

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

The Board of Supervisors of the Lake Powell Residential Golf Community Development District will hold a Regular Meeting on March 6, 2023 at 2:00 P.M. (Central Time), at Shark's Tooth Clubhouse, 2003 Wild Heron Way, Panama City Beach, Florida 32413.

Present were:

David Holt	Chair
David Dean	Vice Chair
Jerry Robinson	Assistant Secretary
Thomas Balduf	Assistant Secretary
Frank Self	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Mike Burke	District Counsel
Bethany Womack	Ecologist/District Operations Manager

Residents present were:

Ned New	Ron Landrus	David Fleet	Jim Henderson	Kelly Fredrickson
Tom Kerns	Curtis Williams	Cathy Williams	Kevin Dupont	Steven Undercoffer
Terry Olson	Eddie Levick			

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Sanchez called the meeting to order at 2:06 p.m. All Supervisors were present.

SECOND ORDER OF BUSINESS

Public Comments

Resident Tom Kerns thanked the Board for the progress that is being made to obtain bids to pave the roads and fill in the side of the roads and for moving the community forward.

Jim Henderson asked for an explanation of the CDD and if the CDD can control speeders. Mr. Dean stated the CDD controls the roads from 98 to the driving range and the side roads before the circle. The POA controls Salamander and other areas. The Sheriff only controls Wild Heron Way because the CDD is unincorporated.

Ms. Cerbone stated a CDD is a special, local governmental entity, usually formed to provide public infrastructure for a planned community; it allows the Developer to issue municipal bonds to offset the costs of some or all the public infrastructure for the community, including stormwater ponds, drainage, catch basins, roads, parks, sidewalks, community centers, etc. She discussed public versus private amenities, bond issuance, term length of bond debt, CDD operations, POAs, bond refinancing and whether the CDD can be dissolved.

Mr. Burke noted the distinction between the POA and CDD Boards is that the CDD Board Members are all elected officials. He discussed, general elections, the candidate qualifying process, assessment collection and the CDD taking over POA responsibilities during the recession.

Discussion ensued regarding prior speed control options considered, a patrol vehicle on Wild Heron Way, police ticketing speeders and the CDD identifying and confronting speeders.

THIRD ORDER OF BUSINESS

District Engineer: Discussion/Consideration /Update

A. Consideration of Responses to RFP for Construction Services – 2022 Road Resurfacing

Asked if he heard from St. Joe, Mr. Burke stated a response is pending.

Mr. Holt stated the last quotes were \$1.25 million. The project is two phases, from the gate to the driving range and from the gate to 98. Phase 2 resurfacing costs are slightly over \$600,000 and the CDD has a little over \$400,000 in reserves for road work. The CDD would like to turn the area from 98 to the gate back over to the County. St. Joe needs to peel down from 98 to Covington Bridge and give the CDD 50% of the bridge maintenance costs. There was verbiage such that St. Joe is willing to help pay for the road resurfacing, since they are constructing a Planned Unit Development and will need access from the north side of Covington Bridge.

Mr. Holt asked Mr. Burke to obtain a letter of commitment from St. Joe.

Ms. Cerbone stated another possibility is to award Phase 2, going from the gate in, and continue communicating with St. Joe and, during the work, do a change order to resurface from the gate to the bridge; hopefully, St. Joe will cost share from the bridge to 98. Then, possibly do a third change order to complete the project. Mr. Burke doubted St. Joe will pay to resurface from 98 to the bridge; at the most, St. Joe might send a check to the CDD. The bid documents and budgets were sent to the County, who understands the urgency of the project and is aware that, if the CDD resurfaces the entire driving range to 98 segment, the CDD will become insolvent.

Discussion ensued regarding St. Joe’s willingness to contribute, Ms. Cerbone’s idea, condition of the road from Covington to 98, testing associated with the project, milling, material and labor costs, recent decrease in the cost of oil and bitumen, asphalt demand, golf course’s contribution to the wear and tear of CDD roads, a warranty deed from St. Joe to the CDD, right-of-way (ROW) ownership from 98 to the bridge, timeline of the bridge repair work for the Florida Department of Transportation (FDOT), proceeding with the road resurfacing project and the BrightView proposal for work outside the gate.

I. Affidavit/Proof of Publication

II. RFP Package

III. Respondents

Ms. Cerbone recapped what occurred at the last meeting and read the bid totals costs from both respondents.

a. CWR Contracting, Inc. (provided under a separate cover)

Phase 1 \$655,105

Phase 2 \$602,952

b. Gulf Coast Utility Contractors (provided under a separate cover)

Phase 1 \$717,320

Phase 2 \$654,000

IV. Evaluation Matrix

V. Award of Contract

On MOTION by Mr. Balduf and seconded by Mr. Holt, with Mr. Balduf, Mr. Holt, Mr. Dean and Mr. Self in favor and Mr. Robinson dissenting, awarding the Construction Services – 2022 Road Resurfacing contract to CWR Contracting for Phase 2, authorizing Staff to prepare the agreement with CWR, and authorizing the Chair or Vice Chair to execute outside of the meeting, was approved. (Motion passed 4-1)

On MOTION by Mr. Holt and seconded by Mr. Dean, with all in favor, the BrightView proposal for work outside the gate, in the amount of \$17,445, was approved.

Discussion ensued regarding installing “No Parking” signage inside and outside the gate during the roadside filling project and POA involvement.

FOURTH ORDER OF BUSINESS

District Counsel: Discussion/Consideration Update

A. Stormwater Facility Management Services Agreement (CDD approved, awaiting POA approval)

B. POA Maintenance Agreement (CDD approved, awaiting POA approval)

Mr. Burke stated there were no updates on Items 4A and 4B.

Both will remain on the agenda.

C. Cost Share with POA for Streetlights

Mr. Dean stated the POA is replacing some lights on Wild Heron Way.

Discussion ensued regarding the lighting company, streetlight costs and solar lights.

Mr. Burke stated the Board finds that there is a public purpose in participating in the streetlighting on the public roads along Wild Heron Way and the purchase of two extra lights.

On MOTION by Mr. Dean and seconded by Mr Holt, with all in favor, authorizing the purchase of two extra streetlights, in a not-to-exceed amount of \$15,000, was approved.

Ms. Cerbone stated Staff will notify the POA of the CDD’s contribution.

FIFTH ORDER OF BUSINESS

District Ecologist: Discussion/Consideration Update

A. Wildlife Signage Proposal

Ms. Womack stated the signs were delivered and she needs clear direction in order to instruct the vendor on sign replacement and installation. This item will remain on the agenda.

B. Extreme Land Clearing and Excavation Proposal for Wild Heron Roadside Edge Grading

Ms. Womack presented two proposals for shoulder work inside the gate; one from BrightView and one from Extreme Land. She responded to questions about the proposals, qualifications for watering, a water truck and project costs.

On MOTION by Mr. Holt and seconded by Mr. Robinson, with Mr. Holt, Mr. Robinson, Mr. Dean and Mr. Self in favor and Mr. Balduf dissenting, the Extreme Land Clearing and Excavation Proposal, in the amount of \$87,000, was approved. (Motion passed 4-1)

C. BrightView Landscape Services Proposal for Extra Work at CDD Roadways

The meeting recessed and reconvened.

D. Wild Heron Post Colors Proposals

Ms. Womack hoped to secure a proposal by the afternoon. She will email it to the Board. The project includes ten posts, including one that will be replaced, and the rails on the bridge between the gate and 98. She estimated a cost of about \$3,500, including the paint.

On MOTION by Mr. Holt and seconded by Mr. Self, with all in favor, proceeding with painting the Wild Heron posts, in a not to exceed amount of \$3,500, was approved.

Ms. Womack recalled previous discussion regarding vine removal at the roundabout. She discussed the scope of work of a proposal that she obtained.

Discussion ensued regarding the vine removal project costs and the POA.

The consensus was to reject the vine removal proposal.

Ms. Womack stated feedback from the Department of Environmental Protection (DEP) regarding the CDD’s request for the land swap for the conservation easement and the documents for the POA is pending. The CDD signed the riparian rights easement to allow use of the riparian shoreline for the dock. The legal description for the conservation area is incorrect. The conservation easement area in the easement was Area 52 but the conservation easements that are actually adjacent to the dock are Areas 21 and 24. She prepared an amendment to the easement and asked for a motion to amend.

On MOTION by Mr. Holt and seconded by Mr. Self, with Mr. Holt, Mr. Self and Mr. Dean in favor and Mr. Balduf and Mr. Robinson opposed, amending the riparian rights legal description from Area 52 to Areas 21 and 24, was approved. (Motion passed 3-2)

SIXTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements

A. As of December 31, 2022

B. As of January 31, 2023

Discussion ensued regarding investment options, meeting location and time, proposed budget that will be presented at the June meeting, road restriping and bridge repair.

On MOTION by Mr. Balduf and seconded by Mr. Self, with all in favor, the Unaudited Financial Statements as of December 31, 2022 and January 31, 2023, were accepted.

SEVENTH ORDER OF BUSINESS

Approval of Minutes

A. December 5, 2022 Regular Meeting

The following changes were made:

Line 195: Change "Marsh" to "Lost"

Line 222: Change "Lost Cove Drive" to "Lost Cove Lane"

Line 235: Delete entire sentence.

B. February 6, 2023 Joint Meeting with POA and Regular Meeting

On MOTION by Mr. Dean and seconded by Mr. Self, with all in favor, the December 5, 2022 Regular Meeting, as amended, and the February 6, 2023 Joint Meeting with POA and Regular Meeting, as presented, were approved.

EIGHTH ORDER OF BUSINESS

Staff Reports

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

B. District Counsel: *Burke Blue*

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

There were no reports.

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

I. Consideration: Shark's Tooth Meeting Location for Remainder of Fiscal Year

Ms. Sanchez stated the Shark’s Tooth meeting location cost is \$500 per meeting and meetings would have to start at 2:00 p.m.

On MOTION by Mr. Holt and seconded by Mr. Dean, with all in favor, continuing to meet at the Sharks Tooth Clubhouse, at a cost of \$500 per meeting, and changing the meeting start times from 3:00 p.m. to 2:00 p.m., Central Time, was approved.

II. NEXT MEETING DATE: April 3, 2023 at 3:00 P.M. (Central Time)

- **QUORUM CHECK**

NINTH ORDER OF BUSINESS

Board Member Comments

There were no Board Member comments.

TENTH ORDER OF BUSINESS

Public Comment

Condo Owner’s Association President and resident Ron Landrus asked to be included in any CDD Board conversations or meetings regarding the storm drains and stormwater runoff system, as there are several storm drains in his area that are backing up and he needs to open the lines of communication to address the issues related to clogged drains.

Mr. Holt will keep Mr. Landrus in mind.

ELEVENTH ORDER OF BUSINESS

Action Item Recap

The action items will be included on the next agenda include:

- “Bridge Repairs” under District Engineer’s Reports.
- “DEP Conservation”
- “POA Stormwater and Maintenance Agreements”

TWELFTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Self and seconded by Mr. Robinson, with all in favor, the meeting adjourned at 4:09 p.m., Central Time.


Secretary/Assistant Secretary

 AS CDD
Chair/Vice Chair CHAIR