:20 a.m.

D. Board Determination

On MOTION by Chuck Wildzunas, seconded by Jerry Ferlisi, with all in favor, the Board chose to uphold the Architectural Review Committee denial of Alteration/Application #49913.

ELEVENTH ORDER OF BUSINESS: Old Business Status Update

Mr. Wartinbee advised Staff has had discussions with Hanson Pipe and Precast, who are proposing to repair the tunnel with their recommended product and procedure, at their cost, and to provide a coating to offset the carbonation from the exhaust fumes. Mr. Wartinbee stated the costs associated to pressure wash the tunnel prior to the coating application and labor costs would be the responsibility of the Project Wide Fund. Ms. Fuchs advised Staff has requested a written proposal from Hanson.

Mr. Wartinbee advised Staff has reviewed the request for the installation of solar lighting at Belvedere and Farmington and is not recommending solar lighting be installed at this location. Staff will request the homeowner lift the branches of the tree near the light which should provide additional lighting.

Mr. Wartinbee stated Staff has provided Andreyev Engineering with the information they requested pertaining to prior depression occurrences at Pimlico Pond and is preparing their report.

TWELFTH ORDER OF BUSINESS: Financial Statements as of December 31, 2013

Ms. Tutt advised the financial statements were provided as information to the Board.

THIRTEENTH ORDER OF BUSINESS: Staff Reports

Ms. Tutt advised the Governance improvement Committee meeting is scheduled for Thursday, February 6, 2014 at 1:30 p.m. at SeaBreeze Recreation Center.

Ms. Tutt advised beginning with the March 21, 2014 all Village Community Development District No. 5 Board Meetings will be held at the Lake Miona Recreation Center.

Ms. Tutt provided an overview of the meeting held with the Chairmen to discuss the structure of the agenda, Staff attendance, Chairman responsibilities and Board actions. A summary of the items discussed will be provided to the Board at the February meetings.

Carrie Duckett, Customer Service Manager, presented residents who completed the District's Resident Academy with a certificate and thanked them for taking the opportunity to learn more about the District's local government.

FOURTEENTH ORDER OF BUSINESS: District Counsel Reports

There were no District Counsel Reports.

FIFTEENTH ORDER OF BUSINESS: Supervisor Comments

A. Supervisor Knoll: PWAC Update

Supervisor Knoll advised the Committee provided direction to Staff to proceed with the installation of the traffic signal at the Colony Boulevard/Multi-Modal intersection and the bid documents will be out within the upcoming weeks.

Supervisor Wildzunas thanked the residents in attendance for attending the District's Resident Academy.

Vice Chairman Kadow thanked the audience for attending the meeting.

SIXTEENTH ORDER OF BUSINESS: Adjourn

The meeting was adjourned at 9:31 a.m.

On MOTION by Chuck Wildzunas, seconded by Jerry Knoll, with all in favor, the meeting was adjourned.

Janet Y. Tutt
Secretary

Walter Martin
Chairman

VCDD No. 5 - Meeting Minutes

January 17, 2014

Page 11