

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

A telephone conference meeting of the Board of Supervisors of Portofino Isles was held on Tuesday, April 14, 2020 at 10:00 a.m. It is being held in accordance with the Office of the Governor, Executive Order 20-69 (Emergency Management – COVID-19 Local Government Public Meetings) authorizing the use of communications media technology, such as telephone conferencing, as provided in Section 120.54(5)(b)2, Florida Statutes, the Board of Supervisors and members of the public may attend and participate in the meeting utilizing the following call-in information 1-866-730-7514, participant #753973 and are further encouraged to submit comments or questions in advance of the meeting by email to info@gmssf.com or by calling 954-721-8681.

Present and constituting a quorum were:

Dan Duncan
Ronald Willemstyn
Juan Azcona
Frank Austin

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

Also present were:

Ginger Wald
Paul Winkeljohn
John Jado

District Counsel (via teleconference)
District Manager (via teleconference)
Field Supervisor (via teleconference)

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 January 14, 2020
Meeting**

Mr. Winkeljohn: Item No. 2 are the minutes from the January 14th meeting, if those are in order a motion to approve would be appreciated. Is there a motion, and please state your name?

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

THIRD ORDER OF BUSINESS

Consideration of Resolution #2020-02 Approving the Proposed Fiscal Year 2021 Budget and Setting the Public Hearing

Mr. Winkeljohn: Item No. 3 is resolution #2020-02 which is approving the fiscal year 2021 proposed budget and setting a public hearing. I'm comfortable presenting today's budget for a number of reasons, one, obviously we still have in place a state deadline to have the proposed budget set by June 15th. Secondly, there's nothing in the budget that's proposed to be changed where I think the public would be at a disadvantage by not attending today's meeting because of the situation or being telephonically involved. We did advertise specifically for a telephonic meeting and Ginger oversaw that to make sure that we gave the public every opportunity to participate. If we had any significant, like an increase or a major policy shift or something like that, we might consider waiting a little later, but because none of those facts are in place today I'm very comfortable proposing resolution #2020-02. The budget has been circulated and I've had some feedback from a few Board members and those items are included to the best of my knowledge as of now. If there are any other changes, this resolution does not increase the assessment, it uses the previous assessment. The big picture is to try to start to identify the amount of reserves and to build those reserves for future items as you'll see in the budget, but again no increase to the assessment, and historically the last few years we've used our discretionary funds for larger projects. Without a large project pending, the intent was, like I stated to build our reserves by category, and I don't have a reason to delve deeply into what their proportions are but they're basically set at a rough estimate of what we think they cost. In the future should we ever really want to get deep into that we could do a complete reserve study, but at this point and the age of our infrastructure still being young I don't feel it's necessary, so, with that I'd open it up to anyone, and go ahead Dan.

Mr. Duncan: Yes, I checked line by line the budget and it looks ok, it's more straight forward than in the past year on what the unassigned funds are for, and I worked with Patti and it looks good, and there are no major differences from the past year, and we tried to better allocate the funds to what areas that we know that needed maintenance of other things, so it looks good.

Mr. Winkeljohn: Thank you, any other questions or comments?

Mr. Azcona: This is Juan, I do have a question.

Mr. Winkeljohn: Yes sir.

Mr. Azcona: Ok, so due to the current situation, present and future, obviously the COVID-19, will it be important to consider maybe a contingency budget, money that we can allocate for future policy changes, or changes in procedures that will need to take place to accommodate to any possible needs? Maybe you guys are aware of anything that is changing with regards to requirements, inspections, etc.

Mr. Winkeljohn: Sure, and I can take that in two phases, the first phase is, this budget is only setting the assessment level which I don't think any of us are interested in changing that. The second part is, we can change any of our budget items should something shift and we need to do business a different way, for instance, like the way we do our infrastructure which is pretty independent, like lake maintenance, and landscaping. From what I can tell none of those factors appear to be threatened or forced to have to alter their business. That being said, should our meeting situation become very complicated or more expensive, for instance, like we have to provide a better facility, or different approach to having public meetings, and I'm just thinking out loud. We could adjust our budget through that process easily and I can't think of anything we could absorb within reason, and I don't see anything right now to go any further, but both those factors allow us to adapt should anything like you suggest force us to spend money differently.

Mr. Duncan: We have a reserve fund that we assign for, we can adjust the reserve in these four areas or a fifth area if needed.

Mr. Azcona: Ok, understood.

Mr. Duncan: So, at this moment the question before the Board is, what is the taxation, what is an appropriate taxation that the CDD will give to the homeowners, and we keep it like last year and that will cover our expenses plus the contingencies.

Mr. Azcona: Ok.

Mr. Winkeljohn: Other item that we need to include in this is the public hearing date for adoption. My instinct is to push that later for obvious reasons and possibly the August or September meeting would be sufficient for us. That would give us a lot of time should something dramatic happen, say the State issues a different set of rules for budget, I don't know, I'm just thinking out loud. The more time the better, and also the more social distancing relaxation I think will happen so, either that August or September schedule meeting would be my recommendation. Does the Board have a preference or anyone?

Mr. Azcona: I'm ok with that timing, this is Juan.

Mr. Winkeljohn: Would you prefer August or September?

Mr. Duncan: No problem, it does not impact anything.

Mr. Winkeljohn: Ok, so I'm going to recommend the September 8th meeting be included in the motion to approve resolution #2020-02, do we have a motion?

Ms. Wald: Hold on, this is Ginger.

Mr. Winkeljohn: Yes, Ginger go ahead.

Ms. Wald: What is your deadline for the county to get the budget to them?

Mr. Winkeljohn: For this county, when there's no change, I don't see the September meeting being a conflict, usually I certify the final roll on September 15th. This is a roll that's unchanged so it will be very easy, it won't take any time, so I'm comfortable.

Ms. Wald: That's fine, you have the deadline so you know when they are, I just don't want you to be in a situation where you have a problem and now you're kind of coming up against the deadline, but if you're comfortable, I'm fine with it, thank you.

Mr. Winkeljohn: I appreciate that, and that gives us the most amount of flexibility should we have to re-set that public hearing, we'd be able to do that. Are there any other comments, or is there a motion to set the public hearing for that date?

Mr. Duncan: The only comment is that if we have a deadline of September 15th, and usually we have a meeting, and today is the 14th, we have to schedule the meeting in September in the first Tuesday of the month.

Mr. Winkeljohn: Right, September 8th.

Mr. Duncan: So, we have a meeting before the 15th.

Mr. Winkeljohn: Yes, it would be the 8th, September 8th.

Mr. Duncan: Right, so it has to be in the first week, and this is Dan Duncan, the first week of the month, it has to be and I don't have a calendar here, but let me look at my computer.

Mr. Winkeljohn: That would be actually Labor Day weekend.

Mr. Duncan: Right.

Mr. Winkeljohn: Do you want to try the August meeting and avoid all holidays that way, August 11th, that's totally fine with me.

Mr. Duncan: This is what I was referring to the first Tuesday in September, I mean we can do it on the 8th of September.

Mr. Winkeljohn: Right, the 8th works.

Mr. Duncan: So, let's do it and to make sure we schedule the CDD meeting on the 8th of September.

Mr. Winkeljohn: Ok. So, is there a motion?

Mr. Azcona: And that meeting will cover both, the budget and the regular CDD meeting?

Mr. Winkeljohn: Correct.

Mr. Duncan: Yes.

Mr. Azcona: Ok, sounds good to me.

Mr. Winkeljohn: Is there a motion then for resolution #2020-02 with the hearing date on 9/8?

On Motion by Mr. Azcona seconded by Mr. Willemstyn with all in favor, Resolution #2020-02 approving the proposed Fiscal Year 2021 Budget and setting the Public Hearing on September 8, 2020 at 10:00 a.m. either telephonically or at 1856 SW Newport Isles Blvd., Port St. Lucie, FL was approved.

Mr. Winkeljohn: And I'll call the roll for those in favor, Dan?

Mr. Duncan: Yes.

Mr. Winkeljohn: Ron?

Mr. Willemstyn: Yes.

Mr. Winkeljohn: Juan?

Mr. Azcona: Yes.

Mr. Winkeljohn: And Frank?

Mr. Austin: Yes.

Mr. Winkeljohn: Excellent, that closes that item.

FOURTH ORDER OF BUSINESS

**Acceptance of Audit for
Fiscal Year Ending
September 30, 2019**

Mr. Winkeljohn: Item No. 4 is the acceptance of the audit, this has been reviewed by staff and we recommend a motion to accept this audit as a record of the District.

Mr. Duncan: Yes, I read all the detail and this is a much better audit than in the past. It's very well written and very well explained about the difference between the two parts of the financials of the CDD, so I'm very pleased that we changed auditors.

Mr. Winkeljohn: Thank you. Is there a motion to accept?

On Motion by Mr. Willemstyn seconded by Mr. Austin with all in favor, accepting the audit for Fiscal Year Ending September 30, 2019 was approved.

FIFTH ORDER OF BUSINESS

Discussion of General Election Procedures

Mr. Winkeljohn: Item No. 5 is the general election procedures, and I think this Board is very familiar with the 2 year election cycle. Seats are up for Piotr Trocki, Juan Azcona, and Ron Willemstyn, all 3 of those seats will be eligible for general election, and the qualifying period is outlined in your book, and I know you guys are pretty familiar with it, and in the history of your community the importance of the continuity of your Board, I like that. So, if anybody has any questions or wants to discuss it any further, just let me know.

SIXTH ORDER OF BUSINESS

Staff Reports

Mr. Winkeljohn: Not hearing any comments, we can move to staff reports, Ginger anything for our friends today?

A. Attorney

Ms. Wald: No, I hope everybody is being safe and well, and hopefully the next time we meet we won't have to do it this way.

Mr. Winkeljohn: Very good, thank you Ginger.

Mr. Duncan: This is Dan Duncan, I have a couple of questions. First, when we have a meeting, and we have a couple of actions, I would like these actions to be summarized at the end of the meeting and I would like the staff to actually act on these actions. So, the last time there was a letter on a meeting about the LED lighting that is in the minutes, and that was supposed to end with a letter from Ginger to HOAs basically saying that we have no problem with them agreeing with FPL to change the lighting. Last time it was a question related to why the CDD would get involved, and I think Ginger contacted Butch to make sure that the poles are on CDD property. If that pole is out of the CDD, and basically now I had to call, or I wrote an email to Paul to write in the minutes so it's ok. So, this had to be followed up, and I should not have been involved. Secondly, there are two items outstanding that have been outstanding for many months, one item is related to the north governing the lakes, or in general, lakes, natural preserves and so forth, that we know should have been basically agreed, public hearings, and they can go on for a while, and it should have been brought up.

We usually skip a couple of meetings, and then we have a meeting like this, but we have to follow up on these actions. Finally, there was another action from Ginger contacting the city about the air conditioning, Brigantine, the issue with the air conditioning we were not notified, they approved something that we have a problem with, that was a temporary approval, if we do nothing it's becoming a final approval, so all these things need to be followed up and reported back to the Board.

Ms. Wald: Well, I can take the last one first, I did contact the city with my contact at the city attorney's office, and we haven't had a meeting unfortunately for a while since that period of time, and the question that was posed by you, and I think it was specifically as to the enforcement whether they were willing to write something in with the approval. What their request back was that they would enforce through code enforcement, as to that unfortunately I do not have all of my emails and files here at home, I do have those at home that I need but that was my recollection of that conversation. From that I believe my recollection and also reading the minutes was that Butch was going to try to set up a meeting with the city folks and have an initial discussion in regards to potentially entering into that maintenance agreement with the city, and also the city taking the, talking about the ownership of the roadway. I doubt if any of that has occurred based upon what happened.

Mr. Duncan: No, I asked and participated in the meeting, but there are 3 different issues which are not related to each other. One issue was actually the air conditioning and the fact that we were not contacted, that was issue number one. Issue number two related to the fact that they used the parking for cars and other industrial machines that were not supposed to be there, and that's an enforcement issue. Thirdly, they put all kinds of ads or something on the lawn, and these are individual people that are leasing some of the units. So, there is an enforcement issue which we don't have a problem if we notify them and they will enforce it. This has actually nothing to do with the fact that the zoning approved a variance without asking us, even though we own the road which is adjacent to the development, so that was the main issue. Now, there's a fourth issue that we were inquiring what it would take for the city to take over Brigantine, and that's completely fourth issue and we had a couple of meetings, and Butch was supposed to send them a letter, meanwhile I can talk about these meetings, and I changed my mind

in a couple of areas and I can talk to the Board about it. My problem is that we actually have a list of things that we talked about it, and my expectations are they have to be followed up, and that includes a little something from the District, and 6 months ago we talked about the letter, 4 months ago we talked about the bylaws that govern the lakes and the natural preserves, and I would like a number of actions that were identified to be followed up and reported at the following meeting.

Mr. Winkeljohn: Very good. Are there any other questions for Ginger?

Mr. Azcona: This is Juan, yes, I'm going to emphasize what Dan just said, it's not whether the chairman likes it or not, it's the responsibility of all the parties if the Board, or the chairman asks for something to be done that has to be followed up by whoever it has been delegated to, and then there should be no need for the chairman or any Board member to have to follow up and keep requesting for this request for this recourse to be provided, that should be something that should be automatic by each applicable person, they should be providing those reports every time we meet, so that the expectation of the Board would be followed up by all the applicable parties.

Mr. Winkeljohn: Agreed, thank you.

Mr. Duncan: Ok, so we are here now so let me try to report to the Board and the staff about the meetings with the city.

Mr. Winkeljohn: Excellent, go ahead.

Mr. Duncan: So, we were contemplating the fact that we are spending a lot of money on Brigantine and as the owner of the road we are not even involved in the decisions that impact us. So as a result, we had the meeting with the city in which we tried to ascertain what it would take for the city to take over Brigantine. This is a process that the CDD tried in 2011 I think, with no success because the city posed a lot of requests for the CDD to bring the road to some type of standard. So the CDD did a lot of work on this and a lot of stuff, so we tried to do that again, and Butch was supposed to write an initial letter to the city requesting them to come and assess what the CDD should do to bring the road to the city's standards. We think we've already done that, but I'm not sure that Butch wrote this letter but that was the request and he was supposed to follow up on that. Now, in the process I realized talking to the city staff that would not take care of the landscape, road and everything else the way the CDD

does, so as a result we have a investment of at least \$750,000 which would be decay of the years if we actually give it back to the city. So, the next option will be for the city to take over the road and sign a maintenance agreement to the CDD for us to continue to maintain the Brigantine landscape.

Mr. Azcona: So, the maintenance will be only pertaining to landscape, not to the actual road.

Mr. Duncan: That's correct. So, now I was starting to look at what are the costs of CDD related to the road itself. So, there are two costs, one is resurfacing the road which maybe occurs every 10 years I think, and that cost is in the \$100,000 range, so we would have to have a reserve fund of about \$10,000 a year. The other problem is cleaning the sidewalk, now the city even if it takes over the road stated clearly that they don't do the sidewalk. Now, we have not cleaned the sidewalk since the beginning of installing, but we were looking at that, and I think John got an estimate of about \$1,500 because in terms of construction the sidewalks look awful. So, out of our abilities are about \$10,000 a year basically, and if we give the road to the city, we will have very little spending. I don't know how much spending we have to date, but we have even less spending to try to get this Brigantine road in a nice way.

Mr. Azcona: I think that's the problem that we have legal standing supposedly now, but the city does whatever they want without contacting the CDD about anything regarding Brigantine road. In the meantime, the CDD continues to pay for 100% of the maintenance and we have no say as to anything that happens on Brigantine. So, if they're going to continue that way, the feeling is that the city should pay for the maintenance and like you said, we should have an agreement for maintenance in landscaping and the CDD will take care of it, but then the city should be responsible for the actual road maintenance.

Mr. Duncan: Well, let me tell you that this was my original position, but I don't think that this is my position today, because the city stated clearly that they would not clean the sidewalks. They stated clearly that if something happens with grass and landscape, we had problems with trucks coming over and we have been paying to repair it, and they said no. They also would not clean up the litter that blows from Walmart or from new developments John does that. So, in order to maintain the high

quality of what we have today, they will not pay for them, basically they will not pay for the sprinkler system. So, for \$10,000 a year I am giving up all my rights, and if I take \$10,000 and divide that by 700 units or what we have, that's nothing, that's like \$12 or \$13, so in this moment I suggest that we should continue the way it is, and ask Ginger to try to tell the city that the way they are doing it is actually not conducive for a good relationship with the CDD.

Mr. Jado: I looked at Aledo and we don't want it to look like Aledo because they take care of that too, the city.

Mr. Winkeljohn: Right, and this is Paul, that's very typical when cities and counties are maintaining things, they maintain them by what we call highway standard, which is at the most a monthly cut, at the most, maybe a tree trimming every few years, very limited, no fertilization, no irrigation check, like none of that level, a much different level than you all would expect and we would want. So, I totally agree with the strategy that Dan has come to.

Mr. Austin: This is Frank, just to piggyback on what John said, that's my sentiments exactly on Aledo, is that I've never seen anything done over there, it looks terrible, they don't cut the bushes and clean the sidewalks or anything over there, and usually the grass is dead, and secondly, if it was decided to turn it over to the city we're still faced with costs to get it to a standard that they agree to accept, or then they won't maintain that standard. So, I'm inclined to agree with Dan is that we just bite the bullet and for \$10,000 or \$11,000 a year or whatever it costs, then we're in control of how our entrance looks.

Mr. Willemstyn: Correct.

Mr. Azcona: This is Juan again. I think we all agree that we want to keep it looking as it currently is and keep the maintenance, I think we're all on the same page. However, there are different related costs that we have, if we decide to do the sidewalks, we know the city is not going to do it. If we're doing the irrigation, the landscape lighting, all of those we already know those are projects that are expensive, and we will take care of that at the CDD. However, separate from all of those expenses then there is \$100,000 to take into consideration that will be kept for the road. If we were to ask the city once again if they would take over that cost, and allow the CDD to

maintain the landscape, the sidewalks, including the litter, the lights, everything else will be maintained and paid for by the CDD and if we have that in a written agreement I think that will be a benefit for the CDD because we will keep the same rights to keep it as nice as it is, and we will be saving \$10,000 a year.

Mr. Austin: Yes Juan, and this is Frank, the other point there is, the other thing to consider is that recent build there, and particularly more building between those and Gatlin, we don't know what kind of traffic we're going to have on Brigantine that might affect the condition of the road that, as Dan said would probably be a 10 year resurfacing, it could come in 5 or 6 years, so then we're at a shortfall.

Mr. Azcona: Exactly, so that's something to take into consideration. I think we all agree we want to keep it as nice as it is, and have control over it, but since the city does whatever they want when it comes to Brigantine, then they should be paying for at least the maintenance of the road itself.

Mr. Duncan: I didn't make myself clear, there are only two options, in this moment we own the road with a public access. If we give up the road, and we have a maintenance agreement with the city on the landscape, we would actually have no say, I mean we have a legal standing today, we will have now, they don't do everything they want to do, but we had the problem that we had not been notified, if we were notified we would have gone to the city public hearing, and we would have had a standing. So, there are two different issues and two different items, but we can talk about it in a future meeting.

Mr. Azcona: Well, the CDD can do something if we are notified, but if the city fails to notify us and they already took action, then what's our legal recourse if we were against the action that was taken, do we have any legal recourse? Ginger, can we do anything about it, or we just have to eat it?

Ms. Wald: Well, you're talking in generalities, what happened before, and the question was whether notification came through as being the adjacent property owner, and there was question of whether that was done or not, and asked for all the notifications to be forward to me, then the option that we had was to go ahead and appeal and whether we wanted to appeal that, whether making the argument that notice wasn't received, and so that is the option that you had. That was not taken, what we did

was to follow up, and what I'm talking about was the last issues which was dealing with the air conditioning units, or to follow up to do the secondary part which is putting something in that permit as to allowing the air conditioning units to be in the permit and the landscaping requirements, and that was the discussion that I had with the assistant city attorney. I mean that's your option, we don't receive the notification pursuant to the ordinances, where an individual on their own property is requesting a variance, and you're an abutting landowner, you have a right to appeal. If notice is received, and remember the notice that is going to happen, is you're going to have that notice pursuant to the city's own ordinances which is a posting, and then you'll also have the notification that is going to be sent directly to your District manager because your District manager is the one that officially receives the notices, as listed as the property owner. So, with that, if those are completed then the notice has been done, if it hasn't, then you can appeal. If the notice is received, then obviously you have the right, and of course any member of the public has the right to show up to the hearing and to object thereto. Those are the legal options in regards to any type of changes on private property, like a public property, but the private property in regards to permits, development plans, and so forth.

Mr. Duncan: It's even more than that, I actually went to Butch and checked the situation around the air conditioning and everything is spaced, and they have little soil around them, most likely they would plant something but would not grow, and then instead of having a drip line irrigation to maintain that, they had some sprinkler heads that will never be used because it will go directly into the air conditioning, you end up spraying it into the air conditioning unit. So, the developer without asking the city moved the air conditioning from the roof to the lawn and then went in and had 5 votes on the zoning board to actually approve that, even though that goes against the zoning code. So, they send a notification to Paul and then sent a notification to Butch, and these notifications were lost because they sent a lot of notifications about a lot of things, so this is all we have today, but it's still my belief that we have a better standing if we own the road, than if we don't own the road, so this is for the Board to decide.

Mr. Azcona: Ok, so this is Juan again, so we may have a better standing, however, history has proven otherwise, and again, I'm just playing devil's advocate here

so we can see that, but I think we're all on the same page with regard of how we want Brigantine to look and how we want it to be maintained, however, Frank brought up a very good point, that's a commercial area, there is commercial vehicles coming, increasing traffic, and estimated repair of the road is every 10 years, but we don't know if that's going to become, instead of 10 years, 5 or 6 years. So, now all of a sudden we have to consider that if we are going to own it, and decide that's what we're going to do, we may need to maintain the assumption to allocate possible additional funds in the event repairs are needed within that 10 year period, or repairs that are needed as needed on a yearly basis, in addition to every 5, 6, 7, or 10 years resurfacing of the road.

Mr. Duncan: We don't have to decide today, I asked Butch to send the original letter to the city asking them what it would take for the city to take over Brigantine, so we are in the preliminary stages. So, let's find out and when we have all this information, we'll come back to the Board and present it.

Mr. Azcona: Ok, and going back to what Frank said a while ago, I think we've had this conversation many times, so when are we going to get a follow up and a final response from the city and when are we going to get a report from Butch about it so the Board can make a decision, because I think we talked about this months ago, and more months ago and we keep revisiting this and then there's no final resolution on what we're going to do about it.

Mr. Duncan: So, Juan, this is not, we had a meeting with the city which was the first steps in seeing what the city would need, so we had that about 3 or 4 weeks ago so we cannot have these meetings any more. Then the next step was for Butch to send the letter, the letter says that we are inquiring what it would take from the city to take over the road, and then they will do an estimate and they tell us, and we will make another estimate of how much it will cost to bring Brigantine to whatever standards the city will move forward then.

Mr. Azcona: Ok, so any timing, or when should we expect to get that report from Butch?

Mr. Duncan: Paul should follow up with Butch, and the situation with the letter, after the letter has been sent, you have no control on what the city will do with the letter or when they will come back to us.

Mr. Jado: Correct.

Mr. Winkeljohn: Got it. I will contact Butch, and I sent him a note while we were talking to see if he was able to join us, but I haven't heard back from him but I'll ask him about the letter as well.

Mr. Azcona: Ok.

Mr. Austin: This is Frank, one other comment I'd like to make on that is we own the road, we upkeep the road, even as a public road, but the city didn't even have the common courtesy to notify us about the traffic pattern and how they were going to set that entrance and exit up into those few businesses there, so I don't know how we can possibly get their attention to contact us with this stuff but that's kind of aggravating that it affects us but we have an opportunity to review the plans.

Mr. Duncan: And this is a completely different issue. The Brigantine road is not a public road, it's a public access, which is different, it's owned by the CDD and it's a public access road, and it is like that because the developer originally signed a contract with the city. Having said that, there was a PUD keep in mind or whatever, and they show what the city needs to do with the Brigantine road, a right lane, a left lane through Walmart, or whatever but they haven't done it, and they actually notified us about all these changes and that's completely different, we actually have control on the traffic into Brigantine and if I want to stop that traffic, and change the patterns, it will cost us about \$50,000. So, we had another couple of meetings that I attended in which we are trying to resolve this issue, so that's a completely different situation and it is my belief that we'll have to wait to see what is the actually pattern traffic, we don't know how many units there are, we don't know what type of small businesses there are going to be, we don't know what they would need in traffic, so we're waiting until we regroup when we actually understand a little more. At this moment remember we have more 4-way stop signs there, so I don't think it affects the issue, and we might see that the traffic might take a right and go backwards towards going out on Gatlin because we don't have a left turn on Gatlin coming out of Brigantine.

Mr. Azcona: With regard to safety, now that you brought it up Dan, we had been discussing that there are some people that come flying from Gatlin into Brigantine, all the way to the stop sign, we had some accidents there.

Mr. Duncan: No, I mean coming from the community out, not coming from Gatlin because from Gatlin you have to take a right. So, the accidents were on the other side, you have people coming from the community were coming there and people were taking a left on Aledo and going straight, so this is where the accidents occurred.

Mr. Azcona: Well, there were accidents too where people were coming from Gatlin into the community, on that road, speeding.

Mr. Duncan: Well, you have stop signs, if they don't abide by stop signs, we can't do anything.

Mr. Willemstyn: That becomes an enforcement issue, not a CDD issue.

Mr. Azcona: Exactly, the CDD cannot enforce it, only the city can enforce it.

Mr. Winkeljohn: Ron, that was you mentioning the enforcement just for the record?

Mr. Willemstyn: Yes.

Mr. Winkeljohn: Ok, so this is a conversation between Dan and Juan with input from Ron, thank you.

Mr. Duncan: Anyway, we should assume in getting the right information related to Brigantine, and when we have this information, we should come back to the Board for a final decision on how we proceed.

Mr. Winkeljohn: Got it.

Mr. Duncan: And this is the path that I'm on at this moment.

Mr. Azcona: Ok.

Mr. Winkeljohn: Alright, we'll get that on the agenda as soon as possible, as soon as we get the feedback from Butch and the city. Are there any other questions? We are moving towards field manager from John.

B. Engineer

Mr. Duncan: Well, I need to know from Ginger when the bylaws related to the lakes and natural preserves will be issued.

Ms. Wald: Well first of all, that's what he did, not at the last meeting but I believe it was the meeting before it, I'd have to go back and look at his notes.

Mr. Winkeljohn: It was October.

Ms. Wald: But what you did was provide the authority to the District manager, he was going to contact the homeowner's association in regards to their rules and regulations, and whether they would be willing to go ahead and do the enforcement, and if they were willing to do that then we would work with them with having the same rules and regulations, go back to that and the District manager was given the authority to go ahead and set it for a public hearing once that was included, so it's not about Ginger, I have to point that one back to Paul.

Mr. Winkeljohn: Yes, that's fine I was going to go over that.

Mr. Duncan: Well, I think Paul contacted them, he got no response.

Mr. Winkeljohn: Yes.

Mr. Duncan: And basically, based on my understanding through my own channels, is that they are not interested in cooperating, and they are not interested in being the enforcer with fines and everything because he has no time.

Ms. Wald: Well, then it's going back to what we originally had with the revisions that the Board wanted to the rules that Paul has put together, that I had already provided my redlining to, we had our meeting at that point, which again was months ago. The Board provided input and we put it on hold because the question would be the HOA, and go ahead and getting that enforced, so with that gone, Paul has the authority to go ahead and re-set it for a public hearing on a new set of rules.

Mr. Winkeljohn: That's my understanding, and that is correct. What I was thinking originally was to set it with our budget cycle so that we do our public hearings altogether, and we've set that now so what I'll do is refresh everyone's memory with the latest draft. I'll circulate those, and what Dan said was exactly accurate, we went through all the steps with the HOA, and received no feedback or participation in the discussion, so we're kind of going on our own. We also added this other item, and I'll jump into my comment about the lake, the preserve letters that I had sent to everyone, we're trying to do all these and in my mind simultaneously so our rules fold in nicely with our notification to the residents and moving forward that we're going to have to do all

the day to day enforcement, for lack of a better term. So, with that, the letters can go out, and I don't think they should go out right away, I think they should wait a few more weeks, just as the optics of it coming out right when people are in an odd place for obvious reasons, but I'm thinking mid-May, the two letters would go out, then we can adopt and send out our rules at a later time. The rules will be available, because our meeting is in September, so the rules would go out probably in August for circulation and then we can adopt them at that September meeting.

Mr. Duncan: Paul, based on a couple of discussions from homeowners, they have no idea what the CDD is, and its relationship to the HOA, so my suggestion to you is in the second paragraph to include maybe a small section about CDD, being a semi-government and so forth.

Mr. Winkeljohn: Ok, good idea.

Mr. Duncan: Actually, the auditor has one or two paragraphs that describe the CDD that are very good if you can actually pull it and put it in.

Mr. Winkeljohn: I'll take a look at that, and add that to the letter, I agree that would be good background.

Mr. Duncan: Ok, and every time I talk to them about CDD they are asking, who do I contact because the HOA response for me, so it has to be something that says, no this is a completely distinct organization, that it's government rules and everything else, or something like that.

Mr. Winkeljohn: And I can add a link to our website and the maintenance map, that might help some people.

Mr. Duncan: Right, that would be very useful.

Mr. Winkeljohn: Got it.

Mr. Austin: And Paul, this is Frank.

Mr. Winkeljohn: Go ahead Frank.

Mr. Austin: Just to piggyback on what Dan is saying, I think it's imperative, you know as an expense to send the letters out, it's imperative that we educate the residents, what the CDD is, how it came to be, and what the responsibilities are because there's a very negative perception among the homeowners about the CDD, and a lot of that is thanks to the AT&T situation and how the HOA Board handled that,

and obviously pointed all the fingers at us as being the culprit in delays and all the things that had to be done to make it legal, and so there's a really negative perception about the CDD. There's lack of knowledge and so the lack of knowledge coupled with the negative perception and language that's either online on Facebook, or wherever you might be, so we need to take the opportunity to educate and explain exactly what our role is in the community.

Mr. Winkeljohn: Sounds good. I like that, and we can start with this letter and we can maybe do once a year or twice a year a mailing that would sort of bring everybody up to date on what the CDD is doing, and then keep reinforcing that history on what we do.

Mr. Duncan: Well, the point is that it will get expensive, so I would like to give the basic information in this letter, and I can show you the small paragraph that the auditor had.

Mr. Winkeljohn: Yes, and we have that language, but I think that's a great way to put it in there that's concise and hits the main purposes, so I like that.

Mr. Austin: Hey Paul, this is Frank again.

Mr. Winkeljohn: Yes sir.

Mr. Austin: Just another comment, what would be wrong with just including a separate page, kind of like a frequently asked questions and answers of what is the CDD and how it came to be, and how do you become a member of the CDD? Just really an educational information page about the CDD and the membership, and the responsibilities to the community.

Mr. Winkeljohn: Yes, I agree, and I think that's an excellent way to handle it.

Mr. Duncan: They will not read it, if it's too long, if it's another page, they will not read it. This is why something concise of a section and I want everybody to look at the audit because they have a very concise description of the CDD and they have when the CDD started and why it started and what is their goal.

Mr. Azcona: And what Paul said, I think a link to the website, and we can just write a statement as members or constituents or residents of the CDD, it is your responsibility to be informed as to what the CDD is. So, if you are confused about the HOA, CDD, or city or whatever, please visit this website so you can be informed. If you

have any questions or you want to learn more you can come to our meetings, they are public meeting, etc.

Mr. Winkeljohn: Right.

Mr. Duncan: Ok, so good, so it's a very good letter that we can put a section in, and I would like it to be a little stronger in the fact that we actually have to provide fines if they don't, where maybe you say you shouldn't do that, because this is a very good sentence, but you actually have to say that, if you do something, you'll be fined, or something like that.

Mr. Winkeljohn: Right, we can invoke the code enforcement procedures.

Mr. Duncan: That's ok, yes that's fine.

Mr. Winkeljohn: Ok.

Mr. Azcona: That make sense, so the CDD is not punishing people, the CDD is protecting them, and if we want the CDD preserve the area, everybody has to abide by the rules and regulations. In the event people break these rules and regulations it will be the responsibility of the CDD to take action and these are things that can happen for the benefit of everybody in the CDD area.

Mr. Winkeljohn: Ok.

Mr. Duncan: The Board cannot give out CDD fines, the city fines, and this is Dan Duncan.

Mr. Winkeljohn: Right, it would be city code enforcement.

Mr. Duncan: So, it would be the city code, so just the mention of the city code, and the regulations and fines is enough, it's not a punishment, the CDD has nothing to do with that but had cases in which we have to report it to the city in which we don't quite like to do.

Mr. Azcona: Ok.

Mr. Winkeljohn: That's the last resort. Ok, I've got it and I think we've covered it. Are there any other questions? Not hearing any, we can move on.

C. Field Manager

Mr. Winkeljohn: Moving on, John did you have anything for any anybody?

Mr. Jado: Yes, we've got a lot done in the last 3 months, we put some new plantings up on Rosser, we made a buffer zone, landscaped it out, put shrubs, mulch, repaired any of the damaged to bring the plants in so that will help to protect the condos from being seen as the trees grow. Dan had a great idea of pulling it a little closer to the grassy area. We also put new plantings on the island on Brigantine, they were all dead and straggly right in front of the new shopping center. We dug that all out, we added fill because the area was too low, staying too moist, and we brought that up about 12" and put a bunch of plantings in there and mulched that out. We just put some landscape and we're going to be moving in some hedge over in the back of the commercial property where Tire Kingdom was and those commercial lots because the hedges are breaking on the other side of the fence, so we're taking care of that. I've been dealing with some homeowners that have been doing some violations, and Frank and I went around yesterday and we do all the lake and a lot of the preserve houses for that letter that you want to send out and we'll be sending out a statement on that so that you'll have all the addresses to do your letter.

Mr. Winkeljohn: Perfect, thank you.

Mr. Jado: And just various things and issues.

Mr. Winkeljohn: Right, and I omitted one thing, I wanted to tell everybody about, some good news, the HOA actually helped us renew the irrigation withdraw permit, they had to sign off on it and we were able to get them to execute the document, much to our surprise, so we got our irrigation renewal proceeding.

Mr. Duncan: Without that, they could not have drawn water from the lakes.

D. CDD Manager

Mr. Winkeljohn: Are there any other questions for me or John?

SEVENTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

Mr. Winkeljohn: That moves us to Supervisors requests, any other agenda items for future meetings, or any other topics you guys want to talk about?

EIGHTH ORDER OF BUSINESS

Financial Reports

A. Approval of Check Register

B. Balance Sheet and Income Statement

Mr. Winkeljohn: If not, then your financial reports are for approval by motion.

Mr. Austin: Paul, this is Frank.

Mr. Winkeljohn: Yes sir.

Mr. Austin: I just had one question, and it may have been covered but it's a while since we had a meeting and stuff, but I know that in one of those meetings we were talking about a contract with Lake Doctors, so I just wanted to ask if we got that resolved and if we have a contract with them to address the lake issues?

Mr. Winkeljohn: Yes, the Board left that as-is, we did not make any change to the lake maintenance. Lake Doctors does our fountains, and I think we've resolved at this time the performance issues, and we'll continue to monitor it very closely and if they come back up we would bring it back to you for a recommendation to change contractors, but at this time we're comfortable.

Mr. Austin: Ok.

Mr. Duncan: No, actually Paul, we basically asked you to get 2 or 3 other companies, to give us an estimate on both natural preserve and the lakes, and you said that you have a list of things and you'll contact them.

Mr. Winkeljohn: Yes, I had done that but after the last meeting I took it that way, that we were holding steady.

Mr. Duncan: No, we also asked you to ask the lake management and maintenance to provide us with two separate contracts, one for natural preserve, and one for the lakes. In order to have the information that is required at some point in time to decide what we will do with the two contracts.

Mr. Winkeljohn: Ok.

Mr. Duncan: I came and I basically provided you with a lake maintenance contract for Lake Doctors, which was also visited, and we had a long discussion about the carp, the fish and other things that they suggested in that contract, so these were actions that the Board requested.

Mr. Winkeljohn: Ok. I'll take care of that. I have a lot of that done, but I misinterpreted apparently, so we'll get that presented to you as soon as possible.

Mr. Duncan: Ok, I mean the next Board meeting if we have this information, we can make a decision to leave the contract as it is, or this contract is 10 years old, or to look at other bidders.

Mr. Winkeljohn: Got it.

Mr. Duncan: Which is the right thing to do, right?

Mr. Winkeljohn: Yes, if we're not happy and they're not performing.

Mr. Duncan: No, it's not about being happy or unhappy, assuming that they resolved their issues, the issue was that by getting proposals from different people we are knowing a lot about how people are resolving maintenance issues that technically were not included in the present contract.

Mr. Winkeljohn: Right.

Mr. Duncan: And also, we would like a more detailed description from Lake Management or whatever on what they are doing, how often.

Mr. Winkeljohn: Ok, I can get that anyway and circulate it right away so we can move on the discussion.

Mr. Duncan: Ok.

Mr. Austin: Hey Paul, this is Frank, just one other comment there, I do remember from one of the meetings because Dan made this point, was that the 10 year old contract really didn't outline anything that they were responsible for doing, it just outlined what we were going to pay them for maintaining the lakes, it didn't give any description.

Mr. Winkeljohn: Right, it was the developer's contract, that was the contract from the original developer hiring them which was vague and it was a very simple one pager, agreed, and I thought they agreed to a new contract I just don't know why I don't have that for you, but I'll find it and get it done.

Mr. Duncan: So, Paul just to make sure, so what I'm interested in because I'm not an expert in this area, is by looking at different proposals to find out what the actual needs for the maintenance of these lakes are, or natural preserves of wetlands.

Mr. Winkeljohn: Right, and just a quick comment about that, you know I do a ton of these all over the state, and until recently I would have said that they all essentially treat lakes the same, they use the same chemicals, the regulations kind of keep them very limited in how they can proceed, like one can't really do more than the other

because of the limits of the chemical treatments. I have found a contractor that sort of formed from some of the other contractors called Solitude, they're very similar to Lake Doctors in terms of quality of work, but they have a much more complex and detailed maintenance schedule which I have a copy of and I'll include that in the circulation. So, I have seen for the first time in many years, a contractor who is much more dynamic in their approach when it used to be one size fits all lake maintenance, so I am seeing a slight change in the business which I'll present to you.

Mr. Duncan: Ok, so the other thing that I also ask is about the wetlands. Wetlands are actually governed by some environmental restrictions, and I don't know if they are permits or what.

Mr. Winkeljohn: Yes, it's detailed in the state permit.

Mr. Duncan: Ok, so we have a big wetland and actually nobody knows what is in that wetland.

Mr. Winkeljohn: Well, sort of, the basic approach to wetlands is measuring and monitoring and they measure the amount of exotics which is typically what the main focus is, and the percentage of exotics, and over the years we've done mitigation, we've gone in there and removed exotics, we've done some work, and the permit is really silent the first 5 years. The first 5 years it's very intense monitoring and reporting, etc., and then once you get into the full operating stage which is where we are, it's a mixed bag of how that's handled but that doesn't mean we shouldn't continue to do our treatment which we do and monitoring, which we do, but we don't do as much as we could, and that might be more progressive and healthier for us to look at it that way, so I will include that in this approach.

Mr. Duncan: Ok, thank you because I have not seen a boat that goes into the wetlands by the clubhouse, you know behind the small fountain, and secondly to make sure that people understand my view, we don't do things just to meet a permit, we try to do the things that are right and in order to do the right things we have to get the right information of what we have and what we need to do.

Mr. Winkeljohn: I like that, that's excellent.

Mr. Duncan: I was very surprised when I got this young lady coming from some environmental company, I forgot the name of it right now, it was Environmental

something, that are doing these wetlands and natural preserves in the state, and when she viewed everything that we have to do, it came to something that was 10 times more expensive than what we pay today.

Mr. Winkeljohn: Right, that is a fact in the business you can spend as much as you're willing to on this project.

Mr. Duncan: I will send that, and that was in my mind, the question of what is the right thing to do.

Mr. Winkeljohn: Got it.

Mr. Duncan: Ok.

Mr. Winkeljohn: Alright, excellent. The last item then are the financial reports, is there a motion or discussion on that item?

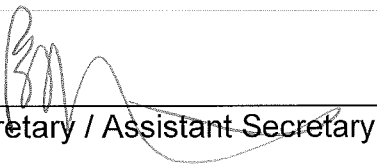
On Motion by Mr. Willemstyn seconded by Mr. Austin with all in favor, the Check Register, Balance Sheet and Income Statement were approved.

NINTH ORDER OF BUSINESS

Adjournment

Mr. Winkeljohn: With nothing else, 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/ViceChairman