

**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 February 5, 2024 at 2:00 p.m. (Central Time), at First Baptist Church - Sunnyside, 21321 Panama City Beach Pkwy, Panama City Beach, FL 32413.

Present were:

David Holt	Chair
David Dean	Vice Chair
Jerry Robinson	Assistant Secretary
Thomas Balduf	Assistant Secretary
Frank Self (via telephone)	Assistant Secretary

Also present:

Jamie Sanchez	District Manager
Cindy Cerbone	Wrathell, Hunt and Associates, LLC (WHA)
Mike Burke	District Counsel
Robert Carroll	District Engineer
Bethany Womack	Ecologist/District Operations Manager
Courtney Bolla	POA Manager

Residents present:

Ken Black	Terry Olson	Paul Pishal	Jennifer Ross	Patti Undercoffer
Chris Dig	Tom Kerins	Chris Brown	Eddie Levick	Steven Undercoffer

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Sanchez called the meeting to order at 2:00 p.m.

Supervisors Holt, Dean, Robinson and Balduf were present. Supervisor Self attended via telephone.

Ms. Sanchez distributed a revised agenda letter and stated that some Orders of Business will be presented out of order.

SECOND ORDER OF BUSINESS

Public Comments

Ms. Sanchez explained the protocols for public comments.

Resident Terry Olson noted that, due to wildfires last fall, he and two nearby residents are concerned about overgrown conservation lots. He asked if the CDD or POA will initiate a Firewise Program to treat the area once or twice a year.

Resident Steven Undercoffer submitted a comment card and chose to defer his comments later in the meeting.

As to Mr. Olson’s earlier comment, Ms. Womack stated that various subdivisions have allowed the CDD to include conservation areas with structures as part of the CDD’s Firewise Program or part of the mitigation permit. Firewise cutting is scheduled for this week for the vacant lots on the POA side and the wetland mitigation zones, like the one behind Little Hawk Lane, are scheduled for April. The environmental permit allows some hand cutting in the vegetative natural buffers on Landowner property but that is only approved on a case-by-case basis.

Ms. Womack will inspect the areas in question with Mr. Olson and report her findings at the next meeting.

THIRD ORDER OF BUSINESS

Update: Gatehouse Report

This item was presented following the Seventh Order of Business.

FOURTH ORDER OF BUSINESS

**District Counsel:
Consideration/ Update**

Discussion/

Mr. Burke stated he has no updates on Items 4A, 4B and 4C.

- A. Stormwater Facility Management Services Agreement (CDD approved, awaiting POA approval)**
- B. POA Maintenance Agreement (CDD approved, awaiting POA approval)**
 - **Landscape Standards**
- C. Possible Land Swap with the POA for Gate Installation at Wild Heron Way and Pinfish**

Board Members discussed Sherri commenting about POA Counsel’s recommendation on whether to execute documents for Items 4A and 4B.

It was determined that Staff must confirm that these items can be removed from future agendas. POA Board Member Mr. Olsen will have the POA contact Mr. Burke if there are any legal

questions and, if not, send a formal email to the District Manager’s office indicating that no further action is needed on these matters.

FIFTH ORDER OF BUSINESS

District	Ecologist:	Discussion/
Consideration/	Update	

A. Perimeter Fencing Behind the Courts

Ms. Womack will email the color-coded map she prepared showing gaps in the fencing.

Discussion ensued regarding a suggestion to implement a hog program instead of installing a fence, which is cost prohibitive and likely not as effective in preventing damage to CDD property.

This item will be removed from future agendas.

Mr. Holt would obtain proposals to implement a hog program for the next meeting.

B. Conservation Easement Swap Proposals

Ms. Womack stated that the delay submitting a proposal is because the Surveyor is having difficulty obtaining the Computer-Aided Design and Drafting (CADD) files but he hopes to submit it by the end of the week. This item will remain on the agenda.

C. The Lake Doctors, Inc. October Inspection Report

The January 2024 Lake Doctors Report for Pond Management indicates most of the ponds look good. Ms. Womack responded to questions on the following matters:

- Regarding cattail, the areas will be monitored and treated in this quarter or the next, as needed, since they must be kept under control, per the stormwater permit.
- Regarding Florida Power & Light (FPL), she will check with the Engineer on the status, as she sent them the County’s permits several times.
- Regarding aerators, several are being repaired due to wear and tear; the aerators are still under the five-year warranty period.
- Regarding cogon grass, Ms. Womak identified a few other CDD areas last week that BrightView will need to treat, as well as some on the golf course.

Ms. Womack stated that she expects the shadowboxes for the solar speed signs to be installed by the end of next week.

Discussion ensued regarding tracking vehicles, the best way to address speeding and visibility issues, installing a stop sign at the golf course crossing, additional stop signs, hiring police

patrols and Officer Murphy providing the Security Committee with four suggestions for Salamander Trail to install speed humps, radar and speed signs.

Ms. Cerbone noted that, in certain Counties, it is easier to obtain approval for speed tables than for speed humps, as that requires a traffic study.

Mr. Carroll was asked to obtain proposals for four-way stop signs at the circle and golf course entrance and “Stop ahead” signs for before the golf course crossings.

SIXTH ORDER OF BUSINESS

Discussion: St. Joe’s Response Regarding Joint Meeting with Counsel

This item was presented following the Ninth Order of Business.

SEVENTH ORDER OF BUSINESS

Consideration: of New Leaf Service Proposals

Mr. Holt stated that, due to safety concerns, the following proposals were obtained:

- **1511 March Point lane (\$475)**

Mr. Dean offered to cut up the trees for free, once they are cut down, and donate the logs to the CDD for firewood. The Board declined Mr. Dean’s offer due to liability concerns.

On MOTION by Mr. Holt and seconded by Mr. Balduf, with all in favor, the New Leaf Tree Service Proposal to cut down and dispose two Sand Pine trees at 1511 March Point Lane, in a not-to-exceed amount of \$475, was approved.

Mr. Burke advised Mr. Self that he can participate in the discussions via telephone but his vote can only count if his absence is due to a medical condition. Mr. Burke stated that he confirmed with Mr. Holt, prior to the meeting, that his absence is due to a medical condition. Ms. Sanchez confirmed that Mr. Self’s vote is in favor of the proposal.

- **Marsh Point Lane Near Fenced in Equipment Area (\$800)**

Mr. Holt motioned to approve the proposal. The motion died due to lack of a second.

This item was tabled so the Board Members can individually inspect the area.

- **New Leaf Service Proposal - 1610 Sharks Tooth Trail**

This item was an addition to the agenda.

Ms. Womack obtained this proposal after notification of a dead pine tree in the retention area at 1610 Sharks Tooth Trail.

On MOTION by Mr. Balduf and seconded by Mr. Dean, with all in favor, the New Leaf Tree Service email Proposal to cut down and dispose of a tall 48” dead pine tree at 1610 Sharks Tooth Trail, in a not-to-exceed amount of \$1,250, was approved.

▪ **Update: Gatehouse Report**

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

This item was included for informational purposes.

Ms. Cerbone explained why the Sixth, Eighth Order and Ninth Orders of Business are directly and indirectly related to this agenda item.

A Board Member voiced their opinion that, as it is a public road, Security should have allowed access to a visitor who had a tee time, instead of turning them away. A Board Member asked that Jennifer make sure the Post Orders include Ms. Cerbone’s suggestion about ensuring new Security personnel are told to ask for information and then allow visitors access.

Mr. Dean discussed an issue of contractors leaving workers behind and spending the night.

Mr. Dean read the letter distributed in the meeting, from Security Captain Vicky Whitman, about her resignation from the CDD security post, returning and then resigning again at the end of December 2023, as well as other security personnel leaving, due to being disrespected and harassed by POA staff.

EIGHTH ORDER OF BUSINESS

Discussion: Terminate Letter of Agreement Regarding POA Managing the Entry Welcome Center

Mr. Dean motioned to terminate the Letter Agreement with the POA for the POA to manage the entry Welcome Center. The motion died due to lack of a second.

Ms. Cerbone suggested proceeding with the other related agenda items and readdressing this item later in the meeting, if warranted.

NINTH ORDER OF BUSINESS

Discussion: Feasibility of O&M Methodology Update Regarding Properties Currently Within District Boundaries (no outside impacts)

Mr. Burke suggested proceeding with discussion of a Feasibility Study as St. Joe will not participate in the Agreement until and if they decide to issue an Assessment Methodology Report.

Mr. Holt stated that he heard rumors of building another golf course because members are unable to get tee times. He thinks that the CDD should work with the POA on the Post Orders and ask St. Joe to pay its fair share towards CDD infrastructure, which includes roadways, bridges and security.

Since St. Joe owns land on both sides of the road to the front gate, Mr. Holt wants St. Joe to execute a 50% shared maintenance agreement for Covington Bridge and provide \$350,000, which is about half the cost to repave the road from Highway 98 to the front gate. He noted that the CDD spent \$125,000 on the bridge. He suggested engaging an Architect specializing in roads to redesign the front gate to allow for more traffic.

A Board Member expressed their opinion that the CDD should bring the assessment levels up to 2024 standards.

Discussion ensued regarding St. Joe changing its position to make contributions based on whether or not the CDD proceeds with a Feasibility Study.

It was noted that the CDD might be successful if it does not take an adversarial approach.

Ms. Cerbone stated that St. Joe's Operation and Maintenance(O&M) assessments are 7.4 times more than CDD homeowners' assessments. Using the same methodology the Developer used to validate the bond debt might result in a significant assessment increase to the CDD homeowners.

Mr. Self left the meeting momentarily and returned shortly thereafter; he was not present for the following vote.

On MOTION by Mr. Holt and seconded by Mr. Balduf, with Mr. Holt, Mr. Balduf and Mr. Robinson in favor and Mr. Dean dissenting, removing agenda item "Discussion of Feasibility of O&M Methodology Update Regarding Properties Currently Within District Boundaries" from future agendas, was approved. [Motion passed 3-1]

▪ **Discussion: St. Joe’s Response Regarding Joint Meeting with Counsel**

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

Mr. Burke presented St. Joe’s response outlining items discussed in the joint meeting with Counsel.

Mr. Carroll was asked to research the amount spent over the life of the bridge.

Mr. Holt suggested the CDD and POA appoint one spokesperson to discuss the CDD’s request for a bridge agreement and money for the road and the POA’s needs, with St. Joe.

Discussion ensued regarding St. Joe using the RFID reader and determining the amount to put in reserves for future bridge maintenance.

Ms. Womack asked if the CDD will still be able to assess the property if St. Joe contributes \$100,000 to the CDD and then decides to develop the surrounding property. Mr. Burke stated accepting St. Joe’s contribution will not exclude the CDD from assessing them for connecting to CDD infrastructure. The POA has more leverage with St. Joe than the CDD.

Mr. Burke presented photographs of St. Joe encroaching in various conservation areas. Ms. Womack noted that most of the areas encroached upon will re-vegetate naturally once the material is removed; however, they will need to implement a restoration plan for one side of Salamander Trail.

On MOTION by Mr. Robinson and seconded by Mr. Balduf, with all in favor, directing District Counsel to inform St. Joe of its encroachment violations and provide a plan for restoration, was approved.

On MOTION by Mr. Holt and seconded by Mr. Dean, with all in favor, directing District Counsel to pursue St. Joe to have St. Joes pay an additional 50% over the life of Covington Bridge so the CDD can place the funds in the reserves for future bridge maintenance and ask St. Joe to contribute \$350,000, versus \$100,000, to the CDD to pave Wild Heron Way, was approved.

TENTH ORDER OF BUSINESS

Consideration of Resolution 2024-01, 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. Sanchez presented Resolution 2024-01. Seats 1, 3 and 4, currently held by Mr. Holt, Mr. Balduf and Mr. Robinson, respectively, will be up for election at the November 2024 General Election. She reviewed the candidate qualification process. Candidates must qualify to run for election during the candidate qualifying period, which runs from noon, June 10, 2024 to noon, June 14, 2024.

On MOTION by Mr. Robinson and seconded by Mr. Dean, with all in favor, Resolution 2024-01, 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.

ELEVENTH ORDER OF BUSINESS

Consideration of Resolution 2024-02, Approving a Spending Threshold; Authorizing the District Manager and the Chairman of the Board of Supervisors to Approve Expenditures; Providing a Severability Clause; and Providing an Effective Date

Ms. Sanchez presented Resolution 2024-02.

The Board Members discussed reducing the routine spending limit threshold from \$10,000 to \$5,000.

Ms. Cerbone gave examples considered routine O&M and emergency repairs. Mr. Self dissented approving the Resolution because it did not describe what constitutes emergency repairs.

The following change was made to Resolution 2024-02:

6th Whereas Clause and throughout: Change “District Manager or the District Chairman” to “District Manager and the District Chairman”

Page 2, Section 2, Item a: Change “Ten Thousand Dollars (\$10,000.00)” to “Five Thousand Dollars (\$5,000.00)”

On MOTION by Mr. Balduf and seconded by Mr. Dean, with Mr. Balduf, Mr. Dean, Mr. Holt and Mr. Robinson in favor and Mr. Self dissenting, Resolution 2024-02, as amended, Approving a Spending Threshold; Authorizing the District Manager and the Chairman of the Board of Supervisors to Approve Expenditures; Providing a Severability Clause; and Providing an Effective Date, was adopted. [Motion passed 4-1]

TWELFTH ORDER OF BUSINESS

Consideration of Resolution 2024-03, Relating to the Amendment of the Budget for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023; and Providing for an Effective Date

Ms. Sanchez presented Resolution 2024-03. Ms. Cerbone stated this Budget Amendment is necessary because some expenditures exceeded budget; this action will avoid a finding in the annual audit. Reserve funds are being used to offset the overages.

Mr. Holt asked if the CDD will be replace the reserves in Fiscal Year 2024 for the money spent on the road in Fiscal Year 2023. Ms. Cerbone stated it depends on the direction of the Board when preparing the proposed Fiscal Year 2025 budget. Mr. Holt asked if there are sufficient funds to pave the road from the gate to Highway 98. Ms. Cerbone replied affirmatively; she will explain funding during the next agenda item.

On MOTION by Mr. Balduf and seconded by Mr. Robinson, with all in favor, Resolution 2024-03, Relating to the Amendment of the Budget for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023; and Providing for an Effective Date, was adopted.

THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2023

Regarding funding to pave the entire roadway, Ms. Cerbone stated that to do so, the Board could deplete funds from the "Roadway resurfacing 98 to guard house" and the "Committed fund balances" budget lines items.

The Board directed Ms. Womack and Mr. Carroll to close the road and build a fence to seize and desist.

On MOTION by Mr. Robinson and seconded by Mr. Balduf, with all in favor, Unaudited Financial Statements as of December 31, 2023, were accepted.

FOURTEENTH ORDER OF BUSINESS

Approval of December 4, 2023 Regular Meeting Minutes

On MOTION by Mr. Holt and seconded by Mr. Dean, with all in favor, the December 4, 2023 Regular Meeting Minutes, as presented, were approved.

FIFTEENTH 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

• Memo Regarding State Mandated Ethics Training for CDD Supervisors

Mr. Burke highlighted key information in the Memorandum regarding what Board Members must do to fulfill the required ethics training requirement. The Memorandum includes a link to a recommended four-hour online course and information about reporting it on Form 1.

Ms. Cerbone reviewed the new process for Supervisors to fulfill the ethics training requirement and electronically filing Form 1 with the Commission on Ethics instead of with the local Supervisor of Elections office.

C. District Engineer: McNeil Carroll Engineering, Inc.

There was no report.

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

• NEXT MEETING DATE: March 4, 2024 at 2:00 PM (Central Time)

○ QUORUM CHECK

SIXTEENTH ORDER OF BUSINESS

Board Member Comments

A Board Member asked about the status of determining who owns the fence at the front gate. Mr. Robinson recalled that the POA pressure washed the fence and stated he heard St. Joe was repairing a dilapidated section of the fence.

Mr. Self asked Mr. Carroll the status of his request for the boring sample results. Mr. Carroll will respond to him today.

Regarding the ethics training requirement, Ms. Cerbone stated that Supervisors should expect an email from Ethicsfdmsinfo@maildisclosure.floridaethics.gov, no later than February, which will provide instructions on registering with the Commission on Ethics. She reiterated the new process of electronically filing all Financial Disclosure Forms, such as Form 1, with the Commission on Ethics instead of with the local Supervisor of Elections office.

SEVENTEENTH ORDER OF BUSINESS

Public Comments

Resident Ken Black stated that, after extensive research, vendors implementing new technology that would control access and simplify the Post Orders has been narrowed down to two; proposals will be presented to the Board.

Resident Eddie Levick stated he prefers the church meeting location to Sharks Tooth. He expressed concerns about safety and discussed his belief that a traffic light is needed at Wild Heron Way and Highway 98. He thanked the Board for extensively discussing security, which is a major concern to him and his wife, due to recent vagrants and reported theft in the area.

Ms. Cerbone emailed the Board regarding ethics training and filing Form 1, the latter, for calendar year 2024, will be included on the next agenda. Regarding the meeting location, she asked Mr. Dean to discuss with the Pastor the ability to conduct CDD meetings at the church, since the St. Joe Amenity Center is being renovated.

On MOTION by Mr. Dean and seconded by Mr. Holt, with all in favor, authorizing Ms. Cerbone, Ms. Sanchez and Mr. Dean to work with the Pastor on scheduling CDD meetings at the church and paying First Baptist Church at Sunnyside a payment amount not-to-exceed \$500 per meeting, was approved.

EIGHTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Holt and seconded by Mr. Dean, with all in favor, the meeting adjourned at 5:29 p.m., Central Time.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair
