

**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 June 7, 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:

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell Hunt and Associates, LLC (WHA)
Mike Burke	District Counsel
Robert Carroll	District Engineer
Steven Undercoffer	Resident/POA President
Chris Stumpf	Resident/POA
Diane Allewelt	POA Community Associations Manager
Jeff Breining	Resident
Paul Levick	Resident
Michelle Levick	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 2:13 p.m., Central Time. All Supervisors were present, in person.

Mr. Dean welcomed everyone and noted the proposed Fiscal Year 2022 budget would be presented, along with several other items on the agenda.

Ms. Cerbone stated that many agenda topics are interrelated with the proposed Fiscal Year 2022 budget. She discussed the following actions and/or outcomes from directives given at the last meeting:

- Proposed Fiscal Year 2022 Budget: The landscaping line item amount increased significantly due to the impending transition of landscape maintenance to the CDD; the amount was determined after reviewing historical data.
- It is typically better to approve a proposed budget higher or equal to the budget amount adopted in August than the other way around.
- As facilitating a joint CDD/POA meeting was not possible and, at the suggestion of the POA, a conference call with Ms. Cerbone, Mr. Robinson, Mr. Undercoffer, Mr. Stumpf, Mr. Balduf and Ms. Sanchez was held to discuss landscaping concerns with the POA and the District taking over “landscaping” from the POA and terminating the Maintenance Agreement.

- **Public Comments**

- This item was an addition to the agenda.**

- No members of the public spoke.

SECOND ORDER OF BUSINESS

Consideration of Resolution 2021-03, Approving a Proposed Budget for Fiscal Year 2021/2022 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date

Ms. Cerbone presented Resolution 2021-03. She presented the proposed Fiscal Year 2022 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal Year 2021 budget. Some modifications were due to upcoming projects, with expenses involving legal, landscaping, roadway, aerators and bridges. Ms. Cerbone highlighted the following budget line items and responded to questions and comments as follows:

- Regarding what caused the “Other current charges” line item amount to jump significantly, Ms. Cerbone would provide the documentation.
- The “Legal” line item amount increased because District Counsel’s fees are predicated on the number of District meetings being held and the number of meetings being held had increased; the rates have not changed.

➤ “Supervisor fees” line item: The proposed amount would correlate with the number of meetings scheduled but increasing the budget was not necessary, as the expenditures would not exceed the overall budget.

➤ “Security management services” line item: Amounts may change depending on discussions held later in the meeting.

Ms. Cerbone reported that, although the Security contract was awarded in April, Management received a fourth response to the Request for Proposals (RFP), which was deemed timely, as the RFP notice did not specify the deadline time as eastern or central time. After consulting with Mr. Burke, and to prevent an appeal protest, the recommendation was for the Board to go through the ranking process again. The other three respondents were notified of this decision.

➤ “Lake & wetlands monitoring” line item: Ms. Cerbone worked on the budget with Ms. Womack and later reviewed it with the District Engineer. Although Ms. Womack acknowledged that the CDD may take over landscaping, she kept the same amount as in the prior year. Ms. Womack conveyed her apologies for not attending the meeting, as she was on a long pre-planned vacation.

➤ “Roadway and landscape services” line item: Added new budget line items for upcoming Transfer of Wild Heron Way (WHW) from 98 to entrance project and potential transfer of landscape maintenance services, which will require going out to bid. \$300,000 in fund reserves was used to offset costs and prevent an additional increase in assessments.

➤ Stormwater management “Pond Aeration” was a new line item.

➤ With concerns that roadway project costs were increasing each year and asking if the CDD could convey the roadway to the County and provide funding now, Mr. Carroll replied no, and reported that delays were due to a surplus of contractor work. He was directed to proceed with the bid process.

➤ It was confirmed that the cost to maintain landscaping on all CDD roads and ponds was included in the proposed Fiscal Year 2022 budget; a portion of the funding would come from the General Fund. Mr. Carroll and another person will tour the community to identify problem areas where swale work is needed and provide a list of areas where houses are to be built and should not be included in the scope of work.

- It was noted that basic landscape maintenance assessments were about \$600 per homeowner but, if maintained properly, the costs might not have been so significant.
- Series 2012 Bonds: As the call date is in Fiscal Year 2022, the Board agreed for Ms. Cerbone to discuss refinancing opportunities with the Bond Underwriter, when appropriate, if a better rate, less than the current 5.75% is obtainable. Ms. Cerbone would advise Mr. Dean of the outcome and give an update at the next meeting.
- Assessment Summary: Ms. Cerbone distributed a spreadsheet detailing the categories driving the assessment increase of approximately \$909.55.

Some Board Members were in favor of the proposed Fiscal Year 2022 budget. Discussion ensued regarding concerns about needing to designate funds in this budget to proceed with the second roadway project that would commence once the first is completed and preventing another assessment increase for Fiscal Year 2023. Ms. Cerbone was asked to find out the POA's balance in landscaping fees and whether the POAs reverse and returns, these funds equal to what the CDD paid in.

Mr. Holt noted that the POA assessments were increasing about \$650 per homeowner, of which, about \$100,000 was allotted to the POA landscaping budget. He believed the POA should be responsible for flowers and landscaping and the CDD should handle roadway and infrastructure related items. He requested a breakdown of costs and the amount allotted to the ponds and roadways and stated that, without the information, he would not vote in favor of the proposed Fiscal Year 2022 budget. He expressed concern about double dipping for expenses.

Mr. Dean believed the ponds were neglected and that a stop work order was issued. When asked about the POA issuing a stop work order on the ponds, Mr. Stumpf replied that the POA allocated \$20,000 in its budget but, until he recently met with Mr. Dean and Mr. Starlin, the POA was unaware of these issues or of the POA being responsible. He discussed the POA's efforts to proceed with Ms. Womack's recommendation on the ponds. Discussion ensued regarding the ponds, irrigation, permits, the CDD taking over maintenance, the 2018 Landscape Agreement between the CDD and POA, pond permits, changes in both CDD and POA Boards, deferring the decision to August and preparing a new agreement with the new CDD and POA Boards, Board Members' concerns about protecting permits.

Mr. Stumpf stated that he was happy about having an open dialog and looked forward to discussing the matter with whomever Mr. Dean directed and determining if the POA is aligned with the District. Mr. Dean stated they were not aligned and noted the terms of the Maintenance Agreement with the POA stated the District can terminate the Agreement, correct the problems and send the POA the bill for the repair costs, which would be payable in 30 days.

Discussion ensued regarding Mr. Stumpf being unable to locate the Agreement, the District Manager providing the Agreement and Mr. Dean noting he sent the Agreement and multiple documents related to the permit to the POA Board Members. It was noted that Mr. Perins' attitude was very argumentative and felt the Agreement was vague.

Mr. Dean asked Ms. Cerbone to have Management resend the Agreement. Ms. Cerbone stated that it would be sent to the person she spoke with on the conference call, Ms. Allewelt, and to the POA Board. Mr. Dean asked if Mr. Burke wanted to comment on the Maintenance Agreement. Mr. Burke stated that the CDD Board needed to decide what it would do with the budget.

The following were items/directives discussed after Mr. Dean motioned to adopt Resolution 2021-03:

➤ The Board designated Ms. Womack as liaison to work with the POA Board and proceed with projects, in order for the CDD Board to decide, at the August meeting, whether to Terminate the Agreement with the POA.

A resident asked if a POA Board Member, not a Committee Member, should be working with Ms. Womack, the liaison, to alleviate personnel issues that occurred in the past. Mr. Dean replied affirmatively.

➤ The Board was polled and designated CDD Supervisor Mr. Robinson to the Committee. The Committee would consist of Ms. Womack, POA Board Member Mr. Stumpf and CDD Supervisor Mr. Robinson. The Board understood Ms. Womack's involvement may cause her costs to increase.

➤ To proceed with approving Resolution 2021-03, Ms. Cerbone would provide two proposed budgets at the August budget adoption public hearing; one will include roadway, aeration, bridge and WHW roadway costs broken down and the other with the same items but with the addition of the pond work, in case the CDD Board decides to accept the task.

➤ “Roadway repairs and maintenance” line item: Mr. Carroll clarified this item covers CDD roadway projects, such as grading or elevation issues, not landscaping.

Discussion ensued regarding the POA abiding by the standards of the Landscaping Agreement with the CDD and its ability to establish standards for the District.

Ms. Cerbone stated she would send the Agreement to the POA, Ms. Womack and Mr. Robinson. Mr. Dean polled the Board asking if the POA should abide by the CDD’s established standards; all agreed, except for Mr. Robinson, as he preferred the CDD cooperatively bill a set of agreeable standards rather than putting the burden on the CDD to dictate the standards on the POA. Ms. Cerbone suggested waiting to make a decision until the Staff and Committee presents the information at the public hearing, at which she would provide the Board with two versions of the budget. Providing the POA with the CDD’s minimum and enhanced standards was suggested. Discussion ensued regarding using low-cost maintenance materials and having a backup location in case of inclement weather; Shark’s Tooth Golf Club was suggested.

The following changes would be made to the proposed budget:

Page 1, “Security management services”: Changes, if any, to be determined later in the meeting.

Page 1, “Supervisors”: Changes to be determined later in the meeting.

Page 2, “Landscape maintenance all CDD roads”: The title would be revised.

On MOTION by Mr. Dean and seconded by Mr. Robinson, with all in favor, Resolution 2021-03, Approving a Proposed Budget for Fiscal Year 2021/2022, with the caveat that landscaping remains with the POA until August 2021 when The Committee Members will provide a progress report, but with the understanding that the CDD will terminate the Agreement with the POA and take back the CDD landscaping if progress does not meet CDD standards or compliance with the CDD permits, and Setting a Public Hearing Thereon Pursuant to Florida Law, for August 30, 2021 at 2:00 p.m., Central Time, at the Boat House, 1110 Prospect Promenade, Panama City Beach, Florida 32414; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

THIRD ORDER OF BUSINESS

Discussion: Request for Proposals (RFP) for Road Resurfacing

Mr. Carroll stated the RFP package was being finalized and, once ready, it would be advertised accordingly and invitations would be sent to several contractors in the area and in Walton County. The ownership for the first segment of roadway, located in the Panama City Beach city limits, needed to be corrected; it may have to be done for Panama Beach as well. Discussion ensued regarding impact on traffic, number of homes to be constructed, access points, St. Joe, shared costs, concern about timing or awarding contract, etc. Some Board Members would attend the meeting.

On MOTION by Mr. Balduf and seconded by Mr. Holt, with all in favor, the Request for Proposals for the Road Resurfacing project and authorizing Mr. Carroll to advertise accordingly, was approved.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2021-04, Designating Dates, Time and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2021/2022 and Providing an Effective Date

Ms. Cerbone presented Resolution 2021-04.

On MOTION by Mr. Balduf and seconded by Mr. Starlin, with all in favor, Resolution 2021-04, Designating Dates, Time and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2021/2022 and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Discussion: Impact of PUD on CDD Improvements

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

SIXTH ORDER OF BUSINESS

Discussion: District Dead Tree Removal Policy

Mr. Dean recalled an incident in which some dead trees on CDD property were threatening homes and asked that the CDD establish a policy indicating that the CDD is

responsible for tree removal if a home is threatened. The Board agreed for Ms. Womack to prepare a policy and for Mr. Burke to review it before it is presented at the next meeting.

SEVENTH ORDER OF BUSINESS

Consideration of Responses to Request for Proposals (RFP) for Security Services

- A. Affidavit of Publication**
- B. RFP Package**
- C. Respondent(s)**
 - I. L. Lance Security Service, LLC**
 - II. Securitas Security Services USA, Inc.**
 - III. Synergy Security Services, LLC**
 - IV. TriCorps**

Ms. Cerbone recalled that this contract was awarded at the last meeting and stated the Board Members were individually advised that a fourth response to the RFP was received and deemed valid. She distributed a spreadsheet reflecting the individual Board Member rankings from the last meeting and suggested reevaluating all four respondents and timing the termination notice subject to 60 days out.

D. Evaluation Matrix/Ranking

The Board evaluated the respondents. The rankings were as follows:

#1	TriCorps	445 Points
#2	Securitas Security Services USA, Inc.	382 Points
#3	Synergy Security Services, LLC	343 Points
#4	L. Lance Security Service, LLC	266 Points

On MOTION by Mr. Starlin and seconded by Mr. Dean, with all in favor, ranking TriCorps, as the #1 ranked respondent for Security Services, was approved.

Management would prepare a letter notifying all respondents of the results. Ms. Cerbone would coordinate timing of the transition with TriCorps and advise Mr. Burke to prepare a Notice of Termination to the current Security Services contactor.

E. Award of Contract

On MOTION by Mr. Starlin and seconded by Mr. Dean, with all in favor, awarding the Security Services contract to TriCorps, the #1 ranked firm, and authorizing District Counsel prepare an agreement with TriCorps and for the Chair to execute, was approved.

On MOTION by Mr. Robinson and seconded by Mr. Holt, with all in favor, authorizing Staff to prepare a Notice of Termination and transmit it to Securitas Security Services USA, Inc., the current security provider, was approved.

Ms. Cerbone noted that the Memorandum of Understanding (MOU) with the POA needed to be updated to reflect the transition and timing of the new provider; the Post Orders would also need to be updated.

Discussion ensued regarding the Post Orders and the CDD’s several requests to the POA for them. Ms. Cerbone would send Ms. Allewelt the updated MOU and the new contract agreement defining the scope of work. The Board agreed with the suggestion of delegating tasks for future Security Services RFPs to the POA, through the MOU.

EIGHTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of April 30, 2021

Ms. Cerbone presented the Unaudited Financial Statements as of April 30, 2021

On MOTION by Mr. Starlin and seconded by Mr. Robinson, with all in favor, the Unaudited Financial Statements as of April 30, 2021, were accepted.

NINTH ORDER OF BUSINESS

Approval of April 5, 2021 Regular Meeting Minutes

Ms. Cerbone presented the April 5, 2021 Regular Meeting Minutes.

On MOTION by Mr. Dean and seconded by Mr. Holt, with all in favor, the the April 5, 2021 Regular Meeting Minutes, as presented, were approved.

TENTH ORDER OF BUSINESS**Staff Reports****A. Ecologist/Operations: *Cypress Environmental of Bay County, LLC***

This item was deferred to the next meeting.

B. District Counsel: *Burke Blue*

- **Update: Communications with St. Joe Regarding Emergency Egress**

Mr. Burke stated he expected to meet with St. Joe soon.

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

- **Update: Stormwater**

There was nothing to report.

Mr. Dean reported the following:

➤ Breaking Ground advised that the Firewise project could possibly start next week but it might not start until July.

➤ A response was pending as to when electrical services for the aerators would be scheduled.

D. District Manager: *Wrathell, Hunt and Associates, LLC***I. Discussion: Distribution of Agenda Packages**

The Board choose to have the agenda packages emailed to them and shipped to their residence, via FedEx.

II. Discussion: Status of Purchase of Microphone Stands

Ms. Cerbone would coordinate with Eddie regarding the type of equipment to order for the CDD.

III. Discussion: Status of Purchase of Screen Enclosures

The Board agreed with the recommendation that Ms. Cerbone discuss purchasing drop downs to use during inclement weather with the POA President and Ms. Allewelt before possibly entering into a lease agreement with the POA.

IV. NEXT MEETING DATE: August 30, 2021 at 2:00 P.M. (Central Time)

- **QUORUM CHECK**

The next meeting will be held August 30, 2021.

Ms. Cerbone offered to work with Ms. Womack on the purchase of camouflage for the aerators, ensuring the item matches the surrounding landscaping and to discuss ways to address the noise level and experiment before a final purchase is made.

ELEVENTH ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

TWELFTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Robinson asked if the Board was considering recovering costs from the POA for Ms. Womack's increased work with the POA, which was expected to increase more. Ms. Cerbone stated this was discussed; however, Ms. Womack was waiting to hear from her on the outcome of this meeting. If there is an increase in August and no offsetting decrease, additional costs could come from unassigned funds, rather than changing assessments.

Mr. Dean commented that, if the transition proceeds, Ms. Womack's time and costs would increase. He discussed the possibility of the CDD continuing to maintain the first two islands into the community, once the roadways are conveyed to the City. Discussion ensued regarding services being consistent, asking Turtle Cove to share costs to maintain area, etc.

Mr. Holt asked Mr. Dean if a mechanism was in place to control the lily pads encroaching 10' on each end of the pond, behind his residence and in other areas throughout the community. Mr. Dean stated this was budgeted and would be addressed through the Maintenance Agreement; if treated chemically the lily pads would dissolve. Ms. Cerbone would ask Ms. Womack to add this to the scope of work and follow up on the matter with Mr. Holt.

THIRTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Balduf and seconded by Mr. Starlin, with all in favor, the meeting adjourned at 4:03 p.m., Central Time.


Secretary/Assistant Secretary


Chair/Vice Chair