

**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 Regular Meeting on March 1, 2021, at 2:00 p.m., Central Time, at the Boat House, 1110 Prospect Promenade, Panama City Beach, Florida 32413.

Present and constituting a quorum were:

David Dean	Chair
Thomas Balduf	Vice Chair
Calvin "Bucky" Starlin	Assistant Secretary
David Holt	Assistant Secretary
Jerry Robinson	Assistant Secretary

Also present were:

Howard McGaffney	District Manager
Mike Burke	District Counsel
Robert Carroll	District Engineer
Bethany Womack	Ecologist/Operations Manager
Steven Undercotter	Resident/POA President
Frank Selk	Resident/POA Maintenance Committee
Tom Kerns	Resident/POA Landscape Committee
Jeff Breining	Resident
Reese Bergen	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. McGaffney called the meeting to order at 2:05 p.m., Central Time. All Supervisors were present.

SECOND ORDER OF BUSINESS

Business Items

A. Discussion/Consideration: Second Survey

This item was not discussed.

B. Discussion: Littoral/Aquatic Plant Replacement

Mr. Dean welcomed the POA Board Members and residents. He stated, since 2007, the CDD and POA have had to abide by Department of Environmental Protection (DEP) and U.S. Army Corps of Engineers (USACE) requirements and permits regarding the stormwater management ponds and, over time, it has been noted that the CDD is not in full compliance with its permits. There have been several meetings between the CDD Board, POA maintenance and landscape committees and the liaison. Mr. Dean requested that documentation from the permit be included in the notes so that there is no misunderstanding of what the CDD is required to comply with, by law. He noted that, per Mr. Terry Wells, of the USACE Southeast Region, the community could be subjected to excessive fines, up to and including \$32,250 per day, if the ponds are not restored. Mr. Dean stated that the CDD does not currently have the budget to make the repairs but, per the maintenance agreement between the CDD and the POA, it is responsible for repairing the ponds.

Mr. Kerns stated, although he received a 320-page document from the Chair, there were very few details in the packet, making it difficult to solve something if the problem is not clarified and there are no specifics.

Discussion ensued regarding identifying the ponds with issues, a littoral planting plan required by the DEP, irrigation in and around the ponds and the 2007 Maintenance Agreement versus the 2018 Landscape Agreement.

Mr. McGaffney recommended that Mr. Kerns coordinate with Ms. Womack to develop a plan to bring the ponds up to code. He noted that the POA has enforcement powers that the District does not have and both entities benefit when the property is well maintained and the ponds function properly. Ms. Womack stated each individual pond would need to be examined, along with the requirements of the littoral area for each pond. She could assist in identifying which ponds need help getting back into compliance and, from there, the erosion issues could be addressed.

Mr. McGaffney stated the CDD would install aerators in the ponds and would like to maintain a good working relationship with the POA. Mr. Balduf asked if the DEP contacted the CDD regarding the littorals. Mr. Dean replied that the DEP had not weighed in on the matter and it has not been asked to. The consensus was to have a joint cooperative effort between the

POA and Ms. Womack to develop a pond-by-pond plan, mitigate and obtain proposals for pond repairs that the POA could examine and review and execute.

Mr. Dean stated the repairs are estimated to cost \$100,000 and the pond issues should be resolved by the December 31, 2023, when the Maintenance Agreement ends.

C. Discussion: CDD/POA Maintenance Agreement

Mr. Kerns pointed out that Exhibit B of the Maintenance Agreement described why the ponds must be kept in good condition. The maintenance of the ponds in the CDD 2017 Request for Proposals (RFP) and the 2018 CDD Landscape Agreement had no mention of maintenance in any of the documents. He previously served on the Finance Committee and the POA expended funds and noted construction issues also need to be addressed. Mr. McGaffney stated Staff would examine the construction issues, as they draft the Mitigation Plan. Mr. Dean stated the CDD turned \$55,000 over to the POA for pond maintenance, not \$10,000 as previously stated. He read Exhibit B of the Maintenance Agreement into the record as follows:

“1. Storm water 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 drainage pipes, culverts and French drains, maintenance and replacing landscaping within storm water management areas, including mowing, weed control, and regular application of herbicides, tree trimming, shrub trimming, and maintenance of irrigation systems.

2. Landscape maintenance activities include, but are not limited to, maintenance of landscaping located in rights-of-ways, perimeter 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, pruning of trees, and shrubs, controlling insects and disease, and maintaining/repairing and replacing irrigation pumps, lines, valves, and heads as needed.”

Discussion ensued regarding responsibility for compliance with the permits, accountability, the CDD assuming responsibility for the ponds if the POA is not satisfying the terms of the Agreement and the DEP.

Mr. McGaffney stated Items A through F are a recap of some the discussions thus far and the Board could proceed with Item G.

D. Discussion: CED/POA 2007 Stormwater Management System Certification Synopsis

This item was addressed during the previous discussion items.

E. Discussion: CED/POA 2007 Stormwater Management Compliance Agreement

This item was addressed during the previous discussion items.

F. Update: Pond/Environmental Sensitive Areas Repair/Restoration Status

This item was addressed during the previous discussion items.

G. Update: Road Resurfacing Project

Mr. McGaffney stated the scope of the road resurfacing project was being finalized by the District Engineer, who would forward it to Management, once it is completed. Upon receipt, the project would go out to bid and the Board could respondent selection process at the May meeting.

Resident Frank Selk asked if the CDD could address the roads inside Wild Heron. Mr. McGaffney stated the Boards have budgeted well, over the past ten years, so the District will be able to self-fund the road project. He discussed funding mechanisms for roads projects, bonds and timing of the project. For budgeting purposes, he asked the District Engineer to review the roads and develop a five-year road resurfacing plan, along with cost estimates, by the May meeting. Discussion ensued regarding a drop-off on the side of the roadway, the POA abiding by the minimum landscaping standards, permit requirements, landscaper, stormwater ponds and obtaining grants to fund the road work.

H. Update: Results of Pond Inspection and Numbering, Additional Proposals for Aeration Systems, Equipment and Electrical Contractor Services and Ancillary Costs Associated with Installation

Mr. McGaffney stated this item involves the electrical contract.

Ms. Womack stated she received a proposal from Lake Doctors and eight ponds were identified that would fit within the \$30,000 budget the Board previously approved. Some of the assumptions that Staff made about the ponds were slightly off, such as the number of diffusers needed, etc. Combined with the electrical for eight ponds and Golf Power, it would cost

\$38,851.58 to install aerators in eight ponds. Based on those costs, the Board would have to eliminate one or two ponds from the list, to bring the cost down by \$8,851 or increase the budget to accommodate the full cost.

Mr. McGaffney stated the District has sufficient funds to approve a \$40,000 expenditure.

On MOTION by Mr. Dean and seconded by Mr. Balduf, with all in favor, increasing the funds for the pond aeration project to a not-to-exceed amount of \$40,000, was approved.

Ms. Womack would execute the proposals immediately and place them on the work schedule.

THIRD ORDER OF BUSINESS

Consent Agenda Items

Mr. McGaffney presented the Consent Agenda Items.

- A. Acceptance of Unaudited Financial Statements as of January 31, 2021**
- B. Approval of February 1, 2021 Regular Meeting Minutes**

Discussion ensued regarding when to publicize the RFP for road resurfacing. The consensus was for Staff to publicize the RFP in early July and present the responses for approval at the August meeting.

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

FOURTH ORDER OF BUSINESS

Staff Reports

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

Ms. Womack reported the following:

- Plans were received from a landscape architect and were under review. A summary addressing all of the conservation areas would be forwarded to the Board soon.

- The existing vegetation in the conservation easement area is not vegetation that would typically be planted for restoration. There is no need to plant anything in that location.
- The area north of Lost Cove, the dry pond, needs plantings. Based on the square footage of that area, all of the vegetation is missing. Planting 15 magnolia regianna trees and 15 other native trees in that location was suggested. The supplier would be contacted and the findings would be reported at a future meeting.
- A Turtle Back Trail homeowner has an encroachment into the B&B area and is in the process of obtaining a survey. Upon receipt of the survey, Staff would determine the location of the disturbed areas, in relation to the B&B line. Mr. Holt would assist in ordering the survey.
- Storm Pipe Cleanout: Staff executed a proposal with Gulf Coast Utility Contractors during the holiday and, to date, the matter remained pending.
- The Security RFP was circulated and responses are due on Friday.
- A proposal was pending from Ryerson for uplighting repairs at the entrance between 98 and the Covington Bridge. Upon receipt, it would be forwarded to the Board.
- There will not be a prescribed burn in the mitigation areas in the permit, this year.

Regarding the uplights for the trees, Mr. Kerns stated the POA was willing to take on the project and bill the District. Discussion ensued regarding which entity is responsible for landscape lighting and Exhibit B of the Maintenance Agreement. Mr. McGaffney stated it appeared that the POA could facilitate the uplights quicker; therefore, the POA could proceed with that project so Ms. Womack would be able to focus on other things.

B. District Counsel: *Burke Blue*

- **Update: Communications with St. Joe Regarding Emergency Egress**

Mr. Burke stated, despite several attempts, he has not conferred with Ms. Bridgette Precise, of St. Joe, about access to the back entrance; he would continue trying to reach her.

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

Mr. Carroll submitted digital photographs of the pond near the Mayflower entrance that he was asked to inspect a few meetings ago. He would be present at the next pond inspection to make sure the pipes and orifices are properly cleaned out. Regarding the littorals, when the ponds were permitted, the DEP did not have a rule allowing the CDD to have deeper ponds;

thus, the CDD might not have to install new plantings. Mr. Carroll responded to questions regarding the best way to repair the ponds with erosion issues, the Lakeside pond, fill, as-builts and a Morris Point Lane resident’s drainage issues.

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

- **NEXT MEETING DATE: April 5, 2021 at 2:00 P.M. (Central Time)**
 - **QUORUM CHECK**

All Supervisors confirmed their attendance at the April 5, 2021 meeting.

FIFTH ORDER OF BUSINESS

Public Comments

Discussion ensued regarding a “Wild Heron Way” sign moved further back, the DOT, the County and why Board meetings are held at 2:00 pm., Central Time, instead of later in the day so that more residents can attend.

SIXTH ORDER OF BUSINESS

Supervisors’ Requests

A Board Member noted that a woman who works for the POA is very knowledgeable about all aspects of the community and offered to help the CDD in any way that she could.

SEVENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

<p>On MOTION by Mr. Balduf and seconded by Mr. Holt, with all in favor, the meeting adjourned at 4:02 p.m., Central Time.</p>
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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair