

**MINUTES OF MEETING
LAKESIDE COMMUNITY DEVELOPMENT DISTRICT**

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

The regular meeting of the Board of Supervisors of Lakeside Community Development District was held on **Wednesday, February 22, 2017 at 11:02 a.m.** at the office of Rizzetta & Company, Inc., located at 5844 Old Pasco Road, Suite 100, Wesley Chapel, FL 33544.

Present and constituting a quorum:

Jacqueline Torr	Board Supervisor, Chairman
Lee Thompson	Board Supervisor, Assistant Secretary
Brenda Myers	Board Supervisor, Assistant Secretary

Also Present:

Katie Buchanan	District Counsel, Hopping Green & Sams <i>(via conference call)</i>
Angel Montagna	District Manager, Rizzetta & Company, Inc.

FIRST ORDER OF BUSINESS

Call to Order

Ms. Montagna called to order and performed roll call continuing a quorum for the meeting.

SECOND ORDER OF BUSINESS

Audience Comments on Agenda Items

There were no audience members present.

THIRD ORDER OF BUSINESS

Continued Public Hearing on Parking and Towing Policies

Ms. Buchanan explained the issue with parking. Discussion ensued regarding parking and towing policies. (See Exhibit "A")

On a Motion by Mr. Thompson, seconded by Ms. Torr, with all in favor, the Board of Supervisors approved the Rule Relating to Parking Enforcement for the Lakeside Community Development District.

LAKESIDE COMMUNITY DEVELOPMENT DISTRICT

February 22, 2017 Minutes of Meeting

Page 3

72 **EIGHTH ORDER OF BUSINESS** **Consideration of Resolution 2017-05,**
73 **Designating Officers of the District**
74

On a Motion by Mr. Thompson, seconded by Ms. Torr, with all in favor, the Board of Supervisors approved Resolution 2017-05, Designating Officers of the District as follows: Jacqueline Torr – Chairman, Samantha Edwards – Vice Chairman, and Bob Memoli, Lee Thompson and Brenda Myers as Assistant Secretaries for the Lakeside Community Development District.

75
76 **NINTH ORDER OF BUSINESS** **Consideration of Resolution 2017-06, Re-**
77 **Designating Treasurer of the District**
78

On a Motion by Ms. Torr, seconded by Ms. Myers, with all in favor, the Board of Supervisors approved Resolution 2017-06, Re-Designating Officers of the District (Scott Brizendine) for the Lakeside Community Development District.

79
80 **TENTH ORDER OF BUSINESS** **Staff Reports**
81
82 A. District Counsel
83 No report.
84
85 B. District Engineer
86 Not present.
87
88 C. District Manager
89 Ms. Montagna noted the next regularly scheduled meeting will be held on March
90 29, 2017 at 11:00 a.m.
91

92 **ELEVENTH ORDER OF BUSINESS** **Supervisor Requests**
93

94 Ms. Montagna asked if there were any Supervisor requests. There were none.
95

96 **TWELFTH ORDER OF BUSINESS** **Adjournment**
97

On a Motion by Ms. Torr, seconded by Ms. Myers, with all in favor, the Board of Supervisors adjourned the meeting at 11:28 a.m. for the Lakeside Community Development District.

98
99
100
101 
Secretary/Assistant Secretary


Chairman/Vice Chairman

Exhibit A

LAKESIDE COMMUNITY DEVELOPMENT DISTRICT
RULE RELATING TO PARKING ENFORCEMENT

In accordance with Chapters 190 and 120 of the Florida Statutes, and on February 22, 2017, and at a duly noticed public meeting and after a duly noticed public hearing, the Board of Supervisors of the Lakeside Community Development District (the "District") adopted the following rules to govern traffic and parking enforcement on District right-of-ways and other property. This rule repeals and supersedes all prior rules governing the same subject matter.

1. **INTRODUCTION.** The District finds that parked Vehicles, Commercial Vehicles, Vessels and Recreational Vehicles (hereinafter defined) on its roadways causes hazards and danger to the health, safety and welfare of District residents, paid users and the public. This Policy Relating to Parking Enforcement (the "Policy") prohibits parking in certain areas within the District, and provides the manner in which any such Vehicles, Commercial Vehicles, Vessels and Recreational Vehicles so parked shall be towed/removed.

2. **DEFINITIONS.** The following definitions apply to this rule:

- A. *Vehicle.* Any device in, upon, or by which any person or property is or may be transported or drawn upon a highway.
 - B. *Commercial Vehicle.* Any mobile item which normally uses wheels, whether motorized or not, that (i) is titled, registered or leased to a company and not an individual person, or (ii) is used for business purposes even if titled, registered or leased to an individual person.
 - C. *Vessel.* Every description of watercraft, barge, or airboat used or capable of being used as a means of transportation on water.
 - D. *Recreational Vehicle.* A vehicle designed for recreational use, which includes motor homes, campers and trailers relative to same.
 - E. *Parked.* A Vehicle, Vessel or Recreational Vehicle left unattended by its owner or user. This definition excludes actively engaged delivery vehicles.
 - F. *Tow-Away Zone.* District property in which parking is prohibited and in which the District is authorized to initiate a towing and/or removal action.
-

SECTION 3. ESTABLISHMENT OF TOW-AWAY ZONES. Parking on District roadways is not permitted. All roadways within the District are hereby declared a Tow-Away Zone. Please refer to Chapter 316, Florida Statutes, Chapter 106 of the Pasco County Code of Ordinances, and the Amended and Restated Declaration of Protective Covenants for Lakeside. The District shall ensure that notice of all Tow-Away Zones is posted at conspicuous locations as required by Section 715.07, *Florida Statutes*. Additionally, the District shall obtain any local permits and/or approvals necessary for such signage.

SECTION 4. OVERNIGHT PARKING AREAS. Overnight parking is permitted in certain areas owned by the HOA. Please contact the HOA for additional information.

SECTION 5. ENFORCEMENT.

- A. To effectuate the towing/removal of a Vehicle, Commercial Vehicle, Vessel or Recreational Vehicle, the District Manager or his/her designee shall enter into and maintain an agreement with a firm authorized by Florida law to tow/remove such vehicles for the removal of the unauthorized Vehicle, Commercial Vehicle, Vessel or Recreational Vehicle at the owner's expense. The Vehicle, Commercial Vehicle, Vessel or Recreational Vehicle shall be towed/removed by the firm in accordance with Florida law, specifically the provisions set forth in section 715.07, *Florida Statutes*.
- B. *Other District Penalties.* If any person is found to have violated any of the provisions of this rule, and pursuant to Sections 120.69(2) and (7), *Florida Statutes* and other applicable law, the District shall have the right to impose a fine of up to the amount of \$1,000 and collect such fine and attorney's fees as a contractual lien or as otherwise provided by Florida law. Additionally, the District reserves the right to pursue any other applicable legal action, whether civil or criminal in nature.
- C. *Law Enforcement.* The District hereby authorizes law enforcement personnel of Pasco County and other units of government to enforce the provisions of this rule, and to enforce any and all traffic and parking laws on District right-of-ways. The District may enter into traffic enforcement or other agreements in order to effect the provisions of this subsection.

SECTION 7. SOVEREIGN IMMUNITY. Nothing herein shall constitute or be construed as a waiver of the District's limitations on liability contained in Section 768.28, *Florida Statutes*, or other statutes or law.

Specific Authority: §§ 120.54, 120.69, 190.011(5), 190.012(3), *Fla. Stat.*
Effective date: February 22,, 2017

Hopping Green & Sams

Attorneys and Counselors

TO: Board of Supervisors

FROM: District Counsel

DATE: November 3, 2016

RE: Lakeside Community Development District (“District”) – Towing

A recent amendment to Chapter 190 related to a community development district’s authority to tow took effect on July 1, 2016. The amendment clarifies that community development districts may contract with a towing operator to remove vehicles or vessels from district-owned facilities and property. In light of this amendment, the District’s Board of Supervisors may be interested in implementing a towing policy to remove vehicles from its roadways and certain other areas of District-owned property.

Should the District desire to implement a towing policy, the first step it will need to take is to establish the policy’s details. The policy will need to provide the towing standards to be enforced and the areas covered by such standards. Once established, the District will need to enforce the towing policy consistently to ensure that anyone subject to the policy is treated uniformly.

The next step would be to go through the rule making process to adopt the towing policy as a rule. This requires the District to publish two separate notices and to conduct a public hearing to allow public comment on the towing policy. Once the towing policy is adopted, and after the rule’s effective date, the District can contract with a towing company to enforce the policy.

In connection with the enforcement of the policy, the District must follow the authorization, notice and procedural requirements of section 715.07, Florida Statutes, as though the District was an owner or lessee of private property. The District will have to establish tow-away zones, as explained further below, and will then be able to contract with a towing company approved by the County.

Below is a summary of the notice and procedural requirements for the District to follow to establish the tow-away zones.

Section 715.07(2)(a), Florida Statutes, provides, “The towing or removal of any vehicle or vessel from private property without the consent of the registered owner or other legally authorized person in control of that vehicle or vessel is subject to strict compliance with the following conditions and restrictions:

1. Any towed or removed vehicle or vessel must be stored at a site within a 15-mile radius of the point of removal in any county of less than 500,000 population. That site must be open for the purpose of redemption of vehicles on any day that the person or firm towing such vehicle or vessel is open for towing purposes, from 8:00 a.m. to 6:00 p.m., and, when closed, shall have prominently posted a sign indicating a telephone number where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open the site to redeem a vehicle or vessel, the operator shall return to the site within 1 hour or she or he will be in violation of this section.
 2. Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in
-

Hopping Green & Sams

Attorneys and Counselors

control of the vehicle or vessel that the area in which that vehicle or vessel is parked is reserved or otherwise unavailable for unauthorized vehicles or vessels and that the vehicle or vessel is subject to being removed at the owner's or operator's expense, any property owner or lessee, or person authorized by the property owner or lessee, prior to towing or removing any vehicle or vessel from private property without the consent of the owner or other legally authorized person in control of that vehicle or vessel, must post a notice meeting the following requirements:

- a. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property, within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage.
- b. The notice must clearly indicate, in not less than 2-inch high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense. The words "tow-away zone" must be included on the sign in not less than 4-inch high letters.
- c. The notice must also provide the name and current telephone number of the person or firm towing or removing the vehicles or vessels.
- d. The sign structure containing the required notices must be permanently installed with the words "tow-away zone" not less than 3 feet and not more than 6 feet above ground level and must be continuously maintained on the property for not less than 24 hours prior to the towing or removal of any vehicles or vessels.
- e. The local government may require permitting and inspection of these signs prior to any towing or removal of vehicles or vessels being authorized.
- f. A business with 20 or fewer parking spaces satisfies the notice requirements of this subparagraph by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense" in not less than 4-inch high, light-reflective letters on a contrasting background.
- g. A property owner towing or removing vessels from real property must post notice, consistent with the requirements in sub-subparagraphs a.-f., which apply to vehicles, that unauthorized vehicles or vessels will be towed away at the owner's expense.

A business owner or lessee may authorize the removal of a vehicle or vessel by a towing company when the vehicle or vessel is parked in such a manner that restricts the normal operation of business; and if a vehicle or vessel parked on a public right-of-way obstructs access to a private driveway the owner, lessee, or agent may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.”

Section 715.07(2)(a)(1),(5), Florida Statutes (2016).
