

**MINUTES OF MEETING  
COUNTRY GREENS  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Country Greens Community Development District was held at 5:00 P.M. on Monday, October 28, 2013 at Sorrento Christian Center, 32441 County Road 437, Sorrento, Florida.

Present and constituting a quorum were:

Kenneth Bolser	Chairman
David Warden	Vice Chairman
Alma Graham	Assistant Secretary
Catherine Catusus	Assistant Secretary
Barbara Hensinger	Assistant Secretary

Also present were:

Gary L. Moyer	Manager - Moyer Management Group
Roy Van Wyk	Hopping Green (via phone)
Jason Merritt	Hopping Green (via phone)
Rey Malavé	Engineer: Dewberry
Brian Smith	Severn Trent Services

*The following is a summary of the minutes and actions taken at the October 28, 2013 Country Greens Board of Supervisors meeting.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Moyer called the meeting to order at 5:00 P.M. and stated all Supervisors were present.

**SECOND ORDER OF BUSINESS**

**Approval of the Minutes of the June 24, 2013 Meeting**

Mr. Moyer stated each Board member received a copy of the minutes of the June 24, 2013 meeting and requested any corrections, additions or deletions.

Ms. Catusus noted on page 5 she recommended contacting the Utility Company but she did not say anything about cleaning or painting.

On MOTION by Mr. Bolser seconded by Ms. Hensinger with all in favor, the minutes of the June 24, 2013 meeting were approved as amended.
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Mr. Moyer requested the Board move audience comments up noting the reason for this is later in the agenda and Mr. Van Wyk will review the Right to Be Heard legislation.

**Audience Comments**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Action Items**

Mr. Smith reported they painted the Sorrento Springs sign on the waterfall and it is starting to stain and they will do it again.

**FOURTH ORDER OF BUSINESS**

**Public Hearing - Adoption of Amended Rules of Procedure**

Mr. Van Wyk reported the matrix of changes to the Rules of Procedure was included in the agenda package. The Rules of Procedure outline how the District conducts business and incorporates requirements from Florida Statutes that govern CDD's.

Mr. Moyer requested public comment, hearing none.

On MOTION by Ms. Hensinger seconded by Mr. Bolser with all in favor Resolution 2014-2 adopting rules of procedure; providing a severability clause; and providing an effective date was adopted.

**FIFTH ORDER OF BUSINESS**

**District Manager's Report**

**A. Financial Statements**

Mr. Moyer reviewed the financial statements through September 30, 2013, which were included in the agenda package.

Through the end of September, the District collected all non ad-valorem assessments, with the exception of \$27,377. The vast majority of this is on the property which was to be the Solar Farm.

In regards to expenditures, \$33,000 was paid out of Capital Outlay which was not anticipated when the budget was put together. This results in the District spending \$23,694 more than received in revenues but if they get the \$27,000 which should be collected through the Tax Collector, it will balance out.

**B. Check Register**

Mr. Moyer reviewed the check register, which was included in the agenda package.

On MOTION by Ms. Catusus seconded by Ms. Graham with all in favor the Check Register for the period June 1, 2013 through September 30, 2013 in the amount of \$183,058.79 was approved.

**C. Consideration of Revised Meeting Schedule for Fiscal Year 2014**

Mr. Moyer reported the revision the Board is being asked to consider reflects that they are meeting at Sorrento Christian Center rather than the hotel.

Ms. Hensinger questioned the June date noting the minute's state June 23<sup>rd</sup> but the revised notice has June 30<sup>th</sup>. Mr. Moyer noted it was moved to provide the 60-day requirement between approval and adoption of the budget.

Mr. Bolser addressed not having a telephone available at this facility. Mr. Moyer noted he can Skype on his iPad and it works well.

On MOTION by Ms. Graham seconded by Ms. Catusus with all in favor the revised meeting schedule for fiscal year 2014 was approved.

**D. Consideration of Engagement Letter with Grau & Associates to Perform the Audit for Fiscal Year Ended September 30, 2013**

Mr. Moyer presented a standard form Engagement Letter from Grau & Associates to undertake the audit for fiscal year 2013 to review the financial records at the close of the fiscal year on September 30, 2013. The fee they are proposing for this work would not exceed \$5,000.

Ms. Hensinger MOVED to approve the Engagement Letter with Grau & Associates to perform the Audit for Fiscal Year Ended September 30, 2013 in an amount not to exceed \$5,000 and Ms. Graham seconded the motion.

Mr. Van Wyk noted the engagement letter needs to include a termination provision.

Ms. Catusus asked what is the limit to have to have an RFP?

Mr. Moyer responded under statutes it is \$195,000 on maintenance and \$230,000 on construction.

On VOICE vote with all in favor, the prior motion was approved.

**SIXTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney - Memorandum Regarding “Right to Be Heard” Legislation and Consideration of Resolution 2014-1**

Mr. Van Wyk reported on the “Right to Be Heard” legislation which went into effect on October 1. It requires the District to provide an opportunity for public comment before they take a vote on any item on the agenda and also on items added to the agenda during the course of the meeting.

Mr. Van Wyk outlined Resolution 2014-1.

On MOTION by Ms. Hensinger seconded by Ms. Graham with all in favor, Resolution 2014-1 a resolution of the Board of Supervisors of Country Greens Community Development District providing for the Public’s Opportunity to Be Heard; designing public comment periods; designating a procedure to identify individuals seeking to be heard; addressing public decorum; addressing exceptions; and provide for severability and an effective date was adopted.

Mr. Van Wyk introduced Mr. Jason Merritt of HGS.

Mr. Merritt addressed the ownership of the roadways within the District. They received communication from the Lake County Attorney’s Office raising the question of whether or not the roads within the community were private.

The history of this specifically relates to Phases 1 and 2; there is language in the plat that actually provides that the roads within the project will be dedicated or provided to the CDD who will then dedicate them to the public and then those roads will be conveyed to the HOA. When the roads were completed and conveyed to the CDD, the CDD offered to dedicate those roads to the public and dedication was accepted by the county, then the CDD conveyed the roads to the HOA. At which point in time they took the roads under private ownership and erected the gates. However, Lake County has now received a complaint from an interested property [neighbor] inquiring as to the legality of the gates.

As we have dug into to this the County Attorney’s Office is convinced this is an unusual situation that they are not interested in being stuck in the middle of. The county would like to convey whatever interest the county may have in the roads to the CDD.

In speaking with the County Attorney the easiest way to do this is to have the county convey the roads to the CDD who then makes petition to vacate the roads. This will reverse the

public dedication that was done at the time of the original development and make the roads private.

Other than the fact that the District at one time had the roads and dedicated them to the public, and the fact that the county wants to convey its interest to the CDD; HGS does not view this as a CDD issue per se. Although Eagle Dunes is in the community and the CDD is interested to cooperate and work to get this problem resolved and the CDD is in a good position to help facilitate a solution, but a solution is also going to need to have some participation from the HOA and members of the community.

Once there is a conveyance to the CDD the CDD will have to make another conveyance to the HOA and then the HOA will need to take some action to have the roads formally vacated so the roads can remain private and the gates can remain.

Ms. Catasus questioned if any of this requires posted public notice?

Mr. Merritt responded in terms of the county's conveyance to the CDD I would assume they would need some type of consent from the Board of County Commissioners. From the CDD's perspective it would be appropriate for the Board to take formal action to accept any such conveyances and also to approve any conveyance to the HOA. It will not require any special notice or advertising, it will occur in a public meeting.

The road vacation process is a public process and there is a specific notice requirement with advertisements in the newspaper and notice to affected property owners. It is a more formal process but other than the District facilitating and trying to bring stakeholders together HGS does not regard the CDD as the party initiating that process; the HOA will be the applicant and interfacing with the county to accommodate the final step of the transaction.

Ms. Catasus inquired if the county can do the conveyance directly to the HOA? Does it have to be through the CDD because the CDD originally conveyed it to the county?

Mr. Merritt responded the county prefers to convey the roadways to the CDD as a public entity as opposed to conveying the roadways to a private entity.

Mr. Moyer addressed Mr. Merritt's comment that the District did quit claim its interest to Eagle Dunes.

Mr. Merritt stated that is correct. At dedication there was a quit claim of the District's interest over to the HOA.

Mr. Tom Fey, asked was the county interested in rather than re-conveying just reaffirming the prior conveyances?

Mr. Merritt responded the county wants to get out of the middle of the situation and the quickest and cleanest way to do so is to have the conveyance. The second issue is more the formal requirement that the underlying public dedication be undone. Because the county formally accepted the dedication thereby creating rights for the public to use the road they cannot just make those rights go away; there is a statutory procedure in place that has to be followed in order to extinguish those rights. It is a two-step process and with regard to the vacation aspect of it there is really not a shortcut.

Ms. Catusus asked until this is resolved is there an issue with the gates being closed?

Mr. Merritt responded from the District's perspective no, because the District does not own the roads; from the HOA's perspective, potentially. Again, I would say I had the impression the county does not want to pursue any type of code enforcement proceeding but they are interested in getting this problem resolved. The sooner this gets resolved the less likely the county will be forced to do anything.

Ms. Catusus asked what timeframe are we looking at to make this happen?

Mr. Merritt responded today we will be asking the Board to authorize staff to move forward with discussions with the HOA to try to get the problem resolved. Understanding, that we will come back to the Board, before we do anything formal such as accepting the property from the county or whatnot, to get your approval. First we need to have a conversation with the HOA. What that is also going to likely require, and we have not researched this extensively, is there will probably need to be an educational process conducted with the residents of the community and probably a significant number, possibly two-thirds, of the property owners of the community will need to join in the petition to vacate. The process will take some time and will require some man-hours from volunteers/interested residents to knock on doors and collect signatures so we have what is required in order to process the vacation. Once the petition for vacation is filed it will be 90 days before it is actually heard and acted upon by the BCC.

Ms. Catusus asked has Melanie given any indication of how long they can hold off on this before it would have to have some sort of code action?

Mr. Merritt responded she has not. It is not something that has urgency on her part.

Ms. Catusus stated but if citizen complained and they follow-up on the complaint then they are going to be forced to have to take action.

Mr. Merritt stated I think so but if we get back in touch with her to say this is our plan and we are working to get this problem resolved then it takes the heat off of her and she can say they are making efforts to get it resolved. If we were to let this fall off the radar screen then she would probably be required to take the threat of potential code enforcement action and put it back on the table.

Mr. Tom Fey stated our declarations specifically address the dedication of the roads so unless there is a statutory requirement we will not need to get a two-thirds vote.

Mr. Merritt stated that is good.

Mr. Fey stated I don't want to speak for the CDD, but from the HOA's perspective whatever we can do to get this moving forward; we are ready.

Mr. Bolser asked do we need a motion to communicate our support for the staff to move forward.

There being no public comment,

On MOTION by Mr. Bolser seconded by Ms. Hensinger with all in favor, staff was authorized to proceed and work with the HOA on the road vacation.

**B. Engineer**

**i. Assignment of Bowyer-Singleton to Dewberry**

Mr. Moyer noted the first item acknowledges the assignment of Bowyer-Singleton to Dewberry.

Mr. Malavé reported Bowyer-Singleton was bought by Dewberry Engineers and they have an agreement to do business as Dewberry Bowyer-Singleton. Staff remains the same, office remains in the same location.

On MOTION by Ms. Graham seconded by Ms. Hensinger with all in favor, the assignment of Bowyer-Singleton to Dewberry Bowyer-Singleton was approved.

**ii. Consideration of Authorization for Additional Services**

Mr. Moyer noted the second item is a work authorization to cover the expenses when Mr. Malavé attends the meetings and to cover general engineering expenses on a time and materials basis.

Mr. Bolser indicated the date is May 30, 2008.

Mr. Malavé noted it is a typo.

Mr. Moyer stated it is for annual services from October 1, 2013 through September 30, 2014.

On MOTION by Mr. Bolser seconded by Ms. Graham with all in favor, the Dewberry Bowyer-Singleton work authorization for additional services was approved as amended to reflect the correct date.

Ms. Catusus inquired if there are bigger engineering items, will the Board have the opportunity to vote on those at that time?

Mr. Moyer responded the Board generally authorizes all of the engineering work.

There being no public comment, the next item followed.

**C. Field Operations -**  
**i. Field Maintenance Report**  
**ii. Landscape Report**

Mr. Smith reviewed the Field Management and Landscaping Reports, which were included in the agenda package and available in the District Office for public review during normal business hours.

The following items were completed or due to be completed:

- The fence is 75% clean.
- Approximately a truck load of Hydrilla was removed from the pond at the front.
- The drainage review is starting as there are a couple of storm drains that are overgrown.

Mr. Smith reported they will probably spend some money on Christmas decorations as current ones are getting old.

Ms. Graham noted they talked about getting color on the annuals.

Mr. Smith indicated they will get the Christmas annuals out this year.



October 28, 2013

Country Greens CDD

**SEVENTH ORDER OF BUSINESS**

**Other Business**

There not being any, the next item followed.

**EIGHTH ORDER OF BUSINESS**

**Supervisor Requests and Audience  
Comments**

There being none, the next item followed.

**NINTH ORDER OF BUSINESS**

**Adjournment**

There being no further business,

On MOTION by Ms. Graham seconded by Ms. Hensinger with all in favor, the meeting was adjourned.



Gary L. Moyer  
Secretary



Kenneth Bolser  
Chairman