MINUTES OF MEETING
LAKE POWELL RESIDENTIAL GOLF
COMMUNITY DEVELOPMENT DISTRICT

The Board of Supervisors of the Lake Powell Residential Golf Community Development District held a Virtual Public Hearing and Regular Meeting on August 31, 2020, at 2:00 p.m., Central Time, via Zoom at https://zoom.us/j/2043596216 and at 1-929-205-6099 (Eastern time zone) and 1-312-626-6799 (Central time zone), Meeting ID 204 359 6216, for all.

Present and constituting a quorum were:

Thomas Balduf	Chair
John Ellis	Vice Chair
Bruce Sova	Assistant Secretary
David Dean	Assistant Secretary
Calvin "Bucky" Starlin	Assistant Secretary

Also present were:

Howard McGaffney	District Manager
Mike Burke	District Counsel
Robert Carroll	District Engineer
Bethany Womack	Ecologist/Operations Manager

Residents present were:

Elwood Sneed	David Holt	Cheri Starlin
Abe Randolph	Nancy Williams	Janet Lindsey
John Michalik	Bob Fletcher	David Fleet
Jennifer Ross	Gary Fisher	Deborah Loeffler
Cindy Fletcher	Bob Althrop	Terri Derouen-Ortiz
Tom Watters	Lynn Richardson	Mr. Lebick
Laura Maxwell	Allan Meyers	Paul Fox

FIRST ORDER OF BUSINESS **Call to Order/Roll Call**

Mr. McGaffney called the meeting to order at 2:16 p.m. All Supervisors were present.

In consideration of the COVID-19 pandemic, this meeting was being held virtually, via Zoom, and telephonically, as permitted under the Florida Governor's Executive Orders, which allow local governmental public meetings to occur by means of communications media technology, including virtually and telephonically. The meeting was advertised to be held

virtually and telephonically and the meeting agenda was posted on the District's website. Mr. Burke stated the Governor's Executive Orders have been extended through October 1, 2020.

SECOND ORDER OF BUSINESS **Consent Agenda Items**

A. Acceptance of Unaudited Financial Statements as of July 31, 2020

B. Approval of June 8, 2020 Virtual Public Meeting Minutes

Mr. McGaffney presented the Consent Agenda Items.

On MOTION by Mr. Starlin and seconded by Mr. Balduf, with all in favor, the Consent Agenda Items, as presented, were accepted and approved.

THIRD ORDER OF BUSINESS **Public Hearing on Adoption of Fiscal Year 2020/2021 Budget**

A. Proof/Affidavit of Publication

The proof of publication was included for informational purposes.

B. Consideration of Resolution 2020-06, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2020, and Ending September 30, 2021; Authorizing Budget Amendments; and Providing an Effective Date

Mr. McGaffney reviewed the Fiscal Year 2021 budget line item increases, decreases and adjustments over the Fiscal Year 2020 budget and the reasons for any changes.

Mr. McGaffney opened the public hearing.

Resident Bob Fletcher stated that the agreement between the CDD and the POA places all costs, liabilities and management of the stormwater system on the POA and asked if the POA could access the $200,000 in the CDD's reserve fund. Mr. McGaffney stated the intent of the agreement was for the POA to be responsible for ongoing annual maintenance of the landscaping and ponds and for the District to be responsible for major infrastructure repairs, such as lake bank erosion resulting from a natural disaster.

Resident Jennifer Ross asked why funding for the dog park was not included in the budget as an amenity line item. Mr. McGaffney stated Management was not given direction to budget that expenditure If the Board wished to include the dog park expenditure in the Fiscal

Year 2021 budget, it would need to be funded with fund balance. Asked if the CDD collects funds, as part of the assessment, and allocates those funds to the POA to fund stormwater maintenance costs, Mr. McGaffney stated the ongoing $18,000 that the CDD collects would be used for any annual repairs, as an expense line item. He noted that the District does not have an abundance of funds for catastrophic events. The original reserve funds were from a transaction with St. Joe's and are not comingled with other unassigned funds.

Resident Paul Fox asked who was responsible for coordination of B&B Mulching. Ms. Womack stated that Breaking Ground was contracted for mulching.

On MOTION by Mr. Ellis and seconded by Mr. Dean, with all in favor, the public hearing was closed.

Mr. Dean asked why the bonds cannot be refinanced now. Mr. McGaffney explained that, in order for the Underwriters to make a profit, call protections are put in place. There is currently a 10-year call protection on the bonds; therefore, refinancing is not an option until next year, which is when the Board could start discussing potentially refinancing the last 10 years of the bonds if the interest rates are still low.

Mr. McGaffney presented Resolution 2020-06 and read the title.

On MOTION by Mr. Sova and seconded by Mr. Dean, with all in favor, Resolution 2020-06, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2020, and Ending September 30, 2021; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS **Consideration of Resolution 2020-07, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2020/2021; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

Mr. McGaffney presented Resolution 2020-07 and read the title.

On MOTION by Mr. Ellis and seconded by Mr. Starlin, with all in favor, Resolution 2020-07, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2020/2021; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

Mr. McGaffney stated that residents were given the opportunity to participate in the Budget Public Hearing and voice their opinions regarding the assessments and those experiencing technical difficulties were provided with his contact information to forward their questions and concerns.

FIFTH ORDER OF BUSINESS **Consideration of Resolution 2020-08, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2020/2021 and Providing for an Effective Date**

Mr. McGaffney presented Resolution 2020-08 and read the title. Mr. Dean motioned to reinstate monthly meetings and, as a sub-motion, to reduce the Supervisor fee from $200 to $100 per meeting. Discussion ensued. Mr. Dean rescinded the motion.

On MOTION by Mr. Balduf and seconded by Mr. Sova, with all in favor, Resolution 2020-08, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2020/2021 and Providing for an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS **Discussion: Dog Park**

This item was tabled.

SEVENTH ORDER OF BUSINESS **Update: Qualified Candidates for 2020 General Election Cycle**

A. Seat 1

- **David Holt**
- **John Michalik**

B. Seat 2

- **Thomas Balduf**

C. Seat 5

- **Jerry Robinson**
- **Joshua Verville**

This item was included for informational purposes.

EIGHTH ORDER OF BUSINESS **Staff Reports**

A. Ecologist/Operations: *Cypress Environmental of Bay County, LLC*

- **Status Report**

Ms. Womack reported the following:

➢ The report for the bridge, pavement and culvert inspections was submitted to the County. The County has not responded; Ms. Womack would follow-up with Mr. Bryant.

➢ Although a certain pond was treated for bladderwort and algae, there would be an ongoing effort to control algae levels in that pond in the remaining summer months.

➢ Regarding mitigation, vegetation cutting ceased for the year. The monitoring event would commence in September.

➢ A complaint call was received regarding landscapers bush hogging and cutting around the stormwater ponds, as part of the POA Landscape Maintenance Agreement. She toured the ponds with Mr. Dean, took photographs, conferred with Mr. Fletcher, informed the District Engineer and was preparing a formal report, including recommendations for remediation.

Discussion ensued regarding vegetation removal, destabilization of the lake banks, the contractor, resident reactions, accountability, restoration and the CDD potentially taking over maintenance of the lake banks from the POA.

Mr. McGaffney read the following descriptions of landscape maintenance services and activities from the Landscape Maintenance Agreement into the record:

Paragraph 1: "Stormwater management maintenance activities include but are not limited to aquatic weed control within the lakes, removal of debris and trash from the lakes and

lake banks, periodic cleaning of pipes, culverts, drains, maintenance and replacing landscaping within stormwater management areas, including mowing, weed control and regular application of herbicide, tree-trimming, shrub trimming and maintenance of irrigation systems."

Paragraph 2: "Landscape maintenance activities include but are not limited to maintenance of landscaping located in right-of-way (ROW) permitted berms, lake areas and community entrances and irrigation systems and facilities. Activities include but are not limited to mowing, edging, application of mulch, removal of weeds, fertilization, annual color rotations, watering and pruning of trees and shrubs, controlling insects and disease, maintaining and repairing or replacing irrigation pumps, line, valves etc."

The consensus was for District Staff to address the pond damage with the POA and gather information as to the best remedy for the situation. Ms. Womack and Mr. Dean would work together to prepare a restoration and rebuilding plan for the stormwater ponds.

On MOTION by Mr. Ellis and seconded by Mr. Starlin, with all in favor, appointing Supervisor Dean as the CDD liaison to the POA to review the Landscape Maintenance Agreement relating to stormwater maintenance and coordinate with Ms. Womack on Firewise mitigation, was approved.

B. District Counsel: *Burke Blue*

There being no report, the next item followed.

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

Mr. Dean commented that the pond near the Mayflower entrance appeared to be clogged and should be cleaned out to allow for proper water flow and, although the pond is the POA's responsibility, he would like the District Engineer to inspect it. He would forward photographs to Mr. McGaffney.

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

Mr. McGaffney confirmed that he qualified to run for a seat on a Special District.

NINTH ORDER OF BUSINESS **Open Items**

This item was not addressed.

TENTH ORDER OF BUSINESS **Public Comments**

Resident Cheri Starlin stated she was glad that Mr. Dean and Ms. Womack were appointed to focus on the damage to the stormwater ponds. She voiced her opinion that residents were furious and want the ponds to be restored.

Mr. Fletcher commented that the same contractor that services the District was engaged to maintain the pond banks, as they are familiar with the area and used a GIS device. He pledged the POA's help and asked for patience, as it will take time to repair the pond banks.

Resident David Fleet expressed appreciation for the Board and District Staff's efforts to remedy the damaged ponds. He hoped for successful restoration without much controversy.

Resident and POA Board Member Jennifer Ross stated she needed further clarification of the landscape maintenance agreement between the POA and the CDD. She wanted to work with Mr. Dean to assist in repairing the pond banks damage. Mr. Dean welcomed the help.

Resident Deborah Loeffler asked if the Department of Environmental Protection (DEP) would view the actions taken as an encroachment and if there was the potential for fines associated with that. Mr. McGaffney stated, without a survey, it was difficult to know if encroachment into the conservation areas occurred but, if it did, the District would handle it.

Resident Terri Derouen-Ortiz stated that she appreciated the email reminder of tonight's CDD meeting and asked if the transfer of the Landscape Maintenance Agreement from the CDD to the POA could be viewed online. She was urged to email Management to obtain copies of District documents and provided with Mr. McGaffney's email address.

Resident Eddie Lebick voiced appreciation for his neighborhood. He was happy that the CDD and the POA are ready to step up and work together to restore the ponds.

ELEVENTH ORDER OF BUSINESS **Supervisors' Requests**

There being on Supervisor's request, the next item followed.

TWELFTH ORDER OF BUSINESS **Adjournment**

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Sova and seconded by Mr. Starlin, with all in favor, the meeting adjourned at 5:21 p.m., Central Time.

Secretary/Assistant Secretary

Chair/Vice Chair