

**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 February 5, 2025 at 10:00 a.m. (Central Time), at the Laguna Beach Christian Retreat, 20016 Front Beach Road (Naomi’s Kitchen), Panama City Beach, Florida 32413.

Present:

David Holt	Chair
David Dean	Vice Chair
Thomas Balduf	Assistant Secretary
Joel Stephens (via telephone)	Assistant Secretary
Kenneth Black	Assistant Secretary

Also present:

Cindy Cerbone	District Manager
Craig Wrathell	Wrathell, Hunt and Associates, LLC (WHA)
Chris Conti	Wrathell, Hunt and Associates, LLC (WHA)
Mike Burke	District Counsel
Robert Carroll	District Engineer
Bethany Womack	Ecologist/District Operations Manager
Courtney Bolla	POA Community Association Manager

Residents present:

Ben Bollinger	David Fleet	Rebecca Ferris	Sherri Mallory
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FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 10:05 a.m. Supervisors Holt, Dean, Balduf and Black were present. Supervisor Stephens attended via telephone.

Ms. Cerbone recalled discussions over last 12 to 18 months about St. Joe and the adjacent golf course being constructed outside of CDD boundaries, the impact on the CDD and whether that impact could “count” toward existing CDD assessments. At the time, Mr. Carroll and Mr. Burke, working with St. Joe Attorney Joe Brown, considered whether there is enough related to the adjacent golf course for the CDD to begin reconsidering assessments. At that time, it was determined that there was no information.

Ms. Cerbone recalled recent conversations with the Board and members of the public about the adjacent golf course and the impact it could have, disregarding the adjacent golf course and considering only the golf course within the CDD boundaries. The Board and Staff were tasked with considering what options exist regarding how the assessments are structured.

Ms. Cerbone stated Mr. Wrathell will give a presentation explaining Operation & Maintenance (O&M) Assessments, in general. Then, he will review specifics related to this CDD. He will discuss catalysts that could drive changes to CDD assessments, regardless of whether the assessments have been in place for one or two years or for over a decade. Then, with the help of Mr. Carroll and Mr. Burke, ideas and options for the Board to consider will be discussed.

Ms. Cerbone stated ample opportunity will be given for Board discussion with Staff and public comments will be welcomed for many items. The public comment three-minute limit will be extended. Every email and/or hand-delivered document she received directly or through a Board Member was provided to Mr. Wrathell for his review. She encouraged everyone to continue directing messages to her. The messages are read and shared with the professionals with whom she works for their consideration and input.

SECOND ORDER OF BUSINESS

Public Comments

A resident expressed concern about overgrown conditions at 1101 Sawgrass Court Building 1 and asked that the property be reevaluated for cutting, in light of fire concerns. It was noted that this will be discussed during the Twelfth Order of Business.

THIRD ORDER OF BUSINESS

Background on O&M Assessments

Mr. Wrathell stated Wrathell, Hunt and Associates, LLC (WHA) has been the CDD’s District Management firm for over 18 years. He indicated it is not uncommon for assessments to be revisited in the years following bond issuance and noted that some conditions must be met when going back before a judge, as was done when the bonds were initially validated in Circuit Court.

Mr. Wrathell discussed the Assessment Methodology, legal tests and the following verbiage samples included in the agenda:

- **Lienability Test: Special and Peculiar Benefit to the Property**

The Methodology must demonstrate that any assessment levied and charged to a property owner provides a benefit equal to or greater than the assessment levy. Assessments

cannot unduly assess one class of property owners over another. Obviously, without the infrastructure in place and without the operation and maintenance of that infrastructure, this community would not be possible.

- **Lienability Test: Reasonable and Fair Apportionment of the Duty to Pay**
 - **Sample Lienability Test Verbiage: Final Supplemental Special Assessment Methodology Report (related to bond refinancing - see section 5.3)**
 - **Catalysts that Could Substantiate Revisiting Existing O & M Assessments**

Mr. Wrathell presented the Assessment Methodology verbiage and discussed methods of apportionment, including on a front footage basis or on a per unit basis. He noted that assessments are not renegotiated and it would be necessary to demonstrate a rationale for reevaluating assessments. The differences between general benefits available to the public and special and peculiar benefits available to property owners, were discussed.

Mr. Wrathell believes the golf course assessment was in place before WHA’s engagement as District Manager. He stated, while assessments cannot be levied on non-CDD property, the adjacent construction of an additional 18-hole golf course could be a catalyst for reevaluation of assessments, given the impact on CDD rights-of-way (ROWs) and infrastructure.

Mr. Dean stated, when the initial assessment was levied in 2001, the golf course was not yet constructed. He thinks reevaluating assessments is justified for that reason alone and more so due to the additional golf course construction.

Mr. Wrathell stated the District Engineer will assist with the process if the Board chooses to proceed. Assessment public hearings must be conducted, preferably in conjunction with budget processes. Ms. Cerbone stated that Mr. Carroll is aware of the process and timeframes; a proposed Fiscal Year 2026 budget must be presented by June 15, 2025. As the other items related to O&M assessments proceed, Mr. Carroll will discuss his Traffic Concurrency Report and conducting a Traffic Study will be discussed.

FOURTH ORDER OF BUSINESS

Current O&M Assessment Imposed by Lake Powell CDD

- **Board Discussion**
- **Public Comment**

Ms. Cerbone stated that, regardless of the type of residential property owned, all residential property owners pay the same O&M assessment and St. Joe pays 7.4 times the amount that a residential property owner pays. That baseline amount is what the Board will consider changing. It is unknown how the 7.4 amount was established; WHA did not establish the amount and it is unknown how this amount was determined, as the information was not in the CDD's records. She thanked members of the public for contacting the former management firm, which had no information regarding the method of calculating the rate, and stated that, as the rationale is not known, the Board must accept the amount as fact without knowing the rationale.

A resident stated she attended a meeting at which it was claimed that the assessment level was set to be the same as the assessment for the bonds, based on Equivalent Residential Units (ERUs). It was noted that the Clubhouse and the parking lot were not yet constructed at that time. Mr. Wrathell stated that methodologies are validated in circuit court; when O&M assessments emulate the debt assessment it can be more difficult to challenge. Ms. Cerbone found it interesting that properties of varying lot sizes and types received the same assessment.

Mr. Dean feels that, while nobody is placing blame, the consensus is that the Board should proceed and reassess the 7.4 figure.

Ms. Cerbone noted that, while the adjacent golf course cannot be assessed, it is causing increased usage of CDD improvements because of the access to Shark's Tooth, which maintains the amenity area, golf clubhouse and Pro Shop, etc.

FIFTH ORDER OF BUSINESS

Potential Catalysts for Revisiting the Methodology of Levying O&M Assessments in Lake Powell CDD

- **Newly Developed 18 Hole Golf Course Located Outside and Adjacent to the Lake Powell CDD Boundary; Utilizing CDD Infrastructure**

This item was discussed in conjunction with the Third Order of Business.

Ms. Cerbone noted the need to consider whether the golf course constructed many years ago is, in addition to the newly constructed 18-hole golf course, also a catalyst. She noted that concurrent traffic studies could result in cost savings.

- **Board Discussion**

Discussion ensued regarding collecting data, increased traffic and the dramatic increase in St. Joe members from several years ago. CDD infrastructure that supports the golf course, the

traffic impact of golf and tennis tournaments and damage to irrigation due to truck traffic pulling off the road, were discussed.

A Board Member noted that facts must be verified; the clubhouse is smaller, since a dining room was converted into a Pro Shop. He estimated that the number of members is 3,200. He thinks future plans should be considered as another project related to the new golf course, which is the addition of a back entrance, could benefit every homeowner by adding an emergency exit.

Discussion ensued regarding tee time volume, use of trip counters for accuracy, etc.

Mr. Wrathell discussed the need for District Engineer input, incorporating seasonal fluctuations and compiling deliberate, accurate data.

Discussion ensued regarding including traffic without tee times, such as related to retail, tennis, restrooms and maintenance use. Placement of trip counters was discussed.

- **Public Comment**

A resident suggested potential catalysts in the last 20 years might include St. Joe adding sidewalks, new buildings, paving parking lots, adding tennis courts, tennis tournaments, more employees and a significant increase in large and very heavy vehicles. She noted that Wild Heron Way was used as a hauling ground for golf course construction.

Mr. Burke stated that he will only advise pursuing defensible catalysts; he feels that the additional 18 holes are the reason to move forward.

Discussion ensued regarding equating budget expense items to trips.

Ms. Cerbone noted that the CDD contracted with the POA for maintenance of CDD improvements. It was noted that the expense should be brought back to the CDD because there was no way for the POA to assess St. Joe via POA fees. In addition to examples from the Fiscal Year 2025 budget, items contracted to the POA that should be pulled back to the CDD budget should be considered to get the full benefit of the reassessment.

A resident voiced his understanding that the Gainous property had a carveout and asked which other developed properties are included in the CDD boundaries. Mr. Wrathell stated that is a good question; while the external 18-hole golf course is outside the CDD boundaries, its base of operation is Shark's Tooth, which allows the CDD to levy the assessment.

Discussion ensued regarding the property on Wild Heron Way that is outside CDD boundaries and the rule that provides for a one-time impact fee despite the exclusion in the Agreement with the original Developer.

A Board Member voiced their opinion that the main catalyst is St. Joe's August 2007 purchase of all the golf course land and, shortly thereafter, changing the golf course to semi-public use and adding many members. The nature of the original assessment was changed from 485 members, all residents with property owned in the CDD; in 2008 the use was changed to include a commercial operation. He thinks that, ever since then, St. Joe has not paid its fair share for the benefit it receives from the CDD.

Discussion ensued about stormwater management, the possibility that St. Joe has been underassessed for many years and focusing on obvious expenses, such as roads and security.

Ms. Womack stated the golf course manages its own stormwater system and ponds. The CDD stormwater ponds throughout subdivisions treat runoff from homes and roadways.

Resident Ben Bollinger supports the CDD having the necessary research done.

SIXTH ORDER OF BUSINESS

Potential Tool to Begin an Empirical Analysis to Evaluate Golf Course Impact on Lake Powell CDD Infrastructure (36 holes of golf versus original 18 holes)

Mr. Wrathell stated Mr. Carroll's report is a starting point for determining what percentage of trips are from single-family residential homes, multi-family residential homes, the existing 18-hole golf course and the additional 18-hole golf course; destinations including the other amenities will be documented. He discussed the purpose of the trip analysis, how the data can affect the Methodology and the need to integrate it with the Traffic Study.

- **Traffic Concurrency Evaluation (attached as backup)**
- **Traffic Study (yet to be prepared)**

Mr. Carroll presented the Traffic Concurrency Evaluation and discussed the key factors considered to generate a snapshot of traffic flow.

- **Board Discussion**
- **Public Comment**

Discussion ensued regarding placement of hoses and measurements to be taken.

Mr. Carroll stated that additional locations can be added, at a cost of approximately \$1,200 each. It was suggested that hoses be placed at the entrance and exit at the guardhouse, at the entrance to the clubhouse and past Pinfish going into the maintenance shed. It was noted that golf cart traffic has access to a golf cart path parallel to the road.

Mr. Wrathell stated that reevaluations and adjustments will be required in the future; for example, if St. Joe builds the back road in two years and traffic is alleviated.

SEVENTH ORDER OF BUSINESS

Potential Next Steps

- **Traffic Study by Traffic Consultant**

Discussion ensued regarding additional sources of traffic data, reliance on the traffic consultant, placement of hoses and the timing of the traffic study.

Ms. Womack noted that the St. Joe golf course currently operates at limited capacity.

Discussion ensued regarding costs.

- **District Engineer’s Report**

Mr. Carroll estimated the cost of data collection for the Traffic Study consultant at approximately \$5,000; he estimated that Engineering fees would not exceed \$2,500.

- **O&M Assessment Methodology**

Mr. Wrathell estimated the cost of the Methodology in an amount not to exceed \$5,000.

Discussion ensued regarding traffic counts, timing of the traffic study and costs and timeframes for the associated reports.

- **FY25 Adopted Budget**

It was noted that the repaving project will be complete and will not be included in the Fiscal Year 2026 budget. Ms. Cerbone stated that assessments will not decrease next year because fund balance was used for the repaving project; she noted that the proposed Fiscal Year 2026 budget will be presented in June 2025.

- **Board Discussion**

- **Public Comment**

Discussion ensued regarding potential traffic analysis impacts when the golf course is operating at maximum capacity.

EIGHTH ORDER OF BUSINESS

Board Direction and Approval, as applicable

Mr. Stephens expressed support for gathering the most accurate facts possible and believes that the two courses will not be full at the same time.

Ms. Cerbone worded the motion, noting that, if an opportunity exists to present a budget with increased assessments, it will be presented. If not, the matter will be discussed at a publicly noticed meeting as soon as feedback is available.

On MOTION by Mr. Dean and seconded by Mr. Black, with all in favor, scheduling a March 2025 Traffic Study, in an amount not to exceed \$7,500; and with the information to be reviewed by the District Engineer, who will prepare a Report as applicable based on the data, in an amount not to exceed \$2,500; and with that Report to be submitted to the District Manager for preparation of an O&M Methodology Report, in an amount not to exceed \$5,000; and scheduling a Traffic Study in Fiscal Year 2026, likely in October, in an amount not to exceed \$7,500; and with the information to be reviewed by the District Engineer, who will prepare a Report as applicable based on the data, in an amount not to exceed \$2,500; with that Report to be submitted to the District Manager for potential preparation of an updated O&M Methodology Report, at no additional charge to the CDD, were approved.

The meeting recessed at 12:08 p.m., and reconvened at 12:18 p.m.

▪ **District Counsel: Discussion/Update/ Ratification**

This item, previously the Eleventh Order of Business, was presented out of order.

A. Discussion with Joe Brown Regarding Bridge and Cost Share

Mr. Burke voiced his opinion that this item can be removed from the agenda until the data is available and a new assessment can be negotiated.

B. Discussion: Waterway Signage (No Wake, Speeding)

This item was deferred to the next meeting.

C. Ratification of CDD/POA Lease Agreement POA for Renovation of Pool Area

Mr. Burke presented the CDD/POA Lease Agreement previously executed by the Chair.

On MOTION by Mr. Dean and seconded by Mr. Balduf, with all in favor, the CDD/POA Lease Agreement for Renovations, was ratified.

Mr. Burke left the meeting.

POA Community Association Manager Courtney Bolla provided and presented the Gatehouse Report. She stated she agreed to provide one-on-one training with Vicky and all the guards, once per week, typically on Fridays. Passes are being reviewed and corrected so that guards will know what has been written incorrectly. Each guard has reviewed and signed off to indicate that they understand the Post Orders. Operations are running more smoothly and no incident reports have been received since January 9, 2025. She provided bullet points related to training items discussed, matters resolved and documentation provided to guards to help them perform their job. Weekly reports are provided to the POA.

A Board Member reported that a neighbor had a Culligan Water system installed and a flyer was placed on the door. He asked Ms. Bolla to speak with Culligan.

A Board Member asked how many residents use the QR codes. Ms. Bolla stated she does not have an exact number but usage is increasing. A resident vendor program will be introduced soon; it will be a more secure method.

Mr. Dean asked how a Club Member refusing to take a pass is handled. Ms. Bolla stated that happened in January; most of the January incidents were Club Members. Guards are advised to allow the member in and record the vehicle make, model and license plate.

TENTH ORDER OF BUSINESS

District Engineer: Discussion/Consideration /Update

A. Discussion: Visual Inspection Report on Stormwater Pipes

Mr. Carroll stated that the inspection is nearly complete.

B. Proposal for Stormwater Drainage Vacuuming

Mr. Carroll stated the final report is being prepared; when that is received, the proposal will be presented.

C. Status of RFP Award of Contract Execution for Road Resurfacing

A Board Member asked why the CDD is paving from 98 to the guardhouse. It was noted that, as of today, the CDD owns that section, which needs to be milled and replaced.

Mr. Carroll stated that the contract includes bringing all the drop off areas up to grade.

ELEVENTH ORDER OF BUSINESS

District Counsel: Discussion/Update/ Ratification

- A. Discussion with Joe Brown Regarding Bridge and Cost Share
- B. Discussion: Waterway Signage (No Wake, Speeding)
- C. Ratification of CDD/POA Lease Agreement POA for Renovation of Pool Area

This item was presented following the Eighth Order of Business.

TWELFTH ORDER OF BUSINESS

District	Ecologist:	Discussion/
Consideration/	Update	

A. Update: Conservation Easement Swap – Survey & Legal Status

Ms. Womack stated she is waiting on final POA approval for the areas to be swapped. After approval was received from Ms. Bolla, Andy asked for it to be sent to him again for review, so she needs clarification on the matter.

Ms. Bolla stated the POA voted to accept the CDD land lease as submitted.

Ms. Womack will talk to the surveyor. He will remove those areas to be removed and it will be sent to the Department of Environmental Protection (DEP).

This item will remain on the agenda.

I. Walking Trails

Ms. Womack stated the walking trails are all clear.

A Board Member stated he observed undeveloped walking trails on the plans.

Ms. Cerbone stated, if the CDD wants to develop walking trails, funds must be budgeted.

Discussion ensued regarding a sliver of land. Ms. Cerbone suggested the Board Members look at the area and provide direction at the next meeting.

This item will be included on the next agenda.

B. Update: Aerator Status/FPL Communication

Ms. Womack stated the aerators on Jim Lake Trail and Marsh Rabbit Run are operational as of January 30, 2025. They were connected to two new meters with existing CDD accounts. This item will be removed from the agenda.

Ms. Womack stated the first quarter monitoring report was received; the ponds all looked good. The cold weather killed some Torpedo grass and no treatments are required at this time. The pond at the end of Salamander has improved but it has some green discoloration due to algae related to fertilizer runoff.

C. Update: DEP Violation (1501 Sweetbay Trail/CDD Tree Damage)

The DEP process is still ongoing; no enforcement updates were provided. Some encroachment into CDD areas was noted.

D. Update: Legal Letter Re: Parking on CDD Roadway (1501 Sweetbay Trail)

It was noted that the residents are no longer parking on the roadway on a regular basis. This item will be removed from the agenda.

E. Update: Firewise Protocol

Ms. Womack stated that cutting Firewise areas and the CDD mitigation areas will start at the beginning of March. Ms. Cerbone asked if that includes the area discussed by Ms. Mallory earlier in the meeting. Ms. Womack stated that she does not believe so. She discussed the area, which is all condo property.

A Board Member stated the area condo owners have surveyed the area and they know that the property is their responsibility. Ms. Womack will inspect the area to ensure that it is Condo Association property. A resident stated that PVC posts were installed so that residents will know how far down to cut. Ms. Cerbone stated that the area is not CDD property. This item will be removed from the agenda.

A Board Member stated that he emailed Ms. Cerbone regarding Florida Power & Light (FPL). He looked up how often FPL trims below power lines and learned that they should trim every three years; however, a neighbor reported that a pine tree has not been cut in eight years. An agenda item for "FPL Firebreak" will be added to the agenda.

Mr. Dean stated that he noticed low water pressure at 6:00 a.m., when the irrigation system is in use. He expressed concern, given recent fires in California, and stated he thinks the CDD has a responsibility to protect CDD-owned property and suggested the CDD acquire pumps.

Mr. Carroll stated that Panama City Beach Utilities are aware of the low water pressure and they are working to correct it.

Mr. Conti will email Mr. Dean, Mr. Burke, Ms. Womack and Mr. Carroll to advise how pumps to protect "CDD-owned property" can be purchased, and to address legalities and indemnification. This item will be included on the next agenda.

A Board Member asked about any issues if a homeowner utilizes pond water during a fire emergency. Ms. Womack stated that no issue would exist, from an environmental standpoint.

Discussion ensued regarding the fire hydrant capacity and whether the fire hydrant has been tested. It was noted that the fire hydrant is managed by Panama City Beach.

A Board Member suggested the CDD and the POA work together to understand the Firewise standards. Ms. Womack stated that the Firewise Handbook outlines the guidelines.

Mr. Dean stated that the permit restricts what can be done in conservation areas. Ms. Cerbone stated that Ms. Womack can contact the permitting agencies and seek permission to cut in the areas. Ms. Womack stated that the CDD has permission for Firewise cutting in 13 areas. Board Members were asked to email Ms. Womack with any areas of concern.

Ms. Womack stated that posts with Conservation Easement signs were installed in the three areas where golf carts from St. Joe were going through and it appears that golf carts are now driving around the posts and trampling the vegetation. A Board Member stated that he observed a resident walking a dog in the area.

A Board Member stated the footers for the golf cart barn were installed.

THIRTEENTH ORDER OF BUSINESS

Discussion Items

• **Speeding on WHW**

A Board Member discussed speeding concerns on Wild Heron Way. He asked if the Board approved two radar signs and noted that “outliers” were observed speeding excessively.

Discussion ensued regarding engaging law enforcement officers for contract work.

Mr. Conti will email Mr. Burke and confirm if the State or County would issue a ticket to such individuals with use of proper equipment, calibration etc.

Moving the radar sign to a different location was discussed. Ms. Womack will work with Mr. Holt and the vendor in this regard.

Ms. Cerbone suggested the Board Members individually look at the areas in question.

This item will remain on the agenda.

FOURTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2024

On MOTION by Mr. Holt and seconded by Mr. Balduf, with all in favor, the Unaudited Financial Statements as of December 31, 2024, were accepted.

FIFTEENTH ORDER OF BUSINESS

Approval of December 4, 2024 Regular Meeting Minutes

On MOTION by Mr. Balduf and seconded by Mr. Black, with all in favor, the December 4, 2024 Regular Meeting Minutes, as presented, were approved.

SIXTEENTH 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 Ecologist/Operations, District Counsel or District Engineer reports.

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

- **NEXT MEETING DATE: March 5, 2025 at 2:00 PM Central Time**

Ms. Cerbone noted the following:

- The March 5, 2025 meeting will be held in Room 3.
- Impact Fees will be included in the next agenda.

Discussion ensued regarding a previous request for a presentation by the Director of the Emergency Operations Center. Ms. Cerbone stated that, generally, a POA or an HOA would manage such an initiative, rather than the CDD.

SEVENTEENTH ORDER OF BUSINESS

Board Member Comments

Discussion ensued regarding a previous request for a traffic signal at the Blue Heron intersection. Ms. Cerbone stated the inquiry was forwarded to Mr. Carroll.

Mr. Dean asked what percentage of the landscaping budget is spent on Wild Heron Way landscaping at the 98 entrance. It was noted that the roadway has not been conveyed to Panama City Beach. Beautification of the entrance and gatehouse landscaping was discussed.

EIGHTEENTH ORDER OF BUSINESS

Public Comment

No members of the public spoke.

NINETEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Stephens and seconded by Mr. Balduf, with all in favor, the meeting adjourned at 1:37 p.m.

Cindy Carbone
Secretary/Assistant Secretary

D. J. Webb AS CDD
Chair/Vice Chair CHAIRMAN