

**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 December 5, 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 Holt     | Chair               |
| David Dean     | Vice Chair          |
| Jerry Robinson | Assistant Secretary |
| Thomas Balduf  | Assistant Secretary |
| Frank Self     | Assistant Secretary |

**Also present were:**

|                    |  |
|--------------------|--|
| Cindy Cerbone      | District Manager                         |
| Jamie Sanchez      | Wrathell, Hunt and Associates, LLC (WHA) |
| Mike Burke         | District Counsel                         |
| Natalie McSwane    | Burke Blue                               |
| Robert Carroll     | District Engineer                        |
| Bethany Womack     | Ecologist/District Operations Manager    |
| Diane Allewelt     | POA                                      |
| Steven Undercoffer | POA                                      |
| Eddie Levick       | Resident                                 |
| Eva Levick         | Resident                                 |
| Annette Self       | Resident                                 |

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Sanchez called the meeting to order at 3:02 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**

**Administration of Oath of Office to Newly Elected Supervisors, David Dean [Seat 2] and Frank Self [Seat 5] (*the following to be provided in separate package*)**

Ms. Sanchez, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. David Dean and Mr. Frank Self. Both were already familiar with the following:

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

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-01,  
Designating Certain Officers of the District,  
and Providing for an Effective Date**

Mr. Dean nominated Mr. Holt as Chair. No other nominations were made.

**On MOTION by Mr. Dean and seconded by Mr. Self, with all in favor, the appointment of Mr. Holt as Chair, as nominated, was approved.**

Mr. Self nominated Mr. Dean as Vice Chair. No other nominations were made.

**On MOTION by Mr. Self and seconded by Mr. Holt, with all in favor, the appointment of Mr. Dean as Vice Chair, as nominated, was approved.**

Ms. Cerbone presented Resolution 2023-01. The slate of officers is as follows:

- |                |                     |
|----------------|---------------------|
| David Holt     | Chair               |
| David Dean     | Vice Chair          |
| Craig Wrathell | Secretary           |
| Jerry Robinson | Assistant Secretary |
| Thomas Balduf  | Assistant Secretary |
| Frank Self     | Assistant Secretary |
| Cindy Cerbone  | Assistant Secretary |

Jamie Sanchez

Assistant Secretary

Prior appointments by the Board for Treasurer and Assistant Treasurer remain unaffected by this Resolution.

**On MOTION by Mr. Dean and seconded by Mr. Balduf, with all in favor, Resolution 2023-01, Designating Certain Officers of the District, as nominated and stated, and Providing for an Effective Date, was adopted.**

**FIFTH ORDER OF BUSINESS**

**District          Counsel:          Discussion/  
Consideration/Update**

**A.      St. Joe**

- **Cost Share – Covington Bridge Repair Work**

Mr. Dean and Mr. Burke believed the meeting with Ms. Precise and St. Joe’s General Counsel was productive. St. Joe abandoned its request for the land swap and is reviewing the CDD’s Administrative Rule adopted about 15 years ago to determine if they are obligated to participate in the cost share to repair Covington Bridge. St. Joe agreed to encourage its contractors to bid on the CDD Request for Proposals (RFP) for the road resurfacing projects. Upon completion of the two projects, the CDD’s plan is to convey, Wild Heron Way (WHW), from the front gate to Highway 98, and the bridge to the County.

Discussion ensued regarding St. Joe agreeing to the CDD piggybacking off its asphalt project, the 12-month deadline to repair the Covington Bridge, the pending Inspection Report, the need to address inside the gate, the washout on the edge of the road and financing.

To avoid future erosion, Mr. Balduf felt that the asphalt project inside the gate is a priority.

Ms. Cerbone discussed preparing the road resurfacing project RFP. Mr. Carroll suggested and the Board agreed to proceed with the bridge repair, followed by projects inside and then outside the gate. Ms. Womack will obtain and present bridge repair proposals at the next meeting. This item will be moved to the District Engineer’s Staff Report.

**On MOTION by Mr. Dean and seconded by Mr. Holt, with all in favor, authorizing Mr. Holt to work with District Staff to prepare the Road Resurfacing RFP described by Ms. Cerbone and for Staff to advertise the RFP in between meetings, was approved.**

**B. Agreements Sent to POA**

**I. POA Maintenance Agreement**

- **Landscape Standards**

**II. POA Agreement for Stormwater Facility Management Services**

These items will be discussed at the joint CDD/POA meeting.

**III. POA Boat House Lease**

Mr. Burke presented a redline version of the Boat House Lease Agreement with changes from the CDD and POA. The POA approved the Agreement, which is consistent with the terms agreed to by everyone. The executed Agreement will be distributed to all parties upon receipt and the order will be placed upon confirmation that the POA completed any necessary pre-work.

**On MOTION by Mr. Holt and seconded by Mr. Dean, with all in favor, the Boat House Lease Agreement with the POA, was approved.**

**C. Joint Meeting with POA**

Ms. Sanchez stated that, besides the agenda items Mr. Burke discussed, she is waiting on feedback as to what items the POA wants included on the joint agenda. Mr. Burke will contact Ms. Mallory to discuss the “Stormwater” item and determine if it should be on the agenda item or discussed another time. A location for the joint meeting will be determined.

**D. Other**

Ms. Sanchez asked for additional information on the “Prospect Promenade Project”.

Discussion ensued regarding the CDD possibly funding a structure on the property, the irrigation project, conducting a Town Hall meeting and the parties structuring a lease agreement similar to the recent Drop Down Agreement.

**SIXTH ORDER OF BUSINESS**

|                 |                             |                    |
|-----------------|-----------------------------|--------------------|
| <b>District</b> | <b>Engineer:</b>            | <b>Discussion/</b> |
|                 | <b>Consideration/Update</b> |                    |

**A. Proposals for Road Striping**

Mr. Carroll estimated the CDD’s overall cost for the road striping project at about \$18,000. He reviewed the scope of work and expects the project to take about three days.

A Tri-party Agreement with the vendor, including CDD-owned intersections in the scope and making sure the striping is aesthetically consistent with the POA roads, were discussed.

**On MOTION by Mr. Holt and seconded by Mr. Balduf, with all in favor, proceeding with the CDD’s portion of the Road Striping project, which excludes side roads, and entering into a Tri-party Agreement with the vendor, in a not-to-exceed amount of \$25,000, was approved.**

**B. Drainage Improvements [Sweetwater Bay Trail and Wild Heron Way Intersection]**

Mr. Carroll stated the project was rescheduled due to an oversight; GCUC will be on site later this week to clean the inlets.

**C. Mailbox**

Ms. Carroll stated this matter is resolved; use of individual mailboxes can continue.

**SEVENTH ORDER OF BUSINESS**

|                             |                   |                    |
|-----------------------------|-------------------|--------------------|
| <b>District</b>             | <b>Ecologist:</b> | <b>Discussion/</b> |
| <b>Consideration/Update</b> |                   |                    |

**A. Proposals for Conservation Area Sign Replacements**

Ms. Womack presented the costs to purchase upgraded weather resistant signs or stay with the existing product. She will contact Mr. Mark Garnett to discuss installation costs.

Discussion ensued regarding the quantity needed and storing surplus materials for future use in the CDD maintenance shed.

**On MOTION by Mr. Holt and seconded by Mr. Balduf, with all in favor, purchasing 300 signs from Advanced Sign Solutions, was approved.**

**On MOTION by Mr. Holt and seconded by Mr. Dean, with all in favor, expending a not-to-exceed amount of \$2,000 for sign installation, was approved.**

**B. Proposals for Road Side Slope Work**

Ms. Womack stated that the proposal is based on estimated quantities of fill for each CDD site. The vendor will provide delivery tickets before beginning to fill.

Discussion ensued regarding using zoysia sod, stabilization, pinning sod down on slopes steeper than 3:1, using unassigned funds to fund the project, completing one site before

committing to the vendor and obtaining more quotes. Ms. Allewelt will give Ms. Womack the names of two contractors to obtain additional quotes from.

This item will be moved to the District Ecologist’s Staff Report.

**C. Wild Heron Conservation Easement Land Exchange**

In lieu of St. Joe not being interested in a land swap, Mr. Dean discussed the potential alternative of swapping about 11.812 acres of unencumbered property between the CDD and POA. Referencing an area map, the areas in green, equating to about 10.25 acres are the areas he recommends the CDD swap for to use for any future purpose.

Ms. Womack stated any swap must be in compliance with the Department of Environmental Protection (DEP) and U.S. Army Corps of Engineers (USACE) environmental permits and be replaced in kind and provide some benefit, or equivalent. The CDD must request a permit modification, provide a conservation easement release and a new conservation easement survey to record in the court.

The Board and Staff discussed the ability to acquire the lot on Lost Cove for \$105,000, the next steps, proceeding with the easement release before the POA transfers property to the CDD, obtaining appraisals and conveying parcels back to the POA via a lease.

Ms. Womack will confirm with the DEP and USACE whether they will consider this action.

This item will be included on the joint meeting agenda.

**On MOTION by Mr. Dean and seconded by Mr. Holt, with all in favor, pursuing the Wild Heron Conservation Easement Land Exchange, was approved**

**D. Pond Aerators/Inspection**

The Report was included for informational purposes.

- **The Lake Doctors, Inc., Water Management Agreement**

**On MOTION by Mr. Balduf and seconded by Mr. Dean, with all in favor, the Lake Doctors, Inc., Agreement to monitor the lakes, in the amount of \$1,063 quarterly, was approved.**

**E. Consideration and Ratification Items**

- I. **Marsh Point Lane/New Leaf Tree Service Estimate**

**On MOTION by Mr. Holt and seconded by Mr. Dean, with all in favor, the New Leaf Tree Service estimate to hand cut Marsh Point Lane, known as Mitigation Zone Z27, and Salamander Trail, in the amount of \$4,500 each, was approved.**

**II. Lost Cove Lane Pond/New Leaf Tree Service Estimate**

Ms. Womack stated St. Joe needs to remove several dead pine trees along Wild Heron Way. She will inquire about a few others she identified on the golf course.

**On MOTION by Mr. Holt and seconded by Mr. Self, with all in favor, the New Leaf Tree Service Estimate #E1348 to remove the dead pine trees in the Lost Cove Drive Pond area, in the amount of \$3,880, was ratified.**

Regarding a Board Member’s request for the car at the entrance of Wild Heron Drive from I-98 to be towed, it was determined that it is on St. Joe property.

Mr. Dean will email photographs of pine needles on a resident’s property to Ms. Allewelt to address with the property owner.

**EIGHTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of October 31, 2022**

Ms. Sanchez presented the Unaudited Financial Statements as of October 31, 2022.

**On MOTION by Mr. Dean and seconded by Mr. Self, with all in favor, the Unaudited Financial Statements as of October 31, 2022, were accepted.**

**NINTH ORDER OF BUSINESS**

**Approval of October 3, 2022 Regular Meeting Minutes**

Ms. Sanchez presented the October 3, 2022 Regular Meeting Minutes.

**On MOTION by Mr. Holt and seconded by Mr. Dean, with all in favor, the October 3, 2022 Regular Meeting Minutes, as presented, were approved.**

## TENTH 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 nothing further to report.

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

There was nothing further to report.

**D. District Manager: *Wrathell, Hunt and Associates, LLC*****I. TriCorps Security Increased Billing Rate**

Ms. Sanchez presented TriCorps' request for a rate increase retroactive to November 1, 2022, based on improving the quality of personnel, increasing compensation and financial loss on the overall contract. TriCorps was awarded the contract as they were the lowest cost respondent but the rate increase will exceed the three-year renewal prices from the original bids.

Discussion ensued about the annual rate increase of approximately \$58,000, which is less than \$1.00 per day per resident, the improved quality of personnel, the termination clause and there being one year left on the three-year contract.

**On MOTION by Mr. Holt and seconded by Mr. Dean, with all in favor, the TriCorps billing rate increase request, retroactive to November 1, 2022, was approved.**

**II. NEXT MEETING DATE: February 6, 2023 at 3:00 P.M. (Central Time)****○ QUORUM CHECK**

Ms. Sanchez stated the February 6, 2023 meeting will be a joint CDD/POA meeting. She will confirm the location with Mr. Burke. Ms. Cerbone stated that the Chair will be copied on all communications sent to the POA to ensure the CDD gets what it needs for the agenda items.

**On MOTION by Mr. Holt and seconded by Mr. Dean, with all in favor, scheduling a joint CDD/POA meeting on February 6, 2023 at 3:00 p.m. (Central Time), at a location to be determined, and authorizing Staff to advertise, was approved.**



**LAKE POWELL RESIDENTIAL GOLF CDD**

**December 5, 2022**

Ms. Sanchez stated Wells Fargo closed the CDD account due to bank fraud, which impacted one vendor. Ms. Cerbone stated Wells Fargo refused to refund a manufactured check processed in San Francisco. The existing account was closed and a new one opened. Once checks for the new account arrive, Accounting will FedEx the payment to the vendor. Wells Fargo stated it will honor the checks already issued on the closed account.

**ELEVENTH ORDER OF BUSINESS**

**Board Member Comments**

Mr. Dean asked that the POA have Break N Ground address the severely overgrown vegetation at the POA-owned lot at the end of Prospect Promenade and Wild Heron Way. Ms. Womack will inform Ms. Allewelt.

**TWELFTH ORDER OF BUSINESS**

**Public Comment**

No members of the public spoke.

**THIRTEENTH ORDER OF BUSINESS**

**Action Item Recap**

Ms. Sanchez recapped the following action items:

- District Management: Add “Bridge Repairs” agenda item under the District Engineer’s Staff Report. District Engineer: Present estimates at the next meeting.
- District Management: Send additional email to the POA to ensure it has all the agenda items needed for the joint meeting.
- District Management: Keep “Drainage Improvements” agenda item under the District Engineer’s Staff Report and add the same topic to the District Ecologist’s Staff Report.
- District Ecologist: Obtain additional quotes for roadside slope repairs.
- District Ecologist: Contact the DEP and USACE about Wild Heron Way conservation easement land exchange. District Management: Add this item to the Joint Meeting agenda.

**FOURTEENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Self and seconded by Mr. Dean, with all in favor, the meeting adjourned at 5:12 p.m., Central Time.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair