

**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 6, 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
David Holt	Assistant Secretary
Jerry Robinson	Assistant Secretary
Frank Self	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC
Mike Burke	District Counsel
Sherry Mallory	Resident/POA
Pete Mallory	Resident
Eddie Levick	Resident/POA
Paul Fox	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 3:05 p.m., Central Time. All Supervisors were present, in person.

SECOND ORDER OF BUSINESS

Public Comment

No members of the public spoke.

THIRD ORDER OF BUSINESS

**Discussion/ Consideration of Permanent
Easement Regarding Wild Heron Way**

Ms. Cerbone discussed a request from Mr. Charlie Norton for a permanent easement for a parcel's entry and exit from Wild Heron Way onto their parcel where the main entry and exit is on 98. She stated Mr. Burke requested plans to review but none were received.

Mr. Dean stated that Ms. Cerbone was not included in some of the emails. He reported that, after contacting various attorneys, the buyers accepted the CDD's position that it is a public road. Mr. Burke and the County Attorney advised that it is a public road and the buyer would work with Mr. Burke regarding the connection requirements.

Resident Sherri Mallory asked if the requesting party must apply to the Department of Transportation (DOT) to get access. Mr. Dean stated they will need approval on 98 but the intention is to come off Wild Heron Way and use Turtle Cove as an access point. Mr. Burke will review the engineering and traffic flow; the connection must be allowed but the CDD can make the connection safe.

Requiring road enhancement, the location in question, future paving and enhancements and conveyance to the County were discussed.

This item should be removed from future agendas.

FOURTH ORDER OF BUSINESS

**Wild Heron POA Non-Ad Valorem
Assessment Forgiveness Regarding
Property Purchased from St. Joe**

Ms. Cerbone discussed previous approval for the CDD to forgive the non-ad valorem assessment on property purchased by the POA and to reimburse the approximately \$2,200 paid at closing for the CDD non-ad valorem assessments. While the Operation and Maintenance (O&M) assessment, which includes professional and administrative fees and field operations, may be forgiven the CDD cannot forgive bond debt. Discussion ensued regarding off-roll collection of the POA debt service assessment, removing the O&M assessment and funds paid at closing.

Ms. Mallory questioned the amount of the allocation of debt to the parcel, given the size of the parcel.

The Assessment Methodology process and the four units within the parcel were discussed.

Ms. Mallory stated the POA did not purchase all four parcels. Ms. Cerbone stated the calculation was done based on the information provided to her office, which will be emailed to Ms. Mallory; a call will also be scheduled.

Conversation ensued about the subdivision of parcels into units, sale of parcels and Assessment Methodology.

On MOTION by Mr. Dean and seconded by Mr. Holt, with all in favor, forgiving the Operations & Maintenance assessments but not the Debt Service assessments on the POA parcel and authorizing the District Manager to work with the POA, as necessary, was approved.

FIFTH ORDER OF BUSINESS	District Counsel – Discussion/ Consideration/Update
--------------------------------	--

A. Potential Land Swap with St. Joe

- I. Wild Heron Tennis Courts Asset Value**
- II. Tennis Court Options for Management/Owner/Operator**
- III. Court Maintenance Plus Other Surrounding Areas**

Ms. Cerbone stated Supervisor Robinson provided extensive information at the last meeting about Items 1A, 1B and 1C regarding the CDD potentially taking over the tennis court area. The need to consider maintenance costs for areas surrounding the tennis courts was also discussed. She suggested the Board might also wish to explore whether the option exists to work with an outside party, such as a tennis professional, who might bear the cost of maintenance. Mr. Burke stated he had not heard anything further and he was unable to reach St. Joe’s attorney to discuss it. As the Board expressed interest in considering this matter, Ms. Cerbone stated she would discuss the related considerations in conjunction with the budget.

B. Update on Agreements Sent to POA

- I. POA Maintenance Agreement**
 - **Landscape Standards**
- II. POA Agreement for Stormwater Facility Management Services**
- III. POA Boat House Lease**

Ms. Cerbone stated the Agreements listed were previously approved, in substantial form; none are urgent and she believes the POA is still reviewing them. Mr. Burke concurred.

Mr. Holt believed the POA took exception with some of the Maintenance Agreement verbiage, so he suggested the subject be revisited. The verbiage and scope of the Maintenance Agreement and the Landscape Standards were discussed.

Ms. Mallory suggested holding a Workshop to address Landscape Standards and the Maintenance Agreement and to develop an Exhibit distinguishing which roads and ponds and stormwater areas belong to the POA and the CDD. Mr. Dean stated that type of Exhibit exists and will be provided. Ms. Cerbone stated the next scheduled meeting is August 1, 2022.

Discussion ensued regarding meeting dates. Mr. Balduf suggested the POA make its edits and submit them to the CDD for discussion at the August meeting.

Ms. Cerbone stated she would communicate with Counsel and the POA regarding their edits to the Landscape Agreement, for inclusion in the August agenda. If a joint meeting is held, the Landscaping Board will need to agree on the revisions in advance; the POA's revisions to the Maintenance Agreement will also be included in the agenda.

C. Other

No other items were discussed.

SIXTH ORDER OF BUSINESS

**District Engineer – Discussion/
Consideration/Update**

A. Consideration of Cost Proposals for Driveway Enhancements on Marsh Rabbit Run and Turtleback Court

Ms. Cerbone noted that the Board is anxiously awaiting proposals for the drainage enhancements on Marsh Rabbit Run and Turtleback Court and, while Ms. Womack received one proposal for each location and additional proposals were pending, the proposals were not included in the agenda. Mr. Holt expressed frustration with the ongoing delays. Discussion ensued about whether to approve a not-to-exceed amount, designate a Board Member or hold an additional meeting.

Mr. Holt discussed the need to develop a master plan for landscaping as soon as possible, given that construction is ongoing. He recommended awarding the contract and holding a site meeting to develop a plan for construction.

Discussion ensued regarding engineering and construction.

Ms. Cerbone proposed recessing today’s meeting and continuing it and, if proposals are not received in time for the Continued Meeting, the meeting could be continued again. The consensus was to continue today’s meeting to June 13, 2022 at 11:30 a.m., Central Time. If proposals are not received the meeting will be opened and continued to another date.

B. Other

No other items were discussed.

SEVENTH ORDER OF BUSINESS

**District Ecologist – Discussion/
Consideration/Update**

A. Installation Of New Aerators

In Ms. Womack’s absence, Ms. Cerbone presented Ms. Womack’s Report and stated the CDD will not be charged for the fencing material for the area visible to the COA.

Mr. Balduf expressed concerns about pond aeration and noted that ponds went dry in the past. The Meadowlark Pond is an area of concern. Mr. Holt noted another aerator that is not working. Mr. Balduf would email Ms. Womack regarding the aerators.

B. Update: Fence Screening in Maintenance Area

Regarding the maintenance area fence, Ms. Cerbone stated the vendor will not charge the CDD for the fence material; the CDD’s order was canceled and the COA will take care of any matters in order to block the view they do not wish to see. Her understanding is that Mr. Dean spoke with Mr. Jim Morgan and the COA agreed to remedy the situation.

C. Other

Mr. Burke presented the request for a Riparian Rights Easement Agreement for the boathouse dock, which would allow the POA to make improvements. He corrected some typographical errors; otherwise, the form is standard. The dock was limited to kayaks and canoes and prohibited overnight mooring.

Mr. Holt stated his understanding is that the Agreement grants the POA the right to go across that 10' section and the linear front footage used for the dock would not allow any additional docks.

Mr. Robinson expressed concern and stated his belief that, based on a 2018 community survey, residents do not support the dock project. He discussed Lake Powell's environmental system and ecosystem and Florida Department of Environmental Protection (DEP) designations. He expressed concern about additional watercraft and discussed the reasons. He questioned the POA staff's ability to operate or maintain a marina.

Mr. Holt stated the vote only pertains to an easement for another dock that was passed by the POA; permitting is in progress and the only vote is for an easement and to ensure that no other docks are installed.

Mr. Dean believed Mr. Robinson's statement about the survey is inaccurate.

Ms. Mallory stated the area in question is not a marina. No vessels will be taken in or out; there will only be boat slips. No fuel would be transferred at the location, as it is prohibited by the POA and the Lease Agreement. The Agreement was carefully drafted and is structured to allow the POA to take action and remove vessels in an emergency. She believed the permitting authorities will take the concerns into consideration during the permitting process.

Discussion ensued regarding potential conflict of interest for Board Members with docks. Mr. Burke discussed the standard for a conflict of interest for voting purposes and stated it pertains to whether the vote would inure to the individual's private gain or loss.

Ms. Mallory stated that no Boat Slip Agreements have been officially signed; therefore, as of now, no Board Members have a vested interest. Cursory deposits have been taken and there is a waiting list. The entire dock is for the owners and the POA; the only thing to be voted on today is a 10' strip for Riparian rights for the POA to have access to water rights. The DEP will determine whether what the POA has planned, which is attached as an Exhibit, will be approved.

On MOTION by Mr. Dean and seconded by Mr. Holt, with Mr. Dean, Mr. Holt and Mr. Self in favor and Mr. Robinson and Mr. Balduf dissenting, the Riparian Rights Easement Agreement, was approved. [Motion passed 3-2]

EIGHTH ORDER OF BUSINESS**Continued Discussion: Engagement of Firm for Debris Removal Monitoring and Filing FEMA Requests for Reimbursements**

Ms. Cerbone presented the Rostan proposal. She noted that engaging a firm for monitoring is necessary to facilitate reimbursement from the Federal Emergency Management Agency (FEMA). She has worked with Rostan in other CDDs and is very familiar with them.

On MOTION by Mr. Balduf and seconded by Mr. Self, with all in favor, engagement of Rostan for Debris Removal, Monitoring and Filing FEMA Requests for Reimbursements, was approved.

NINTH ORDER OF BUSINESS**Acceptance of Unaudited Financial Statements as of April 30, 2022**

Ms. Cerbone presented the Unaudited Financial Statements as of April 30, 2022.

On MOTION by Mr. Balduf and seconded by Mr. Dean, with all in favor, the Unaudited Financial Statements as of April 30, 2022, were accepted.

The meeting recessed at 4:35 p.m. and reconvened at 4:45 p.m.

- **Consideration of Resolution 2022-05, Approving a Proposed Budget for Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date *(to be provided under separate cover)***

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

Ms. Cerbone reviewed the proposed Fiscal Year 2023 budget highlighting line item increases, decreases and adjustments, compared to the Fiscal Year 2023 budget, and explained the reasons for any adjustments.

Ms. Cerbone noted that the Property Manager asked the CDD for some signage and painting updates but those maintenance items do fall under the purview of the CDD. Based on a Supervisor's request, a line item was previously included for "Signage" and, if desired, a line item could be added for painting.

Discussion ensued regarding road striping. The consensus was to add a \$40,000 “Miscellaneous painting/projects” line item

In response to a question, Ms. Cerbone stated the soonest the CDD can refinance bonds is in calendar year 2023, as there is a 10-year call provision.

Piggybacking the road striping with the POA was discussed. Ms. Cerbone will email the POA about this matter.

Mr. Dean felt that the grass on Wild Heron Way is unsightly. Conversation ensued about transitioning to different types of grasses, having a Landscape Architect evaluate the community and irrigation on Wild Heron Way.

Mr. Burke left the meeting at 5:05 p.m.

Ms. Cerbone stated Mr. Dean recommended adding \$50,000 for sod and irrigation on Wild Heron Way. As over \$500,000 is available in Unassigned Funds, the Board could create a line item and utilize Unassigned Funds or assess for this expense. The consensus was to utilize Unassigned Funds and develop a plan with the POA. Mr. Dean thought that February might be a good time to begin the landscaping projects.

Regarding Page 3, Ms. Cerbone noted that \$50,000 was still budgeted for “Boat house drop downs” and this work is subject to the construction schedule. A Board Member advised that this expense should be moved to Fiscal Year 2023, based on the schedule and on ordering processes. Ms. Cerbone stated, based on the amounts added to the proposed Fiscal Year 2023 budget, the assessment amounts must be updated accordingly. She will work with the POA and the Finance Team and, with approval assessments will be adjusted accordingly.

Ms. Cerbone presented Resolution 2022-05.

On MOTION by Mr. Robinson and seconded by Mr. Holt, with all in favor, Resolution 2022-05, Approving a Proposed Budget for Fiscal Year 2022/2023, amended as discussed, and Setting a Public Hearing Thereon Pursuant to Florida Law for August 1, 2022 at 3:00 p.m., Central Time, at the Boat House, 1110 Prospect Promenade, Panama City Beach, Florida 32413; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

TENTH ORDER OF BUSINESS

Approval of May 2, 2022 Regular Meeting Minutes

Ms. Cerbone presented the May 2, 2022 Regular Meeting Minutes.

On MOTION by Mr. Robinson and seconded by Mr. Dean, with all in favor, the May 2, 2022 Regular Meeting Minutes, as presented, were approved.

ELEVENTH ORDER OF BUSINESS

Staff Reports

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

There was no 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 reported the following:

- The POA requested painting, as referenced in the email circulated to the Board.
- A concern was raised by the POA regarding scheduling and management of prescribed burns. Ms. Womack emailed Ms. Cerbone and Ms. Sanchez advising that she is aware that the Fire Department was called about one or two areas and Ms. Womack was on site as well. In her opinion the on-site representative did all the right things and there were no structures in danger of damage. She is not aware of any areas in need of a prescribed burn that are not already being planned. Ms. Cerbone or Ms. Womack should be emailed if there is a specific area that needs to be serviced.

I. 440 Registered Voters in District as of April 15, 2022

II. NEXT MEETING DATE: August 1, 2022 at 3:00 P.M. (Central Time)

○ QUORUM CHECK

The next Regular meeting would be held on August 1, 2022.

TWELFTH ORDER OF BUSINESS

Consideration of Resolution 2022-05, Approving a Proposed Budget for Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date *(to be provided under separate cover)*

This item was presented following the Ninth Order of Business.

THIRTEENTH ORDER OF BUSINESS

Board Member Comments

A Board Member referenced previous discussions about overgrown conditions on CDD property. Ms. Cerbone stated she believed it was addressed. Mr. Holt stated the homeowner advised that the back part was cleaned out, as approved by the Architectural Review Board (ARB) and the Golf Course, and, as he was currently satisfied, no further work was planned.

FOURTEENTH ORDER OF BUSINESS

Public Comment

Regarding easement access on Wild Heron Way, Ms. Mallory stated she does not believe the CDD means to grant unfettered access. She encouraged the CDD to work with the District Engineer on how that will affect traffic flow.

Regarding Mr. Balduf's statement that the POA should do better due diligence next time, Ms. Mallory stated the POA did its due diligence and this was a unique situation; the POA acted on information that might have been inaccurate but, even so, the POA determined it would proceed with the project.

Ms. Mallory stated the POA refers to prescribed burns in the CDD as part of the Firewise program and asked if that is correct. Ms. Cerbone replied affirmatively. Ms. Mallory stated Ms. Womack was contracted by the POA to perform Firewise activities on the vacant lots. Breaking Ground has been the primary contractor who addresses the undercover and another contractor addresses fallen trees. The area with the best Firewise clearing results is the area on Los Ninos Circle. Her understanding is that area was not a prescribed burn; rather, it might have been

caused by a cigarette. She discussed Ms. Womack’s Firewise work and suggested the CDD engage Ms. Womack to address CDD property.

Discussion ensued regarding the property, encouraging the property be part of the Firewise program and letters to be sent to the property owner.

Mr. Dean stated he addressed the issue with the property owner.

The District Manager was not directed to contact the property owner at this time.

Ms. Womack would be asked to report on the Firewise program at the next meeting.

Discussion ensued regarding the Firewise programs.

Mr. Dean stated that some action will be taken.

FIFTEENTH ORDER OF BUSINESS

Action Item Recap

Ms. Cerbone recapped the following:

- Ms. Womack will give an update on pond aerators during her August report.
- Ms. Cerbone will work with Ms. Mallory and the Director of Finance to verify the assessments for the purchased property.
- Ms. Cerbone will update the budget, adding \$40,000 for restriping, along with budgeting for other items and moving \$50,000 for Boat House dropdowns.
- Ms. Womack will confirm that the CDD is managing all areas it can manage. Anyone that wants an exception to any area should email the location information and pictures to Ms. Womack, Ms. Cerbone and Ms. Sanchez.
- Ms. Womack will provide a Firewise update at the next meeting regarding any areas that should be included in the Firewise program.

SIXTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Dean and seconded by Mr. Holt, with all in favor, the meeting recessed at 5:35 p.m., Central Time, and was continued to June 13, 2022 at 11:30 a.m., Central Time.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair