

THE



Issue 41.02



BULLETIN

February 2015

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Champions of Residents' Rights Since 1975

The POA Website – www.poa4us.org

Recreation Trail Striping (Multi-Modal Path)

Over the last several months the issue of whether or not the trails that run parallel to El Camino Real, Buena Vista Boulevard and that part of Morse Boulevard south of CR466, would be safer if there was some type of striping on the paths was discussed. This topic has come up during District 1, 2, 3, 4, 5, 6, and 7 District meetings.

As reported in the December POA Bulletin, Districts 1, 2 and 3 voted to simply use reflectors and a solid yellow line on the curves, as suggested by District Staff. District 4, after receiving input from their residents that they were in favor of striping, reviewed whether a skip center line, which had been used prior to the reconstruction of the paths, or continuous lines along the sides of the paths, would be best and whether to retain the existing reflectors. (A description of the pros and cons that were mentioned at these numbered District meetings follows below.)

CDD4 voted to place a 4 inch reflective skip yellow stripe in the middle of the path and to retain the reflectors in order to assist golf cart operators with night time driving and while driving in rain and/or fog. At the December District 4 Board meeting, following the placement of the striping, Supervisors acknowledged that they had been receiving only positive comments about the striping. (The cost was minimal – The 3.03 miles of striping cost the District \$3,200 out of a budget of

\$1,716,162. Figured on a rooftop basis, with repaints every 4 years, the annual cost per rooftop would be approximately **SIXTEEN CENTS**. If they had decided to do the curb striping, it would have been approximately **THIRTY-TWO CENTS** per year per rooftop and had they done both, it would be around **FIFTY CENTS** a year.

Reflective Yellow Skip Center Line Striping:

1. It is a 4 inch wide, 3 foot long center stripe with 9 feet between stripes.
2. It identifies the lanes for users traveling in opposite directions.

(Continued on page 2)



Picture from Villages-News.com Jan 12, 2015

Don't Be A Statistic GOLF CARTS ARE NOT TOYS!!!

It is the time of year when we have increased traffic and lots of visitors in The Villages. Please note that there have been at least **FIFTEEN** (this number increased last month due to a fatality on Morse Blvd) golf cart related **FATALITIES** in The Villages in the last seven years, and over three dozen golf cart users who had to be trauma alerted to a hospital with head injuries during the last three years.

Each month, starting with the February 2012 Bulletin and ending in April 2014 (you can find all of them on the poa4us.org web page - click on "archived bulletins"), we have included a listing of all of the accidents (with

(Continued on page 4)

Tuesday, February 17, 2015

POA GENERAL MEMBERSHIP MEETING

Third Tuesday of the Month – 7:00 PM

Laurel Manor Recreation Center

"RECREATION UPDATE"

**Presented by John Rohan
Director of Villages Recreation**

**Followed by Questions & Answers
Audio and Visual in Overflow Room
Donuts and Coffee after the Meeting**

All Residents Welcome - Come and Join Us!

Trail Striping

(Continued from page 1)

3. It alerts users to use caution if passing slower traffic.
4. It improves visibility at night and during inclement weather.
5. Least expensive – only one “line”.

Negative Comments:

1. Will not last as long as curb striping due to more traffic on it.
2. Looking left into headlights of oncoming carts.
3. Looks too much like a roadway and cars may enter the path.
4. Could be slippery for bicycles passing on them when wet.
5. District Manager Tutt said it seems to discourage golf cart drivers from sharing their lanes with walkers and bicyclists.

Reflective White Solid Striping on the Curbs:

1. It identifies outside edges on **BOTH** sides of the Recreation Trail.
2. It improves visibility at night and during inclement weather.
3. It enables users who may be blinded by the glare of oncoming headlights to look down and away from the glare.
4. It has a longer life because it is not in the high traffic areas.

Negative Comments:

1. Not as effective in keeping users on their own side of the path.
2. Twice as expensive as you need two lines.
3. Many drivers prefer to look left rather than to the curb side when driving.

The POA Bulletin is published monthly by the Property Owners' Association of The Villages, Inc. Articles represent the opinion of the POA or the writer, and Letters to the Editor postings represent the opinions of the writers. Care is taken to ensure that facts reported herein are true and accurate to the best knowledge of the POA and are taken from reliable sources.

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Roadway Pavement Markers, (RPM's) with solid center line on curves:

1. These are reflective, raised markers, (usually white or yellow), glued to the road, (like the blue reflectors previously used in The Villages to identify fire hydrants).
2. Used primarily on curves and narrower sections of the Recreation Trail, in addition to solid center line striping.

Negative Comments:

1. RPM's can be a tripping hazard for pedestrians, skaters, cyclists, etc.
2. They come loose with wear and leave glue residue.

At the January POA meeting, an audience of approximately 275 residents indicated, by a show of hands, that approximately 3/4s of them use their golf cart at night and when asked how many of them wanted either center line and/or curb striping we did not see any hands go down. Feedback received by the POA thus far is that residents who use their golf carts at night or in inclement weather want either center line or curbside striping – or both. It is a SAFETY issue for night time drivers.

If you wish to have striping you need to be proactive – contact your District Supervisors by email or telephone (info on districtgov.org: hover on District and click on your district number; go to the right side and click on Board of Supervisors and you will see both their email addresses and telephone numbers). Or, better still, go to the next District meeting where audience comments are permitted and voice your opinion. The next meeting dates and times are as follows:

Meetings at Savannah Recreation Center on Friday, February 13th: CDD1 @ 8AM; CDD2 @ 9:30AM; CDD3 @ 11AM and CDD 4 @ 1:30PM.

Meetings at Lake Miona Recreation Center on Friday, February 20th: CDD5 @ 8AM; CDD6 @ 9:30AM; CDD7 @ 11AM and CDD 8 @ 2PM. □

You can find ACRONYMS for Villagers online at poa4us.org/acroynms.html

POA Mission Statement

The Property Owners' Association of The Villages is an independent organization devoted to our home ownership experience.

The Vision/Objective of the POA is to make The Villages an even better place in which to live, where Residents' Rights are respected, and local governments are responsive to the needs and interests of residents.

The POA serves Villagers through programs of education, research, analysis, representation, advocacy, and legislative action.

The POA also functions as a "watchdog" organization overseeing the actions of our Developer and our local governments.

Specific POA attention is focused on housing, community, neighborhood, and local government issues. Special emphasis is focused on the Amenity Authority Committee (AAC), our Community Development Districts (CDDs), the Florida Chapter 190 law that regulates CDD operations, and our Developer.

The POA has no ties or obligations to the Developer of The Villages which might compromise the POA position or its advocacy of Residents' Rights.

The POA, founded in 1975, is the original homeowners' organization in The Villages. Membership is open to all Villages residents. □

The Villages Residents' Bill of Rights

RESIDENTS have RIGHTS to:

1. Be treated in a respectful, fair, and responsive manner by the Developer and our local government officials.
2. Have decision making authority for important issues in our community.
3. Elect our top government officials and approve appointments of the top administrative officials in our community.
4. Approve major purchases of common property and the related debt obligations assumed by residents.
5. Have local governments that are free of any conflict of interest issues.
6. Be charged honest monthly amenity fees that are used only for the stated purposes.
7. Receive full disclosure when purchasing a home here in The Villages.
8. Receive an objective market appraisal for major purchases of common property.
9. Receive objective, unbiased, unslanted news reporting from local news sources.
10. Be informed beforehand by the Developer on any major change in our community. □

NOW ACCEPTING POA MEMBERSHIPS FOR THE YEAR 2015!

On behalf of the Officers and Directors of your POA, we would like to say "thank you" for the tremendous response of members renewing their POA memberships and also for the many, many new members who have joined with us, as a way of supporting Residents' Rights for all Villagers. Our desire is to keep each of you informed of facts about issues which may not have been clearly or fully presented in other media. The POA Mission Statement and the POA's "Bill of Rights for Villages Residents" can be found on page 2 of this Bulletin.

Our membership year runs from January 1 through December 31. We are now accepting **2015** POA memberships. Please use the form

on this page or use the fill-able and printable form on our website, [poa4us.org](http://www.poa4us.org). POA members will have access to discounts provided by our Discount Partners (details on page 23). POA members who have provided us with an email address will receive our monthly POA email Newsletter reminding them of the speaker and date of the upcoming monthly POA membership meeting, surveys, as well as Special Alerts informing them of any matters that we believe they should be aware of on a timelier basis than what our monthly Bulletin can provide.

We would also like to cordially invite you to attend one of our monthly general membership meetings where we are alerted to possi-

ble problems that residents are experiencing, i.e., roofing issues, sinkhole insurance, desire for recreation trail striping, etc.

The POA meeting is held the third Tuesday of each month at 7PM at Laurel Manor. A typical meeting consists of about 10 minutes of organization business; 20 minutes of an open forum where attendees can ask any questions they want us to find answers to, or present problems they are facing; and a guest speaker who will talk for approximately 20-30 minutes and answer questions for 10-15 minutes, which concludes the formal part of the meeting. Attendees are then invited to join us in some social time where the POA provides free coffee and donuts. □

IF YOU APPRECIATE THE EFFORTS THE POA MAKES ON YOUR BEHALF, IT'S TIME TO SHOW IT – SEND IN YOUR POA MEMBERSHIP APPLICATION TODAY. WE WANT YOU ON OUR TEAM!!!

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POA 2015 MEMBERSHIP – NEW/RENEWAL & DONATION FORM

Please complete each section and return to: The POA, P.O. Box 386, Oxford, FL 34484

New Renewal Number of People in Household

PLEASE PRINT! or Use the **ONLINE FORM** found on our website **POA4US.ORG**

NAME(S)(1) _____ (SAME LAST NAME)

NAME(S)(2) _____ (DIFFERENT LAST NAME)

ADDRESS _____

VILLAGE _____ VILLAGES ID# _____

CITY/STATE/ZIP CODE _____

PHONE _____

EMAIL _____

(We respect your privacy. Your email address is for POA Official use ONLY)

1. **MEMBERSHIP NEW/RENEWAL:** Please enroll my POA membership for **2015** at the **Annual Rate of \$10 per household.** A check payable to POA is enclosed. Memberships are for Households and run annually from **JAN 1ST to DEC 31ST.** (check the box that applies)

I will include a stamped, self-addressed envelope with this form and my check. Please mail me my **2015** Membership Card.

Please hold my POA Membership Card for me to pick up at one of the monthly POA meetings.

2. **ADDITIONAL DONATION:**

Please accept my additional **2015** contribution to the POA in the following amount: \$ _____

3. **TOTAL CHECK AMOUNT:** \$ _____

THANK YOU FOR YOUR CONTINUING FINANCIAL SUPPORT.

Dues Paid Date _____ (Office Use Only)

Happy VALENTINES Day

Golf Cart Fatalities

January Forum Questions & Answers

(Continued from page 1)

as much description as we had available) that we were aware of, and identified that almost all of them involved either someone falling out of a cart, or being ejected from the cart onto the pavement.

OUR MESSAGE IS THAT WE BELIEVE YOU MIGHT BE SAFER IF YOU USE A SEAT BELT, but the usage of seat belts in golf carts is not required by Florida Statutes, so it is your choice.

It was not until recently that the Florida Highway Patrol and local law enforcement departments kept statistics on golf cart related crashes. Therefore, the POA continues to make residents aware of the potential dangers that can face both golf cart drivers and passengers, be they on the recreation trails or the roadways shared with automobiles and trucks.

STAY ALERT!!! --- STAY ALIVE!!! □

1) How do you know if a golf cart is street legal? **A)** They have a license plate on them. The Street Legal carts are required to have a regular Florida License Tag and they have to have insurance.

2) Under Treasurer's Report we heard the percentage increases and decreases, but we never heard what the dollar value was that we have in the treasury. **A)** Receipts for the month of December were \$13,000, and the operating cash flow is approximately \$149,000.

3) In the past 2 months, I have had strangers knocking on my door wanting to do work on the house, clean the house or whatever. I say "no" and they leave. They aren't bothering me, but it makes me a little nervous to think they are banging on the door and should I report it? **A)** We would suggest you call Community Watch (753-0550) and ask them to send a patrol driver out - they will go through your neighborhood until they find the solicitor and will ask them to leave and advise them that there is no solicitation in The Villages.


(Continued on page 5)

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January Q&A

(Continued from page 4)

4) Lately there has been advertising in the papers and announcements in the squares that the entertainment is being partially paid for by a Sumter County grant. The announcement is generating questions about what will happen when that grant expires. Is it possible that perhaps the entertainment is not going to be a steady perk for the residents of The Villages? A) The entertainment on the squares is not part of our amenities. Thus, the Developer can discontinue it at any time. However, the Developer receives a certain percentage of the income from each of those shops and restaurants around the square, so the entertainment is as it attracts people to those businesses. The class of the entertainment might drop off, but we think that the Developer will continue providing the nightly entertainment, but there is no guarantee.

5) I live right outside of Sumter Landing. I'm wondering why all the offices and district workers have been brought into Sumter Landing which, for me, has created quite a problem with parking. At 7:00AM there are trucks parked in back of Too Jays and in the parking lot. It looks like there's a big affair going on

and it's just really all the workers that have been brought in there recently and I'm just wondering why. A) The District moved to consolidate and to have their offices more centrally located. (They were previously located just off of CR466.) They had Recreation in one building, Community Watch in another, Finance and Budget in another, etc. and the Developer said he would give the District a great lease deal and offered them the whole upper area above Starbucks right there in Sumter Landing, so that they were more centrally located for resident access. It is "one-stop shopping". No matter what you need it's right there. Community Watch and Fire are off-site, but, Recreation, Deed Compliance, and all the other departments are there. Where all the trucks are coming from, we don't know, because Community Watch is not located there. Additionally, the trucks and other vehicles you describe are unlikely to belong to members of the District Staff, as their offices are not even open at 7AM.

6) Is there a cap on amenities fees? A) Right now there is a cap of \$155 but they can change that any time they want. They just can't go up more than the CPI for any given year. However, they are able to 'recapture' any of the CPIs they skipped if funds are

needed. So, if you were at \$155 and had been here 3 years, they would have the right to have you go up the next year the total of those 3 CPIs.

7) The gate at Southern Trace is always being knocked down. And, so often, when you come out, the sun is in your eyes. I wondered if those closing gates could be painted with a brighter color, because they sometimes sort of blend in with the background. A) The problem with that is the Florida Department of Highways has strict guidelines on what those gates can have on them, what is written on them, what color you use, etc. As an example, they made The Villages take down the "Welcome Home" signs on the entry gates. □

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POA Sinkhole Insurance Committee Update

Due to the holidays we do not have an update, but want to assure you that the Committee continues to investigate all possible means to create the availability of sinkhole coverage for Villages residents. The Committee is currently attempting to secure industry sinkhole loss experience in order to substantiate loss estimates in financial projections. It has found that the industry is willing to provide data, but ACCURATE data is difficult to find. However, it remains optimistic about finding a solution. We will continue to keep you updated on their progress. □



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Amenity Authority Committee (AAC) Meeting Highlights January 7, 2015

Audience Comments:

- A resident requested that staff look at the golf cart path, beginning at the medical gate, up to the bridge at 441. He was concerned about safety due to the height of some of the bushes and use of a small reflector instead of a post to warn drivers that there is a curb present. He also suggested that the two gates be removed as there were some protrusions on them and requested that they add center line striping. Staff agreed to review the location and the item will be placed on Old Business for updates.
- Audience comment was received from a vendor regarding the RFP/bid process on the El Santiago project. Staff provided an overview of the process. More on this issue under Capital Project Update Status. * (see page 7)
- Resident expressed concern that billiard tables were not included in the new El

Santiago Recreation Center.

- A resident announced that there will be a workshop held to assist with further knowledge about the local government.
- A resident asked if the pool lighting project for Chula Vista, et al., was still on schedule and was advised that it was.

Consent Agenda:

- Review and request approval of the Recommendation of Award to Mark Cook Builders for the demolition and reconstruction of El Santiago Recreation Center – no decision – further discussion under Capital Project Update Status.*(see page 7)

New Business:

Architectural Review Manual - The proposed Manual was provided to the AAC, at their November 2014 meeting, for discussion and consideration for approval at the January 2015 meeting. Since that time, staff has met with several board members from the various District's and have included the following additional verbiage, based on the input from District board members:

Section II – Homes and Courtyard Villas:

1. Owner's have the burden of demonstrating their requested improvement is aesthetically pleasing and benefits and

(Continued on page 7)

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AAC Highlights

(Continued from page 6)

enhances the respective subdivision.

- Once you are on the home page for the District's website, click on Departments, Community Standards, Quick Links and Forms and Publications. The architectural review application will be the first form listed.

The District's Rule to Bring About Deed Compliance (Rule), which includes a Matrix of External Deed Restrictions and Fine Schedule (Matrix), can also be found on the above website under the Community Standards home page.

Section II B – Homes: Included that landscaping walls shall not be in the easement areas.

Section II B – Homes and Courtyard Villas: Clarified that rock is an acceptable replacement for sod as long as it is utilized as an accent material in approved landscaping beds.

Section 2.4 – Driveways, Walkways, Patios, Front Entry Flooring/Courtyard Villas: Driveway painting now includes the process for supplementing the original paint colors with additional colors following the same petition process.

The proposed changes were approved following discussion.

Old Business:

Capital Projects Update:

- El Santiago Recreation Center: Based on the recommended RFP (proposal/bid), the total estimated cost for the project, including landscaping, irrigation and furniture and fixtures is \$2,203,037. This is in addition to the \$350,000 paid for the original building. Projected completion date: November 2015 (Paid for with lawsuit settlement funds.) *AAC members noted that the recommended contractor proposal was \$190,608 (12%) more than the 2nd place proposal and requested to have time to look at the individual Selection Committee Evaluations themselves, so as to have

had the opportunity to do due diligence before making their decision. The vote to postpone for time to review was 4-1 with Ms. Forrester the only vote against the Committee looking at the Individual Evaluation sheets before making their decision. It will be brought back at the February meeting.

- Tierra Del Sol Recreation Center: The contractors are installing the exterior finishes and completing the interior framework. Projected completion date: April 2015 (Paid for with lawsuit settlement funds.)
- Paradise Park: (Previously identified as "A" and "B") was completed and officially opened to the public on January 30, 2015, at an approximate total cost of \$2,037,364. (Paid for with lawsuit settlement funds.)
- Gate connectivity: The project was completed in January at an estimated cost of \$973,882. (Paid for with lawsuit settlement funds.)

"Indoor/covered" Swimming Pool(s):

The AAC provided consensus for Staff to have the opportunity, over the next four to five months, to research options and provide information to the AAC before any real discussions by the AAC and the public would take place. The review will include: whether there is a

need for an "indoor/covered" pool; determination of the ownership and size of all current pools and the ability for any pool to be retrofitted as an indoor/covered pool; investigation of possible new locations including properties adjacent to the VCCDD geographical territory; covered versus indoor pool issues and their costs, to name a few. This is an investigation and may or may not result in any action by the AAC to proceed.

Swimming Pool Water Temperatures:

Residents expressed that pools are too cold during the winter months (they average 82-84 degrees) and the AAC asked that District staff look into the possibility of raising the pool temperatures. District Property Manager Sam Wartinbee reported that \$120,000 was spent heating the pools last winter. He further advised that it would cost \$14,000 for every degree the temperatures in the pools were increased, and that each degree it was raised would also shorten the life of the pool heaters. The AAC agreed to keep the pools at the current 83 degree average temperature.

Supervisor Comments:

Mr. Bell requested that staff look into the possibility of placing 911 addresses for emer-

(Continued on page 8)



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AAC Highlights

(Continued from page 7)

gency services on the park benches along recreation trails throughout The Villages.

Please go to the districtgov.org website for the Official Minutes, Agendas and Meeting Schedule. Next AAC Meeting - Wednesday, February 11, 9:00 A.M. at the Savannah Center. □

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Are Project Wide Fund Reserve Levels Adequate?

Project Wide Funding is a pooling of a portion of annual CDD maintenance assessment money from the SLCDD and residential Districts 5 – 10 for the purpose of maintaining common areas. During the past year the Project Wide Advisory Committee (PWAC) has discussed in detail the level of reserves that should be contained in the Project Wide Fund. Apparently this question was raised by District Manger Tutt, foreseeing some type of emergency that would need to be paid for with Project Wide Funds.

At the August 4, 2014 PWAC meeting, a member of the committee inquired why there was a need to establish an additional reserve at the Project Wide Fund level, since the Interlocal Agreement provided that if something disastrous were to occur, the funds could be transferred, with approval from the District Boards, because it would be an extraordinary issue.

Ms. Tutt responded that, "... there is a large dollar remediation project that will need to be addressed along the bank of Lake Sumter, which could be an item that could require

the expenditure of reserves, depending on the cost." She further advised that if a reserve is not established within the Project Wide Fund, staff would need to request a fund transfer from each District Board and that all Boards would need to be in agreement about the appropriate process or philosophy. (Later in the same meeting minutes, Mr. Wartinbee reported that he had received a copy of the inspection and engineering report conducted by Sumter County on the Morse Boulevard bridge, and there is no indication that the bridge is effecting the erosion of Lake Sumter or vice versa. Alternatives to address the erosion along the water line are still under review.)

At the November 3, 2014 PWAC meeting, the committee discussed the process proposed by Staff entitled, "Discussion of PWAC Reserve Funding Process". The Staff proposal concluded with the statement that, "The Project Wide participating Districts will maintain their reserves with the understanding that, if a major unexpected or catastrophic event or expense occurs in the Project Wide Fund, they will be responsible for providing the necessary funding."

At their November meetings, all of the residential District Boards concurred with the reserve funding process presented. Some of the rationales for retaining reserve monies

(Continued on page 9)

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Project Wide Reserves

(Continued from page 8)

with the Districts were as follows: 1) Moving the funds to the Project Wide Renewal and Replacement (R & R) fund would have had a negative impact on interest returns for each individual District, and 2) Establishing more reserves in the Project Wide Fund would further the loss of control and integrity of the residential Districts over their maintenance assessment funds.

Currently, over 50% of the residential Districts (and less than 5% of the SLCDD) maintenance assessment budgets, which are collected annually in the November tax bills, go for Project Wide purposes.

Lastly, when the question was raised by a CDD9 Supervisor as to what would happen in the event R & R funds were ever inadequate to cover an emergency, Ms. Tutt advised that there are emergency funds available, if ever that situation arises, with guidelines set in place.

The question remains - What level of reserves by the Districts are sufficient to compensate for a major unexpected or catastrophic event? This topic will likely come up again with the 2015-16 budget process that begins in March for the Districts and culminates in September with budget approvals. □

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POA Directors Wanted

As reported last month, two POA Directors were elected District Supervisors in a District that already contained a POA Board member, and in order to avoid even the appearance of a conflict of interest, the two newly elected Supervisors (in accordance with a recent POA policy) have resigned as Directors.

The POA now has two openings for Directorships on its Board. We are seeking candidates who believe in Residents' Rights & want to make a difference. In particular, we are looking for the following:

1. A candidate who possesses investigative writing and editing skills & would assist, research and write articles for our monthly Bulletin. Experienced writers-reporters would be welcomed, and
2. A candidate with leadership abilities and aspirations to become an Officer of the POA.

If you have an interest, please contact Jerry Ferlisi, Vice-President of the POA, at (352)-391-5261. □

Review of 2014 Lightning Season

By Len Hathaway

The 2014 lightning season was unusually active here in Florida, the Lightning Capital of the US. The National Weather Service (NWS) tells us that in our area we experience an average of 80 thunderstorm days per year. According to the unofficial records compiled by a local weather observer, we had 110 thunderstorm days or 38 percent more than the NWS average.

Another metric is the unprecedented three homes destroyed by lightning bringing the total to 11 in the last 11 lightning seasons. Two of the three were all electric homes and, as of the first of this year, two of the homes are yet to be reoccupied.

In June, lightning struck a tree in Santo Domingo, then proceeded into the earth and ruptured a sewer line and residents were exposed to a foul odor. In August, the *Daily Sun* reported that the District Department of Public Safety responded to lightning striking the roofs of seven homes in one afternoon. Fortunately for the homeowners, damage was minor.

Anecdotal evidence points to a significant uptick in indirect lightning strikes causing surge damage to electrical appliances and electronic equipment like computers, televisions, furnace controllers, garage door operators, irrigation system controllers, microwave ovens, etc.

The good news is that there were no lightning related fatalities or injuries to residents of The Villages. However, in July, lightning struck a concrete truck at a Hillsborough and Morse Boulevard job site, frying the truck's electronics. Two nearby construction workers were knocked to the ground. While their injuries did not appear to be serious, they were taken to the hospital for observation.

Again this year, Florida led the nation with six lightning fatalities and 27 injuries.

How Do Lightning Protection Systems Work?

Our guest speaker at the March 17th POA meeting will be Glen Schulte, from Triangle Lightning Protection, Inc. You may have seen their monthly ad (see below) in the POA Bulletin. The presentation will include: Why you, the homeowner, should consider the installation of a lightning protection system

(Continued on page 11)

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2014 Lightning Season

(Continued from page 10)

commonly called lightning rods; What you should look for in a qualified installer; and How The System Works.

Lightning 101 - If your club, organization, church, or civic group would benefit from a free community service non-commercial Power Point presentation, *Lightning Tips for Villagers*, that addresses personal lightning safety, lightning protection systems (rods), lightning surges to electronic equipment, the susceptibility of corrugated stainless steel tubing (CSST) gas pipe to lightning, and debunking nine common lightning myths contact me Len Hathaway at lhatha@aol.com or my colleague Bob Freeman at stalit1@aol.com. □

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August 2014 Presentation Reverse Mortgage Update

Several changes have or will be taking effect as a result of the "Reverse Mortgage Stabilization Act of 2013". The bill became law on July 9th, 2014.

Some of the more pertinent changes being deployed on March 2, 2015, are a "financial assessment" of borrowers to better address the ability and willingness to pay the property taxes and homeowners insurance on the home going forward. If deemed necessary, mandatory set asides or escrows for taxes and home insurance payments.

Already in place are the first year limitations on the upfront cash draw allowed under the loan, and the inclusion of all spouses on reverse mortgage loans, as long as one borrower is at least 62.

Please feel free to call Rob Wyatt at his local office (753-6440) if you have any questions regarding this Reverse Mortgage legislation. □

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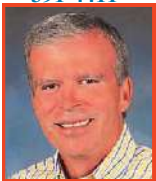
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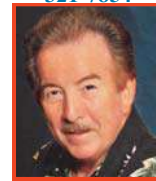


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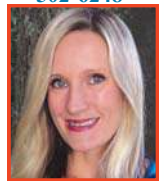
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The first District 8 Town Hall Meeting will be held at the Sea Breeze Recreation Center on February 26th at 6:00 PM. This is primarily for the benefit of those residents living in District 8, but is open to all Villagers. The objective of the event is to inform residents of current happenings, introduce them to special purpose local government and to increase local government participation. District 8 Supervisors will be presenting an overview of pertinent topics affecting the District. Ms. Janet Tutt, The Villages' District Manager, and her staff will be present along with Supervisors to address questions at the end of the session.

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ISSUES WITH CONTRACTORS

HOW TO AVOID THEM AND HOW TO DEAL WITH ANY THAT OCCUR

At a recent POA meeting, Joseph Shoemaker, an attorney with Bogin, Munns & Munns, P.A., addressed this topic. Highlights of his presentation follow.

He advised that attorneys are often approached by potential clients that have various issues with contractors. Such issues may involve inferior or uncompleted work, payment disputes, or perhaps even construction liens. While there is no way to completely eliminate the risks associated with dealing with a contractor, there are a number of things a consumer can do to possibly lessen the chances that a dispute will arise.

The first thing he advised residents to do is to thoroughly check out the contractor and he provided us with a variety of resources to do so, as follows:

1. Go to the Better Business Bureau website at bbb.org. If the company is a member they will provide you with a rating from A+ to F, the company's prior complaint history and possible resolutions made through dialogue.
2. Contact your nearest Seniors vs. Crime office in The Villages for advice or assistance. There is never a charge for their services. Seniors vs. Crime can be reached at 753-7775 at the Marion County Sheriff's Office in The Villages; 689-4600, Extension 4606 at Sumter County Sheriff's Office in The Villages; or 750-1914 at the Wildwood Police Annex in Brownwood. They are permitted to advise you of the number of complaints that have been filed against a company you are considering and how many of these were resolved. They cannot, however, recommend companies for you to hire.
3. Go to the Department of Business and Professional Regulation (DBPR) at myfloridalicense.com for license information, prior complaint history, and their

consumer complaint process. It is important to confirm that they are properly licensed to do your project.

4. To find the name of the company owner and its registered agent, go to the Florida Department of State - Division of Corporations at sunbiz.org.
5. Another good resource is your friends and neighbors and other third party references such as talkofthevillages.com

After thoroughly checking out and deciding upon a contractor, thoroughly review the proposed contract, including the proposal, any invoices, etc., looking for the following:

- Is it clear what the contractor says he will be doing?
- Is it clear what you have to pay and when you have to pay it?
- Is it clear when the work will be completed?
- Is it clear who is actually performing the work? (i.e. use of sub-contractors)
- Are any warranties clear and written as part of the contract?

(Continued on page 15)

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Contractor Issues

(Continued from page 14)

Look for and be sure to read the fine print, as it usually contains information on whether you are entitled to arbitration and/or mediation, limits on damages and waiver of rights.

Even if you perform due diligence as to the selection of the contractor and the contract itself, a contractor dispute may still arise. Some suggestions on how to deal with a dispute, if one arises, are as follows:

1. Contact the contractor by phone and discuss the issue first.
2. Provide the contractor with a "Demand Letter" (You can do this informally yourself, or through an attorney. In that letter, you should outline the issues, present possible resolution(s), and provide a deadline for compliance. Note that Florida Statute 558.002 (Construction Disputes) requires you to give written notice prior to filing a lawsuit.
3. Your last resort is to hire a lawyer and take them to court. However, note that this often takes a long time, even a year or more before your case is resolved and it can be expensive. If you go to the courts, you can easily spend much more than the cost of your suit in lawyer fees. You may get that money back if you win the suit, however, the outcome will be uncertain from the start as you are now giving that decision to a judge or perhaps putting it in the hands of a jury. Another factor to consider is that even if you win, the judge does not point to the losing party and say you have to pay in so many days – the judge simply gives you a piece of paper

stating the judgment amount, and while it is powerful, it does not guarantee you will ever get paid.

4. Something else to consider is that in Florida we have three levels of courts, not including the federal courts. The level you file in depends upon how much money you are suing for. If it is \$15,000 or more it would be heard in the Circuit Court; if it is below \$15,000 it goes to County Court where they hear misdemeanor civil cases and things like that. Those same County Court judges also have a special court called Small Claims Court. It's a little bit like the "People's Court" and "Judge Judy". A proceeding in this Court is set up so that the average person can have their day in court without the expense of hiring an attorney. The process is simplified and expedited. Once you file, which will cost you a couple hundred dollars at most, both parties will be required to participate in a Small Claims Court Pre-Trial Conference-Mediation. It varies by county, but primarily they are the same. You will be there with five to fifty people and they call the cases one at a time. If both parties show up, then the Judge or the Court Administrator will ask the defendant if you
5. Another problem you may run into is that one of the contractors may put a lien on your home. What this means is that if you don't pay a contractor, such as a roofer, and you refuse to pay him, even if you have a valid reason for not paying him, you may still get served with a lien. Which means that the roofer has put a lien on your house and they can actually go to court and foreclose with a contractor's lien on your home. The Court will be very dili-

agree with the charges in this case or disagree. They are then ordered to mediate (the mediators are volunteers) and they try to work out a deal. They sit down and talk to both parties. They usually split you up into two separate rooms and the mediator goes back and forth between the two rooms and tries to broker a deal. The mediation process is often successful but if it is not, you go to trial where the Judge will make the decision for the parties. Generally, a Judge will bend over backwards to let each party have their day in Court and not call them out on legal technicalities such as "that is hearsay". The maximum amount you can sue for in Small Claims Court is \$5,000.

(Continued on page 16)



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Contractor Issues

(Continued from page 15)

gent in evaluating a contractor's lien which is not a permanent lien – it is only good for a period of one year. There are specific issues regarding the timing of that and if the contractor does not meet all of those requirements they may not be able to put the lien on your house. For example, the contractor only has 90 days from the last day that they completed services on your house to file it and if they don't,

they lose the right to do so. If the contractor does not file suit within that one year period they lose the ability to file a foreclosure, but they do not lose their ability to sue. You can be sued by the original contractor for up to five years for breaking the contract, but they cannot foreclose on your house.

6. If you don't have a written contract, the process works a little differently. An example of where this might occur is you hire a roofer and he says they are going to do most of the work, but he will bring in

“another” roofer to do part of it because they do a good job on that part of it. So, you won't have a contract with that second roofer but they will still be doing work on your house. However, that sub-contractor potentially can lien your property which requires that they send you a “Notice To Owner” that specifically warns you that someone else, other than the contractor, is working on your house, so be careful that you do not pay twice for the same work. If you have already paid the original contractor \$20,000 for installing your roof and the contractor did not pay the sub-contractor, you can have a problem. So, you should get a Release of Lien from all of the sub-contractors who worked on the project before you make the final payment to the contractor. If this is done, then the sub-contractor can only sue the contractor for payment of their services. Whether or not you need a lawyer depends on the circumstance. If you are dealing with a lien

(Continued on page 17)

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Contractor Issues

(Continued from page 16)

they can be tricky and you may want to contact a lawyer if you cannot come to a settlement.

QUESTIONS AND ANSWERS

by Joseph Shoemaker

1. Can a roofing materials supplier come after you if the contractor does not pay him for the materials? **A)** Not directly. A supplier has the ability to send you a “Notice To Owner”, just like the contractor does, but they could not sue you. However, they could put a lien on your home and foreclose during that lien period.

2. What should you ask for to verify that the contractor has proper insurance? **A)** You can ask for their license and insurance certificate. However, you could still be sued if someone slipped and fell at your property, but this should be covered by your homeowners insurance. Contractor’s general liability coverage insurance usually only covers the contractor, but there is a set dollar maximum. Contractor’s are required by Florida Statutes to provide Workman’s Compensation.

3. Before you pay the contractor the final amount due, can you request any documents?

A) Yes. In order for a contractor to file a lien they would have to file a final contract with an affidavit, and it should have all of the sub-contractors listed from whom you should request a “Release of Lien” before final payment. It should be clear from this document that the sub-contractor has been paid in full for all work done on the property up to a certain date.

4. If you file a notice of “Contest of Lien” can you still go to small claims court? **A)** Yes.

5. If you win your case in small claims court can you get your \$300 filing fee back?

A) It is not refundable, but what can happen is when you win the case the Judge can tack on that \$300 even if it exceeds the \$5,000 limit on top of the damages.

6. Are there other remedies besides the courts? **A)** Yes. If you have a serious issue with a contractor, you can make a complaint to Seniors vs. Crime, to the Attorney General’s Office, or to the Department of Business and Professional Regulation, any of which may be willing to get involved on your behalf, especially in cases where someone has filed a fraudulent lien, where someone has

(Continued on page 18)

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Contractor Issues

(Continued from page 17)

filed papers which they don't have the ability to file, or when they are not a licensed contractor.

7. If you sue the contractor for \$15,000 and win the lawsuit how do you collect the money? A) First of all, the Judge does not force the losing party to pay. You must collect it. There are three possible ways to collect: a) You can get a lien on property – if they own real estate (other than their home) that is pretty easy; you can foreclose on them just like they can do to you; b) Liens on anything other than real estate require you to do other things, i.e., you have to notify Tallahassee – the Department of Business and Professional Regulations through which you can perfect your lien on personal property other than real estate. This allows you to levy by which you have the Sheriff come and take their stuff such as a truck and sell it at a public auction. If they have money in the bank you can garnish that money. (Many people don't realize that when you win your case you still have to collect on the Judgment, which is often difficult to do.)

8. Can you insert a liquidated damages clause in your contract and agree upon a pen-

alty if the contractor does not finish the job by the agreed upon time? A) Yes, however, if it is a liquidated damages clause which means that rather than fighting about what the actual damages are to the party, the parties can agree up front that if there is a breach of the contract these are the damages. As long as the amount is somewhere in the realm of possibility, a Judge will enforce it. Needless to say the contractors don't like these clauses, but if they sign the contract with that clause the Judge is not going to reinterpret what the parties intended. □

LETTERS

Letter to the Editor:

Black Rats

What To Do About Them

In the December edition of the POA Bulletin, a member suggested that rats are becoming a serious problem in The Villages. The editor responded by re-printing part of a letter I wrote to the POA several years ago in which I stated that Villages rats were mostly hispid cotton rats, a species that largely stays remote from our homes. They are nearly tailless and have a somewhat blunt face with rather large, round ears.

Since that earlier letter, cotton rats have virtually disappeared from The Villages. I haven't seen one in over a year. However, the population of other, more invasive rats seems to have increased. Research leads me to believe that these are black rats (aka roof rats, fruit rats, citrus rats). As opposed to cotton rats, black rats have a more typical look, with pointy faces and bare tails that are slightly longer than their six-inch bodies. They are climbers, eating the fruit on citrus trees and getting into attics.

In the past couple years I have had two separate problems with black rats in my own backyard. I trapped four rats the first time and three just recently. They have repeatedly gnawed through our lanai screens. I agree with the person who wrote the letter for the December bulletin – this is becoming a serious problem. Paul Nistico, Village of Liberty Park

Editor's Note: We contacted District Property Management and received the following recommendations: 1. Remove all bird and squirrel feeders; 2. Do not leave food outside for cats, dogs, or other pets; 3. Keep trees and shrubs trimmed and away from your home; 4. Keep your yard clear of debris and yard trimmings. Another suggestion is to remove all citrus fruit that falls from the tree onto the ground as soon as possible. □



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LETTERS

Letter to the Editor:

Cyclists and Roundabouts What To Expect

For those that live in or visit The Villages, a major part of the traffic control design is the roundabout. For cars, trucks, trolleys, motorcycles, street legal golf carts and bicycles, the roundabout is a type of circular intersection where road traffic flows almost continuously in one direction around a central island. It requires traffic entering the circle to give the right of way (yield) to traffic already in the circle.

Since there are no bike lanes in the roundabouts in The Villages, cyclists must merge into traffic prior to entering the circle. Expect the cyclist to ride in the center of the lane before entering the circle because the roadway is not wide enough to accommodate a bicycle, a motor vehicle and the 3 feet that needs to separate them.

Consistent and predictable behavior is necessary for the roundabout to work safely and

effectively. If a driver is already in the circle, that driver has the right of way and should not stop for entering traffic. Do not stop for bicycles. The well intentioned driver who stops while in the circle, places themselves and others at risk of a rear end impact or may cause a trailing vehicle to swerve into another lane.

Each cyclist **MUST** yield upon entering the roundabout. Conversely, when there is a cyclist or group of cyclists already in the circle, drivers entering should not attempt to insert themselves in front of the oncoming cyclists. Please be aware that many of these cyclists are traveling at the 20 mph speed limit and like a motor vehicle, can use either lane. A particularly dangerous situation occurs when a vehicle attempts to pass cyclists in the circle before taking an exit.

When on the roadways, cyclists are drivers and must follow all of the traffic laws and retain all of the same rights as a driver of a motor vehicle.

For drivers and cyclists to stay safe, following the law, being predictable, and being courteous make a difference.

David Lawrence, Safety Director, Governmental Liaison, Sumter Landing Bicycle Club

Editor's Note: Thank you for providing us with this information. □

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Our Gardening Column:

Indoor Gardens

by Anne Lambrecht, Master Gardener
 annegarden@embarqmail.com

Growing plants indoors can be fun and easy...if the right conditions are met. Many plants are bred as miniatures just for this purpose. You can grow tropicals, succulents, cacti, shade plants, palms, sanseveria (a/k/a mother-in-law tongue). The list is endless.

Nowadays it's trendy to make "fairy gardens", or in the olden days, "dish gardens". These are magical miniature worlds that may be attractive to fairies, elves, and such creatures. Terrariums can be beautiful and unusual in the house as well, but these take a few more steps.

Indoor plants have a slower growth pattern because there's not as much sunlight. Indoor plants add beauty to any space. They cleanse the air by pulling out CO2. Indoor plants provide a tranquil environment. The green color is easy on the eyes. It makes you feel good to look at plants (at least it makes me feel good).

Many office complexes have green plants to help improve employee well-being, productivity and performance as well as help improve

their business image with potential clients. I'm not kidding – studies have been done on this. My rule of thumb: never eat in a restaurant where the plants are dead.

To be successful with indoor plants, four basic needs must be met: light, water, food and the right soil. The foundation of your indoor garden, of course, is the soil. Your potting mix should be sterile with high levels of organic matter, depending on the plant. Cactus and succulents need coarse sand. Tropicals need lots of organic matter. Soil from the garden is not recommended. It is not sterile (insects, fungus, weed seeds, disease are all lurking in this soil). The soil for an indoor garden needs to be able to hold water and nutrients. The best solution is potting mix that you amend according to what you are growing.

When choosing your plants grow "like with like". This means choose plants that all require low light/or lots of water/or hardly any water/or lots of sun. If you put a cactus with an African violet, you will eventually kill either the cactus (from too much water) or the African violet (from not enough water) not to mention their different fertilizer requirements (later on that). Containers include clay, ceramic, plastic, metal, wood. Clay containers

are the most porous and allow evaporation so whatever's in the clay containers must be watered more often. Clay containers are good for beginners because beginners tend to over-water. Your container should be large enough to allow for root growth for at least one year. All containers must have drainage: either holes or pebbles in the bottom.

Temperature is important for your indoor garden. Ideal daytime temps should be 65-75 and nighttime temps should be 60-65. Any sudden change in temperature can adversely affect the indoor garden. We're not too troubled by freezing winter temps in north central Florida, so we don't have to worry about when the door to outside opens and a cold rush of air gets on the plants. We do have to consider things like heating or cooling vents blowing air on the plant or the plant being on top of a TV or hot appliance. In other words, indoor plants like it on the cool side.

Sunlight: all plants need to be near some source of light. The light should be indirect, not directly blaring down on a plant. Light should be bright, like in a brightly lit office. Plants should be in areas within 3' of large south, east or west facing windows.

Humidity: Air in the home is too dry for growing plants. Most home humidity is below 40%. Think greenhouse here. Plants like between 40-60% humidity. You can increase humidity by placing your plants in a tray with 2-3" of wet gravel in it. Water evaporating from the tray increases humidity. Keep the water 1/2" below the top of gravel so bottoms of the pots aren't sitting in water. Waterlogged = root rot.

(Continued on page 22)

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Indoor Gardens

(Continued from page 21)

Watering: This part is probably the most important key to success. The best and easiest way to kill a plant is to give it too much water. When we overwater, we saturate the soil and the root systems are unable to breathe from lack of oxygen. So the roots rot and the plant dies. Water when the soil is dry to the touch. Do the “finger test”. Stick your finger in to the first knuckle and if the soil’s dry, then water. Plants in clay or small pots need watering more often. Use room temperature water. Actually, room temperature RAIN water is ideal. Water until it runs out the bottom and hold in saucer for 30 minutes. Containers without drainage holes should have gravel in their bottoms to catch excess water (this is tricky). If you must use a container without drainage holes, you might want to try the “double potting” technique. The plant in the container with the hole is placed inside another, larger container that has gravel in the bottom.

Fertilizing: Slow growers like cactus and sanseveria do not need as much fertilizer. Fertilizer encourages rapid growth. Indoor plants

should be fertilized every 2-3 months. Use less in the winter or under low light conditions. There are many types of fertilizer available: water soluble powders and pellets, liquids, tablets, sticks, time-release pellets. Liquid and water soluble powders and pellets are diluted in water as directed and poured into the potting mixture. Tablets, sticks and time-release are placed on or in the potting mixture and are designed to release nutrients gradually and evenly over a long period of time. Small amounts are released at each watering. I like this idea because I tend to forget. Sometimes certain plants like orchids can get “watered weekly weakly”.

Grooming: Foliage on indoor plants tends to collect dust. Plants with hairy leaves like African violets and gloxinia should not get wet but can be cleaned with a soft cloth. Flushing the entire plant with water opens their pores. Put them in the sink or bathtub and give ‘em a shower. Plant cleanliness is favorable for health and control of insect problems. Check for dead leaves, spent flowers. Prune where necessary.

Repotting: As a plant grows, the root system gets larger making the plant “pot bound”. This restricts the plant in all aspects making it

necessary to repot. Fast growing plants need to be repotted every year. Slow growers, every 2-3 years. Water the plant to be repotted, and let it set for several hours. Take a small knife and scrape along the pot’s edge to loosen. Invert the pot; tap gently until the root ball slides out. Pull matted roots apart and cut away entangled roots. It’s ok to give your plant a “root cut”. Then place in a clean, larger pot.

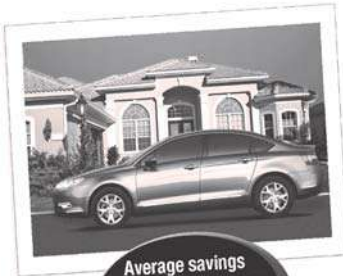
Cultural problems: Brown leaf tips or margins -- too much fertilizer, lack of water, excessive fluoride. Leaf yellowing and dropping -- air pollution, low-light intensity, chilling, lack of water, overwatering, poor water drainage. Slow growth or light green or yellow foliage -- too much light, lack of fertilizer, root rot or poor root system. Small leaves -- too little light, lack of fertilizer, lack of water, too much light.

Insect problems: mealy bugs, aphids, scales, spider mites, whitefly can all bug your plants. Examine the plant BEFORE you bring it inside. Isolate infested plants. Use a forceful spray of water on top and underneath the leaves every 2 weeks. Recipe for safe insect spray: add to a water-filled spray bottle 1 tablespoon veggie oil and 1 tablespoon liquid soap.

Diseases: most indoor plants have few diseases. Most diseases are caused by poor growing conditions. Rotting of roots and stems is usually caused by overwatering. Sometimes fungus will occur. Isolate the plant and treat with fungicide. Or you can always start over!

Now, a confession: I have NO indoor plants in my house. Can’t do it. I even failed “Chia Pet”. □

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“We Can” Weekend

A free, one-day community event.

There is life after cancer. And we're living it to the fullest. Join us for the next "We Can" Weekend, a special program for those facing cancer, cancer survivors and their families. Take part in seminars that will help on your journey, including improving nutrition and physical activity, family communication, healthy coping and newest health advances. There will be onsite yoga, massage, physician lectures, resources, and more. Bring your friends. Bring your family. Bring your "We Can" attitude.

Feb. 28th



9:00am – 2:00pm

Harbor Hills Country Club

Please call (352) -259-2200 by
Feb 24th to register.

“A day of fun and education”
“A renewal of positive energy”
“Warm, supportive, and uplifting”

Gold Level Sponsors:
RBOI

Silver Sponsors:
Lake Medical Imaging

WeCanWeekend.org
facebook.com/WeCanWeekend