

**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 March 7, 2022, at 3:00 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
Bethany Womack	Ecologist/ District Operations Manager
Steven Undercoffer	Resident/POA President
Eddie Levick	Resident/POA
Tom Kerins	Resident/Landscape Liaison
Patti Undercoffer	Resident
Cliff Cohen	Resident
Joshua Verville	Resident
David Fleet	Resident
Kelly and Carl Fredrickson	Residents

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 3:11 p.m., Central Time.

All Supervisors were present, in person.

SECOND ORDER OF BUSINESS

Public Comment

There were no public comments.

THIRD ORDER OF BUSINESS

**Acceptance of Resignation of Supervisor
Calvin Starlin [Seat 5]; *Term Expires
November 2022***

Ms. Cerbone presented Mr. Calvin Starlin’s resignation letter.

On MOTION by Mr. Dean and seconded by Mr. Robinson, with all in favor, the resignation of Mr. Calvin Starlin, effective immediately, was accepted.

Ms. Cerbone thanked Mr. Starlin, on behalf of the Board and Staff, for his service on the Board and the input he brought to the CDD. Mr. Starlin thanked everyone and stated that those who give their time are an inspiration to him.

FOURTH ORDER OF BUSINESS

**Consideration of Appointment to Fill
Unexpired Term of Seat 5**

Ms. Cerbone discussed the options to fill Seat 5 and noted that Seat 5 will be up for election at the November, 2022 General Election. The candidate qualifying period is in June, 2022.

Discussed ensued regarding whether to appoint a candidate, keep the Seat vacant or, advertise the position. Ms. Cerbone and a Board Member stated that at least three potential candidates contacted them to express their interest.

**On MOTION by Mr. Dean and seconded by Mr. Robinson, with Mr. Dean, Mr. Robinson and Mr. Holt in favor and Mr. Balduf dissenting, authorizing Ms. Cerbone to prepare information about the CDD, the vacant seat and the plan to conduct interviews at the next meeting and disseminate it to the Board to disperse and to the HOA Property Manager to e-blast, was approved.
[Motion passed 3–1]**

- A. **Administration of Oath of Office to Newly Appointed Supervisor *(the following will be provided in a separate package)***

- 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**
- B. **Consideration of Resolution 2022-01, Designating Certain Officers of the District, and Providing for an Effective Date**

These items were deferred to the next meeting:

FIFTH ORDER OF BUSINESS

Updates

Ms. Womack reported the following:

A. Meter Installation Status with Gulf Power

- The meter at Lakeside Pond was installed.
- Large Meadow Lark Pond: Installation of another electrical outlet so the aeration systems that are operating independently, can operate simultaneously, was pending.
- Florida Power & Light (FPL) investigators are scheduled to visit to determine if the meter they insist was installed at the large Meadow Lark Pond exists.
- Other Ponds: All addresses were received and updated proposals from the electrician to complete the remaining ponds this fiscal year were pending. The ponds include Sawgrass, Marsh Rabbit, Dune Lake Trail and East and West Water Oak. The remaining ponds were dry or identified as too shallow to install these systems.

A Board Member asked if the costs exceed the amount budgeted. Ms. Womack stated she will compare costs once she receives the updated electrical proposals and request a proposal from Lake Doctors. She believed they will not exceed the amount budgeted for this year. Ms. Cerbone listed the budgeted line items for this year and gave an overview of the budget process and timeline for Fiscal Year 2023.

B. Fake Rocks/Options to Cover Motors

Ms. Womack stated using fake rocks to obscure the existing motor pumps is not an option. The options are low maintenance native vegetation or lattice fencing. Discussion ensued regarding the proposed cost and needing room to perform maintenance.

On MOTION by Mr. Balduf and seconded by Mr. Holt, with all in favor, authorizing Ms. Womack to select wax myrtles or other vegetation to obscure the motor pumps, in a not-to-exceed amount of \$5,000, was approved.

C. Foot Bridge Erosion

Ms. Womack stated a wall was installed. As the slope was too steep, they felt that was the best way to fix the ongoing issue. She thought some of the posts that support the wall are a little high so she would ask the contractor to trim them. Once the repairs are completed, pine straw would be laid.

D. Cogongrass Treatment Plan

As rain is expected this week, the cogongrass treatment was scheduled for next week. The application will be with a sponge, instead of spraying, to prevent damaging surrounding plants. The golf course will be advised of the schedule.

E. Turtleback Court Drainage Update

Ms. Womack stated that the title should be "Arrowhead Trace Drainage Update". The project was completed but whether this corrected the issue will not be known until it rains. Mr. Holt stated that the contractor should return to clean up the area.

F. Holes on Bridge at Wild Heron Way

Ms. Womack stated that holes were repaired on the bridge and near the roundabout; whether this corrected the issue will not be known until it rains. She advised Mr. Carroll that the contractor identified a split seam in the box holder under Wild Heron Way north of the roundabout. The plans were for Mr. Carroll to obtain a proposal to fill the hole and smooth the seam after cutting a small hole adjacent and inserting a camera to determine the size of the hole. The title for the next agenda should be "Box Holder Street Repair".

G. Other

There were no other items to update.

Mr. Holt discussed homes behind the lake in Marsh Point Lane dealing with overgrown vegetation and initiating the Firewise Program, which resulted in recapturing a portion of the view. An \$18,000 proposal was received from Break-N-Ground to hand-cut overgrown vegetation. Mr. Hold voiced his opinion that property values are plummeting because the view is obscured. He felt that the Board must decide how to proceed with these issues and determine who should pay for the work.

Ms. Womack stated that this is a specific conservation area that was managed and then somehow unmanaged. The CDD is returning that area to its original condition and is not allowed to enter any preservation area and cut or remove vegetation.

Resident and Landscape Liaison Tom Kerins stated that he obtained several proposals and engaged another vendor to perform the work for \$2,500. He offered to provide the information to the Mr. Holt and the CDD.

The Board Members discussed their positions on whether the homeowners or the CDD should monitor and incur maintenance costs for the upkeep of the area behind the homes. It was noted that these lots require perpetual maintenance. Discussion ensued regarding considering whether to split the costs between affected homeowners and the CDD, the possibility that some homeowners might be willing to incur all costs and that this could be a health issue if not maintained.

In response to a question about managed versus unmanaged, Ms. Womack stated that she would have to review the permit documents and all 23 modifications to determine if this area was originally deemed just a strip and required mitigation. Ms. Cerbone stated that she would add "Permit Review of Manageable and Non-Manageable Areas" in the updates section of the next agenda.

Resident David Fleet stated his recollection that the original documents had a map of the entire CDD conservation areas broken into zones, which included maintenance schedules and excluded the preservation areas. He believed the CDD is responsible for maintenance, as it was part of the documents given to the homeowners.

A Board Member voiced his opinion that property values dropped because of the economy, Mr. Fleet expressed his opinion that it is because of the aesthetics. Mr. Burke was asked to research if there are binding documents that require maintenance of these areas.

SIXTH ORDER OF BUSINESS

**Discussion/Consideration of Updated
Landscape Agreement Regarding Tree
Removal**

Ms. Womack stated that she received an email today from resident and Landscape Liaison Mr. Tom Kerins regarding the POA's feedback on the updated Landscape Maintenance Agreement. The Board agreed with Ms. Carbone's suggestion to defer this item to the next meeting to allow time to review everyone's input about the document.

SEVENTH ORDER OF BUSINESS

**Discussion: Potential Land Swap with St.
Joe**

Mr. Dean recalled St. Joe's interest in a land swap with the CDD and stated that St. Joe would swap the four tennis courts and the property underneath the power lines for about 5.1 acres of CDD/conservation preservation property to install a putting green. This would require St. Joe to negotiate directly with the Florida Department of Environmental Protection (FDEP) to change the existing conservation permit.

The following was noted:

- The CDD cannot do anything with the property it has. This swap would benefit the Shark's Tooth Golf Course and the one being constructed in the new development to the north.
- Based on concerns that St. Joe might install a parking lot, Staff was directed to pursue details during the preliminary discussions and due diligence process to define the use of the CDD property and the need to secure fencing. Once known, the Board would make a final decision about whether to entertain this request further.
- Four Clay Tennis Courts: The annual operations and maintenance (O&M) costs are about \$20,000, plus the cost of the employee assigned to maintain them.
- Reasonable Use Fee/Public Versus Private: Mr. Dean asked Mr. Burke if bond proceeds funded all 700 acres. Mr. Burke stated that \$2.5 million of the CDD bond funds were used to

purchase the conservation area from the Developer. This would mean the CDD would impose a reasonable user fee for public access, which they can base off St. Joe’s membership dues.

Options, including entering into an agreement with the POA to manage the tennis courts, leasing the tennis courts to the POA or using the same contract used to access the pier, were discussed. Also discussed was the possibility that there are declarations and covenants tied to the St. Joe property.

The Board directed Mr. Burke to continue discussions with St. Joe’s Counsel.

EIGHTH ORDER OF BUSINESS

**Continued Discussion/Consideration:
Updated Post Orders**

Mr. Dean voiced his opinion that, since patrols seem to be following what they are supposed to do, regardless of what is in the Post Orders, no further discussion is necessary.

This item will be removed from future agendas.

NINTH ORDER OF BUSINESS

**Discussion: Lease Agreement with POA for
Boat House Regarding Drop Down Request**

• **Drop Down Information from POA**

Ms. Cerbone stated that the CDD and POA need to work together to enter into a Lease Agreement in order to proceed with implementing the purchase and installation of a drop-down wind screen enclosure at the Boat House. She asked the Board to consider and approve the following actions:

- Authorize Mr. Burke to draft a lease agreement with the POA that will be binding only when there is a written agreement between the CDD and HOA Boards on the drop downs.
- Designate a Board Member to work with Ms. Cerbone and a POA to obtain proposals.
- Choose a not-to-exceed cost amount for the project.

Mr. Dean stated that he introduced this initiative and obtained about a proposal of approximately \$15,000 several years ago, which significantly differed from the most recent proposals obtained by the POA. He asked for the Board to designate him to work with Staff and

the POA and set \$25,000 as the maximum amount for the project. Discussion ensued regarding the recent proposal amounts and product types offered.

Mr. Kerins stated that he, Mr. Robinson and the vendor discussed two product types available. The lowest cost option has a lot of drawbacks. He obtained another proposal with a cost of \$35,000, consisting of mosquito netting and wind resistance materials. There would be additional costs for electrical work but this could turn the area into a three-season room. Heaters could also be added and the room could be rented.

Discussion ensued regarding the cost of \$35,000 to \$50,000 for the third option, the budget and the terms and maintenance responsibilities to be included in the Agreement with the POA. The Board decided on a \$50,000 cap for the project, which would require final approval by the Board. Mr. Robinson was designated as the representative to work with the POA.

The meeting recessed at 4:31 p.m. and reconvened at 4:36 p.m.

Ms. Cerbone recapped the directives given to District Counsel and Staff and the CDD and POA Representatives. Proposals and the Agreement with the POA would be presented at the next meeting.

TENTH ORDER OF BUSINESS

Discussion: Proposal for Stormwater Needs Analysis (*to be presented at April meeting*)

- **Consideration of District Engineer Work Authorization**

Ms. Cerbone recalled that this was deferred to the April meeting to give Mr. Carroll time to determine what stormwater improvements the CDD can take over from the POA.

