

**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 December 4, 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:

Jamie Sanchez	District Manager
Cindy Cerbone	Wrathell, Hunt and Associates, LLC (WHA)
Tristan LaNassa	District Counsel
Robert Carroll	District Engineer
Bethany Womack	Ecologist/District Operations Manager
Chris Brown	Resident
Tom Kerins	Resident
Kevin Dupont	Resident
Mary Doyle	Resident
Other Residents	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Sanchez called the meeting to order at 2:01 p.m.

All Supervisors were present.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRD ORDER OF BUSINESS

Discussion/Consideration: BrightView Landscape Services Proposal for Extra Work [Sprinkler Repairs and Turf Issues]

Mr. Holt presented the Brightview proposal for extra work on Wild Heron Way and explained that this is related to the roadwork that was recently completed. Some of the items on the invoice are POA-incurred costs and some are CDD-incurred costs. The POA is amenable to splitting the costs. The proposal is being presented to determine if the CDD Board is amenable as well.

Regarding the CDD’s portion, Ms. Cerbone stated it would be 50% of the total amount of \$7,238.65; the Board could motion to approve a not-to-exceed amount of \$4,500, with the understanding that the paying party will be the POA, with the POA invoicing the CDD for the CDD’s portion.

On MOTION by Mr. Robinson and seconded by Mr. Self, with all in favor, the BrightView Landscape Services proposal for extra work, including sprinkler repair and turf issues, and the CDD’s portion of the costs, in the amount of \$3,619.33, was approved.

Ms. Sanchez will ask for the POA to invoice the CDD and copy the POA President.

FOURTH ORDER OF BUSINESS

District Counsel: Discussion, Consideration and Update

- A. Stormwater Facility Management Services Agreement (CDD approved, awaiting POA approval)**
 - B. POA Maintenance Agreement (CDD approved, awaiting POA approval)**
 - Landscape Standards**
 - C. Possible Land Swap with the POA for Gate Installation at Wild Heron Way and Pinfish**
- These items were deferred.

Mr. Dean asked if District Counsel forwarded his letter to Attorney Brown and if a response was received from St. Joe regarding the Board’s ongoing discussions. Mr. La Nassa

stated he did not have an update on the letter but knows that Mr. Burke was hopeful that Staff would have received a draft agreement back from St. Joe but, thus far, nothing was received. Mr. La Nassa will follow up with Mr. Burke and report back.

FIFTH ORDER OF BUSINESS

**District Ecologist:
Consideration and Update**

Discussion/

A. The Lake Doctors, Inc. October Inspection Report

Ms. Womack presented the October Lake Doctors Report for Pond Management. It was noted that most of the ponds look good. She discussed a pond with planktonic algae at the end of Salamander Trail, the lack of rainfall and provided an update on the aerators.

Discussion ensued regarding the ponds, aerator issues, Lake Doctors, an inspection report, Florida Power & Light (FPL), the County, lily pads, carp and a Florida panther sighting.

B. Perimeter Fencing Behind the Courts

Ms. Womack stated Staff is obtaining proposals from vendors for the area between the courts and the gates, to close the gaps. This item is a priority because it is an area where the feral hogs infiltrate the community.

Discussion ensued regarding area wildlife, implementing a hog program, an area map showing gaps in fencing, a not-to-exceed amount and a color-coded map.

Ms. Womack will do her best based on what the Board directs and see if she can come up with a not-to-exceed amount so this item can proceed; otherwise, it will need to wait until the next meeting when she has proposals.

C. Request for Gate Access to Zone 22 by Adjacent Property Owner

Ms. Womack reported that the POA received a request from a property owner for a key or gate access into Mitigation Zone 22, which is a work zone in the back, off Lost Cove. Ms. Cerbone stated the property owner is asking for safety access and noted that a letter directly from the property owner to Ms. Sanchez is needed in order for the Board to consider the request. The letter should include a reason and the property owner’s name and address.

Mr. Self voiced his opinion that it is bad practice to allow a property owner to have access to those gates.

The property owner, who was in attendance, stated he would like a key because there was a fire near his home recently and the Fire Department asked him to evacuate and implied that, in case of a fire, a homeowner should have a key for them to access the area quickly.

On MOTION by Mr. Balduf and seconded by Mr. Holt, with Mr. Balduf, Mr. Holf, Mr. Dean and Mr. Robinson in favor and Mr. Self dissenting, giving both the property owner and the POA a key to the gate in Mitigation Zone 22, for safety reasons, was approved. (Motion passed 4-1)

Ms. Sanchez would confer with the POA to make sure the property owner receives a key.

D. Conservation Easement Swap Proposals

Ms. Womack stated there was no update on this. She will check on the progress with the Surveyor and provide an update at the next meeting.

Ms. Womack reported that she received a proposal from a contractor who resides in the community to pressure wash and redo the fence on the east side of 98. The POA would like the fence repainted. She asked the contractor to revise the proposal to include repainting the bright silver guardrails the same shade of brown and asked the Board to consider approving a not-to-exceed amount of \$2,000.

Discussion ensued regarding the fence not being on CDD property, the POA, bridge defects, the roadway and if there is a maintenance easement.

Ms. Womack will find out if St. Joe will remove the fence or maintain it.

On MOTION by Mr. Balduf and seconded by Mr. Robinson, with all in favor, allotting a not-to-exceed amount of \$2,000 for painting the guardrails on the bridge, was approved.

Ms. Womack stated she also received a \$2,500 proposal for installation of the speed signs in shadowboxes. The signs would be on a post and inside of a wood shadow box with a solar panel above it. The shadow box and post would be painted the same color as all the other signs

in the subdivision. Ms. Womack will obtain a certificate of insurance (COI) from the contractor listing the CDD as additional insured.

On MOTION by Mr. Dean and seconded by Mr. Holt, with all in favor, contracting with Nextgen to construct and install shadowboxes for speed signs, in a not-to-exceed amount of \$3,000, and subject to receipt of a Certificate of Insurance listing the CDD as additional insured, was approved.

SIXTH ORDER OF BUSINESS

Authorization of Fraudulent Check Write-off

Ms. Sanchez stated that, in May 2022, a fraudulent check was cashed for \$9,850. Management's Controller filed a claim with Wells Fargo Bank; however, the bank was unable to recoup the funds and refuses to reimburse the CDD. Staff is requesting authorization for the fraudulent check to be written off.

Ms. Cerbone stated that someone intercepted a check, changed the payee name to themselves and cashed the check. It was listed on the balance sheet of the financials, in the asset section under "Due from other." Staff cannot write the amount off, as the District's Accounting firm, without the Board's approval; it would cost more to go into litigation against Wells Fargo.

On MOTION by Mr. Dean and seconded by Mr. Self, with all in favor, authorizing Staff to write-off the fraudulent check, in the amount of \$9,850, was approved.

Mr. Robinson suggested considering moving the CDD's accounts to another bank.

Ms. Cerbone stated 98% of Management's clients have their operating accounts at Truist Bank.

On MOTION by Mr. Balduf and seconded by Mr. Robinson, with all in favor, authorizing Staff to take any and all actions to start the transition of the CDD's accounts from Wells Fargo Bank to Truist Bank, including obtaining the Board Chair's signature once the checking account is opened, was approved.

SEVENTH ORDER OF BUSINESS

Discussion: St. Joe’s Response Regarding Joint Meeting with Counsel

This item was deferred to the next meeting.

EIGHTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of October 31, 2023

Ms. Sanchez pointed out the “Due from other” line item, on Page 1, related to the fraudulent check.

On MOTION by Mr. Robinson and seconded by Mr. Self, with all in favor, the Unaudited Financial Statements as of October 31, 2023, were accepted.

NINTH ORDER OF BUSINESS

Approval of October 2, 2023 Regular Meeting Minutes

Ms. Sanchez presented the October 2, 2023 Regular Meeting Minutes.

On MOTION by Mr. Self and seconded by Mr. Dean, with all in favor, the October 2, 2023 Regular Meeting Minutes, as presented, were approved.

TENTH ORDER OF BUSINESS

Staff Reports

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

There was no report.

B. District Counsel: Burke Blue

Mr. La Nassa stated an update will be provided upon receipt of St. Joe’s response regarding the Joint Meeting with District Counsel; information will be disseminated.

Ms. Cerbone stated, commencing in calendar year 2024, Board Members must complete ethics training courses. She asked Mr. La Nassa to inform Mr. Burke that this item will be on the February agenda and District Counsel will need to provide an update about options for ethics training.

C. District Engineer: McNeil Carroll Engineering, Inc.

Mr. Carroll stated the County tested all fire hydrants on April 23, 2023.

Asked for an update on scoping the stormwater drains, Ms. Womack stated a recommendation was made for the CDD to clear and improve all the access points to the pipes and endings.

Discussion ensued regarding finding a vendor to clean the pipes, the water table, the outfalls and the composition of the pipes.

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

- **NEXT MEETING DATE: February 5, 2024 at 2:00 PM (Central Time) First Baptist Church – Sunnyside, 21321 Panama City Beach Pkwy, Panama City Beach, FL 32413**
 - **QUORUM CHECK**

Ms. Sanchez stated, thus far, only the February meeting was confirmed. Staff is working on confirming the remainder of the meetings for Fiscal Year 2024.

Ms. Sanchez and Ms. Cerbone discussed having the sound system checked at the church, the size of the Fellowship Hall and meeting room set up.

ELEVENTH ORDER OF BUSINESS

Board Member Comments

Mr. Self asked if the rumors about issues at the main gate are valid. Ms. Sanchez stated she is not aware of any personnel issues at the gate. Ms. Cerbone stated the CDD contracts with the POA to manage the security and the Security Manager’s office has not been contacted about any personnel issues.

Asked if the Management receives monthly or quarterly security reports from the POA, as per the Security Agreement, Ms. Cerbone stated no; however, Management can make a formal request for quarterly reports from the POA, as outlined in the Agreement, for inclusion on the agenda.

The consensus was for the POA to provide monthly security reports to Management, going forward. Ms. Sanchez will alert the POA that the Board expects to receive a monthly report.

A Board Member reported that the Wild Heron POA Board unanimously agreed to alter the times for front gate accessibility and the POA Board changed the Post Orders without informing the CDD Board. Those Post Orders now allow access to all St. Joe employees, mostly huge 18-wheelers containing 56,000 pounds of equipment. Some of the trucks have come close to striking residents' vehicles on Pinfish, as the trailers make wide turns; this has been occurring for quite a while. The Post Orders were redone and one of the POA Board Members even addressed herself as President of the Board.

A Board Member voiced their opinion that this lends credibility to the CDD's request for monthly reports.

In response to a question about the type of information the CDD is seeking, Ms. Sanchez stated the items outlined include invoicing disputes, corrections, handling of resident phone calls and resolving issues in a timely fashion.

Discussion ensued regarding the POA's actions and resident concerns about the front entrance.

Ms. Sanchez will email a request for the security reports to the POA and copy Stephen Undercoffer. Ms. Cerbone recommended a mid-month submission, starting with January 15, 2024 and on the 15th of every month thereafter. Ms. Sanchez stated, even though meetings are held every other month, Staff will include all of the backups in the agendas.

TWELFTH ORDER OF BUSINESS

Public Comment

Resident Mary Doyle stated she is on the Camp Helen State Park Board and, while she recognizes how problematic feral hogs are to the community and although they are not protected under any law in Florida and can be trapped, it is her opinion that it would be best and more compassionate if the trapping occurs out of sight. Ms. Doyle discussed a wildlife quadrant on the northwest side of the CDD and the decrease in Florida panthers, coyotes and wolves. She voiced her opinion that, if individuals cannot honor the local wildlife, they should sell their homes and move elsewhere.

Resident Tom Kerins about CDD land ownership from 98 to the bridge. Mr. Dean stated the CDD owns 100' of the original right-of-way (ROW), coming off the bridge.

Discussion ensued regarding ownership of the island in the middle of the road, repaving from the gate to 98, whether the front entrance is owned by the CDD or St. Joe, a survey and a water test for the golf course.

Ms. Cerbone stated that Mr. Carroll will research land ownership in the area and Staff will include “clarification of ownership” on the next agenda, under the District Engineer’s Report.

Mr. Dean asked for an explanation of the Assessment Methodology. Ms. Cerbone stated Management’s office is the end recipient of the documents from the District Engineer, District Counsel and the Underwriter and all the information must be taken into consideration when preparing the Assessment Methodology. She stated that without an Engineer outlining the additional benefitted use to residential and/or commercial properties, Management cannot prepare the debt or the O&M assessments.

Mr. Carroll will prepare a clarification of ownership for the next agenda and Staff will update the Assessment Methodology when the time comes.

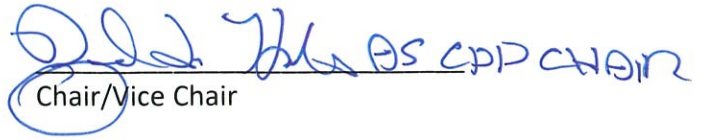
THIRTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Dean and seconded by Mr. Self, with all in favor, the meeting adjourned at 3:53 p.m., Central Time.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair