

**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 April 4, 2022, at 3:00 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
David Holt	Assistant Secretary
Jerry Robinson	Assistant Secretary

**Also present were:**

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Mike Burke	District Counsel
Robert Carroll	District Engineer
Bethany Womack	Ecologist/ District Operations Manager
Steven Undercoffer	Resident/POA President
Tom Kerins	Resident/Landscape Liaison
Sherry Mallory	Resident
Pete Mallory	Resident
Mark Brown	Resident
Joshua Verville	Resident
Andy Phillip	Resident
Frank Self	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Cerbone called the meeting to order at 3:15 p.m., Central Time.

Supervisors Dean, Holt and Robinson were present, in person. Supervisor Balduf was not present. One seat was vacant.

Ms. Cerbone issued a reminder regarding proper decorum during a governmental meeting. The purpose of the meeting is to discuss topics, activities, issues and nothing personal. If at any time, Ms. Cerbone or a Board Member feels the conversation is getting personal, the meeting would be recessed and reconvened. She urged all in attendance to be professional and polite and to make no personal attacks.

No members of the public spoke.

**THIRD ORDER OF BUSINESS**

**Consideration of Appointment to Fill  
Unexpired Term of Seat 5 [Term Expires  
November 2022]**

• **Candidates**

A. **Greg Hudson**

B. **Frank A. Self**

C. **Joshua Verville**

Mr. Dean nominated Mr. Frank Self to fill Seat 5. Ms. Cerbone shared Mr. Balduf's feedback about the candidates and read the following emailed comments from Mr. Balduf:

"Mr. Verville was a good candidate based on his background in government and budgeting; he is currently working with the POA financials, is well thought of in the neighborhood and has multiple degrees that could help in respective two decisions. Mr. Self is also on the POA Board, he is still relatively new to the neighborhood and occasionally being on both Boards could be a plus or a minus. Mr. Hudson has a lot of POA experience, is also relatively new to the neighborhood; not sure how familiar he is with CDDs."

No other nominations were made.

**On MOTION by Mr. Dean and seconded by Mr. Holt, with all in favor, the appointment of Mr. Frank Self to Seat 5, Term Expires November 2022, was approved.**

**FOURTH ORDER OF BUSINESS**

**Administration of Oath of Office to Newly  
Appointed Supervisor (the following will  
be provided in a separate package)**

Ms. Sanchez, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Self. The following documents were provided and briefly explained:

A. **Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**

B. **Membership, Obligations and Responsibilities**

C. **Financial Disclosure Forms**

I. **Form 1: Statement of Financial Interests**

- II. Form 1X: Amendment to Form 1, Statement of Financial Interests
- III. Form 1F: Final Statement of Financial Interests
- D. Form 8B – Memorandum of Voting Conflict

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-01, Designating Certain Officers of the District, and Providing for an Effective Date**

Ms. Cerbone presented Resolution 2022-01. She stated that Mr. Balduf relayed his recommendation to appoint Mr. Robinson as Chair. Mr. Dean recommended keeping the slate as is and substituting Mr. Self for Mr. Starlin. He nominated the following slate of officers:

David Dean	Chair
Thomas Balduf	Vice Chair
Craig Wrathell	Secretary
Jerry Robinson	Assistant Secretary
David Holt	Assistant Secretary
Frank Self	Assistant Secretary
Cindy Cerbone	Assistant Secretary
Jamie Sanchez	Assistant Secretary

No other nominations were made.

Prior appointments by the Board for Treasurer and Assistant Treasurer remain unaffected by this Resolution.

**On MOTION by Mr. Dean and seconded by Mr. Holt, with all in favor, Resolution 2022-01, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Updates**

**A. Meter Installation Status with Gulf Power**

Ms. Womack stated the meter installation is pending; negotiations are ongoing.

**B. Consideration of Ryerson Electric Proposal to Install Power for Stormwater Pond Aeration – Sawgrass, Marsh Rabbit, Dune Lake Trail and East and West Water Oak Ponds**

Ms. Womack stated the original Lake Doctors proposal did not include the East Lake Walk, West Lake Walk and Sawgrass ponds. There is a 20% increase over 2021; updated proposals from Lake Doctors are pending. The Ryerson Electric proposal and a spreadsheet of estimated costs for the remaining ponds were distributed. The original proposal was \$30,000.

**On MOTION by Mr. Dean and seconded by Mr. Robinson, with all in favor, authorizing expenditures of a not-to-exceed amount of \$33,000 for the electrical and aerators, was approved.**

**C. Consideration of Break N Ground Proposal for Box Culvert Seam Repair**

Ms. Womack presented the \$12,330 Break-N-Ground proposal.

**On MOTION by Mr. Robinson and seconded by Mr. Self, with all in favor, the Break N Ground Proposal for box culvert seam repairs, in the amount of \$12,330, was approved.**

**D. Environmental Permit Review of Manageable/Unmanageable Areas**

Referencing an area map, Ms. Womack reviewed the mitigation areas and the wetland preservation areas and stated the CDD does not have authorization from the Department of Environmental Protection (DEP) or the US Army Corps of Engineers (USACE) to manage the preserves but could request approval from the agencies to address issues such as excessive shrub growth. She discussed permitting and trimming guidelines.

Mr. Holt stated the Board wants the areas managed and needs a starting point. He mentioned an \$18,000 quote and asked who is responsible for trimming overgrowth behind residential properties. Mr. Burke stated, over the course of its operation and whether it is managed or unmanaged, the CDD allowed vegetation to grow. As the CDD chose to allow vegetation to grow in that fashion, it would be hard-pressed to make a determination on an individual lot basis. If the CDD would like to change the process, it has the authority under the permit to do so, within the guidelines of the permit.

Discussion ensued regarding why the CDD allowed vegetation to grow, the real estate market, developing a management plan, Ms. Womack's research and a neighboring County's program where the County splits bills with all homeowners who would benefit from a project.

Resident Sherri Mallory thanked Ms. Womack and the CDD for managing the area near her home at Lakeside Lodges and for making the lake visible. Mr. Burke stated the Board needs further discussion of this matter for a more in-depth examination of the remedies. Mr. Holt would coordinate with Ms. Womack.

**SEVENTH ORDER OF BUSINESS**

**Discussion/Consideration of Focus Landscaping Proposal for Black Out Mesh on Fence in Maintenance Area**

Ms. Womack presented the Focus Lawn and Landscape proposal. Mr. Carroll asked if the fence has flaps to withstand high winds, Ms. Womack replied affirmatively.

**On MOTION by Mr. Dean and seconded by Mr. Robinson, with all in favor, the Focus Landscaping Proposal for black out mesh for the fence in the maintenance area, was approved.**

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

**This item, previously Item 20A, was presented out of order.**

Ms. Womack reported the following:

- Two seven-gallon plants were installed around the aerators; one on each side.
- The first cogongrass treatment on CDD property was completed. A second treatment would likely be scheduled in June.

**EIGHTH ORDER OF BUSINESS**

**Discussion/Consideration of Updated Landscape Agreement Regarding Tree Removal**

Ms. Cerbone presented the updated CDD/POA Landscape Maintenance Agreement, which was provided to District Counsel and the POA for review and feedback. The dead tree policy would be addressed by adding verbiage stating “For tree removal it is necessary to consult with the Ecologist.” Mr. Burke stated the POA had one change to the Agreement, which was related to pump maintenance repair and replacement. If the Board is satisfied with the exhibit, Staff could update the agreement.

Discussion ensued about the updated exhibit, landscape services, dead tree removal and the POA. Ms. Cerbone suggested having a redline version of the existing agreement on the next agenda. Mr. Burke, would coordinate with Mr. Dean and Staff to update the agreement.

**NINTH ORDER OF BUSINESS**

**Continued Discussion/ Potential Land Swap with St. Joe**

Mr. Burke reported the following:

- He conferred with St. Joe’s Counsel regarding the potential land swap and the different warranties that the CDD would make regarding the land.
- The County understands that this would be a swap; the CDD would be swapping a particular piece of property for the tennis courts.
- The CDD is not making any guarantee that they can make any changes to it; it is up to them to remove it from the Declaration.
- St. Joe is making the same commitment to the CDD; the tennis courts are not covered by anything that would not permit the CDD to do what it wants to do with it.
- If the Board is still interested in the swap, discussions could commence.

Mr. Burke asked if the CDD would manage the tennis courts or contract with the POA to manage it. Managing the tennis courts, establishing fees, land development, obtaining a proposal and inviting representatives from St. Joe to the next meeting, were discussed.

**The meeting recessed at 4:29 p.m. and reconvened at 5:43 p.m.**

**TENTH ORDER OF BUSINESS**

**Continued Discussion: Lease Agreement with POA for Boat House Regarding Drop Down Request**

**A. Consideration of Drop-Down Proposals**

**B. Consideration of Lease Agreement**

Ms. Cerbone stated that Mr. Robinson would discuss the proposal. Regarding the draft lease agreement, Mr. Burke stated the concept is that the CDD will lease it to the POA for the lifetime of the panels. A 15-year life would equate to a 15-year lease and the CDD will be obligated to make improvements of \$100. He asked who will maintain the panels after the CDD has them installed. He reviewed his questions about “Uses” and “Utilities” and asked if the CDD would move forward with the panels and approve the cost.

Mr. Robinson distributed information and reviewed the panel installation data, panel options, panel details, contractor, structural repairs to the boat house before panel installation, cost estimates and which entity is responsible for the structural repairs to the boat house.

Mr. Dean thought the POA should be responsible for the structural repairs.

Discussion ensued regarding the structural repair costs, responsibility for structural repairs, POA renovating the boat house, sulfur shades, mechanical versus electrical panels and cost savings. Mr. Burke would contact St. Joe’s Counsel and work on a lease agreement.

Ms. Cerbone stated this item would be carried over to the next meeting.

**ELEVENTH ORDER OF BUSINESS**

**Continued Discussion: Engagement of Firm for Debris Removal Monitoring and Filing FEMA Requests for Reimbursements**

Ms. Cerbone stated that Staff contacted Bay County regarding their debris removal firm and a response from Panama City Beach regarding FEMA filing was pending.

**TWELFTH ORDER OF BUSINESS**

**Consideration of Proposal for Stormwater Management Needs Analysis Report**

**A. Consideration of District Engineer Work Authorization**

Mr. Carroll stated preparation of the Stormwater Needs Analysis Report is underway and would be completed in May. Ms. Cerbone presented the \$2,500 Work Authorization.

**On MOTION by Mr. Robinson and seconded by Mr. Dean, with all in favor, the Proposal for Stormwater Management Needs Analysis Report in a not to exceed amount of \$2,500, was approved.**

**B. Discussion: Potential Conversion of Stormwater Drainage Facilities to CDD**

Mr. Burke recalled discussions about the CDD taking over all stormwater facilities in the development and stated he does not recommend taking title of the stormwater facilities from the POA to the CDD. The CDD could enter into an agreement to manage those facilities for the POA and Mr. Carroll and Ms. Womack could monitor the entire system and determine the needed repairs and the CDD would bill the POA for the shared expense.

Discussion ensued regarding the origin of the drainage issues, CDD obligations versus POA responsibilities, roads, landscaping, e dry ponds and oversight services of the District

Engineer and Ecologist. Ms. Cerbone stated the action item is that the Mr. Burke would draft an agreement with the POA for stormwater management oversight.

**THIRTEENTH ORDER OF BUSINESS**

**McNeil Carroll Engineering, Inc., Work Authorization Indicating Lump Sum Payment for Services Described in Notice**

Ms. Cerbone presented the Work Authorization. The following adjustment would be made to the fixed price:

Compensation: Change “\$1,000 per month” to “lump sum of \$13,280”

**On MOTION by Mr. Dean and seconded by Mr. Self, with all in favor, the McNeil Carroll Engineering, Inc., Work Authorization for Engineering services, as amended, was approved.**

**FOURTEENTH ORDER OF BUSINESS**

**Discussion: Letter Regarding Driveway Culverts on Sweet Bay Trail and Marsh Rabbit Run**

- **Ex: 1511 Sweet Bay Trail**

Mr. Carroll discussed a landscape architect proposal to repair a drainage culvert issue. Staff reviewed the plan and recommended a pipe of at least 18”. Mr. Holt explained the work to be done. Mr. Holt discussed another drainage issue at the home of Mr. Andy Phillips. When the home was completed in 2016, there was a final checklist by the Architectural Review Board (ARB) and the Compliance Officer and all drainage was signed off on by the ARB as satisfactory but there is a drainage issue. The contractor and landscape architect are no longer allowed to work in the community because of past issues. He stated that Mr. Phillip intends to commence a \$30,000 landscape renovation and asked which entity is responsible for drainage repairs. Mr. Burke stated that the CDD is not obligated to resolve the issue but it could contribute to the repairs since there is an issue with not following up on the permitting; however, the legal standard is that the homeowner is responsible for the repairs, not the CDD.

The CDD’s and the homeowner’s options, swales, cost to replace the drainage pipe, the POA and the ARB, were discussed. Mr. Carroll would contact Mr. Phillips regarding drainage repair options and report his findings at the next meeting.

**FIFTEENTH ORDER OF BUSINESS**

**Presentation of Audited Financial Statements for Fiscal Year Ended September 30, 2021, Prepared by Carr, Riggs & Ingram, LLC**

Ms. Cerbone presented the Audited Financial Report for the Fiscal Year Ended September 30, 2021. There were no findings, recommendations, deficiencies on internal control or instances of non-compliance; it was a clean audit.

**SIXTEENTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-03, Hereby Accepting the Audited Financial Statements for the Fiscal Year Ended September 30, 2021**

Ms. Cerbone presented Resolution 2022-03.

**On MOTION by Mr. Dean and seconded by Mr. Robinson, with all in favor, Resolution 2022-03, Hereby Accepting the Audited Financial Statements for the Fiscal Year Ended September 30, 2021, was adopted.**

**SEVENTEENTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-04, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023 and Providing for an Effective Date**

Ms. Cerbone presented Resolution 2022-04. The following would be added to the Fiscal Year 2023 Meeting Schedule:

DATES: Insert October 3, 2022, December 5, 2022, February 6, 2023, March 6, 2023, April 3, 2023, May 1, 2023, June 5, 2023 and August 7, 2023

TIME: Insert "3:00 PM"

**On MOTION by Mr. Self and seconded by Mr. Dean, with all in favor, Resolution 2022-04, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023, as amended, and Providing for an Effective Date, was adopted.**

Ms. Cerbone presented the Unaudited Financial Statements as of February 28, 2022.

**On MOTION by Mr. Robinson and seconded by Mr. Dean, with all in favor, the Unaudited Financial Statements as of February 28, 2022, were accepted.**

NINETEENTH ORDER OF BUSINESS

Approval of March 7, 2022 Regular  
Meeting Minutes

Ms. Cerbone presented the March 7, 2022 Regular Meeting Minutes.

**On MOTION by Mr. Robinson and seconded by Mr. Self, with all in favor, the March 7, 2022 Regular Meeting Minutes, as presented, were approved.**

TWENTIETH ORDER OF BUSINESS

Staff Reports

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

This item was presented following the Seventh Order of Business.

**B. District Counsel: *Burke Blue***

There was no report.

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

There was no report.

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

- **NEXT MEETING DATE: May 2, 2022 at 3:00 P.M. (Central Time)**
- **QUORUM CHECK**

The next meeting will be held on May 2, 2022.

TWENTY-FIRST ORDER OF BUSINESS

Board Member Comments

Mr. Holt commented that the meeting was lengthy and productive.

In response to Mr. Dean's questions about back taxes on a particular property, Mr. Burke stated St. Joe owned the property while the taxes were accruing. Ms. Mallory stated the

POA paid the property owner \$2,200 on the closing statement and requested reimbursement of those funds. Mr. Burke stated the POA is not subject to the CDD ad valorem assessments.

**On MOTION by Mr. Dean and seconded by Mr. Holt, with all in favor, reimbursing the POA \$2,200, subject to Staff review, was approved.**

**TWENTY-SECOND ORDER OF BUSINESS**

**Public Comments**

A resident commented about several cracks in the sidewalks and asked who is responsible for sidewalk maintenance along the CDD roads. Mr. Burke stated, if it is within the CDD right-of-way (ROW), it is a CDD obligation.

Discussion ensued regarding the sidewalks, surveys, storm drains, finance questions and scheduling a joint CDD/POA meeting.

Mr. Carroll would give the POA color-coded maps/survey designations.

**TWENTY-THIRD ORDER OF BUSINESS**

**Action Item Recap**

Ms. Cerbone recapped the following:

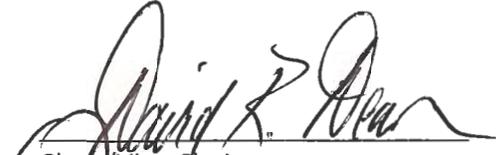
- Ms. Cerbone to include full redline Landscape Agreement in the next agenda.
- Mr. Burke to coordinate with Mr. Dean and District Staff to update the Agreement.
- Mr. Burke to confer with St. Joe’s Counsel regarding inviting County Officials to the next meeting or obtain a proposal.
- Ms. Cerbone to include the Boat House Lease Agreement on the next agenda.
- Mr. Burke to draft Stormwater Drainage Facilities Oversight & Management Agreement.
- Ms. Womack to continue review of managed and unmanaged areas and contact DEP.
- Mr. Carroll to contact Mr. Phillips about drainage repair options and report his findings at the next meeting.
- Mr. Carroll to give the POA color-coded maps/survey designations.

**TWENTY-FOURTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Holt and seconded by Mr. Robinson, with all in favor, the meeting adjourned at 6:26 p.m., Central Time.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair