

**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 January 4, 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
Jeff Briney	Residential
Becky Ferris	Resident
David Fleet	Resident
Frank Self	Resident and Wild Heron Maintenance Committee Chair

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. McGaffney called the meeting to order at approximately 2:09 p.m., Central Time. All Supervisors were present.

SECOND ORDER OF BUSINESS

**Ratification of All Actions Taken at
December 7, 2020 Regular Meeting**

A. Administration of Oath of Office to Newly Elected Supervisors, David Holt [Seat 1, Thomas Balduf [Seat 3] and Jerry Robinson [Seat 4] (*the following to be provided in a separate package*)

Mr. McGaffney welcomed Supervisors Holt and Robinson to the Board and asked that they contact him or Mr. Burke with any questions. He thanked Mr. Burke for facilitating the last meeting and administering the Oath of Office to the new Supervisors and reviewing the documents in the Supervisor’s package.

Mr. McGaffney briefly explained the following items:

- I. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- II. Membership, Obligations and Responsibilities**
- III. Financial Disclosure Forms**
 - a. Form 1: Statement of Financial Interests**
 - b. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - c. Form 1F: Final Statement of Financial Interests**
- IV. Form 8B – Memorandum of Voting Conflict**

On MOTION by Mr. Starlin and seconded by Mr. Holt, with all in favor, all actions taken at the December 7, 2020 Regular Meeting, associated with Agenda Item 2A, were ratified.

B. Consideration of Resolution 2021-01, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Lake Powell Residential Golf CDD, and Providing for an Effective Date

Mr. McGaffney presented Resolution 2021-01 and the following slate of officers that was approved at the last meeting:

- | | |
|---------------------|----------------|
| Chair | David Dean |
| Vice Chair | Tom Balduf |
| Secretary | Craig Wrathell |
| Assistant Secretary | David Holt |

Assistant Secretary	Calvin Starlin
Assistant Secretary	Jerry Robinson
Assistant Secretary	Howard McGaffney
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder

On MOTION by Mr. Robinson and seconded by Mr. Balduf, with all in favor, Resolution 2021-01, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Lake Powell Residential Golf CDD, as nominated, and Providing for an Effective Date, was ratified.

C. Consent Agenda Items

I. Acceptance of Unaudited Financial Statements as of October 31, 2020

II. Approval of October 19, 2020 Virtual Regular Meeting Minutes

- **Consent Agenda Items - Acceptance of Unaudited Financial Statements as of November 30, 2020**

This Item, previously the Fourth Order of Business, was presented out of order.

Mr. McGaffney presented the Consent Agenda Items from the last meeting and from this meeting. He asked Supervisors to submit questions prior meetings to facilitate efficient meetings.

Mr. Dean asked if the CDD could refinance the bond in about 18 months. Mr. McGaffney stated that, because of the 10-year call protection on the bonds, the bonds cannot be refinanced successfully for another year; it would not be an option until the end of calendar year 2021, provided interest rates remain low. A Board Member stated that residents can choose to pay off their individual portion of the debt assessment and recommended contacting a Tax Accountant. Resident, Jeff Briney asked how a resident would pay off their individual debt service assessment portion of the outstanding bonds.

On MOTION by Mr. Balduf and seconded by Mr. Dean, with all in favor, Consent Agenda Items 2C, as amended to incorporate any edits to the meeting minutes, were ratified.

On MOTION by Mr. Robinson and seconded by Mr. Balduf, with all in favor, Consent Agenda Item 4, was accepted.

THIRD ORDER OF BUSINESS

Business Items

A. Update: 2nd Exit to Community – Emergency Egress

Mr. Dean recalled discussions about the condition of the Golf Course Maintenance Road and using it as a second exit out of the community, although it can only be accessed by 4-wheel drive. Expansion of the St. Joseph Development would take five years to complete. A Board Member asked if the option to use Gulf Power's right-of-way (ROW) was explored. Ms. Womack was asked to contact Gulf Power. A Board Member stated that The Origins held its annual meeting at which St. Joe's confirmed that it would begin working on Side Camp Road; however, the conditions were unfavorable as sand was being hauled up to the new homes. He suggested the POA Representative contact St. Joe's to confirm its plans. Discussion ensued regarding the condition of the road up to Side Camp Road being unfavorable. Mr. McGaffney and Mr. Burke would contact Mr. Jansen and advise about whether the CDD can enter into a Memorandum of Understanding with St. Joe's. Ms. Womack would research and inspect the Gulf Power ROW area and report the findings.

B. Update: Landscape Standards Report [Supervisor Dean]

Mr. Dean motioned to implement the revised Minimum Landscape Standards Report, which he emailed to Management's office and presented at the last meeting. He answered questions about whether the POA was notified to implement the CDD's minimal standards established for landscaping and have them included in the Request for Proposals (RFP) when they go out to bid the landscaping project and whether the POA had sufficient funds in the budget to implement these standards.

Mr. Frank Self, a resident and as Chair of the Wild Heron Maintenance Committee, stated he would have these changes incorporated into their new Maintenance Handbook.

Resident Becky Ferris recalled reporting, at the last meeting, that she was involved in writing the POA's RFP for the CDD's portion of the landscaping, and noted that these standards were similar to the ones listed in the RFP. Mr. Burke stated he would find out if the POA Board already agreed to the list of standards. Mr. McGaffney stated that he and Mr. Burke would review the POA Agreement to determine if it has language requiring the CDD to notify the POA of these changes. He would work with the POA to implement the new standards.

Mr. Fleet voiced his support of the CDD setting the minimum standards and stated that the POA is more fluid in revising its budget than the CDD. Mr. McGaffney stated he would contact the POA Representative to discuss policy changes.

On MOTION by Mr. Dean and seconded by Mr. Starlin, with all in favor, implementing the revised Minimum Landscape Qualification Standards Report, presented by Supervisor Dean at the last meeting, was approved.

C. Continued Discussion/Update: Stormwater System – Assignment from POA to CDD

Mr. Dean stated that the permit must be modified, if the CDD decides to take back the stormwater management infrastructure from the POA, or the CDD would have to engage the same contractor and schedule maintenance at the same time as the POA.

Mr. McGaffney polled the Board and the consensus was for the CDD to take back the POA Stormwater System and maintenance responsibilities. Mr. Carroll thought it was a good idea for the CDD to take over, as it would ensure proper maintenance. Discussion ensued regarding recent sinkhole issues. Mr. McGaffney would work with Staff to inspect and obtain quotes to repair the sinkholes maintained by the POA, for presentation at the next meeting. Mr. Holt did not want to take over the maintenance until the POA has the sinkholes repaired.

Mr. Self stated Wild Heron planned a three-phase project to address stormwater drainage issues, which resulted from a long-term study but does not have sufficient funds to complete it. He discussed having to align the drainage grills at the proper level and video the pipes to see what is occurring underground, as the POA repaired three of five sink holes in the last six months; he expects long-range issues, due to the age of the system.

On MOTION by Mr. Holt and seconded by Mr. Balduf, with all in favor, authorizing District Staff to begin the process of engaging enforcement agencies and the POA for the CDD to take over ownership/maintenance responsibilities of the entire Stormwater System that is not owned and maintained by the District, was approved.

Mr. Dean stated that discussions with the POA would be necessary to determine if the POA wants to proceed with the turnover and costs associated with the transfer. Mr. McGaffney stated fund balance would be used to pay the costs for engineering and District Staff. Ownership and maintenance costs would be budgeted in the Fiscal Year 2022 budget cycle.

D. Update: Pond Aeration and Permit Requirements

Mr. Dean wanted to proceed with purchasing aeration systems and compressors for all the stormwater ponds, at a cost of less than \$42,000, and noted that one pond was excluded, as it was deemed too shallow; the monthly service, electrical, and permit costs were not included in the amount. Discussion ensued regarding obtaining additional bids for equipment, bids for electrical contractor services and installation for the entire project instead of testing the ponds in the worst condition, permits, electrical source from the street light rather than the lift station and budgeting the expenses in the upcoming budget. Ms. Womack was asked to discuss the current quote and scope of work with the vendor and work with Ms. Ferris to inspect and number the ponds on a map and obtain additional proposals and ancillary costs associated with installation and report her findings. This would be on the March agenda.

Ms. Womack was asked to coordinate removal of alligator weeds from the ponds. Ms. Ferris and the residents were asked to report maintenance issues to Mr. McGaffney directly.

E. Update: CDD Landscape Standards

This item was discussed during Agenda Item 3B. This was a duplicate agenda item.

F. Update: Security Agreement with POA

As the Security contract expired, the vendor agreed to provide month-to-month services at the current rate until the District decides on whether to renew the contract or go out to bid. Mr. McGaffney stated that he heard rumors of wanting to enhance the system and install

additional cameras. The POA Representative would review the scope of work and the RFP before advertising it.

On MOTION by Mr. Balduf and seconded by Mr. Dean, with all in favor, authorizing District Staff to prepare and advertise the Request for Proposal (RFP) for Security Services, was approved.

This item would be on the April agenda.

A Board Member stated that the POA wants to purchase a rover and asked why the CDD could not fund it. Mr. Burke stated that the CDD cannot fund a rover to go across private roads but the POA can. Mr. McGaffney clarified that the CDD is responsible for access control items and the POA is responsible for security and roving patrols. He offered to work with the POA to engage a separate contract apart from the RFP.

The meeting recessed at 3:45 p.m., and reconvened at 3:56 p.m.

G. Consideration of Resolution 2021-02, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Remainder of Fiscal Year 2020/2021 and Providing for an Effective Date

Mr. McGaffney presented Resolution 2021-02. The purpose of this Resolution was to adjust the remainder of the Fiscal Year 2021 Meeting Schedule to begin holding monthly meetings, in order to prevent delays in making decisions or proceeding with projects. Mr. Dean asked Mr. McGaffney to convey his thanks to Mr. Wrathell for not raising Management's fees.

On MOTION by Mr. Dean and seconded by Mr. Starlin, with all in favor, Resolution 2021-02, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Remainder of Fiscal Year 2020/2021, and Providing for an Effective Date, was adopted.

▪ **Discussion: Addition of Monthly Workshops**

This item, previously Item 3I, was presented out of order.

Mr. Dean proposed scheduling monthly workshops, in order to take quicker action in proceeding with several upcoming projects. Workshops would be open to the public and be for

discussion purposes only, as the Board may not take any action at a workshop. Mr. McGaffney and Mr. Burke suggested holding one budget workshop, with Staff attending virtually, instead of having monthly workshops. The Board agreed to scheduling the Budget Workshop in April and placing this item on the February agenda for approval.

H. Discussion: 5-Year Plan Priorities and Funding Options

Mr. Dean distributed the Bay County Development Agreement with the CDD, originally executed July 11, 2000 and amended several times, with the latest being October 2006. Based on the Supervisors' input regarding which projects in the Agreement they wanted to pursue and how to fund them, the following list of projects, in order of importance, was compiled:

- Convey to County: Certain roadway(s) and bridge(s)
- Multi-use Community Center: Meeting rooms and a second pool
- Lake Access: Install boat docks and incorporate outdoor RV storage.
- Second access point
- Dog park
- Bike path

Mr. McGaffney hoped to give an update on the road conveyance soon. Discussion ensued regarding where to build the facilities, costs and preparing a 10-year plan in order to stay competitive with other neighborhoods. Board Members suggested surveying residents, generating private funding to offset the costs and obtaining bonds. Mr. McGaffney stated that the CDD, as a governmental entity, has to collect revenue through ad-valorem assessments. Mr. Burke stated the CDD's main hurdle for lake access would be to change the Development permit, as the permit limited the CDD to a kayak launch only; it would be better for the POA to fund these projects. He discussed the POA running the Community Center and the CDD entering into a long-term lease agreement to help offset the costs. A survey would be sent to residents and the results would be presented at the April Budget Workshop.

On MOTION by Mr. Balduf and seconded by Mr. Starlin, with all in favor, appointing Mr. Holt as the survey liaison, was approved.

On MOTION by Mr. Balduf and seconded by Mr. Starlin, with all in favor, amending the prior motion to appointing Mr. Robinson as the survey liaison, rather than Mr. Holt, was approved.

The collection of previous surveys would be sent to Mr. McGaffney to distribute to Mr. Robinson. This item would remain on the agenda.

I. Discussion: Addition of Monthly Workshops

This item was presented following Item 3G.

J. Discussion: Tax Base Determination Methodology

Mr. Dean stated he would forward a list to Mr. McGaffney of properties he identified that show the CDD's portion of the non-ad valorem assessments at \$0 and some where assessments were disproportionate from others. Mr. Burke and Mr. McGaffney explained the validation and methodology processes and how the assessments are derived.

FOURTH ORDER OF BUSINESS

Consent Agenda Items

- **Acceptance of Unaudited Financial Statements as of November 30, 2020**

This item was presented during Item 2C.

FIFTH ORDER OF BUSINESS

Staff Reports

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

Ms. Womack reported the following:

- POA Conservation Easement Encroachment Areas: From the Buchanan & Harper, Inc. surveys, a total of .126 of an acre of disturbed area was identified in the conservation easement between north of the Sweet Bail Trail pond and within the Lost Cove Lane areas. She would prepare a restoration plan to send to the POA.
- Annual Water Quality Monitoring Event: Monitoring was completed and showed no elevated parameters. The Report was submitted to the necessary agencies. The next one would be due November 2021.
- Stormwater Drain Cleaning Within CDD Roadways: An on-site meeting with the contractor, to identify the CDD-owned roadways, was scheduled for Thursday.

- Bridge Railing: Breaking Ground was still waiting for materials. The delay was because the Developer used a specialty width that must be constructed.
- Mitigation Report: The report was submitted. There were now seven active work areas, which was a significant drop from the original number. The areas where the monitoring requirements were satisfied would still be managed but the reporting would cease.
- Firewise: The Division of Forestry would not allow burning this year due to drier weather conditions but cutting would continue.
- Paving Roadway Assumption: One proposal was received. Two others were expected by the end of the week. The proposal did not include costs for a bike path. The contractors required more time to respond due to their busy schedules. Because the costs exceed the spending threshold, this project must go out to bid.

Discussion ensued regarding space for the bike trail, the County's lack of interest in having the bridge until the original design specifications lost in Hurricane Michael can be provided and impact fees. Ms. Womack would review the permit documents to determine who designed the bridge and try to find out who constructed it so the specifications can be provided to the County. Ms. Womack stated that the County was amenable to taking the road but not the bridge. Mr. McGaffney discussed the cost to repair and dedicate the road to the County so that the CDDs only concern would be the roads inside the CDD. A Board Member suggested asking St. Joe's to help the CDD get the bridge conveyed to the County.

B. District Counsel: *Burke Blue*

There being no report, the next item followed. Mr. Burke apologized for not recording the last meeting in Mr. McGaffney's absence.

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

There being no report, the next item followed.

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

- **NEXT MEETING DATE: February 1, 2021 at 2:00 P.M. (Central Time)**
 - **QUORUM CHECK**

All Supervisors confirmed their attendance at the February 1, 2021 meeting.

SIXTH ORDER OF BUSINESS

Public Comments

A Board Member thanked Mr. Briney for preparing the materials.

Mr. Briney returned the 2007 Engineer's Report and the stormwater management system supporting materials that was found to Mr. Dean. The Report identified several issues that were to have been resolved but never were. Some of the issues were corrected once the 500-year flood event occurred. A box link of the digital copy would be sent to the CDD.

SEVENTH ORDER OF BUSINESS

Supervisors' Requests

There being no Supervisors' requests, the next item followed.

Mr. McGaffney discussed the agenda items for February and March.

EIGHTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Starlin and seconded by Mr. Holt, with all in favor, the meeting adjourned at approximately 5:32 p.m., Central Time.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair