

The POA BULLETIN

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Champion of Residents' Rights Since 1975

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Vinyl Siding Problems Persist in The Villages

It is increasingly apparent that The Villages developer and construction departments have what could be a major problem with the vinyl siding installation jobs on hundreds of houses in The Villages.

And, it looks like the developer and his construction staff are only grudgingly doing no more than the absolute minimum to rectify the situation. We are getting too many reports of the developer's construction staff trying to downplay the situation and/or burn off concerned residents as "complainers."

This is unacceptable. The developer should be ashamed of his lame response and what looks like his effort to avoid responsibility.

The POA calls for the developer to appoint a go-to person as the coordinator for these vinyl siding repairs. Then publicize that person's name and phone number in the Daily Sun and ask residents with any suspicion of a vinyl siding problem to call and have their houses inspected and evaluated.

Then have the POA, or, if the developer doesn't want to work with the POA, have the VHA act as an independent ombudsman for purposes of monitoring these activities and reporting back to residents periodically in the newspapers about the progress of repairs.

Also, the developer may have built over a thousand spec homes that still remain unsold. Who speaks for the eventual owners? Does the developer plan to just sell those homes and hope that buyers don't notice any problems with the vinyl siding? This is also unacceptable. The POA or VHA ombudsman should also demand an independent inspection of these spec homes and repairs as needed.

One of the first things the developer should do is to insist on proper training of all sub-contractors who install vinyl siding. We think most subs are conscientious and want to do proper installation. All they need is the proper training on how to do it according to manufacturer's specifications. The developer should insist that all subs go through a factory-approved training program on how to install vinyl siding properly.

In summary, it is incredible that the developer would tolerate what appears to be sloppy and shoddy work and then try to evade responsibility and stonewall the claims for repairs.

What has happened to the ideals and concern for family and quality on which Harold Schwartz originally founded The Villages? Yes, Harold is turning over in his grave.

As a post script, we have just learned that the Villages Warranty department may be telling some residents calling about this issue that they might be charged a

service call fee if the department goes out to inspect their siding and finds nothing wrong.

First, the odds are high that there is something wrong with the vinyl siding if the house was finished in the past year or so. This is based on the knowledge of how lax some of the training and oversight of the vinyl siding process has been and the problems uncovered to date. But, to be sure, residents should get knowledgeable and do their own basic inspection before calling.

Second, isn't the threat of a service call charge an effort to intimidate residents?

Third, we hear that the department sometimes claims that "trouble-makers" are agitating residents on this issue. If residents are bringing up these issues about their community, does that mean they are "trouble-makers"? This is the old political trick of trying to discredit the messenger.

Finally, how crass is this on the part of the builders? They should do whatever is necessary to solve this problem rather than attacking and intimidating residents who just want properly-constructed homes.

The Villages should read the book on the Tylenol recall to see how to handle a product performance crisis. If you don't show your integrity, you lose it.

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The Vinyl Siding Problem: All the Details Explained

Below is an open letter on the vinyl siding problem to Mr. Mark Morse from Mr. Ray Micucci, the resident who first noticed the problem. It looks like the vinyl siding problems continue. Perhaps this letter will help to describe the problem and prompt changes in the Villages construction departments.

Residents should study this letter carefully, even though it is long and demanding to read. Make sure you understand the scope of the problem:

Dear Mr. Morse:

This letter is going to be longer than either you or I would like. I want you to understand the extent of the construction problems in The Villages, particularly vinyl siding, and particularly in the Village of Duval.

When my house was re-sided months ago, I had Rick Murray, Villages construction, here several times and showed him numerous problems with the construction, including the siding.

He left here and the bad siding continues. Why? While I do realize that some effort

is now being made on more recent construction starts, this goes further -- what about all the homes already built?

What about the homeowners who are not knowledgeable about construction, but trusted The Villages to provide a quality product?

If you read the manufacturer's Installation Guide for siding you will see for yourself.

The siding contractors, in my opinion and many others, have not been installing the siding properly on the homes here, and that is the main reason for most of the problems.

In my conversations with Alcoa representatives, they seem to think that all they can do is offer training for the workers, they can't force them to do it right.

Alcoa also tells me that while they warrant the siding product, they do not warrant the installation.

And just as most manufacturers would do, Alcoa would probably void the warranty on their product due to improper installation if major problems arise later.

I am a retired contractor with hands on experience. I did my first siding job 35 years ago and have done many more since. I have never had even one call back. If siding is installed by the book, using the proper tools and parts, there are rarely any problems.

Just by reading the installation manuals from Alcoa, Vinyl Institute of America, Georgia Pacific, and others, you can see that your siding subcontractors aren't even close to doing a proper job.

Many residents in Duval have had to call Home Warranty regarding problems with their siding and after substandard, superficial repairs were made, have had to call again.

These repeated call backs should be telling you something. If it was done right the first time it wouldn't have to be done over and over.

For example: my neighbor had the top pieces of siding at the end of the garage and under his Florida room window fixed four times so far and the pieces are falling again as I write this.

F&R, the subcontractor on that job, claims to be using an "alternative" method instead of using the proper undersill finish trim which is made for that purpose. Obviously, the "alternative" just doesn't work.

This is just one of seven houses that I personally know of that have siding falling off right now where the subcontractor had supposedly used the "alternative" method.

Just driving through the neighborhood or along Buena Vista Blvd. you can see falling siding, and other siding problems on homes in the area.

The residents will have to call Home Warranty and have repairs on jobs that should have been done right the first time.

Why don't the siding sub-contractors learn? Why do they think they know better than the manufacturer?

Is it because they are being paid to go back and do it again multiple times, or is it

just because they assume most of the problems will be overlooked by residents who don't know what they're seeing or what is proper when it comes to construction? They just assume a new house will be built right.

When F&R did my house over, the owner of F&R complained loudly and said to Dean Carter, Villages construction, and me that he had done 400 houses in this development and never had a complaint. My response was that there must be 400 houses done wrong. He did mine over - still not well, but better.

When F&R left, Carter's representative apologized to me about how the F&R man had behaved, saying the guy was hotheaded. I'm ashamed because of his poor workmanship in his trade. I proved to him that the installation was improper with several installation manuals including Alcoa's and the Vinyl Institute's, but instead of changing, they just kept on siding the same sloppy way in the rest of the development.

Usually when you prove to someone they are doing something incorrectly, they make an effort to change and improve their quality. Here, it seems, the subcontractors continue to do the installations their old way, in defiance of proof and common sense.

Mr. Morse, remind your contractors that we residents need their respect. We are the ones paying their bills. There's no excuse for a shoddy job, or repairs that repeat the shortcomings of the original or simply cover up the defects - for the time being.

Now there are hundreds of homes that need repairs because of sloppy, careless workmanship and refusal to use the proper materials for the job.

We residents have been misinformed about the undersill; some have been told, "The distributor doesn't stock the parts" and even, "Don't panic if it falls down, just push it back" and "Most people like the stepping" - whatever story or excuse will work.

I called your distributor, ASI, and was told that all parts for all colors are in stock. And even if they weren't, surely a development of your size could plan ahead and order what you need ahead of time.

There's no excuse for not using the proper parts. As for the stepped appearance, I don't know of anyone who "likes" it. Is there a list of residents who like the stepping?

References in the manuals say for best appearance to keep the seams several feet apart. I guess your subcontractors know better than the manufacturer about best appearance - or perhaps more likely they just don't care about the appearance at all.

And why are scraps of siding being used where the width of a wall is less than 12'6" (the length of a full panel)? Using cut pieces creates unnecessary seams which are especially unattractive on the front of a house.

Why not take a survey of residents' opinion: when they know there is an alternative to the stepping, ask, "Do you like the stair stepped appearance of the seams on your home and your neighbors' homes, or would you prefer fewer, staggered seams, and no seams wherever a wall is less than 12'6" wide?"

Ask, "Do you like having warps, bellies and waves along the sides of your home and your neighbors' homes?"

Ask, "Do you like having lots of seams on the front and sides of the homes?"

I have also heard from other residents that F&R's representatives have sometimes been condescending and abrupt when they go to make repairs, and also try to talk the homeowner out of doing it right, causing the homeowner distress that he must fight just to have the job done properly. Many residents are elderly and do not feel up to handling this situation.

There are even instances where the Home Warranty representatives became testy with homeowners, myself included, when repeat calls were required because of improper fixes.

The residents should not be put in this position.

It is up to the subcontractors to clean up their own mess and fix it right, not just throw in a nail or two, or shove the panels back in place or shim them with scrap material - where they'll probably fall back out anyway.

It is the contractor's and subcontractor's responsibility to do the siding jobs over because they're the ones who didn't do it right - they got caught taking shortcuts.

No resident should have to do battle for the job to be done over - and done correctly.

It's as simple as following the manual. And Alcoa produces installation guides in both English and Spanish, so the language barrier is no excuse. And don't blame it on the Mexicans, they'll do installations however they're told. It's the people with a chip on their shoulders after being caught who don't want to admit what's wrong or correct it.

Further to siding repairs: when siding is being replaced, is the original, underlying house wrap, now full of holes, also being replaced before the new siding is installed? Is the underlying sheathing being examined to see if it has gotten wet, and if so, why? Is it also being replaced and is the cause of the water damage corrected - or will it just happen again?

Mr. Morse, during our telephone conversation I offered to take you around to show you some of the siding problems, but you didn't want to come out.

Why don't you take one of your engineers or architects out to see and to explain why there are so many waves and bellies in the siding work here in the Duval community. Why don't you just drive around Duval around 4 - 5pm on a sunny day and look down the sides of most of the homes, from the front and from the back. Look for warped, twisted and bellied siding which is on at least a third of the homes. Also look for pieces that are loose and falling from under windows and soffits, look for missing pieces of drip cap. There are many homes sides having siding panels with a noticeable difference in the color or surface sheen of adjacent panels, probably from different dye lots.

These are only some of the problems you can easily see from the road. And if I can see these things, why can't the workers or their supervisors who are supposed to be trained and certified see it and correct it before continuing.

I can walk to at least 10 houses in 20 minutes and find bad siding. Why didn't the contractor see such bad work? Why didn't the sub do it right to begin with? If they are indeed certified they have no excuse for the substandard quality of their workmanship. It looks like they never even opened a manual, much less studied it.

The symptoms of warping and bellying are often related to warped and buckled OSB beneath, often because it has gotten wet. This needs to be corrected now, not left for the homeowner to find after the 1-year warranty is up. The homeowner should not be left in ignorance of the problem because they do not know how to observe the symptoms or simply trust that their new home is well built.

Additional siding problems I have found:

1. Siding is either very loose or much too tight. According to Alcoa's guide, nailing too tight or too near the end of the nail slot will restrict movement and may result in wavy panels.
2. Staples cut through siding resulting in no attachment to wall.
3. J-channel on gables either too far away or too close to roof-varies from no room up to a 2-inch gap. No chalk line used, so often not even straight.
4. J-channel cut either too short or too long; corners cut too short, leaving gaps.
5. J-channel wavy & twisted. Siding not level. Again no chalk line.
6. Corners with nails not in the slot.
7. Corners twisted & crooked. Installer not using small framing square.
8. Nails or staples up to 48" apart, not 16" as the guide indicates.
9. No drip cap on gable ends of some courtyard villas having transition from Dutch lap panels to cedar impression. Some villas have it, some don't. A few have been repaired after this was pointed out.

One day I observed a workman installing siding by himself on an 8-foot step ladder, working over his head. In fact I made a video of it - it would make a good lesson: "How NOT to hang siding."

How can it be done by one man on a step ladder without buckling the siding? It can't.

One man cannot do a siding job properly by himself and do a good job-especially with contractor panel, it's too flimsy.

The man pushed the panel in the lock in the center, nailed two nails, got down and moved the ladder to the right, nailed again, moved the ladder left, nailed again, etc.

Of course there's a wave in the siding.

To hang straight, it has to hang evenly with no stress. Every one of your workers should go back to training to be instructed and tested on proper installation methods, for siding as well as other phases of construction.

Dean Carter is the contractor who built my house, and there have been many problems, not only the siding; however, from what I see, he is the only one making a sincere effort to fix problems and do the right thing.

He is to be commended for understanding that there is a problem with quality and workmanship issues and is trying to get his men to do a better job. The subcontractors don't seem to want to change. They are resentful of being caught

and there seems to be no motivation to do the best job and no consequences for a poor one.

What I am asking you, Mr. Morse, is really very simple. Just tell your contractors and subs to go by the book, use the correct parts and install them properly, and redo the work that was done incorrectly.

The people of Duval and The Villages deserve better than they are getting. Just do what's right.

It has been suggested that a state agency or a senior advocate agency may be of help in resolving these problems here in The Villages.

Mr. Morse, why not simplify it and take steps to assure that your contractors and subcontractors are following manufacturers instructions in all phases of home construction. Instead of denying that there are any complaints and looking the other way, take the matter seriously, and insist that the work is done correctly - the first time. Have a knowledgeable foreman oversee the jobs and inspect each phase before work progresses. Have the integrity to do the job right, not just fast. Don't accept excuses.

Mr. Morse, I, and I'm sure every resident as well, am very appreciative of all the positive work that has been done to make The Villages a great place to live. You and your family did a beautiful job in bringing your grandfather's vision to life on such a large scale. We have wonderful neighbors and friends and there is so much to do here. I feel privileged to be one of the few people in the country who has had an opportunity to live here and I thank you for it. Please step up and make sure that the beauty is more than skin deep and that integrity is not a thing of the past.

PS: Just now (8 March 2007), I visited two of my neighbors that are having repairs done on the gable ends of their homes where there was bellied siding due to the underlying OSB sheathing.

I noticed right away that they were driving the staples too deep, with no allowance for the vinyl to expand, which will result in buckling again.

I asked two of the workers if they were aware that it was too tight, and also if they knew how to adjust the staple gun. They both said "No" and also said they had not had any training or instruction on how to install the siding or use the tool.

It's not their fault. If they knew the right way, they would have done it.

Now it just has to be done again-a third time.

When will The Villages train the workers to do their jobs properly? Maybe then they could take pride in their work.

The workers are good and willing. It's the contractors and subcontractors who need to do their own jobs to make sure things are done right!

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Letter to the Editor: Vinyl Comments

I feel obligated to respond to your article about vinyl siding here in The Villages.

My name is Rod Lessard. I retired in 2002 after 35 years in the home improvement business. I dare not guess at how many panels of siding I have installed through the years. I have participated in the growth and development of these products to what they are today. Alcoa is the finest manufacturer of vinyl products since Mastic T-Lok, which Alcoa bought up.

Years ago, siding was a swear word. Do you remember Johnny Carson's monologue about being re-incarnated as an aluminum siding salesman? Or perhaps you recall Richard Dreyfus and Danny DeVito in the "Tin Men"?

Believe me, vinyl siding has come a long way - giving some credit to the manufacturers, but mostly to the innovative applicators who installed it, creative workmen who improvised techniques and styling to make a home look fantastic.

Applicators are the knowledgeable and proud workforce that built this industry.

With the massive amounts of vinyl siding being applied in The Villages, a dreamlike market has been created. Wow - I would have loved this in my youth.

Alcoa should have sent you a watchful representative a long time ago! The problems you describe are many, but are indicative of untrained applicators.

An experienced, professional applicator could solve these problems within a short period of time with supervision and training on the job.

Ron Lessard

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Comments From the POA Forum: Comments on Vinyl Siding

Below is an entry on the POA Website Forum page about the Vinyl siding installation manual:

Mar 10, 07 - 8:21 AM: The Complete address for the Alcoa siding installation manual is:

<http://www.alcoa.com/alcoahomes/objects/Docs/InstallationInstructions/General.pdf>

It took me awhile to find the right page, but this is it.

Every panel of my siding was re-stapled and is now secure. Be sure to look for dropped staples around the area where they work - would be ugly to step on one barefoot.

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VCCDD Offers Advisory Council

The VCCDD has scrapped the idea of the Resident Authority Board. In its place will be a Resident Advisory Council.

The key difference is that the Advisory Council will only be able to suggest and advise rather than make decisions on its own regarding the administration of the Amenity program north of highway 466.

This Resident Advisory Council (RAC) will have ten appointed members. Each of the four residential CDD districts will have its CDD chairman and one other resident appointed to the Council. In addition, there will be two representatives from the Lake County portion of The Villages: one from east of highway 441/27, and one from the west side, both appointed by the Town of Lady Lake Commission.

The purpose of the RAC will be to seek resident input, explore issues, and provide advice and recommendations pertaining to policy, general management, and operations related to the VCCDD Amenity Fees.

This idea of an Advisory Council was proposed after CDD1 and CDD2 decided to not support the idea of the Resident Authority Board even though a majority of Villages residents favored the idea in the November, 2006, election. The VCCDD has decided that all four CDDs north of highway 466 had to support the Resident Authority Board concept before it could be formed.

The idea of an Advisory Council, as opposed to an Authority Board, is a lame substitute given that the residential CDDs did not unanimously support the Board idea. However, if and when the interests of the developer and the residents differ on a substantial issue, it is likely that the interests of the developer will prevail on the final decisions of the VCCDD, regardless of what the residents think or recommend through the Advisory Council.

As an example of this issue, consider the recent approval of the VCCDD for extending Villages Amenities to the future residents of Freedom Pointe active retirement facility soon to be built in The Villages. Nobody can deny that Freedom Pointe is a welcome and needed facility in our community. However, Villagers were concerned about extending Amenities to those residents without a detailed study of the impact that would have on our current facilities. Residents wanted to wait before granting the request for access to amenities; VCCDD supervisors

decided to grant the request now, in spite of resident objections. The thinking was that the developer wanted to extend amenities to Freedom Pointe, so that was the way the VCCDD developer-appointed supervisors voted, no matter what residents thought.

Had a Resident Authority Board been in effect, with decision-making authority, the decision would probably have been deferred for more study. And, a resident board would probably have sought some accommodation or compromise with Freedom Pointe. But, with the developer-appointed VCCDD supervisors in charge, with authority to make decisions, the resident point-of-view was ignored. That is probably going to be the fate of any Advisory Board recommendations to the VCCDD when resident interests conflict with those of the developer.

This might be a growing problem as the developer sells off his real estate holdings in the VCCDD area. The sale of property will carry with it the voting power in the VCCDD. Residents could find an absentee owner, perhaps with no knowledge of our community, with the decision-making power over amenities. Good luck to us then....

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Discussion About the Straw Vote in the February VCCDD Meeting

This is a verbatim transcript of the discussion in the February 7, 2006, VCCDD meeting. The discussion here is about the Straw Vote and the VCCDD decision to not proceed with the formation of a Resident Authority Board as voted for by a majority of residents in the November, 2006, elections.

This is long and somewhat dry reading. But, it will give you a flavor of the discussion in the meeting and the comments from various residents and the developer-appointed supervisors of the VCCDD.

This meeting was an open meeting, and all the comments of supervisors and members of the audience are a matter of public record.

Agenda Item No. 6 - Straw Ballot Discussion

Gary Moyer (VCCDD Supervisor and an employee of the developer) - I think that we are all aware that Districts 1 and 2 opted not to participate in the authority or name anyone to the transition committee that would draft the interlocal agreement that would be necessary to bring about the authority, and I think that Mr. Lowery (VCCDD board attorney) at a previous meeting indicated, and I certainly agree, that it is necessary in order for this board to go forward and establish that authority that those numbered districts be participants to that because the whole concept is where governments cooperate together and in this case it would be the numbered districts, village center and lake county would cooperate to form this authority to jointly discharge responsibilities as it related, or at least that was our

intent, as it related to the recreational amenities programs of the district. So, it appears that we can't proceed with the authority, but when you go back and you look at what the original intent of this board was in proposing the authority it was to really solicit additional resident input into the programs that this district offers for its amenities and although we are not going to be able to proceed with a very formal structure which was the authority, I still feel though that we should consider proceeding with a RESIDENT ADVISORY COUNCIL, if you will, which has been successful in the past in terms of our focus groups where there are issues that come before this board we have asked our residents to form advisory groups to advise us as a board on actions that they felt were necessary and in the best interest of the community. So, what I would propose after public discussion, and I'll make this motion at the appropriate time is that we direct staff during the next month or so to give that some thought on what that resident advisory council would be comprised of and to return to this board to take further action on that type of approach. Again, this would be an advisory council to this board. It would be actually something that would be authorized by this board and it would be subject to the provisions of the sunshine law and it would be open for anybody to come and participate in that advisory board process. So that is the direction I would like to see this board take going forward.

Bill Garner - I certainly believe the NO votes won the election. However, there were a couple of CDD's that didn't. Whenever we have elections in the United States normally the majority of the people rule. (Applause) What we are seeing right here that we can have one CDD that vetoes the people's will. I recommend to this Board that we continue as originally planned by Mr. Moyer and if CDD1 and CDD2 want to join in later - yes. Select somebody from the CDD1 besides the Board. I'll be glad to volunteer for CDD1 as being on your committee. Thank you very much.

Mike Killingsworth (VCCDD Board Chairman and president of the developer's bank) - Thank you Mr. Garner.

Irv Yedwab - I didn't see anything in the original proposal by Mr. Moyer or the developer which required that every single district had to join into this situation. There was no mention of anything except that a majority vote would rule and decide the issue and I support Mr. Garner and others who have said that they don't agree that the refusal of a few people in one district should shoot down this excellent idea of having resident control over the amenity fees that we all pay and in that light, I would think that, although an advisory board is a good idea, I think we should try to reconsider the entire position of the straw vote. I have never seen a situation in a democracy where one small part of that democracy can overrule the wishes of the majority. In an election, it has always been in this country, majority rules and all of a sudden we have a situation where one part is taking away the rights and the vote of the majority. (Applause)

Moyer - To address your first point, the ballot language was pretty specific - the ballot language said we would create an authority comprised of - it was very specific - districts 1, 2, 3, 4, Lake County, and the VCCDD would be included.

Yedwab - Well it did not provide that representatives of each 4 districts had to take part in developing this interlocal agreement and I believe that this board has the authority to set up elections in districts 1 and 2 for the voters in district 1 and 2 to decide who their representative should be in creating this interlocal board and ... we could proceed from there.

Moyer - Sir, I as one supervisor, have NO intention of usurping the authority of an elected board by districts 1 or 2.

Yedwab - But that elected board was not elected to take part in setting up an interlocal agreement. (Applause)

Brian Evans - I think the vast majority of residents love the way the villages is being run right now. Of course, the election was for or against change, but that is not the real issue here. As the developer sells off land in the center district ... control of the way the villages is run is slipping away from the developer and I think the issue is whether we are going to let that happen or maybe step in now as you wanted to do and let the residents have some say. Therefore, I think we should continue with the discussions, even if district 1 does not want to participate^{1/4}. (Applause)