ELEVENTH ORDER OF BUSINESS

Update: Status of Piggyback Agreement with Rostan Solutions, LLC, for Emergency Disaster Debris Monitoring

Ms. Cerbone stated that the Debris Removal Agreement was approved at the last meeting. Engaging a firm familiar with monitoring the debris removal process and submitting reimbursement requests to the Federal Emergency Management Agency (FEMA) should be considered.

This item was deferred to the next meeting.

TWELFTH ORDER OF BUSINESS

**Update/Consideration of Culvert
Stormwater System Services Proposal**

Ms. Womack reported the following:

- At the last meeting, the decision was made to address individual property areas and develop specific solutions for each, instead of doing a blanket review.
- Mr. Carroll received the survey information for Marsh Rabbit.
- The repairs at Arrowhead Trace were completed.

Mr. Holt stated that he discussed several problem areas with Mr. Carroll at the end of the last meeting.

Discussion ensued regarding the separate issues of the culverts and the swales in the CDD right-of-way (ROW) and whether the CDD should pay to correct the missing swales and culverts causing other properties to flood. Ms. Womack stated that Mr. Carroll and the Architectural Review Board (ARB) are now involved in reviewing these items. Mr. Holt stated that the criteria for homes built prior to 2014 were lacking and now the homeowner should be required to complete these repairs. He was waiting for Mr. Carroll to identify whether this is a property or a CDD issue and to notify the homeowner of their responsibility. A Board Member asked if the CDD is obligated, under the permit, to make the repairs. Mr. Dean stated that the permits fall under the building department and the CDD has an ARB obligation within the CDD to enforce its Covenants to have water flow regularly.

The Board directed Mr. Carroll to obtain proposals to provide to the homeowner and, if they resist, then come up with a compromise. Mr. Holt was asked to notify the homeowner of their responsibility.

THIRTEENTH ORDER OF BUSINESS

Discussion: RFP for Roadway Paving (No Responses)

Ms. Cerbone stated no responses to the second advertised Request for Proposals (RFP) were received.

The Board discussed deferring this project since the costs have increased and possibly piggybacking on the St. Joe’s project. This item was tabled. The Board agreed with Ms. Cerbone’s suggestion to reallocate the assigned funds to the reserves.

FOURTEENTH ORDER OF BUSINESS

Consideration of Resolution 2022-02, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Bay County Supervisor of Elections Begin Conducting the District’s General Elections; Providing for Compensation; Setting forth the Terms of Office, Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date

Ms. Cerbone presented Resolution 2022-02. Seat 2, currently held by Mr. Dean and Seat 5, recently vacated by Mr. Starlin, will be up for the election at the November 2022 General Election. Those interested in running a seat, must qualify during the candidate qualifying period.

On MOTION by Mr. Dean and seconded by Mr. Holt, with all in favor, Resolution 2022-02, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Bay County Supervisor of Elections Begin Conducting the District’s General Elections; Providing for Compensation; Setting forth the Terms of Office, Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date, was adopted.

FIFTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of January 31, 2021

Ms. Cerbone presented the Unaudited Financial Statements as of January 31, 2021. It was noted that assessment revenue collections were at 76%, which is below the typical 90% in other counties, but it is standard for this County.

On MOTION by Mr. Balduf and seconded by Mr. Robinson, with all in favor, the Unaudited Financial Statements as of January 31, 2021, were accepted.

SIXTEENTH ORDER OF BUSINESS

Approval of January 24, 2022 Regular Meeting Minutes

Ms. Cerbone presented the January 24, 2022 Regular Meeting Minutes.

On MOTION by Mr. Holt and seconded by Mr. Dean, with all in favor, the January 24, 2022 Regular Meeting Minutes, as presented, were approved.

SEVENTEENTH ORDER OF BUSINESS

Staff Reports

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

There was nothing further to report.

B. District Counsel: *Burke Blue*

There was no report.

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

There was no report.

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

Ms. Cerbone stated the POA contacted her about speeding issues and inquired about whether the CDD is interested in traffic enforcement, which would involve engaging off-duty patrols. Mr. Burke stated that the CDD made changes to address this many years ago and, if the Board want to proceed further, the CDD would incur costs to engage an off-duty patrol officer.

Discussion ensued regarding scope of services for off-duty patrols, areas with speeding issues and having the POA contact the violators. It was noted that the POA sent an e-blast this week about changing the speed limit, adding stop signs at certain locations and verbiage stating that enforcement will be considered if drivers do not voluntarily comply.

A Board Member asked about installing speed bumps. Ms. Cerbone gave an overview of the process to install speed calming devices. No action will be taken at this time.

I. **Hard Copies or Electronic Agendas**

The Board chose to receive a hard copy of the agenda at their residences.

II. **NEXT MEETING DATE: April 4, 2022 at 3:00 P.M. (Central Time)**

- **QUORUM CHECK**

The next meeting will be held on April 4, 2022.

EIGHTEENTH ORDER OF BUSINESS

Board Member Comments

Mr. Dean asked Mr. Robinson to research why the Lost Cove Pond was maintained for several months. It was noted a POA Board Member and David inspected the pond.

NINETEENTH ORDER OF BUSINESS

Public Comments

Resident Tom Kerins discussed Board approval of the POA inspecting the ponds last year. He stated that his on-site meeting with the contractor at Lost Cove was interrupted when Mr. Fleet, who photographed the area, voiced his opinion that the work that was being done was “all wrong”.

Mr. Fleet disagreed with the prior comment. He discussed his version of the incident and actions taken by him and others and his belief that it resulted in determining that the contractor removed trees that should not have been touched. In his opinion, Lost Cove has not been cleaned up because of this incident, while other ponds were cleaned twice.

Mr. Kerins stated that the scope of work for the ponds included cleanup and scheduled cutting, within a small window of time. Diane is obtaining proposals for the cleanup.

Mr. Kerins discussed the due diligence done for the CDD to acquire the Prospect Promenade parcel. He received an email about the title review and he expected to speak with Sherry within the next couple of weeks to close on the property. He felt that the CDD should purchase the land to prevent St. Joe from building a parking lot there if they are unable to construct one on the land swap lot.

TWENTIETH ORDER OF BUSINESS

Action Item Recap

Ms. Cerbone recapped the following:

- Ms. Cerbone to send candidate information forms to the Board.
- Ms. Cerbone to prepare and email a writeup about the CDD and the vacant seat to the POA Property Manager to e-blast to the community.

- Mr. Burke to research professional courtesy for conducting interviews.
- Ms. Womack to select wax myrtles or vegetation to obscure the motor pumps, in a not-to-exceed amount of \$5,000.
- Ms. Womack to obtain updated proposals from Lake Doctors to complete the remaining ponds.
- Ms. Womack to obtain a proposal to fill the hole under the Wild Heron Way bridge.
- Ms. Womack to review managed versus unmanaged areas with regard to the permit.
- Mr. Burke to research a binding document related to clearing overgrowth areas.
- Ms. Cerbone to notify Mr. Carroll to prepare a letter regarding driveway culverts on Sweetbay Trail and Marsh Rabbit Run stating that, due to construction, it is the homeowner's responsibility and for Mr. Carroll to ensure that the communication is sent to each homeowner.
- Ms. Cerbone to contact the POA regarding debris removal and Mr. Burke to find out what company Bay County and/or the City uses.
- Ms. Cerbone to obtain information about drop-down wind screen enclosures and proposals from Mr. Robinson to include on the next agenda.
- Mr. Burke to prepare a draft Lease Agreement with the POA for the Boat House drop-down wind screen enclosure.

TWENTY-FIRST ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Dean and seconded by Mr. Holt, with all in favor, the meeting adjourned at 5:22 p.m., Central Time.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair