

**MINUTES OF MEETING  
PORTOFINO ISLES  
COMMUNITY DEVELOPMENT DISTRICT**

A telephone conference meeting of the Board of Supervisors of the Portofino Isles Community Development District was held on Tuesday, June 9, 2020 at 10:00 a.m. It is being held in accordance with the Office of the Governor, Executive Orders authorizing the use of communications media technology, the Board of Supervisors and members of the public may attend and participate in the meeting utilizing the call-in information 1-646-749-3112, Access Code: 932-070-317#.

Present and constituting a quorum were:

Dan Duncan  
Ronald Willemstyn  
Frank Austin

Chairman (via teleconference)  
Vice Chairman (via teleconference)  
Assistant Secretary (via teleconference)

Also present were:

Ginger Wald  
Paul Winkeljohn  
Butch Terpening  
John Jado  
James Phillips  
Joseph Clarke

District Counsel (via teleconference)  
District Manager (via teleconference)  
District Engineer (via teleconference)  
Field Supervisor (via teleconference)  
South Florida Water Management District  
Resident

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Winkeljohn called the roll and stated we have a quorum.

**SECOND ORDER OF BUSINESS**

**Approval of the Minutes of  
the April 14, 2020 Meeting**

Mr. Winkeljohn: The minutes from the April 14th meeting have been circulated, if those are in order a motion to approve would be appreciated, and please state your name for the record.

On Motion by Mr. Willemstyn seconded by Mr. Austin with all in favor, the Minutes of the April 14, 2020 Meeting were approved.

Mr. Winkeljohn: James Phillips is here from South Florida Water Management and I just wanted to make best use of his time, but if he's able to stay for our whole meeting, we have a lot to sort out to put it frankly, and we've done a lot of forward progressive actions and we have a lot more to go, but in case all the Board members are not familiar, there was correspondence from South Florida Water Management regarding intrusion into the preserve which is something we've been working on for many months trying to figure out our best course of action, and with that violation Butch and Dan and I have been talking pretty frequently the last few days with Ginger on all the options for the District, and if you guys want, I'll give a quick summary of that, if that's ok just nod and I see everyone is nodding their heads. So, basically we all know the preserves about many of the homes, we also know we sent letters to homes on the upland preserves, as well as the lakes, and a third category of Jamesport where our wall had issues, and those letters were intended to be positive, proactive, and informative, and I think they did that. There were some discoveries after the letters went out that we'll deal with later, but the actual ownership of lake banks and how to maintain the lakes, I'm going to park that topic because what we want to talk about first is the preserve. The preserve issues we knew, and we took an active inspection program, we have a hired staff person, John Jado, who has been touring the property and looking for these items. He's identified I believe 6 or maybe 7 fairly minor issues with the preserve, there's always been the one that sort of sparked all of this where we felt the person intruded into the preserve at an extremely significant level, 50 feet or so, and did a lot of clearing. The reality is, even though we've added the discussion and have a rules hearing in August, and I'll cut to the point, we are not an enforcement entity, we do have police powers, we cannot send a fine, we cannot lien someone's house like a homeowner's association can and add fines on a daily basis. Like all of those, what you would expect reactions from an owner of a preserve to be able to do, we actually cannot do easily or directly against an individual resident. You may

remember the Board discussed and held off on our letters back in the fall, in October, asking staff to send a letter to the homeowner's association which was sent and they received, however, they did not react or offer any assistance in adding a rule or a procedure where they could help us with the enforcement, and with that silence we proceeded in the spring to generate the letter concept. We waited until May to allow better timing because of the COVID-19 isolations and such, we thought it would seem awkward us getting in the middle of this. At that point as restrictions eased in St. Lucie County, we sent our letter. At the same time, James sent us notification that we are in violation of our permit because of the intrusion of either one or more homeowners, and frankly I just don't know, we don't have 100% history but we have a pretty good idea that one happened awhile ago. All that said, Ginger advised us and she can elaborate as needed, that our course of action, our recourse is basically through the civil court system, through some sort of small claims court, or issue. I asked Butch to explore the city and the county's reaction, many counties and cities have urban foresters, or preserve protection programs where they have an enforcement arm that could possibly serve as our proxy in this respect, and to Butch's knowledge to summarize, there is no history of the city or county ever participating on this level. The summary of all of that is, we're sort of stuck with very little direct effective enforcement options, that's my characterization, but I wanted to bring us all up to speed on that state of mind whether you agree or disagree, or have amplification that's fine. So, I'll put it there and the course of action is really what I think we should be talking about, but I'll hand it over to the chairman for his input if you don't mind Dan?

Mr. Duncan: Sure. Well, as I think about the issue.

Mr. Winkeljohn: If you have your phone on Dan, one of them has to be muted.

Mr. Duncan: Ok.

Mr. Winkeljohn: Perfect, go ahead Dan.

Mr. Duncan: Ok, so as I thought about this issue, I look at this issue as 3 different objectives. The main objective is to preserve the natural preserve as a part of the permit. The next objective is actually related to minimizing the cost to the taxpayers, which I tried to do in each of the actions that we take, but the third objective is to preserve natural preserve in the future.

Mr. Winkeljohn: Long term.

Mr. Duncan: Right, so as I see there are two different ways to do it. One, obviously the one with the less headaches is for the CDD to go and re-fence all the areas that had been violated by the homeowner. That would solve the permit, that would have some cost to the homeowners, but would not solve anything about the future preservation of the land that is in our care. So, as I look at the seven different violations, one violation is an egregious violation of at least 4,000 square feet. The other ones are what I call relatively minor violations. So, we have a moral obligation I think to fulfill my third objective which is called the moral part of it, and not allow, if we actually go in and repair all the damage, that will be a grandfather rule that we would not be able to go morally after any homeowner in the future. I say to Ginger that if you repair today at no cost to homeowners, how in the future will you be able to have any moral standing and go after a future person that destroys the natural preserve?

Ms. Wald: This is Ginger, so I'm not going to talk morally, I'm going to talk legally because I'm your attorney. With that, you can and I think it's recommended by your District manager, you should proceed with a demand as to each one of these adjoining landowners for the actions that they have taken, or someone has taken on their behalf and one, clearing out and then allowing the invasives and exotics to grow in those areas in the preserve without any legal ability to do so, and in that realm you have two parts that Paul has identified, and you also have identified Dan. One, the District is the permit holder with South Florida Water Management District, so the District has the obligation to bring the preserve back to the permit status pursuant to what has already been provided to you in regards to the letter that was received by South Florida Water Management District, and then also the Hope Sound Environmental Consultants, Inc. that your District engineer went ahead and retained on behalf of the District to get a report as to what needed to be done, that's number one. As to the costs, I believe that it would make sense for a demand letter to be sent to each one of these homeowners for either that percentage or that actual amount which would have to be calculated for the damages, the repairs that have to be done because of their activities, or activities that were taken on their behalf, and then it would be up to the Board what to decide from that point depending on the response that you would get from each of these

homeowners or non-response that you would get from each one of these homeowners whether you wanted to proceed legal court action against them.

Mr. Duncan: Ginger, we already approached the 1822, which is the egregious violation, and the answer was, I intend to do nothing, take a hike, so we know that. So, at this moment we are trying to decide on a plan of action, sure, we'll send an official letter, we already summarized the conversation that Frank and John had with the homeowner. So, we know what the response is, so what we are talking about is the "if statement". I have no problem with us having a plan to replant in compliance with the permit, and pay the money. Out of the discussions that you had with our District manager, with Paul, I heard a lot of this, oh you know to go legally after them you cannot prove that they did it. Secondly, or if you don't have a fence, or if you don't have a sign saying that it's a problem to put in plants like that. My position is very clear, I'm a neighbor, irrespective of the environmental issue, somebody trespassed on my property and destroyed my property, that's a simple thing that is not related to the environmental issue. So, I don't need a fence between two homeowner's properties for somebody not to come into my property, as a matter of fact, this lady not only was it was cleared behind her property, but cleared something adjacent to the neighbor's property. So, as far as I'm concerned, this is a simple thing of trespassing and destroying property that belongs to the CDD. It has nothing to do with the homeowner versus CDD, versus HOA, that a Florida homeowner usually does, it's a very simple case. My personal thing, which I would not have done on the other 6 homeowners, which did minor damage, which I think all of them would agree to pursue remediation, but we have to stop and the community will know that we are very serious in protecting the land that's in our care. So, I think I've said enough now, I do not know what is the appropriate place, because obviously you write a letter, you give some time for her to respond, and you continue that, but because I think it is a simple property and I don't know what is the third step, to have a police report, and file a complaint.

Mr. Winkeljohn: Dan, I think your audio went out on your phone. Dan are you there? We're not hearing you anymore, I think your phone went out.

Mr. Jado: Paul, do you want me to call him?

Mr. Winkeljohn: If you don't mind, yes.

Ms. Wald: Paul?

Mr. Winkeljohn: Yes ma'am, go ahead Ginger.

Ms. Wald: Why don't you just send him a text now, so he knows, just in case he can't hear us.

Mr. Winkeljohn: Yes, I'll do that.

Ms. Wald: Then maybe while we're waiting on Dan you might want to move to one of the other Board members to see what they think.

Mr. Winkeljohn: Yes, that's a great idea.

Mr. Austin: Well, I can give you some additional details on this Paul.

Mr. Winkeljohn: Go ahead Frank.

Mr. Austin: We talked to the person at 2206 yesterday, and he has sent an email, he's agreeable to work with us on a plan to be in compliance, and as the letter I send to you yesterday, we met with Beverly over at 1822, and she states that she is not willing to do anything because she didn't move anything, she just simply cut back for safety reasons. So, I went online and looked at that address, and it shows that when she bought the house in 2010 what the back area looked like, and there is vegetation and trees and shrubs there.

Mr. Winkeljohn: Right, and I want to put an idea out there of all of the above basically, I think is the right answer. I think on one parallel track, we have the face to face, the one on one relationship between John and Frank you seem to be getting involved in it, and that works for me, and work on a one on one basis with each person and move forward with the best option for them. The second parallel track is an enforcement with anyone who is not cooperative, an enforcement action, I'll call it Ginger's best recommended practice to keep costs reasonable, to keep the approach as effective as possible within reason, I mean something along those lines and we can elaborate that later. The third parallel action I would strongly recommend is an external one where we look to the city, we look to the county, and I'm still pushing the HOA at my level to look for an additional enforcement capability. Perhaps a commissioner could approve a program where they would enforce such a thing, and help us strengthen the long term solution that Dan mentioned by having something down the road come up that gives us even better enforcement capability, but the most immediate

thing that we need action on from the Board I believe is to authorize us to start repairing on the first level. The long term repair is something we have to talk a lot more about, what the best practice would be for dealing with invasives, because frankly our current preserve management program has failed us. We have not gotten direction from them that we're behind or not sufficiently up to speed on our exotics removal, and that's really a fifth discussion for later. So, if the Board likes that multi-track approach, I think the action item today is to authorize, and we can hear from Butch shortly on what he thinks the order of magnitude is on a repair. If we have a parallel enforcement and legal package to hand, so that Dan's comment about letting somebody off the hook and fixing it for them, I like the way he put it, but I also think you have to do all of the above at the same time, that it's a simultaneous, all front approach.

Mr. Duncan: Excuse me Paul.

Mr. Winkeljohn: Yes, go ahead Dan.

Mr. Duncan: The only thing is, I agree with whatever you think, but I want a practical thing that needs to be on the record. Number one, the proposal that Hope Sound Environmental made has to be sent for approval. Can you hear me?

Mr. Winkeljohn: Yes.

Mr. Duncan: Ok. So, number one the proposal for the Hope Sound, has to go to South Florida Water Management for approval for each of the 7 problems.

Mr. Winkeljohn: Ok.

Mr. Duncan: I also want John and Frank to go and talk to each of the 7 homeowners and try to gauge and show them the letter from South Florida Water Management, and try to gauge their interest in reaching a reasonable approach to bring the property in compliance. In addition, Paul with Ginger has to send a violation letter as soon as possible. We've talked about these violations for 2 weeks, so as soon as possible, we have certain dates to resolve the problems. So, I would like this letter to be sent out, it's a very simple letter that basically says you are in violation, and you have to actually restore the property.

Mr. Winkeljohn: Ok.

Ms. Wald: Yes.

Mr. Duncan: The letter should also give them please contact Ginger, or whoever, the District, or whoever, within a week with your intentions. Then I would like to go in parallel for one property which we know that she doesn't intend to do anything, and I would like to, well actually I do not know, Ginger knows, if she needs a police report, but what I would like to see, I would like to see a trace tracking and the destruction of property on that, all of them at the same time, within 30 days, and I hope that we'll have a plan from South Water Management District. I am pretty sure that the 6 homeowners with minor infractions, or what I call minor infractions will agree to take care of their violations. The only one that I'm actually concerned about is the 4,000 square feet, 1822, and now it's obviously under water, and we have pictures of how the natural preserve looked, we know when it happened, we know the neighbor knows, and I think the neighbor complained to South Florida Water Management.

Mr. Winkeljohn: Right.

Mr. Duncan: So, this is my proposal.

Mr. Winkeljohn: Very good. Let's move on to Butch and James, since they've been patiently waiting real quick, and we'll get back to the answer from Ginger on his enforcement procedures, if you don't mind I can split it up that way. Butch, could you bring us up to speed on the order of magnitude in case all the Board hasn't really grasped, we haven't talked about that, and then maybe something from James on the approval process and James if you have any magic wands on enforcement we'd like to hear about that too.

Mr. Terpening: Thanks Paul. This is Butch Terpening for the record. You mentioned earlier, we had retained Hope Sound Environmental, which for the record, his staff actually worked back in the 90s on permitting the project, so he does have some historical knowledge based of the intent and the permits. They went out in the last week, did a site inspection, and had provided a program of planting and an opinion of probable cost based upon current market conditions for these sites of restorations. One element that we were in question with on the 1822, there's existing 4 palm trees, I did have a question in looking at it where those were natives, and could be left there on 1822.

Mr. Duncan: The palm trees are on her property.



Mr. Winkeljohn: Ok.

Mr. Terpening: They are Mr. Chairman, and my question to Hope Sound Environmental was, do these palm trees classify as native palms or are they technically invasive and should be removed. I don't know that answer, but having said that, they have got a proposed planting plan, and we received it yesterday. We have not had an opportunity to reach out to James and talk to him, nor submit to the Water Management District, but the next step would be to upon authorization of the Board, reach out to James, submit to him the proposed program of these plantings and get the District approval prior to the next steps of activity.

Mr. Duncan: One comment, I think that they summarized the cost of the plants, but not the cost of planting the plants, usually you have to work out those two.

Mr. Terpening: I did confirm with Hope Sound Environmental, he used prices from a couple of nurseries and then multiplied it by 3, I do think the estimate is low, I would still double it, I'm with you, it just seems very low, especially since accessibility to it, especially on like 1822, homeowners may not be very receptive of us crossing their property, so accessibility to plant may be a longer route. So, I would budget a number higher than his estimate. The next step I think is to really reach out to James, and submit this document, let him look at it, approve the plant material. Hope Sound Environmental did say it was consistent with the original plant pallet for the area, and James I don't know if you agree with that procedure, or the ability to tell us whether you think that timeline to review the planting plan and how that would fit into your schedule.

Mr. Phillips: This is James. I will be back in the office tomorrow, and as soon as I get there, I can review anything you've submitted to me in one day, and I don't foresee any problems knowing you and Hope Sound Environmental, I think it should be very straight forward. So, I can turn around the review of the planting plan quickly if that answers that question. If they did plant something in the preserve, the only entity that is allowed to plant anything in there is the CDD, if those palm trees fit the target community that was part of that mitigation and Hope Sound deems it's still to be appropriate, than that's fine, but I don't want people to think that they could go plant something in there, even if it's a native plant.

Mr. Duncan: James, this is Dan Duncan. The palms trees that the homeowner planted at the very beginning we considered in 2010 is actually at the border of their land, which means it's inside their land and we checked that. We had nothing to say about what the homeowner can plant on their land, that's one. The second thing is that, even if you approve the plan, we would not be able to provide the plantings because the area is plotted. We would have to be given at least 6 months for the rainy season to end to have access to that because in some areas it's 4 feet of water, so we cannot do anything so we would like you to understand that we'd like to do it as soon as possible within the contents of the land.

Mr. Phillips: Alright, and hurricane season is coming and there may be other unforeseen rain events, so what Bob can send me is a request with a table or a timeframe in there, but a hard date in it, and I think 6 months is too long, but he can come up with one hard date, but then state that as soon as the water levels are down, and the danger of drowning the plantings is over, that's when it will take place, and then I'll respond and then we'll just stay in touch on that level. Obviously, if it's under water, whatever you plant will die because it needs to become established first before the rainy season, so that's normal.

Mr. Duncan: No problem.

Mr. Winkeljohn: Butch you can take it from here.

Mr. Terpening: Mr. Chairman, I really believe those 4 palm trees at 1822 are inside the preserve, the lands we own. Now, we're not certain but based on occupation, I think they're in our property.

Mr. Austin: That was there when they bought the house in 2010.

Mr. Terpening: I'm sorry?

Mr. Austin: I said they were already there when she purchased that house in September, 2010.

Mr. Terpening: I understand that, but that still doesn't change their location, they may have been there in 2010, but I'm saying that I believe those palm trees are inside the preserve.

Mr. Winkejlohn: Alright, so you and Hope Sound will have to package that into the discussion and get an answer on what to do with them, if that's the case.

Mr. Terpening: That's correct.

Mr. Duncan: No, I would actually suggest that we are dividing the issue in two parts. One part is what the homeowner is being responsible for trespassing and destroying the property. The second part is, that during our research we found out that these palm trees might not be appropriate, and make a decision on that issue.

Mr. Winkeljohn: That sounds good.

Mr. Duncan: We shouldn't actually mix the two things together.

Mr. Winkeljohn: Ok, is that alright Butch?

Mr. Terpening: Yes.

Mr. Winkeljohn: Ok.

Mr. Terpening: And I will talk to Bob before I send that to James, I'll go ahead and submit this preliminary plan to him, and you want to talk to Bob, I'm of the opinion this is a wetland area, not the buffers that are designed to be transitional and the plant materials should be chosen to meet the water conditions, I'd like to take advantage of the water so we're not out there trying to water them, and let's take advantage of the water being up, and plant the proper material with the conditions that we have, but I don't know how you'd water those if we wait several months for the dry season, let's take advantage of what Mother Nature is giving us and plant the right material.

Mr. Winkeljohn: Butch, do you mind if we leave that to you and the professionals to plan?

Mr. Terpening: Thank you.

Mr. Winkeljohn: What I'm asking from the Board then is, so we can tackle the big bite to the apple today the best we can, is to authorize staff to proceed as discussed with the Hope Sound Environmental Consultant and South Florida Water Management. There's no cost other than normal staff at this point, and when we have an approved plan, we can bring that back at our next meeting for approval, is that meet your timeline Butch?

Mr. Duncan: Paul?

Mr. Winkeljohn: Go ahead Dan.

Mr. Duncan: I asked for 3 actions, and all three actions should be done, and I would like a timetable for all these.

Mr. Winkeljohn: Ok.

Mr. Duncan: This is actually what the motion is all about.

Mr. Winkeljohn: Go ahead.

Mr. Duncan: Action number one, send the plan to James, and that would include some research on the plantings location and if they are appropriate. Second, a violation letter should be sent in the next 2 or 3 days, a violation letter should include James letter from South Florida Water Management and request a time within a week of response to contact you. The letter should basically say that if they do not respond, the District will act accordingly, whatever Ginger decides to put in there, but that has to be effective.

Mr. Winkeljohn: Very good. Do you want the same basic letter to all 7 violations with characterizations of a range or a different letter?

Mr. Duncan: Yes, that's very important, identical letters.

Mr. Winkeljohn: Right, excellent I know what to do.

Mr. Duncan: And number three, I would like the District and the staff to come back with what is an appropriate possible enforcement, do we need a police report, and I would like to narrow it down to track staffing and destruction of property at this moment.

Mr. Winkeljohn: Understood, that sounds clear to me. Is there a motion to direct staff as stated?

On Motion by Mr. Austin seconded by Mr. Willemstyn with all in favor, authorizing staff to proceed with Hope Sound Environmental Consultants and South Florida Water Management relating to the 3 step plan as stated on the record and bring back an appropriate enforcement plan at the next meeting was approved.

Mr. Winkeljohn: I think that puts us in a really forward progress, and I think we can move on to our next topic.

Mr. Austin: I just have a question Paul for Mr. Phillips, first of all it seems that Dan just reviewed, we have to have a plan to Mr. Phillips no later than July 3rd, so if everybody could make a mental note of that. Then secondly, the question for him which

I think he eluded to earlier was, that does he have any experience or information that could help us in a situation similar to this in other locations where there's been areas out of compliance that the homeowner refuses to cooperate, what did the CDDs in those locations do?

Mr. Phillips: Good question. So, I think and this isn't for me to speak about really, but I think what Ginger had eluded to that it may be, that you'll have to go simply with that one homeowner, but what the Water Management District has done, the next step for us in similar situations is, because we do reserve the rights to require additional protective measures, we've required fencing. That can be anything from a security fence to a low split rail wooden decorative fence, and we've even required signage at every single homesite in their backyards, notifying them of the preserve. It just harasses people into listening to us basically, and I tried to solve this by communication and outreach as much as possible, but that would be the next step for the District because I have every confidence that you will replant it, and it will be great, but then in a few years if the homeowners don't come around to your way of thinking, we'll be back out there talking about fence and fines, so that's my comment on that. Usually there's a more, like a HOA with more mechanisms in place for liens and fines and that sort of thing, and you're just going to have to work that out and this is your test case.

Mr. Duncan: Off the 4,000 square feet that we have, we have 7 miles of properties that are adjacent to 80 acres of natural preserve and they are also a natural buffer, the cost would be really prohibitive.

Mr. Austin: Well, the other thing too is we can put up fences wherever we want to and umpteen dozen signs, but if there's no enforcement, that's not a deterrent from people still doing what they want to do. I mean we have a permit and we can't enforce it.

Mr. Winkeljohn: Right, and Frank I always have that sense. My recommendation is one of our programs that goes on our agenda and we work on it, is to look for every enforcement opportunity and pursue that either legislative locally with the HOA, with anyone that we think can help us and we make that a long term goal, which is to fix and improve our enforcement capability.

Mr. Clarke: Paul?

Mr. Winkeljohn: Go ahead.

Mr. Clarke: This is Joe Clarke, being a new member on the HOA Board, I believe I did read in the letter you sent recently, am I correct in that, talking about enforcement?

Mr. Winkeljohn: Our letter, yes.

Mr. Clarke: Ok, so my personal opinion on that and I'm just one vote on the Board, but I can tell you my personal opinion is with how broad that the requests were about what this Board wanted, that would have been a no for me. It's a great starting point, I'm good with that, and I'm willing to sit down and come to the table and come to an agreement, but my personal note, with that letter the way it was, as it was, it was going to be a no vote no matter what as far as my concern would be to that.

Mr. Winkeljohn: Ok, thanks Joe for that, and that was the intent of the letter.

Mr. Clarke: So, I'm willing to sit down and we can work out some middle ground somewhere.

Mr. Winkeljohn: That's fantastic Joe, and that was really the intent of the letter and there have been more than one before you were involved. We had asked the Property Owners Association to start discussing with us our general rule, our need for rules, and our need to partner in an enforcement package, so that's music to my ears and I hope to the Board as well, so let's get that started.

Mr. Clarke: Ok, yes, I can, like I said I will definitely have some conversations with the other members and I'll see where their heads are, and then we can figure out what we need to do. Obviously, the HOA and the CDD need to work together and we need to mend that relationship a little bit, and I'm all for it in the sense that as long as it's an equal partnership and not a one sided, on either side.

Mr. Winkeljohn: Welcome to the team Joe, glad to have you.

Mr. Duncan: So, Paul because this motion was passed, you get together and send out a copy of the violation letter.

Mr. Winkeljohn: Yes, the letters, no problem, and Ginger and I will work offline to come up with an enforcement strategy and we'll bring that back to you like you described.

Mr. Duncan: Ok, thank you.

Mr. Winkeljohn: And we don't have to go through the record on that today, but we can do that at staff level. I'd like to thank James for joining us today, and unless James wants to hear us talk about hiring a new preserve manager, he's welcome to drop off the call, but that is next on our agenda the discussion of lakes and preserve proposals.

Mr. Phillips: Thank you guys and you can reach out to me by phone or email and I'll be in the office tomorrow if you do have any comments or questions, and as you stated it's very clear what you're sending to me to satisfy the immediate problem on my end, so thank you guys.

Mr. Winkeljohn: Alright, thanks James.

Mr. Terpening: James, this is Butch thank you very much, and Bob's office will be forwarding you over his program of plantings for your consideration.

Mr. Phillips: Very good, alright have a great day guys, thank you.

Mr. Winkeljohn: Bye, bye.

### **THIRD ORDER OF BUSINESS**

### **Update on Lakes and Natural Preserves and Consideration of Proposals**

#### **A. Allstate Resource Management, Inc.**

#### **B. Solitude Lake Management**

Mr. Winkeljohn: On our next agenda item I'll just introduce the history real quick so we're all on the same page. As you know we've had issues some months ago with Lake and Wetlands not performing on our lakes, Dan and Lake Doctors worked on a program with our fountains to bring that up to speed, and also work through the issues with Lake and Wetlands which really never had a proper contract with the District, it was a carryover developer agreement which it did include Lake and Wetlands preserve work. There were historical projects where we did pretty aggressive cleaning of the uplands and such, but we were asked to start looking at the other providers in the industry and after many lengthy processes, I know John and Dan and maybe even Frank helped me with the field side of it, but the top 3 providers that I could recommend to you to consider would be Allstate, Solitude, and Lake Doctors, and Dan if you want to take us to the next step of that discussion with what you believe you've identified.

Mr. Duncan: So, we got a proposal from the original lake management and from the others, and reviewing all of them it seems to me that the most comprehensive and detailed is Lake Doctors, which also financially was a better offer because it was actually taking care of the fountain maintenance at the same time with a price that was the same as the old lake management. The others were expensive, and the most detailed of what they intended to do was Lake Doctors. Also, to our experience with the fountains, Lake Doctors is a very responsive organization. When you look side by side at the 3 offers, both from the financial, it turns out that it's a win/win because it's the best price with the best offer.

Mr. Winkeljohn: And Dan, correct me if I'm wrong, Lake Doctors does not do preserve work.

Mr. Duncan: That's correct, and they recommended the person that they work with, but she came with a proposal that was 3 times more expensive than what we pay today. So, then I thought that this price was outlandish, but one of the other two came again with a \$51,000 a year price. Today we pay something in the range of \$14,000 or \$15,000 for maintenance of the natural preserve. So, if we can, and this is why I asked for Lake Management to give us two proposals completely separate for the lakes and for the preserve, and I think Paul you got something like that.

Mr. Winkeljohn: I'm trying to remember if I actually got it.

Ms. Wald: Paul, it's not part of the agenda packet.

Mr. Winkeljohn: Right, if I got it, it was after the package went out, and I don't think I actually got the final one.

Mr. Duncan: Well, we had to request, I've seen it together, so what I was concerned about is that if we take the lakes out of the Lake Management proposal, they would not agree to do the preserve at the same price.

Mr. Winkeljohn: Right.

Mr. Duncan: Before we make a decision, we have to have these two, and you have to make sure to tell them that these are two different proposals, it's not a package.

Mr. Winkeljohn: Right, and I did get a fish stocking response from him and, his name is Sam Fisher, so it's sort of mixed together because his service reports are all I'm seeing, and I actually never got the proposal for maintenance.



Mr. Duncan: Well, you can contact them.

Mr. Winkeljohn: Yes, I'm happy to do that, so you want to pause on this until we see that, that makes sense.

Mr. Duncan: Yes.

Mr. Winkeljohn: Ok, very well. Are there any questions from the other Board members?

Mr. Duncan: And make sure that when you ask them you ask for an up to date proposal.

Mr. Winkeljohn: Yes, very good, and I've had all these conversations with them but I actually never received the final proposal, so he just missed it or he sent it under a different name that I can't find, but I'll chase that down and we'll bring that back for July if that's acceptable.

Mr. Duncan: Yes.

Mr. Winkeljohn: Very good, in the interim should we consider looking for other wetland management options, and Butch will probably agree with this, if you give them a request they'll answer it by, and they multiply their fees through the acreage, the amount of range, and so it's really a one on one discussion with each one on what you need year 1, year 2, year 3, sort of a 5 year call it management plan with monitoring and ongoing maintenance, that's sort of the most economic way I've seen this go. Butch any input from you?

Mr. Terpening: No Paul, I think you've got it correctly, generally it's a 5 year program in a kind of diminishing costs, but it takes diligence and it takes commitment.

Mr. Winkeljohn: And if you ask them blankly they'll give you that huge number in their head, but it's really a multi-year program and obviously economically that's the way to do it is to spread it out, and usually in the regulatory world once you have a contractor and a plan in place, they'll agree to your schedule typically like he said earlier when he was on the call. So, we might want to refresh the question to those vendors and see if we get a better answer.

Mr. Duncan: So, I see in the stuff that I read from them there are two approaches, one is giving you a huge amount of proposal costing you a fortune per

acre. The other one basically says, I will do this for, I don't know \$20,000 a year, but if you call me it will cost you \$17,000 for each time you call me.

Mr. Winkeljohn: Right.

Mr. Duncan: So, I'm asking you to take care of something and if I see something wrong and I call you, I have to pay you twice?

Mr. Winkeljohn: Right, and there's a few ways to package it, what we've done is a start, we could have Hope Sound give us a report and a management plan, and then we could go back and shop that plan, and get a more economical price, that's usually the cleanest way to do it.

Mr. Duncan: So, Paul you're in charge.

Mr. Winkeljohn: Ok, you got it.

Mr. Austin: Is there a follow up to this now?

Mr. Winkeljohn: We'll bring it all back to you, no action required.

Mr. Duncan: It's almost like, why do we have to make a decision on the lakes and natural preserves at the same time

Mr. Winkeljohn: We don't, I'm just taking your lead that we might still get a better deal in a combo package from Lake and Wetland because they may not want to split it.

Mr. Duncan: Ok.

Mr. Winkeljohn: So, I'll work that angle correctly, or I'll try to, I'll try to get both at the same time without losing either one, is that clear, are we good?

Mr. Duncan: Yes, ok.

#### **FOURTH ORDER OF BUSINESS**

#### **Update on Rules**

Mr. Winkeljohn: Item No. 4 was an update on your rules. A couple of things happened, the rules were in fairly final draft for your August adoption. Today I just wanted to talk about adding and Ginger and I talked about this yesterday, adding a little more language about the preserves, and getting that a little bit tighter and a little more accurate to what our situation is. The rules were more general and vague in that respect than what I think has come to light in the last couple of months. It gives us an opportunity, since the rules are, we can add that kind of color into the rules without any problem. As soon as I finish my draft with Ginger, I'll circulate those so by the time we're adopting our rules at the August budget hearing we should have a pretty good set

of updated rules, which is the lakes and preserve, you can't go in them with the exception of a few fishing areas, I mean that's the real short and dirty reality.

Mr. Duncan: The only thing that I made last time is, basically a lot of the junk is actually getting into the preserve or into the lakes from the homeowner's rubbish.

Mr. Winkeljohn: Right, and that's not allowed.

Mr. Duncan: That's not allowed, but then the only discourse is, they cannot get into it really, and John and Frank and so forth, they go around the lakes and collect all the garbage, and I go and I walk every day around the neighborhood, and I see a lot of trash and so forth because it's blowing into the preserve.

Mr. Winkeljohn: Would you like us to elaborate on that then, just to get it in writing?

Mr. Duncan: Sure.

Mr. Winkeljohn: Ok.

Mr. Duncan: I think the comment from Ginger last time was that's not allowed, so ok, it's still happening and they cannot go in to retrieve it.

Mr. Winkeljohn: Alright, well if you don't mind Ginger and I will take that offline and try to figure out a way to at least get it, and we do realize at this stage our rules largely symbolic without the correct enforcement, but ultimately our enforcement strategies will come in line and our rules will already be there. Is that agreed?

Mr. Duncan: Yes.

Mr. Winkeljohn: Ok.

Mr. Austin: And Paul, just to piggyback on what Dan said, in walking those lakes, someone is disposing of broken flower pots, and stuff like that, some of them plastic or whatever, they're just dumping it in the water, so it's kind of a challenge to get some of that stuff out.

Mr. Winkeljohn: Sure, that's normal.

Mr. Austin: I mean the other question there is, I guess we can come up with all the rules that we want to, but if we have no way to enforce them seems like a waste of time to me. For instance, about the fishing, we had one of the fountains that broke lose from the anchor and the Lake Doctors came and put that back in place, they actually

find out fishing line wrapped around the tied end. Whether that caused it to come unhooked I don't know.

Mr. Duncan: Frank, there are two issues here. It's necessary to have rules, but it's not sufficient, so from that point of view let's have the necessary condition and work on the enforcement in a bigger picture. So, I'm not a fan of saying because we can't enforce it, we should have no rules. Let's have the rules, and the rules will be in the book, and see if the HOA could help.

Mr. Austin: Ok, let me just add, I really do agree Dan, but at the same time in discussions with the HOA, they don't care if people go out there and boat, they don't care if people go out there and fish, that's not a concern to them because they have really no jurisdiction over the lake, just a FYI.

Mr. Winkeljohn: Right, and that can be worked through Frank, we can work through that, and long term, those issues can go away and can be improved on, so let's work with the property owners association as Joe mentioned, but we'll get to that one day I have a strong feeling on that, because we're all in it together and it's everyone's assessments added together that pays for all this stuff, so everyone is in the same boat so to speak.

Mr. Austin: You would think, yes, but there's also some safety concerns with some of this stuff.

Mr. Winkeljohn: So, we'll get there.

Mr. Duncan: Ok, so one piece of information, my original design for the fountain had a breaker that was very sensitive, and then out of that the breaker was tripping continuously for a different reason. So, we replaced it with another breaker I think, which is 5 times more sensitive, and that will solve the problem but it might become a little more dangerous to swim around the fountains.

Mr. Austin: Got it.

Mr. Duncan: So, I want to make the rules prohibit any type of swimming, or boating in the lakes that have fountains.

Mr. Winkeljohn: Ok.

Mr. Duncan: Ok Ginger?

Mr. Winkeljohn: That's in there, but we'll double check it.

Mr. Duncan: Ok.

Mr. Winkeljohn: Agreed.

## **FIFTH ORDER OF BUSINESS**

## **Staff Reports**

Mr. Winkeljohn: Moving on to staff reports, Ginger?

### **A. Attorney**

Ms. Wald: I don't have anything, I say we just move forward.

Mr. Winkeljohn: Ok.

### **B. Engineer**

Mr. Winkeljohn: Butch, did we wear you out yet?

Mr. Terpening: I just have one other item, I think. We've been working with the chairman on one of the pumps and the lake issues, and withdrawals out of our stormwater lakes, we don't have a resolution, but we are working with the chairman on trying to understand some additional pumps that have been found that withdraw from the District's lakes, so I hope to have a report next month.

Mr. Winkeljohn: And those are related to Portofino Court, so I've been trying to find a live body that could help us there, to no avail, but we're still working on that.

Mr. Terpening: Yes sir, that's correct, and that's it.

Mr. Winkeljohn: And Butch, just a couple of map updates. I know you're working on those, and we need to get those tied up because our rules correspond to a map update and good visibility as a good tool to the residents, and that's something I like to keep on the website so I know you have drafts going for me.

Mr. Terpening: That's correct, thanks for reminding me of that, but yes, we do, and we'll be sending over the final documents for your review.

Mr. Winkeljohn: Awesome, thank you.

### **C. Field Manager**

Mr. Winkeljohn: Moving on, is John on the call?

Mr. Jado: Yes, I'm here.

Mr. Winkeljohn: John, anything you want to share with us today?

Mr. Jado: Basically, we're redoing some of the landscaping on the north side of the Rosser entry, so we're going to be putting sod down, we put sprinklers in, and we are going to be putting some shrubs in to mimic the rest of the situation in that area. We've also been testing all the water sprinklers, Frank and I have been going around and rechecking to make sure with the summers coming up that we keep the lawns green and if there's a problem we go out and buy the products and fix it, and we're also in the process of putting up a sample section of lights on Brigantine because they're all not working, and Dan has found some very nice lights, so we're going to be putting up a sample pod of 3 lights to check to see if we light the way the lumens work on the trees and then we are hopefully going to be able with the Board's permission to go ahead and redo the other ones. I'll be installing them at this time because I think the electrician wants way too much money and I don't think it's as difficult as he anticipates it to be unless we have a break in the line, and I can go on and on with all the people I've been meeting and the different violators I've been meeting, and so on, but we've been really busy.

Mr. Winkeljohn: Excellent and I appreciate you doing the footwork, and any program that doesn't have face to face verbal cooperative type approaches will fail long term, so thanks for what you're doing, and it's the right approach definitely.

Mr. Jado: Right, and I'm just wondering, we have a couple of guys that are actually going to be doing the repairs, and I don't know if we need to send letters to them once they have sent us an email stating that they were violators, and they understand they shouldn't have did it, and that they're going to cooperate with us and repair. I don't know if that letter becomes too threatening to them, we've got about 5 more to see which we are going to see this week, and Frank and I, and it's a wonderful help with Frank naturally, he's a great guy, but we can probably call through and just hit the bad ones which is my interpretation of what we should do, but that's totally up to the Board.

Mr. Winkeljohn: My take from the Board, and from our earlier conversation was that the letter goes to all of them. I will craft the letter with enough language in it to not offend the cooperative.

Mr. Jado: Thank you, because I would hate to have them get that and I'd have to re-explain to them on that, you know.

Mr. Winkeljohn: Right, and I'm going to put your number and Frank's number in there, not mine.

Mr. Jado: Do me a favor, when you put down the number, put 9:00 to 5:00 because I get phone calls on the weekends, at dinner time, and it's quite difficult sometimes.

Mr. Winkeljohn: Will do, I'll take care of that.

Mr. Jado: Ok, thank you.

Mr. Austin: Just one other comment Paul.

Mr. Winkeljohn: Please.

Mr. Austin: Another comment on that actually two things. The people that we've talked to, of course the lady at 1822 is definitely not receptive, but John talked to the homeowner at 2206 yesterday and he was receptive, and as he said, we'll touch base with those others sometime this week. I know 1822 they're not going to be receptive because they weren't even receptive when we initially approached them when they had removed some stuff, but in any case, based on some feedback John was able to obtain, it appears that the lady at 1822 took the letter from South Florida Water Management to the other homeowners, so I think it's imperative whatever letter is sent is uniform and consistent, and again, since we have been in touch with the guy like 2206 who is totally receptive, so if we can just have a matter of fact letter and not too threatening, that would be to our advantage I believe because we're asking them to cooperate with us on the plants to get in compliance.

Mr. Duncan: One other comment, it became clear to me that the only people can actually do something in the natural preserve is the CDD, so in that respect the letter has to ask for reimbursement, and the CDD will actually take care of the plantings and we'll actually share with the homeowner the approved plan and the cost after we get the estimate.

Mr. Winkeljohn: Correct.

Mr. Duncan: Ok, so that's very important because we thought that the homeowner should actually do that work.

Mr. Winkeljohn: Understood. Right, and the goal of the letter is sort of to mark time, and to be as formal in terms of, this is what we're doing, this is the situation and then how it resolves itself we'll be as positive as possible for those that are not a positive resolution, the enforcement goals are whatever enforcement capability we come up with will be their answer. So, I got it, anything else John?

Mr. Jado: No, that's about it for this month.

Mr. Winkeljohn: Alright, thank you.

**D. CDD Manager**

**1) Number of Registered Voters in the District – 1,262**

**2) Discussion of Financial Disclosure Report from the Commission on Ethics and Reminder to File Annual Form**

Mr. Winkeljohn: Under manager's report, just that the Statutes ask us to report that you have over 1,200 registered voters, and as a consequence there's also the qualifying week for the 3 seats in our District that are up for the November election. I've been in regular contact with Ron, Juan and I have not heard from Piotr, his seat is up, and he's not on the call today so hopefully he's taking care of that if he's going to be a candidate, it is his qualification requirements.

Mr. Duncan: When is the deadline?

Mr. Winkeljohn: The deadline is June 12th at noon.

Ms. Wald: It's this Friday.

Mr. Duncan: The 12th?

Mr. Winkeljohn: Yes, this Friday.

Mr. Duncan: Ron, did Juan call you on the deadline?

Mr. Winkeljohn: I've talked to Juan and Ron, and they're both well prepared.

Mr. Duncan: Ok, and I don't if Piotr told you anything.

Mr. Winkeljohn: No, I have not heard from Piotr.

Mr. Duncan: Ron?

Mr. Willemsteyn: Yes, I spoke to Juan last night, and he's not feeling well at all but he needs to speak with you.



Mr. Duncan: So, I talked to him yesterday, and I couldn't tell him what was the deadline to put his name in for nomination, he still wants to put his name in the nomination.

Mr. Winkeljohn: And I'll send him the information one more time, and let him know just to make sure.

Mr. Duncan: Ok, thank you.

Mr. Winkeljohn: And since he wasn't here at today's meeting, I'll send him a reminder.

Mr. Duncan: Thank you.

Mr. Winkeljohn: The next item is, most of you probably got your financial disclosure forms, those are do also. With anyone who is a candidate, that's part of that process and I've already told them that. Those of you who are not, I think you've done this for a few years and you know to send it in before the deadline. Any questions?

Mr. Duncan: The deadline is at the end of the month.

Mr. Winkeljohn: Yes, otherwise the state is anxious to fine you. Yes, go ahead Ginger.

Ms. Wald: They're not that anxious, July 1st is your deadline, just go ahead, you can do it by email or you can mail it in. If you haven't received it by mail, just go on the website for the Supervisor of Elections, or the Florida Commission on Ethics, or ask Paul to send it to you.

Mr. Duncan: I think there is a way to fill in the stuff on the website.

Mr. Winkeljohn: Yes, you can autofill it now.

Ms. Wald: Yes, that is correct.

Mr. Winkeljohn: Excellent.

## **SIXTH ORDER OF BUSINESS**

### **Supervisors Requests and Audience Comments**

Mr. Winkeljohn: Are there any other Supervisor comments or requests?

Mr. Clarke: Hey Paul, I had something, I had to step away for a second.

Mr. Winkeljohn: Go ahead.

Mr. Clarke: Did we happen to talk about the letter that I sent you regarding the lake bank, did I miss that?

Mr. Winkeljohn: Yes, there's a lot of background on that which I want to talk to you one on one about because we go through it at a meeting because it's a bit of a rabbit hole, if you don't mind?

Mr. Clarke: Ok, that's fine, especially now with what Dan was talking about with the preserves about wanting to jump to the trespassing and destruction of property, that even more solidifies my reasons for that.

Mr. Winkeljohn: Right, and I really want to keep the two topics separate because the lake is different, you've identified some issues that I'm still working on but I want to talk to you one on one as a HOA representative because there's a bigger picture that we all need to talk about one on one, and then we'll bring it back with a plan to the Board.

Mr. Clarke: Ok, sounds good, and you have my phone number so feel free to call me anytime.

Mr. Winkeljohn: Right, I'm looking forward to it, yes.

Mr. Duncan: And Paul, I would like to thank Butch for his support on the Aledo sprinkler system, and also how it helped me interface with a lot of departments, they cleaned the area, and they put the sod and they installed the banks of the lakes.

Mr. Winkeljohn: Excellent.

Mr. Terpening: Mr. Chairman, I guess the good news is that it's been a time when the sprinklers were broken and there wasn't a high demand for irrigation water given the rains, so that kind of worked out.

Mr. Duncan: Ok, and I have to talk to you about what we found, how the department actually tried to resolve the issue, which is not quite acceptable, but they told us they will let us know when they complete the project.

Mr. Terpening: Sure, and I'll talk to Paul later on that.

Mr. Winkeljohn: Ok. Are there any other Supervisor comments?

Mr. Clarke: I'd like to request a copy of the recording as well.

Mr. Winkeljohn: Yes, I can email it to you right after this meeting, it will download it and I can send it right to you, the link.

Mr. Clarke: Thank you so much.

Mr. Winkeljohn: You're welcome. Are there any other comments? Not hearing any, we can move on.

**SEVENTH ORDER OF BUSINESS**

**Financial Reports**

**A. Approval of Check Register**

**B. Balance Sheet and Income Statement**

Mr. Winkeljohn: In your packets are the financial reports, if there are any questions, I can take them, or a motion to approve would be in order.

Mr. Duncan: I checked them, I checked all the checks, everything is in order.

Mr. Winkeljohn: Is there a motion to approve?

On Motion by Mr. Willemstyn seconded by Mr. Austin with all in favor, the Check Register, Balance Sheet and Income Statement were approved.

**EIGHTH ORDER OF BUSINESS**

**Adjournment**

Mr. Winkeljohn: If there aren't any other items, a motion to adjourn would be in order.

On Motion by Mr. Austin seconded by Mr. Willemstyn with all in favor, the Meeting was adjourned.

  
Secretary / Assistant Secretary

  
Chairman/Vice Chairman