Don Dekin - Sounds to me like we have a case of the tail wagging the dog. And I agree with all of the previous speakers. I can't believe that one or two districts can veto this whole straw ballot situation. I know that in the US every state is given the opportunity to participate in our government. Whether they choose to participate or not is up to them. They are not necessarily involved in every legislative decision^{1/4}. It seems to me that Gary, from what you said about the wording of the straw ballot and so forth, they had to be given the opportunity to participate in the interlocal agreement and the setting up of that government. You have given them that opportunity. You need to make it clear that with or without them you are going to proceed and when they realize that, they are going to sit back and say well, gee, well maybe we had better have some sort of a say on this and you might find that they would have a representative there. The other questions I have is how is the resident advisory council - and I understand you're saying it would under the sunshine laws and so forth, but how is it REALLY any different from my coming up here to this microphone and giving you my input? We all have that opportunity because you afford us that opportunity and you hear our comments and you react accordingly and we appreciate that, but that's at your whim - it's not because we actually have any real authority. So I am asking you then, Gary, if you don't agree with the advisory council and what they are recommending what authority - what recourse do they have or will they have down the road? Especially^{1/4}you are not always going to be on this board^{1/4}and at some point in time as the previous gentleman said, this board will be made up of people who represent other business entities and then what is our recourse at that point in time? So I would urge that we proceed as the straw ballot intended and as the majority of people recommended and see if we can't find a way to get this interlocal government going so that there is real authority over our amenities fees. (Applause)

Killingsworth - Thank you sir

Elaine Dreidame - Reiterating what some of the others have said, is there any possibility of forming a group such as you are talking about - yet the purpose of the group would be to come up with what might encompass the interlocal agreement so that people would actually know if we put it on the ballot in 2008 exactly what it was they were voting on. It's very nebulous, no matter what side you are on of the issue, but when the people have spoken and said - WE WANT IT - well, can we get representatives and do it the same way - unofficially - as an advisory thing - let them come up with something working with the VCCDD member that's acceptable to everybody and then put it to the vote of the community once they know what it is? (Applause)

Carl Bell - Is there any room in your heart to give us some consideration to perhaps just putting two residents on the existing VCCDD board? Keeping the majority of the vote right where it is because of the great job you all do, but yet giving us a voice?

Killingsworth - Thank you sir.

Jim Murphy - As I read Chapter 190, it doesn't appear to me that the creation of this board requires an interlocal agreement because an interlocal agreement requires the sharing of resources between one or more government bodies. None of the things that you are talking about here do any of the CDD boards have any legal responsibility for. So I think the major question here is not one of interlocal agreements, which I don't think this proposal even needs, is to decide what are the legal problems you have to deal with to split off some of your responsibility as far as chapter 190 is concerned. So, I guess my request would be - you had a straw ballot and the majority said they think it's a good idea - go back and take a look at what you can do without interlocal agreements to make this body a legal body that has the authority to pick up some of the responsibilities that you people share now. (Applause)

Moyer - This board cannot simply delegate its authority or responsibility. That is not in chapter 190. We can't pass on that responsibility to whatever group. And after doing a fair amount of research and talking to some very brilliant legal scholars that work in the arena of municipal law the only way we could have accomplished this was thru chapter 163 which requires the formation of these authorities in which governments by contract - and that's really what we are talking about - participate in discharging mutual responsibilities....

Moyer - Mr. Chairman, if you will permit me, and I certainly do appreciate all of the suggestions that have been made and we will consider those, but I would like to keep the ball moving forward in a fashion as I outlined and I would make a motion to direct staff during the next month or so to give some thought to the way we could form a resident advisory council that could provide advice to this board on programs and facilities and things of that nature that we are involved in that the residents feel are important to the life style of the villages.

The motion was moved and passed unanimously.

Bill Garner - Does this mean that the straw ballot will be completely forgotten about?

Killingsworth - I think we are trying to move on to some alternative that will work - as an alternative, is the only thing I see.

Garner - The No vote is finished then is what you're saying - you're going to replace that with a....

Moyer - I'm moving to make my intent perfectly clear, I am moving on in a similar direction but not thru an authority.

Garner - So as far as you are concerned there will never be any election of the people to this board at this point.

Moyer - Well I can never say never.

Garner - As far as the next two years - that has been dropped

Moyer - I think that's true.

Garner - Okay. In other words we are saying we have no democracy in the Villages. (Applause) THAT IS WHAT THIS BOARD HAS SAID - RIGHT HERE - YOU FIVE HAVE SAID WE DO NOT HAVE DEMOCRACY IN THE VILLAGES BE CAUSE A NO VOTE WON.

Moyer - I don't mean to be argumentative but what we are saying is that the legal basis for creating the authority as we sit here today does not exist. We can't do anything about that except move forward with alternatives to accomplish the main objective that we were trying to accomplish and that is to encourage resident input into our decision making. It's simply a good faith attempt to move forward to accomplish what we wanted to accomplish.

Bob Blakely - It seems to me that you're awful quick to put this to bed and let it go. Democracy said no to this and you don't care about that. It's very obvious because you've just said that. What about the possibility of saying to 1 and 2 if you won't appoint somebody, we will. About that point in time they will appoint somebody. You just can't look at a democracy and say I don't like what you're saying, we are going to do it my way. That's what you're saying and you've basically said that. (Applause)

Moyer - Well, I regret that you would leave this meeting feeling that way given, especially if you have been at previous meetings and recognized how hard we worked on bringing that about in the first place. IT'S NOT A MATTER ABOUT DEMOCRACY, it is a matter of whether there is a legal vehicle available for us to move forward which does not currently exist at this time and my desire is to move forward with an alternative.

Eleanor Strickland - I don't believe that the ballot stated that the representatives had to be members of the CDD in any district. You made that regulation after the fact and I think (Applause) that my vote was cancelled by one or two people in district 1 and 2 who decided they didn't want to participate. That is absolutely INDEFENSIBLE on your part and on theirs. (Applause)

Joe Gorman - One final comment, could the VCCDD sponsor the creation of a Board under Chapter 163.

Moyer - That very thing was discussed with the Attorney from Marion County and his opinion was absolutely not.

Gorman - How do boards get created?

Moyer - Boards get created by laws of the State of Florida - either general acts or special acts, but this board does not have the authority to create a government. That was the issue that Mr. Johnson and Marion County made very clear to us as we were going thru this process trying to get that language on the ballot was that in no way could we have a system that would permit the at large election of authority members that were not appointed by the numbered districts.

Gorman - No, the question was how do these boards get created. Mr. Chairman, I'd like to ask the question of legal counsel whether he shares that opinion on how boards are created. Can we direct that to Mr. Lowery? Mr. Lowery is it possible - how do boards get created and would it be possible to sponsor the creation of a board under chapter 163 by this body? Not create it, but SPONSOR it.

Archie Lowery - Well I'm not sure I understand what you mean by sponsor. It's created by statute but I don't know of a way at this time, but if the board so elects, I could look into it but I don't think there is a way.

Gorman - Well this might be a way out if it would be possible for this body or somehow or other to create a board under chapter 163 as Mr. Moyer originally suggested and I think it would be a simple matter of this board negotiating with a newly created board under chapter 163, the interlocal agreement and you wouldn't really need to give a veto power to any of the districts.

Lowery - You mean this board creating another Board that has all the authority that this board would have?

Gorman - I said somehow or other sponsor the creation of a board under chapter 163. I mean, how do boards get created? Someone has to say let's create a board and you go thru legal process and it gets created. Why can't that be sponsored by this board? That would get you over the hump of having an authority that you could negotiate an interlocal agreement with. Why not consider that?

Moyer - Joe, you're friends and respect the opinion of Mr. VanAssenderp. Give Mr. VanAssenderp a call and I think he'll tell you exactly what I said. There is no way a government can create another government.

Gorman - I'd like to talk to him, but I think he wants to charge me next time I talk to him so I don't know that I can do that. A suggestion could be made by this board to create a board under chapter 163 you'd have the legal entity with which you could negotiate this interlocal agreement you are talking about.

Moyer - I know what you're saying.

Gorman - Let me address this if I could. Please consider this possibility in the work that you are planning on doing here for this advisory committee. I think you really need to take a look at it because I would hate to see this whole concept slip away over lack of maybe doing a little more leg work in terms of trying to clear this thing up. It's clear the majority said let's do it - let's make the change and let's not let that slip away. Take a look at this possibility of creating a board because that solves the whole problem if you can do that. (Applause)

Killingsworth - The motion has been made, and passed by unanimous vote -- we will move on

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March VCCDD Meeting Comments About Straw Vote

Below are comments from Mr. Stan Kozloski, a CDD3 resident, asking the VCCDD supervisors in the March meeting to wait and think a bit before tossing out the Resident Authority Board concept, authorized by the majority vote of residents in the November elections:

Later in this meeting you will be discussing the formation of the Resident Advisory Council that is to be created as a result of the failure of Districts 1 & 2 to appoint someone to the board that was originally envisioned in the Straw Ballot.

Since this issue is not time limited, what's the hurry?

By proceeding I believe that you are being grossly unfair to the District 1 & 2 supervisors and residents.

For whatever reason, the District 1 & 2 supervisors took it upon themselves to go against the majority vote and thereby violate the basic principle of democracy. As a result they have not only embarrassed themselves, but every resident of the Villages. Many people, including residents of both Districts 1 & 2, are very upset with the actions of these supervisors.

Because of the very nature of CDDs democracy is often a foreign word, but it doesn't have to be in this case.

I believe that the supervisors of Districts 1 & 2 deserve a second chance, a chance to correct their mistake. Who wants to be labeled as being undemocratic and pro minority rule?

Rather than have a letter sent to each district asking them to appoint someone to an advisory body, postpone that action temporarily.

Instead, have the district manager prepare a letter to Districts 1 & 2 asking them to re-consider their actions regarding this matter, and that they take a re-vote on appointing someone to the resident board.

This action has a number of benefits:

1. It clearly gives them an opportunity to correct their mistake if they so desire, and commit themselves to upholding the basic principles of democracy, a commitment they have not yet made.
2. Should their vote remain the same, it is clear that there was no mistake and that their action was intentionally undemocratic.
3. It puts aside some of the speculation that this was "a setup," "done deal," "manipulation," "window dressing," etc. by the developer and VCCDD from the very beginning, and that there was never any intention of giving the residents any say or authority.
4. Should their vote change, it will quell some of the animosity and hard feelings toward these two districts.

On the down side:

1. Should you hurry unnecessarily and proceed without giving them a chance to re-consider their actions you only give further credence to number 3. above.
2. You create another quandary for the residents. This new council will address all of the amenities in all of the districts; do the residents want to be represented by someone who is unpredictable re: the democratic process?

For all of our sakes, take the time to do this right.

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April Meeting of the POA at Lake Miona Rec Center

The POA will have its April 18 meeting at the Lake Miona Recreation Center at 7:00 p.m. in the Defender and Intrepid rooms.

The speaker for the evening will be Ms. Alison Brown, Editor of the Reporter Newspaper. She will speak on the Mission and Objectives of the Reporter in The Villages.

We also plan a town hall question and answer session in which any resident can ask any question about any topic with no prior restrictions.

If you haven't been to one of our meetings in the past, please join us April 18.

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Disclosure Reform

The Disclosure Reform bill suggested by the POA in past years has been submitted to the 2007 session of the Florida Legislature by our friends at Cyber Citizens For Justice, Jan Bergemann, President. The bill has been put into proper format and is now being considered. The original bill may not survive in its original form, if at all. However, this is a start. And, we need Villagers and POA members to support this bill by contacting our local Legislators.

In the House the bill number is H1373, sponsored by Representative Robaina. In the Senate it is bill number S2816, sponsored by Senator Villalobos.

You can review the whole bill at: <http://www.ccfj.net/PB07HB1373.html>. If you click on CDD, the link will take you directly to the Disclosure Reform language.

In essence, the bill requires that:

- A Disclosure notice be given to purchasers of property in a CDD,
- The notice be on a separate sheet of paper,
- The name of the CDD be disclosed,
- Taxes or assessments that can be set annually by the CDD should be disclosed,
- CDD taxes and assessments may be in addition to other taxes and assessments,
- The covenants and restrictions be disclosed,
- The additional taxes and assessments within 10 years be disclosed,
- A reasonable estimate of first 3 years of taxes and assessments be given,
- The disclosure be given within 10 days of the date of the purchase contract,

- Violations be punished by fines of \$2,500 per violation,
- Fines per violation to be capped at a maximum of \$10,000 for late payment,
- Developers submit an annual report,
- Failure to submit an annual report will incur a fine of up to \$50,000.

Please contact our local Legislators and request that they support this legislation:

Senator Carey Baker can be contacted at: baker.carey.web@flsenate.gov

Representative Hugh Gibson is at: hugh.gibson@myfloridahouse.gov

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We're Not a Resort

I am a Villager that also resents the fact that our home is used as a resort by people who have no intentions on buying. This happens a lot. The attitude of some people is "why should I buy, when I can come here for a couple months, have a wonderful vacation at a very reasonable price, then go home.

My daughter was here to help celebrate my birthday. We tried to get into Katie Belle's one night, but it was so packed that we left. We went again on Saturday night at an earlier time and did finally get in and enjoyed a wonderful meal upstairs.

My friends have either been "kicked out" of the tee time system or end up at the same golf courses - the ones least requested. Why should vacationers have the best Tee times?

I don't know what can be done about the "vacationers," but I think this issue is one many Villages are unhappy about, but many choose not to say anything, or don't know what can be done about this.

Donna Barnhart

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The Sexual Offender Database Binder

The POA now has the updated Sexual Offender Database 3-ring binder available for review at our monthly meetings. If you have not been able to review this recently, it may be worthwhile for you to do so now.

The updated binder shows sections for The Villages (20 individuals), Lady Lake (21), Oxford (5), and Summerfield (40).

Twenty people are listed for addresses in The Villages. This compared to twelve individuals listed about a year ago when the POA first compiled this binder. Some of these twenty may no longer be active in our area, but you never know.

This material was taken from the state of Florida website at: http://www3.fdle.state.fl.us/sexual_predators/ on the internet.

Another website shows a map of any area in the U.S. and pictures of these sexual offenders by location. This website is at: <http://www.familywatchdog.us/> and is a good interactive view of sexual offenders in our community.

If you have friends or family visiting you who may not be familiar with our area, it is important for you to review this material so that you can take any appropriate actions to advise and protect your family members.

So, come to the next POA meeting and take a moment to review the binder.

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Renew POA Membership

Our new membership year for 2007 has started. It runs annually from January 1 to December 31.

So, this is a good time to renew your 2007 annual POA membership. Our dues are still \$6.00 per household per year.

If you want to renew now, it would be a big help to us. Just use the membership form on the top right edge of page 15 in this Bulletin. If you mail in the form with your check and a self-addressed, stamped envelope, we will mail your membership card back to you. If you don't enclose a stamped envelope, we will hold your card for pickup at a meeting.

If you are not yet a member of the POA, this is a good time to join. Just use that same form on the top right corner of page 15 in every Bulletin.

A Renewal Form can be obtained at: poa4us.org/bulletins_files/membership.html

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Maps of Various CDD Districts

Several people have asked recently about seeing a map of their residential CDD or their Central CDD District (the VCCDD or the SLCDD).

The places to go for these maps are the two websites of the Central Districts:

For the VCCDD, go to this site: <http://www.districtgov.org/vccdd/home.asp>

For the SLCDD, go to this site: <http://www.districtgov.org/slcdd/home.asp>

You will also find a wealth of information on these two sites. In addition to the minutes and agendas of the monthly meetings, you can explore the services, facilities, and personnel of this Central District, as well as of your residential CDD.

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Corrugated Tubing Lawsuit Settlement

There has been a settlement in the Corrugated Stainless Steel Tubing (CSST) lawsuit. Go to the internet website, www.CSSTsettlement.com for more details of the settlement.

This settlement has been approved in the Clark County Circuit Court of Arkansas. The Defendants in the case, Titeflex Corporation, Ward Manufacturing, Inc., OmegaFlex, Inc. and Parker Hannifin Corp., are referred to throughout as "Settling Defendants." The persons who filed the lawsuit are called "Plaintiffs." The Effective Date of the Settlement is March 5, 2007.

Updates to this website are summarized on the Recent Updates page.

Summary:

A nationwide class action has been filed on behalf of any and all persons and/or entities who own structures in the United States in which CSST manufactured by Titeflex, Ward, OmegaFlex or Parker Hannifin was installed as of September 5, 2006. Plaintiffs allege that CSST poses an unreasonable risk of fire due to lightning strikes. The Settling Defendants deny these allegations and assert that their CSST is safe if properly installed in accordance with local codes and the manufacturers' instructions. The Proposed Settlement is a compromise of

disputed claims and does not mean the Settling Defendants are liable.

If you wish to claim the benefits of the Settlement, you must submit a fully executed Claim Form by September 5, 2007. You may complete and submit a Claim Form online or request that a Claim Form be mailed to you at the Submit a Claim Form page.

For more information regarding the Settlement, on submitting a Claim Form, or opting out of the Settlement, please visit the Frequently Asked Questions page.

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VHA Corner

The POA extends congratulations to the new president of the VHA, Roger Kass. Mr. Kass was selected by the VHA ruling board a few months ago, but just took office after the official announcement in mid-March.

Mr. Kass identified his primary objectives as enhancing communications between residents, Center Districts, and the developer.

Better communications are always desirable. However, we would like to see Mr. Kass speaking out on important Residents' Rights issues and championing the residents' viewpoints on issues of interest to them.

The problem with the VHA has always been that it is so closely aligned with the developer, that it often loses sight of Residents' Rights issues.

For example:

When the developer through the VCCDD wanted CDD4 to pay the \$165,000 cost of sinkhole repair on a pond on the developer's Nancy Lopez golf course, the VHA said nothing. The POA said that the developer should pay. He eventually did.

When the VCCDD and the SLCDD voted for an Activity Policy that severely restricted our Constitutional Rights of Speech and Assembly, the VHA thought it was a good idea as passed. When the Central Districts voted to rescind the policy, the VHA thought that was a good idea also. The POA spoke out for Residents' Rights and against the Activity Policy and didn't flip-flop like the VHA.

When the Straw Vote was up for consideration, the VHA maintained that it was neutral, even though its demeanor was against the idea. The POA spoke out strongly for the idea of residents having decision-making authority based on the Straw Vote. The VHA never did officially support either side of the issue, thus depriving residents of its leadership and advice.

So, we hope that Mr. Kass is more forward-thinking and speaks out for what is best for residents.

The VHA doesn't need to be a cheerleader for the developer. It should provide positive leadership for residents in our community. And, that means speaking out on important issues and providing leadership in our community. If the developer doesn't like it, then that is sad, but the main emphasis should be on what is good for residents.

Isn't this what a homeowners' or property owners' association is supposed to do?

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Asking for IDs at Pools

Below is an exchange of comments from the POA Website Forum about the problem with non-residents using facilities in The Villages and when to request to see the IDs of strangers in the pools:

That (asking to check IDs) would certainly help to control the influx of people who are coming into our pools from the outside. Also, do not hesitate to ask people who are in the pool for their IDs.

Many people jump in the pool when they see any rec personnel come by. JP

J.P. This is very true but I didn't move here to police my community. It is The Village responsibility to make sure only residents are using our facilities. Just because they don't do it why should we as residents take the responsibility without having any say or input into how it should be done.

It is only a matter of time before a resident questions a non-resident and some sort of incident takes place - possibly leading to the resident being injured. The Villages would surely say the resident should have called a rec center and have them do it.

Again, they are placing the responsibility on us.

By the way it is just not the pools - I am sure it is also the pickle ball courts and other facilities as well.

I think this is a great community but some of the rules have to be strengthened and enforced by The Villages, not the people who live here.

Editor's Note: Residents should avoid any confrontation that could pose a problem or danger for yourself. Always first consider asking Villages personnel to ask for IDs. And, support your Villages personnel when they ask you for your ID. Always carry it for when you have to show it.

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The Village Greens April Meeting

The Village Greens will be holding its next meeting on April 25th, 6:30 p.m., at the Laurel Manor Recreation Center.

The Village Greens is a new club in The Villages with a goal of making The Villages a showcase for the protection of our environment and the conservation of our natural resources. The club is open to any Villager interested in protecting the earth.

The club is privileged to have author Cynthia Barnett, investigative journalist and environmental historian, as its guest for April. Our other guest speaker is Trey Arnett, Water Resource Engineer for The Villages.

Mr. Arnett will address water conservation as practiced here in The Villages.

Ms. Barnett has just written a new book called "Mirage." In the book, Florida's parched swamps and sprawling subdivisions set the stage for a look at the water crisis throughout the American East, from water-division threats in the Great Lakes to tapped-out freshwater aquifers along the Atlantic seaboard.

From its calamitous opening scene of a sinkhole swallowing a house in Florida to its concluding meditation on relationship between water and the American character, Mirage is a compelling and timely portrait of the use and abuse of freshwater in an era of rapidly vanishing natural resources

Cynthia will be discussing her book and signing and reading special passages from it as well. The Village Greens is proud to promote Mirage and an autographed copy will be given as a gift to anyone making a minimum donation of \$15.00 to the Village Greens.

Don't miss this meeting. Many who have read the book couldn't put it down.

For more information call Sue Michalson at 352-259-1426.

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Snowbirds

During the winter months, those of us who are full-time residents seem to be less than enthusiastic about the people who vacation here during the winter months. Some residents think that the snowbirds are people who rent and don't own property in The Villages. So let's set the record straight on this important subject.

In January, February and March there are 3,100 private homes that are rented in The Villages. Each homeowner can provide the tenants with two residents passes, giving the tenant the same amenities that the owner has for a \$50.00 fee paid to The Villages Property Management Division. No tenant can receive priority golf privileges. Also, each tenant is charged a sales tax fee incorporated in their rent payable to the county in which the home resides.

There is no data to determine how many homeowners do not rent their homes and use them for their own winter vacation. However, I think most of us would agree that it's a large number. So, the definition of a snowbird does not necessarily mean he is a renter and in most cases he is a homeowner.

Restaurants, golf courses, and retailers will tell you that the bulk of their revenue is during the winter months. The value of the snowbird whether he is renting or an owner is an important part of our economics and we need them.

So, the next time you're waiting for that table at your favorite restaurant, or the lines are extra long at the grocery store, you should celebrate, relax, and enjoy the people we call snowbirds. Why?

Because, in the final analysis, they are one of us.

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Cheers and Jeers

Cheers - To the VCCDD administration for deciding to grind off many of the high edges on the concrete recreation trails which made the golf cart ride so bumpy. That is a good start. There is much more to do to complete the job. So far, so good, and thanks.

Jeers - To the Bulletin editor for not getting more Cheers/Jeers material to print here. Folks, we need help. E-mail your ideas to us.

Condolences - To Thomas Jefferson, editor of the Declaration of Independence, on the occasion of the demise of the concept of democratic rule in CDDs of The Villages. Too bad, Tom -- your ideas don't float here.

Shame On You - To the red fox eating all those little baby burrowing owls in the Sharon L. Morse Owl Preserve. It looks like you have already moved on to better hunting areas. Those baby owls are just gone.

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The POA's Legal Action Fund

The POA extends a thanks to all the contributors to the POA's Legal Action Fund. Our fund raising is over for the time being.

We raised a total of over \$8,000. This was a good showing for us although it was just a little below our initial target of \$10,000.

We plan to provide a complete accounting of the use and application of these funds in the near future.

Again, thanks to all who contributed to this fund. Please be assured that your generosity is helping to assure a better life for all of us here in The Villages.

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