

MINUTES OF MEETING
REUNION EAST COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Reunion East Community Development District was held Thursday, December 8, 2011 at 2:00 p.m. at the Heritage Crossing Community Center, 7715 Heritage Crossing Way, Reunion, Florida.

Present and constituting a quorum were:

John Gray	Chairman
David Burman	Vice Chairman
Marty Pawlikowski	Assistant Secretary
Lee Beekman	Assistant Secretary
Duane Owen	Assistant Secretary

Also present were:

George Flint	District Manager
Colt Little	District Counsel
Steve Boyd	District Engineer
Alan Scheerer	Operations Manager
Several Residents	

FIRST ORDER OF BUSINESS

Roll Call

Mr. Flint called the meeting to order.

SECOND ORDER OF BUSINESS

Approval of the Minutes of the November 10, 2011 Meeting

Mr. Flint stated the next item is approval of the minutes of the November 10, 2011 meeting. Those were provided to you in your agenda packet. Are there any additions, deletions or corrections to the minutes?

There not being any,

On MOTION by Mr. Pawlikowski seconded by Mr. Beekman with all in favor the minutes of the November 10, 2011 meeting were approved as presented.

THIRD ORDER OF BUSINESS

Review and Discussion of ADA Report

Mr. Flint stated the next item is review and discussion of ADA report. The Board previously was advised that there are new ADA requirements going into effect March 2012 and as a result approved hiring a consultant to review our recreation facilities and advise us on any modifications that would need to be made to come into compliance with the new proposed regulations. We provided you with a copy of their report dated October 7, 2011 and I will ask Mr. Scheerer to give you a brief overview of the major recommendations included in their report.

Mr. Scheerer stated all the pool and recreational facilities were examined including the exercise equipment located in the 7 Eagles pool facility. The recommendations for the fitness equipment are minor just changing positions and different angles of the equipment to allow for wheelchair accessibility and I don't see anything in there that would be critical to the District. However, with all of our pools the requirements are that we have to have a chair lift for each body of water, wading pool, spa and swimming pool. The recommendation from the consultant is that we would need to provide these lifts at each of the pool locations in order for us to be compliant. That is the biggest recommendation and the most critical recommendation that is in this report.

Mr. Flint stated the lifts apply not only to pools but to spas and wading pools.

Mr. Scheerer stated the current availability is pretty good as far as obtaining these it is about a week out, the costs are anywhere from \$8,000 to about \$11,000 per unit.

Mr. Flint stated they can either be portable or permanent.

Mr. Scheerer stated the permanent ones require inserts at each location. Some of the buzz I'm hearing from other people who are dealing with this is putting in multiple anchors at the spa and pool, purchasing a semi-portable lift that can be physically anchored at each location and they are either battery operated or water operated or completely portable that can be rolled out, it weighs about 800 pounds and has a weight capacity of 300 pounds at its furthest point where it swings out into the water and those can be moved to a location and covered and left until they are needed then they can be rolled into place at whichever body of water that requires access. If we were to buy one for each pool, spa, wading pool location we would be looking at about \$30,000 in some instances per facility because some of our facilities have a pool, wading pool and a spa.

Mr. Flint stated what we would probably do in that case is do the portable one and only have one on each site and there are seven sites so potentially we are looking at \$70,000 at a

minimum. The recommendation we are giving to most of our boards is to wait and not do anything right now and after the first of the year when we get closer to March see if there are any potential changes to the guidelines. Sometimes at the last minute they will defer the implementation date and push it out so the Board may want to wait a couple months before we get serious about doing anything.

Mr. Glasser asked does every pool have to have it or can some pools be designated as disability pools?

Mr. Flint responded every pool has to have accessibility.

Mr. Burman asked do you have any idea of the penalty if it becomes law and we don't do it?

Mr. Little stated I did look at that when I originally investigated all this but I don't remember off the top of my head. I will go back and pull the research.

Mr. Burman stated ADA has those requirements for reasonable accommodation I wonder what the outcome of that is if reasonable accommodation isn't made.

Mr. Little stated I would have to go back and pull the research on it, it has been months since I look at that originally when we started this process.

Mr. Flint stated I would think we have until the February meeting to make a decision and still be able to comply.

Mr. Pawlikowski asked as a precursor to that could we go ahead and solicit bids for supplying a locked in price and come March if the DOJ does not rescind the policy they made that we could say we have it under contract and we are just waiting for the legislature?

Mr. Flint responded we will get a couple bids and bring them back to the Board in January, have them approved and at your February meeting you can pull the trigger on whether we want to install them or not. That probably would be the best way to go. We have gotten a couple of bids in some other communities the price doesn't vary significantly so I wouldn't think we would need more than probably two bids and we can do that if that is what the Board would like to do.

Mr. Pawlikowski stated I think that would show that we are moving forward and reacting to it.

Mr. Little stated Alan just pointed out that McCranie & Associates state that the enforcement date of the new standards is March 15, 2012.

Mr. Greenstein asked does anyone know if this covers individual homes?

Mr. Burman stated only commercial pools so far.

Mr. Greenstein asked even if it is a private commercial pool?

Mr. Flint responded it does apply to non-government pools. Our concern is the CDD pools but I do believe that it was discussed at the last meeting that it applies to hotels, the water park anyone who owns a pool that is used by the public.

Mr. Pawlikowski asked we would get five portable units?

Mr. Scheerer responded seven.

Mr. Gray asked is this something you can discuss with the hotel so see what their thoughts are on the issue? I recognize these are our assets but as with all the other issues where the ownership of the asset and the use is somewhat muddy because of the relationship is there a way to talk with them and see if they would be willing to pay for these retrofits?

Mr. Flint responded I think the only one they might have any interest in would be 7 Eagles because they have no involvement in the community pools. The issue with 7 Eagles is that all those rooms in that resort are individually platted units that pay assessments and I will be happy to talk with Mike about that and see if they have any willingness to participate.

Mr. Gray stated only because in documenting what we are talking about the Board speaks in shorthand and the unit owners might say why didn't they ask the hotel people because most people think the pool is a pool that is used as an amenity, amenity equals club, club equals developer, why should we have to pay for it. It is only to say that this isn't something that is legally or even operationally something that the developer would be paying for. We are kind of closing the loop so if the argument we just had on this topic is written in the minutes people who do go to the website can see.

Mr. Flint stated the resort, all those units are individual units, they receive individual tax bills so if there are people staying in those units even though they are a guest of the resort they are staying in a unit that pays a tax bill that pays assessments that funds the operation of the amenities so there is that connection. There may be a possibility of some economy of scale because we are buying so many if we bid it out maybe we can get some unit benefit. If the water park has the same issue we can talk to the resort about whether we can combine that and get some greater economies of scale.

Mr. Gray stated maybe they have insight into the hotel associations with their ear to the ground closer than we have about what is happening with this situation because that is their business everyday of the week.

Mr. Pawlikowski asked with regard to economies of scale would it not also be a benefit to approach other CDDs that are in the same situation and make a combined purchase?

Mr. Flint stated we manage a number that have pools that we are looking at right now. It does make sense if we can bid 25 of them and see what our unit price is.

A resident stated I could reach out to Wyndham they have to be doing this all over the country and they are buying hundreds of them.

Mr. Owen stated I strongly recommend that we proceed at least to lock in something otherwise we are going to be riding the tiger because the current projection that the hotels have to jump on this you could be ten years out before you could receive your product. This is made by a very narrow industry and the amount that is going to be required come April is going to be phenomenal. The other choice is you have to close facilities.

Mr. Little asked do you want to authorize them to put some deposit money down?

Mr. Owen stated at least something to get something locked in if it is the homeowners' wish and rather than worry about DOJ fines the primary worry is multiple lawsuits for civil rights violations for not having ADA facilities available.

Mr. Greenstein stated I appreciate the openness of discussion because if you went by the book our input wouldn't be relevant or not acceptable until we get to that session. There are pools in Reunion that are not CDD pools. Who owns the Center Court Ridge pool, who owns the pools at the Villas North?

Mr. Owen stated in those cases it is the club.

Mr. Greenstein stated I would think the management of the resort would have an interest in the discussion. Has anyone from the legal side looked to see what the response was to DOJ's publication of proposed rulemaking when it was proposed I would think even though the rule was going to be put in place in March if there isn't documented public opinion or response to the proposed rulemaking at the time that brought up the issue of this being one pool within a community or in the case of a CDD, which is a governmental entity I would think we would be in a position to get their ear toward the notion of designating pools that meet the requirement that you don't have to have every pool in every part of the CDD to be compliant with the rule. It

doesn't make practical sense. It seems simple to say to go ahead and modify every pool but from an implementation standpoint just like you work out a forbearance agreement I would hope the door isn't closed on the possibility of going to the department and trying to get a response to that particular point provided they haven't already addressed it.

Mr. Little stated I did see some of the comment to the rule during the comment period and I didn't read every line of all the comments but I didn't see anything that jumped out at me about that specific modification to it. I assume the hospitality industry has some lobbyists involved that are very well attuned to this issue and probably still working on getting modifications made to it. We are not in the same boat as them as a public entity and we have different financial circumstances but I can't make that decision about how productive or fruitful that avenue might be. I don't know where they are on this issue I don't know if DOJ is still listening and formulating people's comments on this issue or what. We haven't investigated any of that.

Mr. Greenstein stated as a public entity I hope we would be recognized that we are not just another commercial entity. If it is not already addressed in the public comment I think there is a small window of opportunity to possibly raise that issue especially when it comes to a pool like the Cove, 7 Eagles area being a large pool requiring major modification that is the main pool facility for the CDD.

Mr. Little stated the other problem might be from an APA's standpoint the comment period is closed I'm not sure how we would formally go about that process anyway.

Mr. Owen stated I believe it is closed.

Mr. Flint stated we can find out if the comment period is still open and whether there is a window of opportunity. We will do that.

Mr. Greenstein stated we all know that rules are modified by lobbying pressuring outside of the comment period.

Mr. Flint stated I don't want to be a free rider here but you have the Florida Association of Counties, the Florida League of Cities, the hospitality industry, all these other major lobbying groups among other things that they do that are impacted by the same and Marty is working with the city right now that has a community pool that they are looking at having to close that pool down because of these new guidelines. There are cities, counties, a lot of entities impacted by this. We can also sit back and say someone else is going to do it and then no one does it but I

have to believe that those industries are probably lobbying this issue very hard and the associations for cities and counties and other governmental entities that have community pools and parks and I would think with their resources they are going to have a better ability to impact that versus us. We can do whatever the Board would like us to do and if there is some thought that it would be beneficial to do that we can look into it.

A resident stated I thought the only pool facility that is not CDD is the water park and I'm hearing there are other pools now that are owned by the resort.

Mr. Flint stated there are two community pools apparently that are not CDD.

Mr. Owen stated the Grand is the club.

A resident stated when you were asking about the resort participating because of their use of the pools maybe 7 Eagles would be the only one, there are two pools here and the resort brings in large groups to Heritage Crossing I'm sure part of what they are telling those groups is that they have these rental units with pools right there overlooking the course, they should care about those pools too. It is not just limited to 7 Eagles. They are bringing patrons in so your argument about we should raise this with the resort to participate I think goes beyond 7 Eagles as long as they are bringing in people that are coming to the resort and they are telling those people they are community pools.

A resident stated it is to their benefit not to have those pools closed.

Mr. Little stated to the point that George made their argument would be that the resort is not getting a free ride that those individuals they do bring in are staying in units that are paying assessments just like every other unit. They are going to say we are already paying our share through the assessment process, which is true they are paying assessments on the units, which accommodates those guests, the hospitality operation, the club whatever it is called. Essentially those units whether they are occupied by an outside user or owner are paying assessments that fund the operation and maintenance of the District. That is their argument. I agree with you they certainly have a large vested interest in not seeing these facilities close so it is certainly worth asking the question.

A resident stated the benefit goes beyond 7 Eagles any community pool is a benefit to the resort being open and operating.

Mr. Flint stated it is a benefit to each one of those units because they are paying assessments that acknowledge that benefit.

A resident stated I think that was the point would there be some sharing.

Mr. Flint stated I think the direction I'm hearing from the Board is that you would like staff to move forward and at least get proposals and looking at what would be required to lock in a price and availability and we can bring those to you in January and you can make a decision whether or not to go forward at that point. We will contact the resort as well and we will also look into the issue of whether we were to order 25 of these would there be any price break or it doesn't matter if there is one or 100 it is going to be the same price we can try to figure that out as well. If there is a price break we will try to figure out where that break is at and whether we can achieve the volume to be able to take advantage of it.

Mr. Pawlikowski stated they are making suggestions to movement of exercise machines. Can we pass this report along to the resort and let them deal with that?

Mr. Scheerer responded yes.

Mr. Pawlikowski asked who is ultimately responsible for the compliance with the ADA requirement to move those machines in accordance with this report?

Mr. Flint stated there is probably some shared responsibility we own the facility but they have a management agreement.

Mr. Pawlikowski stated it is their equipment so if they place it on the floor incorrectly they should know this themselves in theory.

Mr. Flint stated if someone files a lawsuit I'm sure we will be named as a party because they think we have deep pockets but I think it would be their responsibility because they own the equipment and manage the facility.

Mr. Pawlikowski stated let's formally give them a copy of the report.

Mr. Flint stated we will do it with a cover letter.

FOURTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Little stated I will start with the draft rule that we approved last month for publication. You made some changes to that on the record at the last meeting so those changes were made, a revised draft was given to George's office and we also drafted the notice of rule development and notice of rulemaking that had to be published. I believe those will be published Monday or Tuesday with the notice of hearing for our January meeting. If you have any

comments to that draft rule you can provide them in advance or at the meeting. Sometimes it helps to provide them in advance and it makes things go a little smoother at the public hearing. That is on track to be adopted at the public hearing subject to any change in January.

i. Status of Pending Foreclosure Actions

Mr. Little stated with respect to the litigation the smaller single lot foreclosure suit that BB&T initiated and named us in I had a long discussion with the attorney in that case and as I told you before we filed an answer with affirmative defenses, etc. and the ball is in their court, nothing is going to happen without them going through us first and probably end up in some sort of stipulated judgment but again there is nothing for us to do or worry about right now it is their lawsuit and we are protected since we have filed our answer and affirmative defenses.

With respect to the Ginn Reunion Borrower suit I told you last month that we received the request for production initiating discovery from Ginn Reunion Borrower's attorney. We have since informed them that because of the volume of the District records and the breadth of their request they can set up a date and time to come to George's office and go through box after box of records after we have removed privileged documents from those boxes. They have not yet responded to that correspondence about setting up a date. Strategically maybe on their side they don't have a lot of incentive to push this process but clearly if we don't get a response from them within a reasonable amount of time we will request a case management conference with the court to set some hard dates for finishing this discovery. The ball is in their court they need to respond to set up a date and time to come review the records. It is still in the discovery phase there but obviously if we don't get some movement we will try to prod them along to close that phase of the litigation.

Mr. Pawlikowski asked what would you say is a line in the sand that we would be able to comfortable with?

Mr. Little responded if we don't hear from them and they don't try to at least set some kind of date within the next week or two I think we would try to obtain a case management conference with the court. At that point they try to set a calendar for completion and closure, discovery, filing of any other pleadings and eventually we would be trying to file a motion for summary judgment as soon as possible. They requested the documents so if they don't respond to our offer to allow them to come and review them it doesn't put them in good stead with the

court because they are clearly delaying the litigation. I'm not too concerned about it if we do have to go that route to prod them along of getting in front of a judge and all of us sitting down in the same room and determining a calendar for that. That step may have to happen within a few weeks to try to set a case management conference if we don't get a response from them.

Mr. Pawlikowski asked can you disclose who the legal counsel is?

Mr. Little responded I believe it is Foley & Lardner for the developer. I'm glad you triggered my memory the other advancement in that suit is that previously and I know we have been through all of the machinations of all of the various pleadings before but I will refresh your memory. Originally the lender's counsel had filed some affirmative defenses and we filed a motion to strike and they withdrew them at the last minute. They, the lender, Wells Fargo as trustee on behalf of Morgan Stanley Trust have since filed a satisfaction of mortgage on those parcels and obviously if they no longer have any interest in the property at some point they would be dismissed from the foreclosure action so we just found this out last week working through with the title company to determine whether or not their satisfaction included all of the parcels that we initiated our foreclosure on but it appears as though they at least to some extent no longer have an interest in at least a portion of these properties. We are determining the extent of that now that doesn't change anything with respect to Ginn Reunion Borrower's defenses and requests for production, etc. that they have mounted but if they no longer have any interest whatsoever in any of the parcels they would no longer be a party to the suit so it is one less moving part.

Mr. Greenstein stated I wanted to get on the record the status of the bond bifurcation process.

Mr. Little stated that is supposed to close in theory early next week. There is one document my office is still working on as part of that transaction the information memorandum. They have been coordinating with the other parties involved and the regulatory agencies and things like that to facilitate all this but it is my understanding that next week sometime that bifurcation will occur.

Mr. Flint stated it was originally going to close last month and there was a problem with the DTC. There are some single bonds out there that are owned by parties that are true brokerage companies and there was \$60,000 in bonds that were owned by entities other than the primary bondholders and \$40,000 of the \$60,000 were held by several different brokerage

companies in individual's names and it was causing problems with the DTC as the clearing house and the entity when you refund or buy these bonds or take them out they are the entity that contacts the bondholders. There were some legal issues associated with that that prevented them from closing last month and as Colt indicated we are looking at December 14th now.

Mr. Little stated they had to redraft some of the documents because of some of the bondholder issues that George mentioned so that delayed things a bit but it looks like it is going to happen next week.

Mr. Flint stated it could get pushed again but right now it is scheduled for the 14th.

A resident asked can you tell us what the acronym DTC stands for?

Mr. Little responded Depository Trust Company.

