

**MINUTES OF MEETING  
LAKE POWELL RESIDENTIAL GOLF  
COMMUNITY DEVELOPMENT DISTRICT**

A Regular Meeting of the Lake Powell Residential Golf Community Development District's Board of Supervisors was held on Monday, January 8, 2018, at 9:00 a.m., Central Time, at the Shark's Tooth Golf Club, Main Dining Room, 2003 Wild Heron Way, Panama City Beach, Florida 32413.

**Present and constituting a quorum were:**

Thomas Balduf	Chair
John Ellis	Vice Chair
Paula Greer	Assistant Secretary
Gary Lorenz	Assistant Secretary

**Also present were:**

Howard McGaffney ( <i>via telephone</i> )	District Manager
Mike Burke	District Counsel
Robert Carroll	District Engineer
Bethany Womack	Ecologist
Sherry Hill	Burg Management Company/POA
Robert Fletcher	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. McGaffney called the meeting to order at 9:00 a.m. He thanked the Chair for granting permission to change the meeting time from 2:00 p.m. to 9:00 a.m. Central Time, and Mr. Burke for ensuring that all statutory requirements were met. Supervisors Ellis, Balduf, Lorenz and Greer were present, in person. Supervisor Grueter was not present.

**SECOND ORDER OF BUSINESS**

**Acceptance of Resignation of Supervisor  
John Grueter [SEAT 4] *Term Expires  
November 2020***

Mr. McGaffney presented the resignation of Mr. John Grueter, dated October 31, 2017.

**On MOTION by Mr. Lorenz and seconded by Ms. Greer, with all in favor, the resignation of Mr. John Grueter, dated October 31, 2017, was accepted.**

**THIRD ORDER OF BUSINESS****Consideration of Appointment to Fill Unexpired Term of Seat 4**

Mr. McGaffney stated that it was necessary to appoint someone to fill the unexpired term of Seat 4, which would expire in November 2020. Mr. Robert Fletcher and Mr. Ken Buchholz have notified Mr. Gaffney of their interest in filling the vacant seat. Mr. McGaffney recommended that the POA advertize the vacancy, via e-blast, and have respondents forward a letter of interest to the District Manager, for inclusion on the next agenda. The Board must ensure that all nominees are residents of the District and a registered voter in the State of Florida. Ms. Greer suggested nominating someone from St. Joe to fill the seat, as it was important to be good neighbors with that community, and the Board should solicit a recommendation from St. Joe as to who should replace Mr. Grueter. Mr. Balduf stated that advertising in local publications would bring in St. Joe residents. Mr. McGaffney stated that Management could be of assistance through its connections with St. Joe.

**On MOTION by Ms. Greer and seconded by Mr. Lorenz, with all in favor, authorizing the District Manager to coordinate to have the POA send an e-blast and to communicate with St. Joe to advertise the vacant seat, were approved.**

Mr. Balduf pointed out that on Page 3 of the October 30, 2017 Regular Meeting Minutes, Lines 110 through 114, contradicted a substantial portion of the previous discussion. Mr. McGaffney stated that the error would be corrected, the process of electing officers would be tabled until the next meeting and appointment to fill Seat 4 would occur after receipt of feedback from interested parties and their cover letters.

- A. Administration of Oath of Office to Newly Appointed Supervisor (*the following will be provided in a separate package*)**
- i. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
  - ii. Membership, Obligations and Responsibilities**

- iii. **Financial Disclosure Forms**
  - a. **Form 1: Statement of Financial Interests**
  - b. **Form 1X: Amendment to Form 1, Statement of Financial Interests**
  - c. **Form 1F: Final Statement of Financial Interests**
- iv. **Form 8B – Memorandum of Voting Conflict**
- B. **Consideration of Resolution 2018-02, Electing Officers**

These items were tabled to the next meeting.

**FOURTH ORDER OF BUSINESS**

**Consent Agenda Items**

▪ **Approval of October 30, 2017 Regular Meeting Minutes**

*\*\*\*This Item, previously Item 4B, was presented out of order.\*\*\**

Mr. McGaffney presented the October 30, 2017 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

Lines 106, 111 and 112: Change “2018” to “2020”

A. **Approval of Unaudited Financial Statements as of November 30, 2017**

Mr. McGaffney presented the Unaudited Financial Statements as of November 30, 2017. Regarding the “Equipment insurance” line item, Management would forward a cancellation request to the insurance company and apprise the Board, upon receipt of a refund in the amount of \$3,692. Regarding the “Contractual rangers” line item, a payment of \$13,106 was made but left off the financials because the bill was received in December.

B. **Approval of October 30, 2017 Regular Meeting Minutes**

This item was addressed prior to Item 4A.

**On MOTION by Mr. Balduf and seconded by Mr. Ellis, with all in favor, the Consent Agenda Items, including amendments to the October 30, 2017 Regular Meeting Minutes, were approved.**

**On MOTION by Ms. Greer and seconded by Mr. Lorenz, with all in favor, closing all Proprietary Fund accounts and authorizing Management to transfer the funds to the General Fund account, were approved.**

**FIFTH ORDER OF BUSINESS****Staff Reports****A. Ecologist: *Cypress Environmental of Bay County, LLC*****i. Status Reports: (October and November)**

Ms. Womack presented the Ecological Reports for October and November, including Water Quality Reporting, Marsh Rabbit Run and Mitigation Work. She highlighted the following items:

- The mitigation of monitoring was continuing.
- A tentative work plan was established for 2017/2018.
- Meetings with the Division of Forestry would be scheduled.
- Mowing and bush hogging were ongoing in order to limit the damaging effects of fire.
- The Water Quality Reports were outstanding but would be prepared in the upcoming weeks.
- The Marsh Rabbit Run restoration work would be checked, after the meeting, and a confirmation would be sent to District Counsel.
- Per the POA, a few residents complained about flooding on a property adjacent to the conservation easement; the wetlands would be inspected and a recommendation would be made.

Mr. Balduf asked about clearing at the Old Beaver Pond location. Ms. Womack stated that the area was being cleared because it was part of the Firewise Area and, prior to the clearing, Developers were building homes atop of the conservation easement, which created a fire hazard. Special approval to cut those areas was obtained from the regulatory agencies. Discussion ensued regarding the flooding complaints, the conservation easement, plantings and Firewise cutting and overlay. Ms. Womack stated that some of the conservation areas had berms along the property line; an inspection would be conducted to see if there was a break in the berm and, if it could be remedied, the Board would be notified. Mr. McGaffney asked to be alerted as well, to facilitate approval from the Chair so the issue could be resolved, prior to the next meeting.

**B. District Counsel: *Burke Blue*****i. Update: Status of 30-Day Notice to Correct to Mr. Lee**

Mr. Burke confirmed that a letter was sent to Mr. Lee giving until the end of the month to rectify the issue.

**\*\*\*Ms. Womack left the meeting.\*\*\***

Mr. Balduf inquired about follow-up. Mr. Burke stated that code enforcement mechanisms involved coercion, which was effective and, if Mr. Lee did not comply, another letter would be sent.

**ii. Update: Panhandle Engineering Mediation**

Mr. Burke stated that there was no change and the recommendation was to continue to wait and see the outcome. Mr. Lorenz stated, after conferring with Lincoln, he was convinced that it was not a money issue but an aggravation to the District and defense motions should continue. Mr. Burke stated that some motions could be filed, which may bring an end to the impasse; however, that would be costly to the District so it was not recommended.

**C. District Engineer: McNeil Carroll Engineering, Inc.**

**i. Bi-Annual Report**

Mr. Carroll stated that the Bi-Annual Report was still pending because it was wetter than usual and 10 to 12 extra inlets, not on the certified as-builts, were recently found and documented. The new inlets were photographed and added to the Report, an entirely new drawing would be created; three of the inlets were in need of maintenance. The map would be completed today and the Report would then be forwarded to all Board Members. The next Reports would be much simpler. The Board previously requested bridge inspections. Nova Engineering and Environmental, LLC (Nova) prepared a budget estimate and a formal proposal; the inspections ranged from \$10,000 to \$15,000. Bridges should be inspected every five years. Nova would examine every component and provide a detailed report on all the District’s bridges. Mr. McGaffney directed Mr. Carroll to have Nova revise the proposal, in the name of the District, as it was currently in the name of McNeil Carroll.

**On MOTION by Mr. Balduf and seconded by Mr. Ellis, with all in favor, authorizing Management to obtain a proposal from Nova Engineering and Environmental LLC, in a not-to-exceed amount of \$15,000, was approved.**

**D. District Manager: Wrathell, Hunt and Associates, LLC**

**i. NEXT MEETING DATE: April 30, 2018 at 2:00 P.M. Central Time**

The next meeting will be held on April 30, 2018 at 2:00 p.m., Central Time, at this location. Mr. McGaffney provided the following update:

- The Budget would be presented at the next meeting.

- The Capital Plan would be updated to include increased amount of funds transferred from the Proprietary to the General Fund, with Board approval.
- There would be a \$50,000 increase in the District’s Disaster Recovery Fund.
- Bridge and roadway commitments would be increased.

**On MOTION by Ms. Greer and seconded by Mr. Lorenz, with all in favor, authorizing Management to increase the Disaster Recovery Fund by \$50,000, was approved.**

**SIXTH ORDER OF BUSINESS**

**Business Items**

**A. Consideration of Responses to Joint RFP for Landscape Maintenance Services  
(deferred from October 30, 2017 Agenda)**

- i. RFP Package**
- ii. Affidavit of Publication**
- iii. Respondents**
  - a. Bay Landscape Grounds Management**
  - b. BrightView Landscape Services, Inc.**
- iv. Ranking**
- v. Award of Contract/Authorization to Negotiate with Number-One Ranked Firm**

Mr. McGaffney stated that the original intent was that both the CDD and the POA would go out to bid for with a joint Request for Proposals (RFP), in the hopes of obtaining a favorable price that benefitted both entities; however, the POA decided to remain with their landscaper. The bids must be finalized and the Board must consider and decide how to proceed. In response to Mr. McGaffney’s question, Mr. Lorenz confirmed that the Board should reject the bids and authorize the Chair and Management to engage with BrightView Landscape Services, Inc. (BrightView) regarding the new clearly-defined scope of work, secure an updated Agreement, including cost, for consideration.

**On MOTION by Mr. Lorenz and seconded by Mr. Balduf, with all in favor, rejecting all bids, was approved.**

**On MOTION by Mr. Lorenz and seconded by Ms. Greer, with all in favor, authorizing the Chair and the District Manager to discuss with BrightView opportunities with the current Agreement, was approved.**

**SEVENTH ORDER OF BUSINESS**

**Open Items**

There were no changes.

**EIGHTH ORDER OF BUSINESS**

**Public Comments**

There being no public comments, the next item followed.

**NINTH ORDER OF BUSINESS Supervisors' Requests**

There being no Supervisors' requests, the next item followed.

**TENTH ORDER OF BUSINESS Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Ms. Lorenz and seconded by Mr. Ellis, with all in favor, the meeting adjourned at 9:52 p.m., Central Time.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair