

**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 7, 2020, 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:

Mike Burke	District Counsel
Robert Carroll	District Engineer
Bethany Womack	Ecologist/Operations Manager
Becky Ferris	Resident
Laura Maxwell	Resident
Teri Ortiz	Resident
David Fleet	Resident
Frank Self	Resident and Wild Heron Maintenance Committee Chair

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Burke called the meeting to order at approximately 2:15 p.m., Central Time. All Supervisors were present. The District Manager, Mr. McGaffney, was not present due to an emergency.

SECOND ORDER OF BUSINESS

Business Items

A. Administration of Oath of Office to Newly Elected Supervisors, David Holt [Seat 1], Thomas Balduf [Seat 3] and Jerry Robinson [Seat 4] (*the following to be provided in a separate package*)

Mr. Burke, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Balduf, Mr. Robinson and Mr. Holt. He discussed the public records law and guidelines for recordkeeping and email and explained the following:

- 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 2021-01, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Lake Powell Residential Golf CDD, and Providing for an Effective Date

Mr. Burke presented Resolution 2021-01.

Mr. Starlin nominated Mr. Dean for Chair. No other nominations were made.

On MOTION by Mr. Starlin and seconded by Mr. Robinson, with all in favor, the appointment of Mr. David Dean as Chair, was approved.

Mr. Balduf nominated Mr. Robinson for Vice Chair. Mr. Dean nominated Mr. Balduf for Vice Chair. No other nominations were made.

On MOTION by Mr. Dean and seconded by Mr. Starlin, with all in favor, the appointment of Mr. Thomas Balduf as Vice Chair, was approved.

Mr. Starlin nominated Mr. Wrathell for Secretary. No other nominations were made.

On MOTION by Mr. Starlin and seconded by Mr. Dean, with all in favor, the appointment of Mr. Craig Wrathell as Secretary, was approved.

Mr. Starlin nominated Mr. Holt for Assistant Secretary. No other nominations were made.

On MOTION by Mr. Balduf and seconded by Mr. Dean, with all in favor, the appointment of Mr. David Holt as Assistant Secretary, was approved.

Mr. Dean nominated Mr. Robinson for Assistant Secretary. No other nominations were made.

On MOTION by Mr. Dean and seconded by Mr. Starlin, with all in favor, the appointment of Mr. Jerry Robinson as Assistant Secretary, was approved.

Mr. Dean nominated Mr. Starlin for Assistant Secretary. No other nominations were made.

On MOTION by Mr. Balduf and seconded by Mr. Robinson, with all in favor, the appointment of Mr. Calvin Starlin as Assistant Secretary, was approved.

Mr. Starlin nominated Mr. McGaffney for Assistant Secretary. No other nominations were made.

On MOTION by Mr. Starlin and seconded by Mr. Dean, with all in favor, the appointment of Mr. Howard McGaffney as Assistant Secretary, was approved.

Mr. Balduf nominated Mr. Wrathell for Treasurer. No other nominations were made.

On MOTION by Mr. Balduf and seconded by Mr. Starlin, with all in favor, the appointment of Mr. Craig Wrathell as Treasurer, was approved.

Mr. Starlin nominated Mr. Pinder for Assistant Treasurer. No other nominations were made.

On MOTION by Mr. Starlin and seconded by Mr. Dean, with all in favor, the appointment of Mr. Jeff Pinder as Assistant Treasurer, was approved.

Mr. Carroll stated that Mr. McGaffney called in to report that some attendees were unable to participate remotely due to technical difficulties. Mr. McGaffney had suggested that action be deferred for items that can wait until the January meeting and expressed his regret that he was unable to attend the meeting.

Ms. Womack stated she was informed by a resident that the POA sent an email this morning stating the meeting would be via Zoom and not an in-person public meeting. Discussion ensued regarding communications sent in advance of the meeting.

C. Update: 2nd Exit to Community - Emergency Egress

Mr. Starlin felt that everyone in attendance understood the importance of a second means of emergency egress. Mr. Dean concurred and stated a second means of emergency egress is important in case of a wildfire or bridge outages. He stated the community provided a second gate for that purpose; however, the gate is on St. Joseph property. A roadway on the north side of the courts may be a potential option to consider. Discussion ensued regarding the location and terrain of possible egress routes and hunting in the area.

Resident Laura Maxwell stated she was advised by St. Joseph Development that a community and golf course is to be developed and the road would be paved between Wild Heron and Origins, perhaps within five years. She expressed her opinion that leaving a gate open defeats the purpose of living in a gated community. She hoped the issue would be resolved and the gate would be closed but with remote access provided as soon as possible.

This item would be discussed at the next meeting.

D. Landscape Standards Report – Supervisor Dean

Mr. Dean recalled past concern about the deterioration of the landscaping. Historically, the CDD and the POA each had their own landscaping company but, to reduce cost and improve service and accountability, it was decided that the CDD would transfer funds and the POA would manage the landscaping. The original landscaper had established landscaping standards but those declined over time and due to economic downturns. He felt that minimum standards are necessary for the CDD and provided a draft form for discussion.

Mr. Starlin voiced his opinion that this is important. He believed that resident Becky Ferris would share her pond maintenance ideas.

Mr. Robinson proposed that further discussion be scheduled for January. Mr. Dean stated the guidelines presented would represent minimum standards for the CDD.

Ms. Ferris stated she represented the CDD, as the landscaping point of contact when BrightView was executing the CDD's portion of the landscaping. When the decision was made to move all landscaping to the POA, for the POA to oversee, she was asked to write a Request for Proposals (RFP) for the CDD's portion of the landscaping. She stated this is not new and she believed Mr. Dean enhanced it; the RFP represented the only written guidelines to date.

Mr. Burke stated this would be discussed at the January meeting. Copies would be provided to ask the POA to agree to any amendments. Copies would be provided.

Mr. Robinson asked if the length of the Good Earth contract was known. Ms. Ferris stated she was not involved in the selection of the contractor but she believed it was a three-year contract and that there are cancellation clauses. Mr. Robinson asked if Ms. Ferris was aware of whether the contract could be amended if new standards are adopted. Ms. Ferris stated she believed changes could be negotiated.

Resident Teri Ortiz asked if the CDD would ever consider taking back the landscape maintenance. Mr. Dean stated, unless the CDD hires additional Staff for management purposes, it may be more economical to stay with the POA and oversight by the POA might be better. Mr. Burke discussed the need for continuity and voiced his opinion that the POA has a greater ability to manage the contracts more quickly and efficiently than the CDD. Mr. Dean stated he

would not rule out taking the contract back; however, at this time, it is more cost-effective for the POA to manage the landscaping.

Ms. Ortiz asked for the length of the Landscaping Agreement between the POA and the CDD and if the CDD resumed managing the stormwater and drainage contract. Mr. Dean stated that the stormwater and drainage maintenance is a discussion item today. Mr. Burke stated the Landscaping Agreement renews every year and there is a 60-day termination clause.

Resident Laura Maxwell stated she had the Green Earth contract, which was for 36 months, terminating in February 2023; it addressed termination for cause and early termination in which case the CDD would need to pay the profits for the balance of the contract.

E. Update: Encroachment and Mitigation Plan

Ms. Womack reported the following:

- Survey information was pending and she expected to receive a CAD file detailing potential encroachments into the conservation easement areas on Wild Heron Way and Lost Cove.
- Information from the POA's landscape architect, Mr. Craig Thurmond was pending
- A meeting would be scheduled to discuss a landscape maintenance plan and she was hopeful that the residents will be happy with the results.
- She and Mr. Dean had some meetings with the POA.

Mr. Dean stated that he requested cost estimates from Mr. Thurmond so the CDD can move forward. Asked her opinion of the plan presented by Mr. Thurmond, Ms. Womack stated he did not present a plan or provide much information and the POA representative did not seem to have much specific information either.

Mr. Dean stated the POA was provided a list of existing plants when landscaping transferred; approximately \$80,000 was included for tree trimming. The POA enlisted the services of Mr. Thurmond to review the list. His understanding was that the POA was in favor of making the ponds look spectacular. He supported this and felt it would improve property values.

Discussion ensued regarding plants and options for the landscape plan. Ms. Womack believed the POA would take aesthetics into consideration and that Mr. Thurmond was well-respected in the field.

Mr. Balduf asked why the ponds were included in the encroachment mitigation plan. Ms. Womack stated that several areas around the ponds were disturbed. Some were around ponds and two natural areas outside the entrance were disturbed. It appeared that those two areas, one just north of the Sweetbay Trail Pond on Wild Heron Way, and the other on Lost Cove Lane next to the dry pond, may encroach into the Environmental Permit Conservation Easement areas. Those areas were considered mitigation areas and the other areas were considered stormwater areas. Encroachments into conservation areas would require a plan to bring the areas back into compliance with the environmental permits.

Mr. Dean stated there are 14 CDD ponds and only three ponds are included in the restoration. Ms. Womack stated the three ponds are Sweetbay Trail Pond on Marsh Rabbit Run, the Salamander Trail Pond and the dry pond on Lost Cove. Mr. Dean noted the dry pond is included in the environmentally sensitive area.

F. Discussion/Update: Stormwater System – Assignment from POA to CDD

Mr. Dean discussed the Maintenance Agreement between the POA and the CDD and the Board's consensus for the CDD to take back the POA Stormwater System and maintenance responsibilities, which included French drains. Discussion ensued regarding the efficiency, cost-effectiveness and legalities with the CDD managing the stormwater system on POA ROWs.

Mr. Dean referred to a handout depicting the entire community's stormwater management systems, within the road ROWs. Discussion ensued regarding maintenance of the French drains and stormwater drains. Ms. Womack stated the CDD executed a contract for cleaning the drains on CDD ROWs and she forwarded the information to the POA; the cleanings were already scheduled for the CDD ROWs but, to the best of her knowledge, the contractor has not heard from the POA and no work is scheduled. The consensus was that there is a need to perform a cost analysis and discuss this issue at the next meeting. Mr. Burke discussed the means of conveying easements to the CDD for maintenance purposes.

Ms. Ferris asked if the contemplated action would address the problems that arise when property floods due to drain blockages during a major storm and stated she had pictures and video of flooding on her property. Mr. Burke discussed the CDD's ability to manage the conveyance system and stated Staff would analyze the issues to address the issue. Discussion ensued regarding grading issues, builder issues and homeowner modifications that the POA must correct prior to conveyance to the CDD.

G. Discussion: Pond Aeration

Mr. Starlin discussed the importance of pond maintenance and asked Ms. Ferris to address this issue. Mr. Dean noted that Ms. Ferris gave the Supervisors a packet of information.

Ms. Ferris discussed her longtime concern for the health of the ponds and deterioration of water quality she had observed within the ponds over the past year and a half. She discussed the signs of poor aeration, her research on ponds and the benefits of aeration for a healthy fish population, which can help to manage flies and mosquitoes. She noted that alligator weed can grow out of control and impact the drainage system.

Mr. Starlin asked if there is a downside to aerating the ponds. Ms. Ferris stated the only downside she could see is that the CDD would have to pay for maintenance. She felt that the Lake Doctors proposal for quarterly maintenance was reasonable; the map the contractor provided showed that some ponds would require multiple aerators. The proposal does not include the cost of running electricity to the compressors. She discussed the contractor's recommendations and considerations and stated Lake Doctors was willing to attend a meeting. Discussion ensued regarding the proposal and monthly maintenance costs. Ms. Ferris stated the contractor advised that before spring would be the best time to begin.

Mr. Balduf thanked Ms. Ferris for her research and expressed his opinion that aquatic plants might also be needed to address erosion issues. Noise might be an issue with aerators. He discussed additional concerns and the need to plan for ongoing maintenance costs and suggested discussing a pilot program at the next meeting.

Mr. Holt noted that lift stations may be utilized to provide power. Discussion ensued regarding costs and timing of the project.

Ms. Womack expressed support for aeration, noting that some ponds are in better health than others and that aeration is important for the health of fish and wildlife and decreased oxygen can lead to algae blooms. Carp were stocked in all ponds to help control vegetative growth and chemical treatments were utilized in the Lakeside pond to prevent algae blooms. The proposed aerators would be diffuse type, they would not be visible fountains.

Mr. Dean felt that it is important to maintain aesthetics and prevent pond issues to attract Developers and remain competitive. He noted that Florida is currently gaining 2,000 residents per day. Mr. Starlin felt that it is important to maintain the community over the long term and, in the long term, funds would be well-spent by preserving property values.

Mr. Balduf noted a discrepancy with the number of aerators and diffusers. Ms. Ferris stated she was aware of it and a photo was missing from the package presented but the proposal was correct. She asked for the CDD to investigate removing the invasive alligator weed that the POA was not managing. Ms. Womack would investigate it. Mr. Dean stated this topic would be discussed and actions may be taken at the next meeting.

Mr. Holt stated, from an Architectural Review Board (ARB) standpoint, he believed it is important to maintain the community aesthetics to remain competitive with neighboring communities.

H. Discussion: CDD Landscape Standards

This item was discussed during Item 3D. This was a duplicate agenda item.

I. Discussion: Security Agreement with POA

Mr. Dean stated that the CDD funds the security contract by transferring funding to the POA to manage the contract. He recalled the amount was \$174,000 and requested a copy of the Agreement but he did not receive a complete copy. He stated that complaints were received and, if not resolved, the CDD may want to consider taking responsibility back from the POA.

Mr. Burke discussed the Agreement and stated the POA can act more quickly regarding security issues; the Agreement addressed some legal issues relating to what the CDD may fund on POA property. Discussion ensued regarding the need to establish security standards for the

POA to meet. Mr. Burke stated the CDD assumed responsibility due to the reliability of assessment income and stated he would forward the Agreement to the Board for review.

Resident Laura Maxwell stated the POA was preparing to go out to bid due to the upcoming expiration of the contract and suggested, if the CDD was expecting the POA to manage the security, it would be a good time to incorporate standards into the process, due to the turnover of the cameras and possible loss of knowledge of duties and responsibilities. Mr. Dean agreed that seamless collaboration with the POA is essential.

Mr. Holt left the meeting briefly at 3:50 p.m.

THIRD ORDER OF BUSINESS

Consent Agenda Items

- A. Acceptance of Unaudited Financial Statements as of October 31, 2020**
- B. Approval of October 19, 2020 Virtual Regular Meeting Minutes**

Mr. Burke presented the Consent Agenda items.

On MOTION by Mr. Balduf and seconded by Mr. Dean, with all in favor, the Consent Agenda Items, as presented, were accepted and approved.

Mr. Holt returned to the meeting at 3:52 p.m.

FOURTH ORDER OF BUSINESS

Staff Reports

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

Ms. Womack reported the following:

- Stormwater Drain Cleaning Within CDD ROWs: A contract was executed on November 24, 2021 with Gulf Coast Utility Contractors. Cleaning would begin within the next two weeks.
- Annual Water Quality Monitoring Event: Monitoring was completed in mid-November and the results were pending. No concerns were anticipated and, as soon as available, the Report would be submitted to the regulatory agencies. Annual reporting would be continual.
- 2020 Mitigation Areas Monitoring Report: The Report was submitted to the regulatory agencies today. When Cypress Environmental started, a significant number of areas were not in

compliance; of approximately 39 mitigation areas, 24 were not in compliance. Yesterday's Report included seven active work areas, which was a significant decrease. Once all areas are in compliance, maintenance would be required and monitoring reports would not.

➤ County Assumption of Wild Heron Way from Highway 98 to the Guard Gate: Comments from the County indicated, with recommended repairs made, the County would be willing to consider assumption of the roadway; however, the County will not accept assumption of the Covington Bridge. The Report did a good job identifying areas on the roads and the bridge that require attention. The County stated, even if the bridge passes a Department of Transportation (DOT) inspection, the cracks require sealing, overlay and restriping to DOT standard. Roberts & Roberts initially estimated a cost of \$250,000, with 1" of asphalt; a formal proposal was requested with 1½" of asphalt. A proposal was requested from GAC and a proposal would be requested from CW Roberts, to be due on or before December 18, 2020, in the hopes that proposals may be considered at the next meeting. Some items need to be addressed proactively, notwithstanding transfer to the County.

Mr. Dean expressed his opinion that transferring the road to the County is a high priority given the five-year plan for development. He asked who would have the original drawings and specs for the bridge. Discussion ensued regarding the County's reluctance to assume the bridge.

Mr. Carroll recommended considering the proposals and, if the County is willing to accept the road, entering into good faith discussions. He noted that certain guarantees or bonds may be offered.

Mr. Balduf agreed and discussed wishlist items, including addressing safety hazards on the bike path and ancillary roads inside the gate. Mr. Dean agreed and stated that ROW safety hazards must be corrected quickly.

Mr. Starlin noted the bridge required repairs in the past and he believed that may be why the County is hesitant to accept the bridge. Ms. Womack stated she was hopeful the County would accept the bridge and stated one of the problems the County noted was pavement over the bridge deck. Discussion ensued about the bridge repairs. Mr. Burke was optimistic about working with Bay County because they were reasonable. He noted that the

CDD adopted a rule such that, with a few exceptions, anyone connecting to that road may be assessed a fee but it is preferable for the County to accept the bridge.

Mr. Balduf thanked Ms. Womack for her work on the matter and asked if controlled burning in the conservations areas was planned.

Ms. Womack stated she contacted the Division of Forestry (DOF) and was advised that many of the areas were utilizing private controlled burn contractors, at their own expense. The CDD had a prior arrangement with DOF whereby burns were done at no charge to the CDD. She would remain in touch with the DOF.

Mr. Balduf noted that some landscape lights needed attention. Ms. Womack stated she must inspect; however, a streetlamp was replaced when the bridge lights were replaced by BrightView. Mr. Balduf stated there was an issue with the uprights on the sign by the bridge and a transformer may be required; the POA was asking the CDD to share the expense. Ms. Womack would look into it and report her findings.

➤ Bridge Repairs: Running boards have been on backorder for fourteen weeks. Upon receipt, the boards would be replaced and painted so that all match. The boards were specialty width, treated wood.

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*

- **NEXT MEETING DATE: January 4, 2021 at 2:00 P.M. (Central Time)**

- **QUORUM CHECK**

All Supervisors confirmed their attendance at the January 4, 2021 meeting.

FIFTH ORDER OF BUSINESS

Public Comments

There were no public comments.

SIXTH ORDER OF BUSINESS

Supervisors' Requests

There being no Supervisors' requests, the next item followed.

SEVENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Starlin and seconded by Mr. Dean, with all in favor, the meeting adjourned at approximately 4:16 p.m., Central Time.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair