

MINUTES OF MEETING
FALCON TRACE COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Falcon Trace Community Development District was held Wednesday, January 18, 2017 at 6:00 p.m. at the Big Hawk Lake Recreational Center, 13600 Hawk Lake Drive, Orlando, Florida.

Present and constituting a quorum were:

Andrew Gammon	Chairman
Sara Hurst	Vice Chairman
Kathy Stark	Assistant Secretary
Sue Marchesi Baron	Assistant Secretary
Carole Miller	Assistant Secretary

Also Present were:

Jason Showe	District Manager
Lindsay Whelan	District Counsel
Alan Scheerer	Field Operations
David Tuel	Head Pool Attendant

FIRST ORDER OF BUSINESS

Roll Call

Mr. Showe called the meeting to order and called the roll.

SECOND ORDER OF BUSINESS

Public Comment Period

There being none, the next item followed.

THIRD ORDER OF BUSINESS

Organizational Matters

A. Administration of Oaths of Office to Newly Elected Supervisors

Mr. Showe being a Notary Public of the State of Florida administered the Oath of Office to Ms. Miller, Ms. Baron and Ms. Stark.

B. Consideration of Resolution 2017-03 Electing Officers

Mr. Showe stated after each election we are required by the statute to elect officers. If you want to keep the same officers you can do so or you can elect new officers. Currently the officers are: Andrew Gammon Chair, Sara Hurst Vice Chair, George Flint Secretary, Ms. Baron, Ms. Stark, Ms. Miller and Jason Showe Assistant Secretaries, Ariel Lovera Treasurer.

On MOTION by Ms. Baron seconded by Ms. Miller with all in favor Resolution 2017-03 was approved retaining the same slate of officers.

FOURTH ORDER OF BUSINESS

Approval of the Minutes of the October 19, 2016 Meeting

Mr. Showe stated next is approval of the minutes of the October 19, 2016 meeting. Are there any additions, corrections or deletions to the minutes?

There being none,

On MOTION by Mr. Gammon seconded by Ms. Hurst with all in favor the minutes of the October 19, 2016 meeting were approved as presented.

FIFTH ORDER OF BUSINESS

Consideration of Non-Ad Valorem Assessment Administration Agreement

Mr. Showe stated the next item is consideration of non-ad valorem assessment administration agreement with the Orange County Property Appraiser. Essentially it is the same form agreement we have had in the past but this has a termination date.

On MOTION by Mr. Gammon seconded by Ms. Stark with all in favor the non-ad valorem assessment administration agreement between the District and the Orange County Property Appraiser was approved.

SIXTH ORDER OF BUSINESS

Discussion Regarding Amenity Policies, Rules and Rates

- A. Modification of Existing Amenity Policies**
- B. Modification of Existing Amenity Rates**

Ms. Whelan stated there has been some discussion in the past several months about your policies and we said we would bring it back in the new year to see if you wanted to make any

changes to them or to any of the rates in advance of the spring and summer busy season. There is also discussion about a suspension and termination provision. I have provided suspension and termination rules that we use in other districts that we work on to give you an alternative. To the extent that what you have is working we can continue with that but you wanted discussion about that at this meeting. Does anyone have any issues with the current policies?

Mr. Gammon stated I think the issue for David is there is no set suspension/termination.

Mr. Tuel stated correct.

Mr. Gammon asked is that the biggest issue that you face?

Mr. Tuel responded yes. When someone does something against the rules we void their card, the next time they try to come in we explain to them why we voided their card. There are members that we have told three or four times and voided their card. It would be nice that after the third strike they have to come in front of the Board to plead their case of why they keep breaking the rules. We have had repeat offenders and we have told them over and over that you can't do that but we don't have anything else we can do but void their card.

Ms. Whelan stated the proposed rules we provided in the package basically includes the concept of on the first violation you are suspended for the rest of the day, second offense one week, third offense you are suspended until the next Board of Supervisors' meeting and at that point the Board can look at the history of the offender and they can appear before the Board and explain the situation and at that point you can determine a longer suspension period up to one year based on the situation.

Mr. Tuel stated something like that would work.

Ms. Stark stated if there were a violation in May, we would meet in June or July so they wouldn't miss the entire summer swim season if we elected to reinstate their privileges.

Ms. Whelan stated perhaps you could change the language to say if the violation causes a suspension to the next Board meeting unless otherwise waived by the Chairman in his discretion so to the extent you only want to make that a one month suspension and not a two month suspension that is something we can do.

Mr. Gammon stated I prefer not doing that. I don't want to be the one who says yea or nay. Do you currently have a written report on the violations?

Mr. Tuel stated we put it in the computer when we void the card we have a little area where we write notes. We could print it.

Mr. Gammon stated part of their suggestion is a written report signed by the homeowner so that will be something a little different for you but it doesn't seem like it is a big deal to put together.

Mr. Tuel stated there are instances where they are angry and will probably not want to sign anything. If they are using someone else's card or bringing in 20 people they won't even make it through the gate so they are not about to sign anything.

Ms. Whelan stated we can make it, shall be signed by the offending patron if possible.

Mr. Showe stated it could say if patron refuses to sign, it shall be kept on file by the District.

Mr. Tuel stated most of them after we explain to them why they don't do it again there are only a very few repeat offenders.

Mr. Showe stated it will make it clear first offense is one day, second offense is a week, third offense could be up to a year. If we notify them of that and they sign it they are fully aware of the implications.

Ms. Whelan stated the rates have been in place for a number of years and now would be the time to make those changes. One thing to think about is we actually have to go through a rulemaking hearing. We are going to have to run the notices anyway so it makes sense to change the rates if the Board wants to do so at the same time. To the extent you think the dollar amounts are reasonable we can keep them the same.

Mr. Gammon asked are our rates comparable to other Districts?

Mr. Showe responded yes.

Mr. Gammon stated this isn't a moneymaking concept and it seems fine to me.

Mr. Scheerer stated the main thing is you have a good deposit if there is any damage we can retain that deposit and I think it is comparable to one or two of our other Districts.

Ms. Stark stated there are probably some things we can remove from the rules because we don't follow them such as the 10-minute rest break every hour.

Mr. Tuel stated we have never done that since I have been here.

Ms. Stark asked do people bring their radios?

Mr. Gammon responded yes.

Mr. Tuel stated maybe once I had to tell someone to turn the music down but normally it is not a problem.

Mr. Gammon asked it says no skateboards, scooters, bikes permitted in the pool deck area but do we want to put anything in for the tennis court?

Mr. Showe stated we have specific rules for the tennis courts.

Ms. Stark stated I think we should take the height restriction on the slide out since we don't enforce it.

Ms. Whelan stated I think that is fine.

Ms. Baron asked what about the age?

Mr. Gammon stated we talked about that and I'm against it and we tabled it.

Ms. Baron stated we should take it up and vote on it.

Mr. Whelan asked we are talking about reducing the full access age?

Mr. Gammon responded yes.

Ms. Stark stated I feel strongly that a 16 year old can do this on their own.

Mr. Gammon stated I couldn't disagree more but if you want to pass that I think that is a mistake.

Ms. Baron stated we let them play on our tennis court, we let them play on our basketball court, let them drive our car I just don't feel like they can't go swimming.

Mr. Gammon stated don't take this personally but I'm largely going on what our pool staff is saying and what I saw years ago when I used the pool more frequently.

Mr. Showe stated I think one thing we mentioned is you can make a separate category that says children aged 16 have a blue card for instance, and so staff knows that they are not allowed to bring guests with them.

Ms. Stark asked isn't this the part where we became concerned about segregated categories?

Mr. Gammon stated yes.

Ms. Whelan stated it was more in regards to suspension rules for different people.

Ms. Stark stated if we maintain the same suspension rules and basically say if a young adult comes to get their own card they are not allowed to have guests and they would have a different color card.

Ms. Whelan stated basically it comes down to a rational basis. In my opinion I think you could argue that a 16 year old is not the assessment payer that is the owner of the home or renter of the home. The child basically is a beneficiary of that so while you are allowing this adult who

is the primary fee payer to have guests this child is basically a beneficiary of that primary person. I would be comfortable with that but I would make sure to limit it not just by age I would limit it to all persons who are not the primary person. That is how that logic flows.

Mr. Gammon stated I'm sorry I don't understand what you just said.

Ms. Whelan stated if they are a beneficiary of someone I'm assuming a mother and father they are the ones on the deed and actually paying the assessments so they are the ones entitled to have guests. To the extent that they have a membership because they pay their assessments they also have two children who get the ability to use the amenities but they don't have the right to have guests because they are not the primary fee payer. With that specific approach, I think it is hard to limit it to 16 year olds can't bring guests or 17 year olds can't bring guests because what is the difference between them and someone who is 22 still living at home and also not paying assessments.

Mr. Gammon stated what I'm hearing you say is you are okay with 16 or 17 year olds but the guest privileges stay with the deeded owner of the property.

Ms. Whelan stated correct or the primary renter whoever is on the lease, which is a little harder to enforce but I think that gives you the kind of "smell test" you are applying.

Mr. Tuel stated there are a lot of 20 year olds living at home and you are saying they can't bring guests.

Ms. Whelan stated it has to be applied uniformly. We can change policies by motion we don't have to have a public hearing. We can approve changes to the policies and when we come back in March when we have that public hearing you will have had two months to see if that policy is working. You have more flexibility to change policies than you do with rules or rates.

Ms. Stark stated we can change the policies effectively on a dime but not the rules.

Ms. Baron stated if we are going to let these kids drive a car we should at least let them go swimming.

Mr. Gammon stated I'm going to be a naysayer. Don't take this personally, I don't agree with this it is four to one and obviously it is going to pass but we have heard the same argument, you can serve your country and can't drink until you are 21 so let's make drinking age 18.

Ms. Baron asked what is your objection to this? Is it the age?

Mr. Gammon stated largely what staff has said and what I have seen when I used to use the pool much more often. The potential of having 16 and 17 year olds bring guests, no.

Ms. Baron stated I don't think 16 and 17 year olds should be able to bring guests. I think they should be allowed to use the facility but I don't want a 16 year old to be able to bring friends without an adult.

Mr. Gammon stated legal counsel is telling us that may be a problem.

Ms. Whelan stated perhaps what we can do is not necessarily approve the changes today; we are coming back in March for a rulemaking hearing on these same general matters so maybe what we do is give me all your proposed changes today and put a resolution and the updated policies in your next agenda package for you to formally approve at that time. Everyone can read it over. I can check the statutes and do case law research to see if there is any workable solution for the guest issue and we can regroup at that time and adopt the policies. That way you are not feeling constrained to make a decision now. It seems like the changes to the pool rules are not necessarily immediately needed until March anyway. That will give me some time to research it and give staff time to see if they have had this happen at other districts where they implemented a workable solution.

C. Proposed Suspension and Termination Rules

i. Consideration of Notice of Rulemaking

ii. Consideration of Notice of Rule Development

On MOTION by Ms. Hurst seconded by Ms. Miller with all in favor staff was authorized to issue a notice of rulemaking and rule development for rules related to the suspension and termination of amenity privileges.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being none, the next item followed.

B. Manager

i. Approval of Check Register

Mr. Showe stated next is approval of the check register and these are checks from October 2016 through January 2017, checks 3483 through 3514 for \$372,368.74 and October

payroll for \$738.80 for a total of \$373,107.54. I will point out that a lot of that is transfers from the general fund to the debt service fund.

On MOTION by Mr. Gammon seconded by Ms. Hurst with all in favor the check register was approved.

ii. Balance Sheet and Income Statement

Mr. Showe stated next is the balance sheet and income statement. There is no action required by the Board.

iii. Field Manager’s Report

Mr. Scheerer gave an overview of the Field Manager’s report.

EIGHTH ORDER OF BUSINESS Supervisor’s Requests

Ms. Baron stated a resident who lives across the street and is with the state police came to the Board of Director’s meeting and he said barely anyone can play basketball and the people from the apartments have been coming over and playing and getting into fights late at night and wanted to know if the CDD can purchase signs saying private property and only Falcon Trace homeowners.

Ms. Stark stated we have “no trespassing” signs.

Ms. Whelan stated you can’t say private property. If you generalize the signs and say “property of the Falcon Trace CDD residents and authorized users only” that would be okay.

Mr. Gammon stated if that is okay then let’s do that.

Mr. Scheerer stated we will get some signs ordered and put them on the tennis and basketball courts.

A resident stated the sidewalk in front of the apartment buildings is not being maintained. Is it the homeowners association responsible to maintain that or is it the apartment complex?

Mr. Gammon stated it is probably the county.

A resident asked can someone get in touch with them to have that taken care of?

Ms. Baron stated you can, just call Orange County and report it.

A resident stated we maintain from the sidewalk and the apartment complex does not.

Ms. Baron stated the apartment complex should be taking care of their property. The Falcon Trace Homeowners Association will be taking care of any property that belongs to the homeowners association. If there is a section that is County owned then the county should be taking care of that.


Mr. Gammon stated that is often the case in many communities because all these roads are county roads, all the sidewalks are county sidewalks.

NINTH ORDER OF BUSINESS

Next Meeting Date

Mr. Showe stated the next meeting is scheduled for March 15th and we will have the rulemaking hearing at that time.

On MOTION by Mr. Gammon seconded by Ms. Hurst with all in favor the meeting adjourned at 6:50 p.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman