

**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 May 6, 2024 at 2:00 p.m. (Central Time), at First Baptist Church - Sunnyside, 21321 Panama City Beach Pkwy, Panama City Beach, FL 32413.

Present:

David Holt	Chair
David Dean	Vice Chair
Jerry Robinson	Assistant Secretary
Thomas Balduf	Assistant Secretary

Also present:

Jamie Sanchez	District Manager
Mike Burke	District Counsel
Robert Carroll	District Engineer
Bethany Womack	Ecologist/District Operations Manager
Courtney Bolla	POA Manager

Residents present:

Kelly Fredrickson	Ken Black	Eddie Levick	Tom Kerns
Patti Undercoffer	Steven Undercoffer	Chris _____	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Sanchez called the meeting to order at 2:03 p.m. Supervisors Holt, Dean, Robinson and Balduf were present. One seat was vacant.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

Update: Gatehouse Report

The Gatehouse Report was included for informational purposes.

Mr. Dean discussed reasons he thinks the visitor passes should return to a full form besides being thrown out or blown away by accident. He thinks that the Board should be able to review the post orders to address incidents that cannot be resolved because certain facilities are

closed on the weekend. It was noted that the POA is working on developing new security protocol for the front gate and updating the Post Orders, which will be provided to the Board.

FOURTH ORDER OF BUSINESS

District	Engineer:	Discussion/
Consideration/	Update	

A. Proposals for 4-Way Stop Signs and Stop Ahead Signs

This item was tabled until the evaluation is completed and additional areas are added.

B. Short Form Contract for Wild Heron Guard House

Mr. Carroll presented the Dewberry Short Form contract.

On MOTION by Mr. Robinson and seconded by Mr. Balduf, with all in favor, the Dewberry Short Form Contract for Wild Heron Guard House to perform survey, was approved.

- **Discussion: Mr. Jim Houston’s May 6, 2024 letter regarding Wild Heron Front Gate Traffic**

This item was an addition to the agenda.

Ms. Sanchez distributed and read Mr. Jim Houston’s letter into the record, as follows:

THE FOLLOWING SECTION WAS TRANSCRIPTION VERBATIM

“Dear David:

My wife, Melinda and I moved into Wild Heron in August of 2021, relocating from Ponte Vedra Beach, Florida. While there, we lived in a neighborhood much like Wild Heron. The similarities were that we had 650 acres and 577 homesites with a golf course located inside the community, a restrictive HOA and manned security. The biggest difference were that our previous community was fully built out, the golfers came from inside the neighborhood as opposed to outside the gate and we had manned front and back security gates with 2 lanes each. Even with the additional entry grate, at peak times the gate traffic was backed up for extended periods of time. When Wild Heron gets built out, traffic will not only come from the additional residents, but the traffic from contractors for lawn and pest services, repair and restoration services, remodeling, and guests will grow as well. In our previous community wait times were as bad as 45 minutes for residents to enter the neighborhood at peak times. The Board was forced

to make decisions to widen the gate areas and lengthen the access lanes, along with implementing improvements to security processes to accommodate the peak time traffic.

I encourage the CDD to immediately begin assessing short and long term strategies to remediate current and future issues of long wait times to enter the front gate. We need to have a plan in place to accommodate the growth as it happens and not wait so late that we are in reactive mode. With only one gate available, the prospect of continued development plus the new golf course, increased pressure will be here by the end of the year. By developing your plan now, you will likely incur lower costs and will surely provide better service and less inconvenience to the residents, contractors and guests of Wild Heron.

Sincerely Jim Houston, 1507 Marsh Point Lane”

SUMMARY TRANSCRIPTION RESUMED

Mr. Holt stated that Mr. Houston wrote the letter, as he was unable to attend today’s meeting and he wants the Board aware of what is ahead. He placed this on the agenda because the CDD wants to pave the road this fall and give it back to the County, so he thinks now would be the time do something to the front gate. He thinks St. Joe might be interested in helping with the cost to renovate the front gate, which will require some land from St. Joe, as the POA and CDD own the land on the north side of the road and St. Joe owns the land on the south side. It was noted that, once Dewberry completes the survey, reengineering the site can commence.

Mr. Holt asked if revamping the software for the gate, which is underway, will clear things up. An affirmative response, in terms of timing, was received.

FIFTH ORDER OF BUSINESS

**District Counsel:
Consideration/ Update**

Discussion/

A. Discussion with Joe Brown Regarding Bridge and Cost Share

Mr. Burke stated St. Joe is only interested in dealing with all Wild Heron problems at one time. He believes the main problem is the response time, perhaps with new counsel and the POA’s new Board, there is the possibility of re-engaging St. Joe. Mr. Holt stated a high-level St. Joe Rep told him that St. Joe is very interested in reconfiguring the front gate.

Discussion ensued regarding the bridge, the POA’s negotiation with St. Joe being paused and, once active, in agreement to represent the CDD’s interest.

It was noted that St. Joe employees were photographed running equipment back to the maintenance facility, via the conservation area. Suggestions were made to install signage, trail cameras and physical barriers in the conservation area.

On MOTION by Mr. Dean and seconded by Mr. Robinson, with all in favor, directing and authorizing Ms. Womack to contract and have barriers installed at four sites and, whenever deemed appropriate using Staff discretion, prohibiting inappropriate traffic within the conservation areas, was approved.

Mr. Burke asked if he has permission to attend the POA meetings with St. Joe. Mr. Holt replied affirmatively and directed him to reiterate the CDD’s request to enter into a maintenance agreement for the bridge. The item will remain on the agenda.

SIXTH ORDER OF BUSINESS

District	Ecologist:	Discussion/
Consideration/	Update	

A. Conservation Easement Swap – Survey & Legal Status

Ms. Womack stated the surveys are about 80% complete and are now on standby, as one of the proposed swap areas should be kept for the gate expansion and she needs to inspect the area again. Also, the POA asked to review the CDD’s proposed swap areas.

B. Conservation Easement Encroachments

Ms. Womack stated that this item is related to the St. Joe encroachments, which was just discussed. This item will be removed from future agendas.

C. Hog Program

Mr. Holt stated that he personally expended \$600 for a camera and unlimited picture plan for his personal use and will write a report on whether it would be useful for the CDD to follow suit. The item will remain on the agenda.

D. Letter Regarding March Rabbit Run Encroachment Issue

Ms. Womack stated that the property owner’s Architect and Landscape Architect contacted her regarding the CDD’s letter. Mr. Furman, the Landscape Architect, is developing a plan to restore the area, which she expects to receive this week or next week.

This item will be removed from future agendas.

Regarding encroachments, a question was raised regarding if there is an issue with the resident who created a culvert and second boat parking lot outside the gate, just passed the first bridge. Ms. Womack will inspect the property. Mr. Holt asked Mr. Burke about charging residents that build on CDD roadways. Mr. Burke will research this, as it might be the “no-pay” zone, for which not having to pay any connection or maintenance of the road was a condition of the Gaynous property. Mr. Holt asked for a copy of the methodology on these properties.

E. The Lake Doctors, Inc. Inspection Report [Quarter 2]

This item was included for informational purposes.

F. The Lake Doctors, Inc. Water Management Agreement [Quarter 2 Treatment Proposal]

In agreement with the recommendation in the Second Quarterly Inspection Report, Item 6E, Ms. Womack presented the Lake Doctors, Inc., Water Management Agreement to treat the Sweetbay Trail pond for non-native vegetation. The other ponds in the Report did not have significant vegetation to warrant treatment.

On MOTION by Mr. Balduf and seconded by Mr. Robinson, with all in favor, Lake Doctors, Inc., Water Management Agreement to treat the Sweetbay Trail pond, in a not-to-exceed amount of \$500, was approved.

G. Water Quality Monitoring Report – Fall 2023

The Water Quality Monitoring Report was included for informational purposes

Ms. Womack stated that the sampling was performed in February 2024 because the wells were dry in the fall of 2023. Overall, the wells had normal fluctuation and the results were fine. She explained the purpose of the tests, which, in the span of five years, was reduced from quarterly testing to semi-annual testing and then annual testing. The CDD must continue to test, as long as the golf course is in existence, to ensure the CDD is compliant with its environmental permit, as the golf course is part of the permit. Mr. Holt wants the bill submitted to St. Joe.

Discussion ensued regarding the wells and irrigation use, water pressure issues, the CDD’s ability to install irrigation wells in Wild Heron, connecting to the aquifer, POA documents prohibiting installing irrigation wells on POA property, etc.

▪ **Discussion/Consideration: Landscape Services**

This item was an addition to the agenda.

Ms. Womack listed several areas where overgrown vegetation needs to be addressed to ensure the CDD is in compliance with the 14' clearance. Mr. Holt verbally approved the project.

▪ **Discussion/Consideration: Termination of New Leaf Agreement**

This item was an addition to the agenda.

Ms. Womack stated that working in the conservation area is uncommon; she asked if the Board wants to continue the New Leaf Agreement, as they have not started the work and it has been a few months since the project was approved. She can obtain a proposal that is less than originally quoted. Mr. Holt voiced his opinion that New Leaf does a good job but this is something they are not familiar with. Ms. Womack agreed with Mr. Holt's comment.

On MOTION by Mr. Dean and seconded by Mr. Holt, with all in favor, terminating the New Leaf Agreement, was approved.

▪ **Consideration: Engagement of Cypress Environmental to Install Conservation Signs**

This item was an addition to the agenda.

On MOTION by Mr. Holt and seconded by Mr. Dean, with all in favor, engage Cypress Environmental to install conservation signs, was approved.

▪ **Consideration: TriCorps Security Proposal for Additional Guardhouse Attendant**

This item was an addition to the agenda

Ms. Sanchez re-distributed and presented the same TriCorps Security (TriCorps) proposal to staff an additional attendant at the guardhouse, to address insufficient manpower issues and to better serve the community. The proposal was emailed to the Board a month ago and discussed during the workshop. Basing the rate and a 40-hour work week this will require adding \$15,000 to the proposed Fiscal Year 2025 budget, on top of the \$33,677 added to the Security line item budget at the workshop.

Discussion ensued regarding asking the POA to split the cost, adding rover services, current performance issues with TriCorps, the POA's plans and initiating the bidding process.

The Board decided to table this item until the POA completes its plans.

**Consider Appointment of Qualified Elector
to Fill Unexpired Term of Seat 5; Term
Expires November 2026**

Mr. Dean nominated Mr. Eddie Levick to fill Seat 5. Mr. Robinson nominated Mr. Ken Black to fill Seat 5. No other nominations were made.

Ms. Sanchez distributed resumes from candidates Ken Black and Eddie Levick.

Each Board Member provided reasons in favor of candidates Mr. Black and Mr. Levick, respectively, and, overall, deemed both as “qualified outstanding” candidates.

Mr. Levick and Mr. Black each discussed their qualifications, goals, reasons for interest and responded to questions.

Mr. Dean reiterated his nomination of Mr. Eddie Levick to fill Seat 5.

On MOTION by Mr. Dean and seconded by Mr. Holt, with Mr. Dean and Mr. Holt in favor and Mr. Robinson and Mr. Balduf dissenting, the appointment of Mr. Eddie Levick to fill Seat 5, was not approved. [Motion failed 2-2]

Mr. Robinson reiterated his nomination of Mr. Ken Black to fill Seat 5.

On MOTION by Mr. Robinson and seconded by Mr. Balduf, with Mr. Robinson and Mr. Balduf in favor and Mr. Holt and Mr. Dean dissenting, the appointment of Mr. Ken Black to fill Seat 5, was not approved. [Motion failed 2-2]

Mr. Balduf posed a question to Mr. Levick and his reply did not change Mr. Balduf’s vote.

The Board consensus was to defer this item and not e-blast a request for other resumes, since there are already two good candidates.

Ms. Sanchez stated that she advised Mr. Brian Dow, who expressed interest in the appointment, of his ineligibility, as his residence is still under construction.

The following items were deferred:

- **Administration of Oath of Office (the following will also be provided in a separate package)**
- A. **Required Ethics Training and Disclosure Filing**
 - **Sample Form 1 2023/Instructions**
- B. **Membership, Obligation and Responsibilities**

- C. **Guide to Sunshine Amendment and Cost of Ethics for Public Officers and Employees**
- D. **Form 8B: Memorandum of Voting Conflict for County, Municipal and other Local Publics Officers**

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2024-04, Electing and Removing Officers of the District and Providing for an Effective Date

Ms. Sanchez presented Resolution 2024-04, noting that this Resolution removes Mr. Frank Self as Officer, all other prior appointments by the Board remain unaffected.

On MOTION by Mr. Dean and seconded by Mr. Robinson with all in favor, Resolution 2024-04, Electing and Removing Officers of the District and Providing for an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Discussion: D3 Local Government Bridge Inspection

Ms. Sanchez stated that the following items were emailed to the Board, once received:

- A. **Conzor Engineers, LLC Inspection Report Submittal Memorandum**
- B. **FDOT Bridge Management System Inspection/CIDR/Bridge Profile Report Inspection**

Mr. Holt stated that, besides what the CDD spent on the bridge, he anticipates expending another six figures in the future, which he believes proves the CDD needs a shared maintenance agreement with St. Joe and those who build their homes along that road. Mr. Carroll referred to the FDOT’s Inspector Recommendations in the Report and stated they are not high-cost items as before. He will obtain proposals for the next meeting.

Regarding painting the guardrails, Ms. Womack stated that Brice is researching the correct product for the paint to stick; she will follow up with him.

Asked if the Report can be shared with St. Joe and use it as part of the negotiations, Mr. Burke stated it can be used as evidence during discussions.

TENTH ORDER OF BUSINESS

Discussion: O&M Methodology

Ms. Sanchez stated that Mr. Dean requested this item and, upon review of the backup material he sent today, she asked the Board’s direction, as the motion to remove this item from future agendas, passed 3-1, at the February meeting.

Discussion ensued between the Board Members.

This item will be removed from future agendas.

ELEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of March 31, 2024

On MOTION by Mr. Robinson and seconded by Mr. Balduf, with all in favor, Unaudited Financial Statements as of March 31, 2024, were accepted.

TWELFTH ORDER OF BUSINESS

Approval of March 4, 2024 Regular Meeting Minutes

On MOTION by Mr. Robinson and seconded by Mr. Holt, with all in favor, the March 4, 2024 Regular Meeting Minutes, as presented, were approved.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

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

Ms. Womack reported the following:

➤ The POA contractor is delayed completing the Firewise cutting due to equipment issues, which will defer commencing the CDD’s mitigation zone cuts to late June or early July.

Asked about burns, Ms. Womack stated that the Division of Forestry is not willing to do burns but she will ask. She is reluctant to engage a private burner because, as the CDD grows, the burns will become more dangerous; cutting is the best option. With the area now under control and the budget being reduced to a third, she expects the costs to remain low, as long as it stays maintained.

➤ She is meeting with the POA and the POA Landscape contractor tomorrow to review duties, as the littoral areas around the stormwater ponds were inadvertently cut.

Asked about cleaning the stormwater drains, Ms. Womack recalled a decision to table this item; she noted that most area flooding occurred on POA roadways.

Discussion ensued regarding inspecting particular CDD areas known to flood, dealing with issues as they occur, have the POA crew inspect CDD basins and visual inlet box inspections.

Ms. Womack offered to inspect the ends of the bubble ups in the woods. Ms. Bolla will show areas with vegetation in the pipes to Ms. Womack after the meeting. Mr. Carroll will coordinate inspections before the start of hurricane season.

B. District Counsel: Burke Blue

C. District Engineer: McNeil Carroll Engineering, Inc.

There were no reports from District Counsel or the District Engineer.

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

I. Form 1 Disclosure Filing for Calendar Year 2024

Ms. Sanchez asked if Board Members received the email about registering with the Commission on Ethics to file Form 1 electronically. All Board Members confirmed receiving email. She also emailed a link for free online ethics training courses to fulfill the requirement.

II. Meeting Location for Fiscal Year 2025

Information and photographs of the Lyndell Conference Center Meeting Room were included.

Ms. Sanchez presented information about three meeting location options.

Discussion ensued regarding other meeting locations and the benefits of choosing the Lyndell Conference Center. Ms. Sanchez was asked to research City Hall.

Mr. Robinson motioned to schedule meetings at the Lyndell Conference Center. The motion died due to lack of a second.

This item was deferred.

III. 457 Registered Voters in District as of April 15, 2024

IV. NEXT MEETING DATE: June 3, 2024 at 2:00 PM (Central Time)

- **QUORUM CHECK**

FOURTEENTH ORDER OF BUSINESS

Board Member Comments

Mr. Holt asked about the \$50,000 originally designated to hold CDD meetings at the Boat House. It was noted those funds were moved to reserves.

Discussion ensued regarding the decision to table the POA lease, the use of government funds would require it to be opened to the public, the POA’s issues with the pre-structural bids,

the POA not yet voting on whether to proceed with the project, the project not commencing for 60-days if approved and the direction to keep the funds in the General Fund.

Mr. Holt asked for this matter to be included on the next agenda.

FIFTEENTH ORDER OF BUSINESS

Public Comments

Mr. Black voiced his opinion that the radar signs are effective. He suggested installing one from the circle to the clubhouse. Mr. Holt stated the Board will consider more signs once the results of the trial period are reviewed. He thinks enlarging the shadow box will help aesthetically.

A resident suggested reprogramming the speed sign comment from “Thank You” to something that grabs the driver’s attention.

A resident referred to the water quality testing project and asked for a spreadsheet listing CDD expenditures that specifically benefit St. Joe to use during negotiations. Mr. Holt stated that the CDD responsibilities only deal with underwater and marshland areas.

Asked about Cogon grass, Ms. Womack stated there are only a few CDD patches, which will be treated in another week; the patches are mostly on St. Joe private property. Regarding a comment about grass along the eastern perimeter of the pond, Ms. Womack stated she will re-inspect the area. She noted that this is the growing season.

Discussion ensued about the CDD incurring costs that should be cost-shared with St. Joe.

Ms. Womack stated that the CDD will always be responsible for keeping the environmental permits in compliance; unless the Board asks the Florida Department of Environmental Protection (FDEP) how to remove the golf course from its permit, which will avoid performing future water quality and soil sample tests.


Mr. Levick, of the Lake Powell Community Alliance, asked if water quality testing being done in Lake Powell, is the same as in the CDDs. Ms. Womack replied no. She noted that the CDD permit outlines the Environmental Management Plan for the golf course and its relation to Lake Powell. She discussed the parameters for testing.

SIXTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Balduf and seconded by Mr. Dean, with all in favor, the meeting adjourned at 4:44 p.m.


Secretary/Assistant Secretary

 AS CDD
Chair/Vice Chair
CHAIR