B. Engineer

Mr. Boyd stated at the last meeting the Board asked me to look into providing some information on signs that flash the speed as cars drive past the water park. There are two companies I looked at that provide similar units, they are very compact, low signs, self-contained, they shoot out the radar beam and then flash the speed. They are capable of being monitored where you log in the data and in this case there is no need to do that. The more affordable unit is \$2,400 for a battery powered unit, \$2,500 for solar powered with battery backup and \$2,000 for hard wired. The problem with doing a hard wired unit is we don't have a point of service for electricity so if you wanted to do it I would recommend doing the solar powered system with a battery backup. The batteries could last up to a week before they need to be swapped out. With the solar powered unit you wouldn't have to swap the batteries out just change them when they were exhausted at the end of its life. There is also a \$125 mounting bracket and \$40 in shipping. If you were to get two of these units and mount them one at each end of the water park you would be looking at about \$5,500 by the time you got them installed.

There was some conversation about speed humps. This same company provides rubber modular speed humps that you could nail down to the road and those are about \$2,700 each for a 7-foot wide unit. Downtown Kissimmee they are actually using these and those are 14 feet wide so if we went with a smaller unit they are about \$2,700 for the yellow markings on a black device. There is a less expensive one that is about \$2,000 but it has a big white chevron marking and looks a little more industrial and it would be your preference as to what they might look like.

If you put those out in the middle of the road I would say they are not really going to do anything. The best application might be to order the actual crosswalk with them so that you define the crosswalk not just with pavement markings like it is now but you define it with these two humps and it would require somebody to pay attention to that crosswalk and slow down even if someone wasn't in the crosswalk the fact they are there are going to cause cars in that general vicinity to slow down.

Mr. Flint stated another thing you can do is actually elevate the crosswalk and incorporate it into the speed hump. You see that in the loop area it is stamped asphalt it is not actually pavers but it looks like pavers.

Mr. Boyd stated asphalt is mounted on top of the existing asphalt and stamped with the crosswalk on top. I would guess that the price to do that is probably comparable with purchasing two of these and getting them installed.

Mr. Owen stated I am very familiar with the ones in Kissimmee and they are very effective. They have been up for three or four years now without any sign of degradation. Two or three of them mounted along there and you will drop that speed down to 15 mph through there forever. It is a quick learning curve once you go over one of them.

Mr. Burman stated also remember there are other pinch points in Reunion, 7 Eagles over to the Grand, around the traffic circle, there are lots of areas where there are pedestrians crossing so whatever we do I think we ought to keep in mind that there are other areas out there that we are going to start getting requests for at the same time.

Mr. Owen stated I think the crucial one is the water park.

Mr. Pawlikowski stated in the City of Orlando on Washington Street there is actually a law and it is done by the City of Orlando and basically if there is a person at or near a crosswalk you have to stop.

A resident stated a lot of people have sensors and lights flashing. I think the City of Kissimmee by the courthouse has that. On Central they bring it out in the middle of the street and leave it when they deem it to be heavy traffic or heavy pedestrian traffic.

Mr. Pawlikowski stated we could have the water park since that is the time of day put a portable stop sign at the water park when their hours of operation are in effect. A flashing sign that tells you the speed, there is one in my neighborhood, so I'm going 45 mph, it doesn't slow

anybody down. It is either you put in a bump or you put a stop sign that is in a 5 foot pail of concrete that someone puts out everyday and it is going to cost maybe \$100.

A resident stated it seems like the biggest problem is coming off the bridge your speed is up.

Mr. Boyd stated you are not aware of how fast you are going.

A resident stated I called with the cameras and we pull up the number of the plate when they go too fast we send them bite for \$100 and it took 3 days.

Mr. Flint stated cities and counties can do that it is a code enforcement rule and we don't have the authority to do that.

Mr. Owen asked would the CDD and/or the resort have the legal capability of sticking the stop sign in the pail?

Mr. Little stated I don't know. That is a public road.

Mr. Owen asked can we request that the authority that does have it to do so?

Mr. Pawlikowski stated all you have to do is file a maintenance of traffic plan that follows DOT criteria and it could be a permanent construction zone.

Mr. Flint stated rather than a stop sign you could put the triangle pedestrian crossing like a neon that is what they have on Central in Orlando right in the middle of the street and it is state law.

Mr. Boyd stated I would have a little bit of concern with the stop sign because if somebody runs it they have the argument that they should have seen it but if it is not there all the time it seems like it could be a potential liability.

A resident stated it is not a stop it is a yield. You are not requiring them to stop you are requiring them to yield to a pedestrian.

Mr. Little stated the point is it is in the middle of the road so you can't miss it. That is the rationale behind it that it is right in the crosswalk.

Mr. Flint asked is the Board interested in moving forward with the purchase of speed humps at this point or speed signs with readouts?

Mr. Owen stated I would rather go with speed humps.

Mr. Gray stated my preference is speed humps if we don't have to pay for all of it.

A resident stated if we look at the financial statements of the CDD I know we painted the stripes on the bridge to keep the wayward traffic straight. I recognize that it is our street but it is not our water park.

Mr. Greenstein asked what price is a life over it?

A resident stated I would like to say yes let's do it but ask.

A resident stated it is an approved traffic device, the road has been approved so I agree that we don't want anyone to get killed over it but at the same time we are sitting in the middle of winter debating on whether we can spend this amount of money. I would lean towards a cheap middle of the road yield thing that the water park should probably bear some responsibility on actually implementing.

Mr. Greenstein stated there is signage now, temporary signage that they put out everyday. Technically it is on CDD property in the roadway that shows either no parking or drop off only there are signs in place now to control the flow of traffic around the entrance to the water park. There are some signs on sidewalks and some signs that are adjacent to the blacktop.

A resident there has never been a sign on the blacktop.

Mr. Greenstein asked who owns the sidewalk? What is water park and what is CDD? Is the curb cut in that area CDD property? You have to have a few feet from the sidewalk and there may be some grass then the actual sidewalk. Is that CDD property?

Mr. Scheerer stated they used to put neon cones down the centerline at the water park.

A resident asked if you are going with the speed hump would a sign preceding it be part of that?

Mr. Flint stated it is either a sign or marking.

A resident stated that could lead to loss of control of a vehicle.

Mr. Flint stated usually there are markings on the pavement and there are also signs.

Mr. Owen stated obviously we are looking at next year's budget.

Mr. Gray stated I guess it comes down to the number of people on the Board would they vote for spending money out of this year's budget that has not been allocated for this because there is no miscellaneous line or put it off until next year when it could be included in next year's spending plan or see if the resort would pay for it.

Mr. Burman stated next year meaning next October or November.

Mr. Flint stated right. In reviewing the adopted budget there isn't any miscellaneous or contingency line that you have funds available to do this. We are going to have to take a hard look on this ADA compliance issue as well.

Mr. Gray asked Colt or George could you give us some guidance? We are probably not the only people with this kind of situation where we would like to do it we want to do something that increases the safety for everyone on a road that has been properly built and constructed and signed but you don't have the fiscal funds allocated for it.

Mr. Little stated I think that is the point. If we built it in accordance with the approved construction plans we did exactly what we are supposed to do. We don't have police powers; we can't enforce speed limits on these roads. By constructing and maintaining it in its proper state we have fulfilled our responsibility thus far.

A resident stated if an accident happens I bet the CDD would be sued.

Mr. Little stated everybody always gets sued. I can't ever stop anyone from suing someone for anything. I'm saying that is your defense. You can always do more there is no question about that but our responsibility is to construct the improvements in accordance with the requirements of DOT.

Mr. Glasser stated I think we may be losing sight. There are two aspects here. The first aspect is that the current pedestrian crossing, lines that are painted across the road, are either in the wrong place or the access from the parking area to those lines is not clear to the visitor and children run across that road where somebody who is driving a car has no regulation while we see a need to allow that person to cross. That is the reason for the accident waiting to happen. Number two the position is exacerbated further by the fact that coming down the hill the speed is far in excess of what is noted as the speed limit. By agreeing to put in the speed humps one still would need to look at the right place to put them in because however cheap or expensive they are the current markings if that is where you are going to put the speed humps is not going to work because the people don't cross in that area. It is a little more complex than just saying let's put in some speed humps. I think the whole thing needs to be looked at.

Mr. Pawlikowski stated my response is, is it not the role of this Board to create regulations to improve situations that prevent people from doing the wrong thing, those being stopping people from speeding, those also being people who don't control their children and have them cross in places that are inappropriate. Where do you draw the line in the sand where it

is our responsibility to prevent these from occurring? The issue is those items were designed they were reviewed by Osceola County, they were approved and constructed and if we start adding more items at what point does it end? Even if you put this hump in and you put a crosswalk in you are not going to prevent kids from running away from their parents and crossing in inappropriate places. The liability and the issues that occur here are with the driver that is speeding and hits someone and ultimately what happens in that case for example if the child is hit and he wasn't in a crosswalk and ran out in the road the child is still the person that is at fault. It is no different than going down one of the streets where your residences are but if a child runs out in the street and gets hit by a car the driver is not at fault whether he is speeding or not.

Mr. Greenstein stated it is a traffic management issue. Do we know what is the speed limit of Traditions Boulevard?

Mr. Boyd responded I believe it is 25 mph.

Mr. Greenstein asked what is the speed limit posted on the sign at Reunion?

Mr. Boyd stated they are all 25 mph.

Mr. Greenstein stated we need a reduction in speed limit coming off the bridge for that section where it has to go down to 10 mph. You put up a sign somewhere on the crest of the bridge, reduced speed ahead, and when you come off that bridge you have to get down to 20 or 15 mph something they will recognize.

A resident asked if there were a school there would it be the responsibility of the CDD to put up a 15 mph sign?

Mr. Pawlikowski stated the school installs those. My recollection is as far as the governing standards are if it is a private road you can post any speed you want on it whereas if it is a public road it has to follow the green book criteria and the DOT standards. In other words you just can't say we are going to post it at 10 mph or 5 mph or whatever.

Mr. Greenstein stated I just threw that out as a potential solution because I would think the circumstances would support it and it is a unique situation where because you are coming right off a bridge and if you just coast you are going to hit 42 mph. Coming down that bridge you have to slow people down and that is a traffic management issue. The speed hump thing is going to be very annoying to folks.

A resident stated I think you are going to be remiss in not doing something.

A resident stated it is a matter of money. This is a \$10,000 project and this CDD doesn't have a line item with discretionary funds to pass off \$10,000. We have no liability. I don't see us having any liability, it was approved by traffic engineers, the county, designed correctly to standards that are deemed to be safe. I just don't think we have the money especially at this time we are looking at ADA compliance that is a legal problem.

Mr. Flint stated one option we have and is something we have done in other communities is we can contact the sheriff's office and see if they will enhance their traffic enforcement. Sometimes they also have trailer mounted speed signs like this that they will put in communities. Because it is a gated community they still have responsibility for traffic regulation enforcement within Reunion. We can try that.

A resident stated call your county commissioner and request their presence out here and start clocking people and give people tickets. That is a pretty effective and cheap way to go about trying to at least temporarily remedy the situation.

Mr. Pawlikowski stated for example in a community that I work in you can call the sheriff's department and when there are sheriff's vehicles out of service they will park them in the right of way. It is a vacant vehicle but they park it in such a way that it looks like a speed trap and it does slow traffic down. My issues are we listened to your comments when we went through the budgetary process and you tell us cut and cut we don't want additional assessments and I'm having a hard time going to the flip side and say spend. We are not talking about a large amount of money but the problem is it hasn't been an item identified in the budget so the only option you have is to say we will consider it and May is coming around and we start drafting the budget in May and we can put it in there but I don't see it as something that we can immediately do.

Mr. Greenstein stated with all due respect we are talking about a public safety issue and I will be the first one with my government experience to point people in a direction other than my own if I truly believe the issue fell somewhere else. It is a shared responsibility. It is a community thing the resort has a lot to gain or lose I think in this issue. While it might be a traffic management issue and the sheriff's department is the one or whoever has to do a study to see that the speed coming down off the bridge is going to exceed the posted speed limit of 25 mph and they need to put in traffic control devices not a CDD expense but a county expense to control the speed coming off that bridge. I don't know what the process is to get that viewed but

on the other hand when you talk about the budget and the management services agreement hangs over our head with a 6 digit number going out the door and we would like to see that reviewed and renewed and revised and what have you and I'm hoping some money will be freed up through that modification of the agreement to consider something like this. I agree I do recognize the fact that this is not squarely a CDD responsibility. But at the same time I think the negative effects of not taking any action whatsoever we will be in front of the fan when you know what goes through it even though we may not be the primary target, kind of a collateral hit in the process. The resort has to be aware of the fact that that is a problem. I don't know if we ask Jay Roka if we have asked anyone else, Mike Searles, I don't know how many people would really recognize the fact that this is an ongoing issue.

Mr. Staskiel stated I'm just conjecturing here I'm wondering the issue is the development has never finished as originally planned. I think probably I'm wondering if you look along the plot line there and what was approved if you even contemplated I think that was supposed to be a shopping village over there not a parking lot for a water park. I don't even know if the crosswalk that is painted there was approved. I wonder if that was the case or if that was just something done by the developer. I think the ABOG should take this to Salamander and say this is their problem because of their under completed facilities, their water park, their inconvenience to their people and bring up some of the variety of solutions and say let's come up with some signage here not push it on the CDD. I would bet the CDD did everything they were supposed to do and maybe the CDD could send a letter or something with the ABOG in support of that and push it onto the developer and try to come up with a solution that is acceptable to everybody involved.

Mr. Pawlikowski stated I think that is an excellent comment because if you really look at the situation you have two resort parcels. You have the water park and parking that is across the street from it. The CDD happens to be in the center. We didn't create the situation so the safety issue is their issue and it is their responsibility to get their clients from across the bifurcation.

Mr. Staskiel stated the ABOG should work that with their point of contact, a letter or phone call or whatever from somebody at the CDD saying you are affecting the CDD so you need to do something.

Mr. Greenstein asked if the resort decided they are willing to post signs and added signage on technically CDD property would we care? If they supported the common good wouldn't we basically say the sign can't hurt anybody it can only help people.

A resident stated we can take it up with the resort.

Ms. Perry asked in the short term could we have security reinforce with guests coming through that the speed limit is only 25 mph especially coming down off the bridge?

Mr. Scheerer stated security was there this morning watching traffic control.

Mr. Flint stated I think she is indicating as you come through the gate can security remind people the speed limit is 25 mph.

Mr. Pawlikowski stated here is my recommendation. I think this is probably the prudent course of action is that the CDD prepares a letter and sends it to the resort and basically advises them that the CDD has been made aware of this situation which is a result of the bifurcation of their two properties and it is creating an unsafe condition and we would like them to address it.

Mr. Flint stated potentially creating an unsafe condition.

Mr. Pawlikowski stated I'm sure it can be crafted much better than I can speak.

Mr. Greenstein stated that sounds good to me.

Mr. Flint stated if the Board is amenable to that we can draft a letter to the resort as Mr. Pawlikowski indicated and we will copy the ABOG on the letter.

Mr. Pawlikowski stated I also recommend that the ABOG prepare a letter and send it.

Mr. Greenstein stated we will.

C. Manager

i. CDD Action Items

Mr. Flint stated we have the action items list. Is there anything new on the irrigation turnover?

Mr. Boyd stated no.

Mr. Flint stated the turnover of the conservation tracts.

Mr. Little stated I haven't heard from them.

Mr. Flint stated that is in the developer's ballpark right now.

Mr. Little stated I will contact the consultant and see where they are in that process.

Mr. Flint stated the management services agreement we haven't met because of Salamander coming in as the new resort operator. My understanding is they are still getting acclimated and getting their feet on the ground and I don't think they are prepared at this point to have that conversation but sometime after January 1 I plan to initiate that discussion.

Review options for facility access control I think we are in that process we are going to have the rule hearing next month where the Board is going to consider putting in a non-resident user fee and that process and possibly a next phase will be access controls. I think security is looking into some of the options that are available per Mike Searles' request.

The entrance to the nature trail again there is nothing new on that issue. We have pulled the original design plans for that entrance area, which has the conceptual plan of what that was to look like. We provided that to Mike Searles per his request they are reviewing it we have not heard anything back as to whether they are planning on doing anything with that access area.

We are going to add ADA compliance to this list.

Mr. Pawlikowski asked is our lack of having documentation of the conservation tracts is there any potential issue for that item not being done cause us issues with the foreclosure or anything out there where we wouldn't like it to continue to drag on?

Mr. Little stated the permits and easements were in the developer's name so from that sense it is not as if we have liability with respect to those permits if there are any deviations or issues with the boundaries, etc. I think our driver as far as getting it done had more to do with there has been a lot of turnover around this project and different parties and individuals and everything involved and it was something we were interested in getting done sooner rather than later simply because we weren't sure when or if we could get these entities or individuals to continue to cooperate or what their status might be. That was our driver on that situation. That was our interest in getting it done sooner rather than later because we weren't sure what the stability was with respect to those entities and things of that nature. If I could snap my fingers I would prefer that it would get done a long time ago. They are dealing with regulatory agencies and trying to get modifications to these permits. I'm sure it is a slow process but I would like to see that they are making some kind of advancement and it seems as if they were several months ago when I last met with them. They had gone a long way into understanding the problem and deciding how to address it. I think when they went back to the agencies it slowed down but I'm going to contact the consultant and see where they are on that because I haven't heard from them on it.

ii. Approval of Check Register

Mr. Flint stated the check register is in the agenda packet through the end of November for the general fund \$326,920.91 and payroll register for \$943.50 and the detailed register is behind the summary. If you have any questions on the register I will try to answer those for you and if not I ask for a motion to approve the check register.

On MOTION by Mr. Owen seconded by Mr. Pawlikowski with all in favor the check register was approved.

iii. Balance Sheet and Income Statement

Mr. Flint stated the next item is the balance sheet and income statement there is no action required by the Board but if you have any questions on the financials I will try to answer those for you.

iv. Status of Direct Bill Assessments

Mr. Flint stated I also provided you with the status of the direct bills as we do each month and there is nothing new on that from last month's agenda.

FIFTH ORDER OF BUSINESS

Other Business

There not being any, the next item followed.

SIXTH ORDER OF BUSINESS

Supervisor's Requests

There not being any, the next item followed.

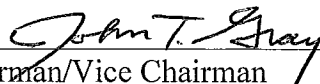
SEVENTH ORDER OF BUSINESS

Audience Comments

There not being any,

On MOTION by Mr. Pawlikowski seconded by Mr. Beekman with all in favor the meeting adjourned at 3:13 p.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman