

**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, September 8, 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 1-786-535-3211, Access Code: 136-581-013.

Present and constituting a quorum were:

Dan Duncan  
Ronald Willemstyn  
Juan Azcona  
Frank Austin

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

Also present were:

Ginger Wald  
Paul Winkeljohn  
Butch Terpening  
Nick McIntyre

District Counsel (via teleconference)  
District Manager (via teleconference)  
District Engineer (via teleconference)  
HOA Representative (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 August 11, 2020 Meeting**

Mr. Winkeljohn: The minutes from your August 11th meeting have been circulated, and if those are in order a motion would be appropriate and please state your name for the record.

Mr. Duncan: Yes, I checked the minutes, and the minutes are correct.

On Motion by Mr. Azcona seconded by Mr. Austin with all in favor, the Minutes of the August 11, 2020 Meeting were approved.

### THIRD ORDER OF BUSINESS

### Public Hearing to Adopt the Fiscal Year 2021 Budget

#### A. Motion to Open the Public Hearing

Mr. Winkeljohn: The next item is a public hearing to adopt the 2021 budget, and I'd appreciate a motion from a Board member to open today's public hearing.

On Motion by Mr. Azcona seconded by Mr. Austin with all in favor, opening the Public Hearing was approved.

#### B. Public Comment and Discussion

#### C. Consideration of Resolution #2020-03 Annual Appropriation Resolution

Mr. Winkeljohn: For discussion purposes our public hearing is again to adopt the 2021 budget. The budget assessment was proposed back in the spring and it actually states to keep the exact same assessment as prior year. With that, the line items that are accompanied have been placed, but may be altered as the year plays out and we find that it is necessary to change line items. The proposed budget meets and develops some reserves for all the service levels that the District is responsible for to our knowledge. I don't see anyone from the public here today, are there any comments or questions from the Board?

Mr. Duncan: My only comment was the description of one of the line items that we talked about.

Mr. Winkeljohn: Yes, if you could refresh my memory of which one that is?

Mr. Duncan: It's nothing related to the total.

Mr. Winkeljohn: Right, I remember it was in the narrative, correct?

Mr. Duncan: Yes, it's in the narrative and it's something that should be described differently, I sent you an email on it.

Mr. Winkeljohn: Yes, I have that.

Mr. Duncan: So, this is an explanation about the irrigation system line item it's all about.

Mr. Winkeljohn: Right.

Mr. Duncan: The irrigation system line item was initially done because we tried to have a well for Brigantine water, that was like 10 years ago, and the description remained like that, but the line item actually is supposed to cover the cost of the hardware for the pumps and the control systems. The maintenance line item is supposed to cover the sprinkler heads.

Mr. Winkeljohn: Right, so we'll take that as a change and that will be reflected to the attached budget for resolution #2020-03. Are there any other comments? With that I would ask for a motion for resolution #2020-03.

On Motion by Mr. Azcona seconded by Mr. Austin with all in favor, Resolution #2020-03 the Annual Appropriation Resolution was approved.

Mr. Winkeljohn: Just for the record our HOA representative, Nick is on the line with us, thanks for joining us Nick.

Mr. McIntyre: Good morning guys.

**D. Consideration of Resolution #2020-04 Levy of Non Ad Valorem Assessments**

Mr. Winkeljohn: The next resolution is #2020-04 which is the Non Ad Valorem Assessment levy resolution. This of course puts the assessment which we've had for many years and continues to keep it on the tax roll for collection purposes, and I recommend approval by motion.

On Motion by Mr. Azcona seconded by Mr. Willemstyn with all in favor, Resolution #2020-04 levy of Non Ad Valorem Assessments was approved.

**E. Motion to Close the Public Hearing**

Mr. Winkeljohn: That concludes the budget hearing requirements. May I have a motion to close the public hearing?

On Motion by Mr. Willemstyn seconded by Mr. Austin with all in favor, closing the Public Hearing was approved.

## **FOURTH ORDER OF BUSINESS**

## **Public Hearing to Adopt the Lakes, Upland Buffer Tracts and Preserve Rule**

### **A. Motion to Open the Public Hearing**

Mr. Winkeljohn: That brings us to a second public hearing which is the adoption of our rules, and I would like a motion to open the public hearing for rule adoption.

On Motion by Mr. Azcona seconded by Mr. Willemstyn with all in favor, opening the Public Hearing was approved.

### **B. Public Comment and Discussion**

### **C. Consideration of Resolution #2020-05 Adopting District Rules Pertaining to Use and Protection of the Lakes, Upland Buffer Tracts and Preserves**

Mr. Winkeljohn: At this point we are in the public hearing to adopt the rules. The rules have been circulated for some time and now would be the time to take input from the public or from the Board. I did hear before the meeting started today that paragraph 4 needs to be divided.

Mr. Duncan: Let me restate my comment, in paragraph 4 under violations, it started saying that any person violating the rules set forth is subject to trespassing, but the next sentence says, that the District will hold the property owner responsible, that doesn't make any sense because the property owner is adjacent to a natural preserve.

Mr. Winkeljohn: Right, so that term should be either the violator or the persons trespassing, something along those lines.

Mr. Duncan: Right, that's correct.

Mr. Azcona: Yes, I guess the violator would be appropriate.

Mr. Winkeljohn: Because if you're trespassing on my property, the property owner would be me.

Mr. Azcona: Exactly.

Mr. Winkeljohn: So, that's a good catch.

Mr. Duncan: So, what Ginger wanted to say is that the property owner adjacent for the trash and legally and everything else. It's reasonable to expect that the homeowner, whose property is adjacent to the natural preserve would be responsible.

Mr. Winkeljohn: Ginger, how would you suggest we word that? Would it be the adjacent resident, or adjacent property, what do you think?

Ms. Wald: One, for some reason this paragraph got, the language got changed around which I think is one of the issues. I would say that where you have subsections for each, it might be a little bit more coherent. So, your first one would be basically you just advise anybody that you're subject to all potential code and state violations, and then the second part, I'm sorry my computer kind of crashed so I'm trying to read this on the fly. The second part is for any violations in regard, for any damages as to District property, the District will hold the owner responsible for said damages.

Mr. Duncan: Ginger, technically the property owner is the violator.

Ms. Wald: What Paul was saying is, do you want to hold the adjacent property owner responsible for any actions of others, which I think is going to be problematic, but I believe you can change that.

Mr. Duncan: No, the District would hold the violator responsible for any damage.

Mr. Winkeljohn: Right, that catches it, I think.

Mr. Duncan: And that covers whoever did the violation, I mean it's difficult for us to prove but, this is what the situation is today.

Mr. Winkeljohn: It covers the intent. Are we all good with that? Are there any objections to that provision?

Mr. Azcona: Yes, I have a comment, this is Juan Azcona.

Mr. Winkeljohn: Yes sir.

Mr. Azcona: With regard to just that thing, or things of that nature, obviously the violator will be the one to go after and I think we are on the same page with regard to that, however, I think we were also talking about littering, or debris or something of that nature, and I agree up to a point that the people in your backyard, if there's some papers or whatever it is, you should pick it up. However, if there is a violator that is dumping materials that are constantly flying over to your property, that person cannot be

penalized for the next door neighbor dumping back or whatever garbage they dump, and it just happens to land on the property of the other person.

Mr. Duncan: Well, this is why you just leave it as the violators would be responsible, he's responsible for the damage.

Mr. Azcona: Ok, but then there was language there that says that the homeowner of the adjacent property will be responsible, so that's going to be removed?

Mr. Duncan: No, this is what we are trying to, and this is my comment, we are trying to change that sentence, from the homeowner to the violator.

Mr. Azcona: Ok.

Mr. Winkeljohn: Yes, I think we've got it.

Ms. Wald: We better read the second sentence over again Paul, since you have your computer in front of you.

Mr. Winkeljohn: Yes.

Ms. Wald: The District will hold the violator responsible for any damages caused to District property in violation of these rules, and charge the violator the cost of damages to District property that the District is responsible for under the applicable permits including attorney's fees and administrative costs therein.

Mr. Winkeljohn: The word "the" is missing, but I got it, that reads correctly.

Mr. Austin: I have a question on that.

Mr. Winkeljohn: Yes sir.

Mr. Austin: In some of these violations that we're working through now with the plantings that we had to do, on a couple of those locations, actually they hired somebody, like companies that go in and clean it and crunch stuff down, so technically they're the violator, right?

Mr. Winkeljohn: Whoever hired them is.

Mr. Duncan: Whoever hired to work on the property, the work performed on the property, is in violation. Also, I don't quite understand the last sentence, it says violations performed by the homeowner are allowable, what does it mean, the last sentence?

Mr. Winkeljohn: Right, that shouldn't say "performed".

Mr. Duncan: I mean, it's completely nonsensical.

Ms. Wald: I don't know what that sentence means either.

Mr. Winkeljohn: It was supposed to mean that any violation procedures conducted by the Newport Isles Property Owners Association to enforce these rules are allowable. So, any procedures that Newport Isles POA conducts are allowable, so we could put it in those words exactly.

Mr. Duncan: What are you talking about?

Mr. Winkeljohn: Because we don't have their rules to reference, the goal was and what we were asked to do was to at least anticipate that the Property Owners Association may participate in this, and that we would allow them to enforce these rules.

Mr. Duncan: I don't understand, first the property association cannot perform a violation, I mean how can violations be performed by them?

Mr. Winkeljohn: Well there's some that we could foresee.

Mr. Duncan: Ginger, please explain.

Ms. Wald: No, that's wrong, what Paul was trying to add here was to give the ability without having to revise the rules for Newport Isles Property Owners Association to enforce the rules. So, if you get rid of the last sentence where it says, "violations performed by" just take away those words, and that's why we're saying to do this as subsections to make it clear, that Newport Isles Property Owners Association has the authority to enforce.

Mr. Duncan: Yes, has the authority but not the obligation.

Mr. Winkeljohn: Not an obligation.

Mr. Duncan: We have to make sure that they, we give them the authority but not obligation to enforce these rules.

Ms. Wald: Ok, and I'll say that again. Newport Isles Property Owner Association has the authority to enforce its rules, and I would put that as a separate section.

Mr. Winkeljohn: I got it.

Ms. Wald: It's confusing because they're all lumped into one section.

Mr. Winkeljohn: Right, got it.

Mr. Duncan: You are right, this should not be under violations, it should be at the very end.

Ms. Wald: Correct.

Mr. Duncan: And my advice is actually, have the authority but not the obligation because remember in the letter that Paul sent about mowing the grass yearly by the lakes, we actually gave them the right to mow it, but the obligation to do that.

Mr. Winkeljohn: Correct.

Mr. Duncan: But we didn't put it that way in here, so in here I want to make sure that we say, we give them the right to enforce, but not the obligation.

Mr. Winkeljohn: Can we say that the Newport Isles Property Association has the option?

Ms. Wald: No, I would not suggest that, because it's not making an obligation. If you state that the Newport Isles Property Owners Association has the authority to enforce the rules, that's what I was saying, authority to enforce the rules.

Mr. Duncan: The authority, yes that's what it is.

Ms. Wald: That's all you need, that would make it even simpler.

Mr. Duncan: I agree with that.

Mr. Winkeljohn: I've got it, alright. Are there any other corrections or changes?

Mr. Duncan: Just one question.

Mr. Winkeljohn: Go ahead, yes sir.

Mr. Duncan: Actually, this has to be rewritten because there's another part in the middle that you charge the property owner the cost of damages. I mean the whole thing has to be rewritten because we are the property owners, I mean it's just a mess.

Ms. Wald: Right, so here's the revision for the second sentence. Section 4 violation, the District will hold the violator responsible for any damages caused to District property in violation of these rules and charge the violator the cost of damages to District owned property and property the District is responsible for under the permits, including attorney's fees, and administrative costs therein.

Mr. Duncan: Beautiful.

Mr. Winkeljohn: Perfect, got it.

Ms. Wald: And to make it clear the last sentence is rewritten to state this, the Newport Isles Property Owner Association has the authority to enforce the rules.

Mr. Winkeljohn: I have those changes. With those revisions, can we have a motion to approve resolution #2020-05, hearing no other changes?

On Motion by Mr. Willemstyn seconded by Mr. Austin with all in favor, Resolution #2020-05 adopting the District Rules pertaining to use and protection of the lakes, upland buffer tracts and preserves was approved.

**D. Motion to Close the Public Hearing**

Mr. Winkeljohn: And a motion to close the public hearing would be in order.

On Motion by Mr. Willemstyn seconded by Mr. Austin with all in favor, closing the Public Hearing was approved.

**FIFTH ORDER OF BUSINESS**

**Discussion of Community Garden and Lake Maintenance**

Mr. Winkeljohn: The moves us along to item No. 5 which is a couple of open items, and one was a gentleman from the community that proposed the idea of a community garden and the possibility of having a community garden on some of the District lands, so I guess it will start more conceptually.

Mr. Duncan: Yes, and we expected the gentleman to show up today and present a proposal in front of the Board, understanding what they are particularly asking where it is to be located, how many people would have access, and there were certain questions that Frank sent through an email and that was the issue and Frank maybe you can comment, but maybe it was too much work. I had questions related to it, why on the CDD owned property, I had questions related that the only way for us to maintain the lot or management tract is actually through trespassing. So, if we actually are putting a community piece of land with access from all the community we don't have any trespassing anymore.

Mr. Austin: Just to follow up, I think Paul was copied on a couple of the emails.

Mr. Winkeljohn: Yes, I have them.

Mr. Austin: A request from a resident.

Mr. Winkeljohn: Right from Stefan Obel.

Mr. Austin: And the possibility of using CDD property for a community garden and so Dan asked me to respond to the individual, which I did. So, I just put together a

few items that I thought if we were going to have a discussion at this meeting about the possibility of doing that, there was certain information that we would need to make an informed decision, and I got a response from the email about some of the questions, but that's basically the last I heard about it, and I think I sent that list of questions to you Paul.

Mr. Winkeljohn: Yes, I saw the questions. I thought sort of the first step is would the Board be interested in exploring the idea, that would be step one. Step two would be to see proposals and designs, not yes you can do it, and then approve proposals and design, so I thought we would take more of an interim step.

Mr. Duncan: Paul, with all due respect it's just the opposite. I need to know where his request is coming from, how many people in the community, I mean if it's just an idea of a person, and we go through the trouble, and nobody will use it, but second and the most important piece, why on CDD property? Was this proposal made to the HOA first, and the HOA said we don't have the land to do it, or if we are interested to pursue it, but it's actually to think through the long-term ramifications. If you use the land for community use, what happens if there will be other people, we had problems with trespassers putting swings on the water management tract adjacent to the Rosser apartments. There was a lot of junk that we had to remove twice actually. So, we have to make sure that we understand the long-term ramifications of actually allowing access toward the community members, and these water management tracts are not only for Newport Isles, but also are for Portofino Court. So, I really wanted to know, to change the interest in the community, before we actually fundamentally change what the water management tract land is for.

Mr. Winkeljohn: Right, and the actual location sort of blurs the topic, assuming there is a location that meets any of the criteria that this Board would be interested in is one step, and the second one would be the land, most likely would probably be a common area that the District may not even own in theory. So, there's way too many things to try to have a thoughtful discussion that we don't know.

Mr. Duncan: So, we asked the gentleman to come to the meeting and present and have some proposal and answers to the questions that I sat down with Frank.

Mr. Winkeljohn: Right, and one option is for staff, myself or Butch to respond to him, and if you want to suggest anything, these are some of the immediate parameters, what kind of land, and so forth, we'd have to feel it out and get a lot more information before we'd even begin to have a discussion.

Mr. Duncan: Paul, please read again Frank's email that actually has 10 points that he has to respond to, and he's responding to those 10 points and he comes in front of the Board, we'll actually continue it.

Mr. Winkeljohn: Ok, that's fine.

Mr. Azcona: Ok, this is Juan Azcona, I'd like to share my two cents. Hello?

Mr. Winkeljohn: Yes sir, I can hear you, go ahead.

Mr. Duncan: Yes, go ahead.

Mr. Azcona: Ok, alright, so I think that we should not be wasting any more time on this, I don't personally see this as something feasible, I mean it sounds like a very good idea and so forth, beautiful, but I don't think we need to get Butch or additional resources from the CDD involved in an idea that it will open a can of worms, and then they want a vegetable garden, who's going to be there, who's going to maintain it, there's a lot of problems. I wouldn't waste, this is a development District, we have specific things that we're supposed to do for the District, and I don't think necessarily a vegetable garden is one of them.

Mr. Winkeljohn: Right, and in many communities these requests come up from time to time, sometimes they're a bench in front of a lake that's a common area, or not behind a home, some of them have seating areas where they add like butterfly attractive plants and things like that. This could take on many layers or levels, not just the vegetables, or food, or maintenance intensive, so yes, I would wait for him to respond to the 12 questions that Frank put out. I was responding to his 3 questions after that, he said either vote for it, vote against it, or vote to table until you have more information, so that's kind of where I was going. So, he didn't come back, he just wanted you to say whether you would consider it.

Mr. Duncan: Excuse me, he actually, the original stuff that he shared with me and Frank, and then after we asked him to come and make a presentation and try to

answer some questions, he said ok he would be willing to do that, and we got no answer, and I do not vote on something that I don't have any idea what it is.

Mr. Winkeljohn: Right, and I don't think there's a vote anticipated for quite some time, if at all.

Mr. Duncan: I mean we invited him to come and make a presentation and try to answer all these questions, and I think that the Board has to be responsive, I mean to anything that comes from the community, the public has the right to ask these questions. So, I don't want to discard it, I don't want to vote, because I actually do not know what it entails, I know there are a lot of problems, but again, if somebody asked can we put a bench by a lake on our property, it would be a completely different discussion.

Mr. Azcona: Correct.

Mr. Winkeljohn: Right, there's no detail to reflect on, for sure, ok.

Mr. Azcona: And I think, like Dan has mentioned, we can entertain things from the people, but if it's something vague that we have to allocate resources from our attorney or engineering company to try to brainstorm or think of ideas, I personally don't want the CDD to waste money on that. However, if somebody comes with a definite proposal that maybe they run it by the HOA, and there is a section of land that involves the CDD and the HOA is ok with it, and they say listen, we have all these plans and it's a good idea, would you guys entertain it, I'll be more than happy to entertain it, but I wouldn't keep wasting time about vague ideas or vague concepts that are not really going anywhere.

Mr. Austin: Paul, are there other communities that you have, that have a community garden?

Mr. Winkeljohn: I've seen a few yes, not quite like food producing like this one. I've seen people plant things to attract the residents along pathways, like things that are edible, that's not unusual. I mentioned bench areas with butterfly gardens, that's kind of a more popular trend, so yes.

Mr. Austin: Ok, and the other question would be for Nick, has there been any discussion with the HOA about a community garden?

Mr. McIntyre: I am willing to ask and find out what interest there is in it. I believe this is something that people wanted on Facebook, it was not discussed with the Board.

Mr. Winkeljohn: Correct.

Mr. McIntyre: I'm not sure where he's going, but I'm sure they're willing to entertain it, and see what's what, and what they're looking to do, but it was never presented to the association Board.

Mr. Duncan: My expectation is that a homeowner first goes to the HOA about any activity in a HOA gated community.

Mr. McIntyre: I agree.

Mr. Duncan: And then if there is a proposal of some sort, and the HOA does not want to consider it, and we can get all the information, after the proposal is made, the CDD would consider it.

Mr. Winkeljohn: Excellent, thanks Nick. With no other questions we can move on. Dan, did you want to discuss the lake or the wetland topic? We were waiting for our current contractor to do some work which you mentioned the other day that they had done it, has that changed?

Mr. Duncan: Ok, so we had 10 violators, some of them, at least 2 of them had pretty sizeable violations, South Florida Water Management sent me a letter that we are in violation, we approached them, we tried to replant, we got a budget, we replanted everything, and one of the properties, 1922, 4 people said the plants were damaged. So now obviously I went there, and we filed a police report, we don't expect to get much out of it, we will be replanting that property next Friday, and the total cost between two areas will be about \$800. We are trying to do a super job, keeping track of each property because we finally got an agreement from each of the homeowners to do that, and the total amount of money, I think total cost will be maybe \$11,000 and we expect maybe \$9,000 to be reimbursed, and this is a tremendous amount of work. John and Frank have to repurchase the sprinkler system because they have to get water, we have to get agreements from the homeowners to allow us to use their water, and we have reimbursed them for the water they are using, so it's a lot of headaches, but we are close to the end.

Mr. Winkeljohn: Are there any questions or comments?

Mr. Duncan: No.

Mr. Winkeljohn: So, there's no action on that one.

## SIXTH ORDER OF BUSINESS

## Staff Reports

Mr. Winkeljohn: That brings us to item No. 6, staff reports, Ginger anything for our friends today?

### A. Attorney

Ms. Wald: There was the agreement with Lake Doctors that was deferred from the last meeting, is that still deferred or is that ready to be executed?

Mr. Duncan: I would like to defer it because the mechanical item for the project, was supposed to be built like 3 weeks ago, it's still pending until next week.

Mr. Winkeljohn: Ok, so we'll hold it, very good. Anything else from you Ginger?

Mr. Duncan: But I would like Paul to come up with a proposal for the natural preserve management.

Mr. Winkeljohn: Yes, I sent that out after our last meeting's discussion and two or three of them said, and I don't remember exactly who, but they would honor their price as stated for just the preserve, and I did not get a response from I believe Allstate so I was waiting for that before I gave a presentation.

Mr. Duncan: Ok. One other item that I think I need a motion from the Board is the procurement of this John Deere Gator cart because it's very difficult for John and Frank and myself to go over 6 or 7 miles of the community carrying different things, especially cleaning around the lakes and so forth.

Mr. Terpening: Mr. Chairman, this is Butch, if I can jump in, we can do live time links with you if you want us to fly the drone around and make these inspections while you're online, or you can stay a safe distance from the computer screens and watch it on our drone inspection, we're doing water drone inspections now if you would rather inspect the preserves and lake banks and that.

Mr. Duncan: Oh no this is not the inspection, these are actually cleaning the litter.

Mr. Winkeljohn: Trash removal.

Mr. Duncan: But it's very difficult to carry bags, that's one thing, and the second thing is that in order to save money, we are doing all the wet checks for Brigantine. So, what really happens is that you start the wet check, but you have to actually walk back and forth all the way to Gatlin and back which is difficult. Then when you try to fertilize, we try to have bags and everything, so I don't think it is appropriate for people to use their cars with all the junk and everything you put in their trunk.

Mr. Winkeljohn: Do we have a price?

Mr. Duncan: The last time I checked the best price was about \$7,800, which is very good.

Mr. Winkeljohn: That's really good, and if you call it a Gator it's \$7,800, if you call it a golf cart it's \$18,000, so that's excellent.

Mr. Duncan: And I got the deal, I mean I looked around a lot and I found that John Deere Gator, so that was about a month and a half ago because we needed a storage shed to put the Gator in before we buy the Gator, and also I designed one of these no trespassing signs and we ordered 150 of them so we'll put them all over the place, so we have to purchase the posts and everything and they have to be stored somewhere.

Mr. Winkeljohn: Right.

Mr. Azcona: Do we need a motion to make this purchase, I think it's necessary, I agree with that, I think maybe like \$8,000.

Mr. Winkeljohn: Right a not to exceed.

Mr. Duncan: That's correct, and usually when I have such a purchase, I ask the Board for approval.

Mr. Winkeljohn: Thank you, is there a motion not to exceed \$8,000 for the vehicle?

Mr. Azcona: Yes, I'll make that motion.

Mr. Duncan: I would advise let's do \$8,500 because I don't want to come back to the Board for \$300.

Mr. Winkeljohn: Is that ok Juan?

Mr. Azcona: That's ok with me.

Mr. Winkeljohn: Ok, and Ron?

Mr. Willemstyn: That's fine with me also.

Mr. Winkeljohn: Ok.

Mr. Duncan: And by the way it's in the budget, it's covered by the budget.

Mr. Azcona: Ok.

Mr. Winkeljohn: Absolutely.

On Motion by Mr. Azcona seconded by Mr. Willemstyn with all in favor, authorizing a not to exceed amount of \$8,500 to purchase a John Deere Gator to perform wet checks and debris collection around the lake banks, etc. as stated on the record was approved.

Mr. Winkeljohn: Anything else under that topic? Ginger you were finished?

Mr. Azcona: With regard to the shed that was suggested, where do we stand with that?

Mr. Duncan: So, basically what I've done is the first step is actually to get an address for the shed, which is for the police department and the fire department, so that process has been completed. Then you have to find a contractor, so we found a contractor to apply for a permit, that was done and it just passed the planning and zoning, and we thanked Paul for the letter we handed to planning and zoning and it went to the building department which I called South Florida Water Management and they approved for the shed to be located on a water management tract and at this moment it's in the building department and I expect in 10 days we'll have it approved.

Mr. Azcona: Great.

Mr. Duncan: And then we have to order the shed which will take 4 weeks to get.

Mr. Azcona: Ok, so hopefully within in the next 3 months we have something installed.

Mr. Duncan: Yes.

Mr. Azcona: Ok.

Mr. Austin: And that shed will be installed prior to us taking delivery of the Gator, is that correct?

Mr. Duncan: That's correct.

Mr. Austin: Ok.

Mr. Winkeljohn: Ginger, we sort of morphed on your report, did you have anything else?

Ms. Wald: No, nothing else.

### **B. Engineer**

Mr. Winkeljohn: Butch, do you have anything for our friends today?

Mr. Terpening: No, nothing to add Paul, thank you.

### **C. Field Manager**

Mr. Winkeljohn: As I mentioned earlier, John is off taking care of a medical issue. Are there any other items for field manager, and I know Frank you've been working with John but I think Dan already covered most of the things we were working on. Anything else that John needed to report that he passed on to you?

Mr. Austin: The only thing that took the majority of time that consumed with these violations and we got plantings in and making sure they're watered. As of Saturday, we had not lost any plants that died or anything, we had some stolen but other than that, the only other thing is the sprinkler system on the entrance at Brigantine, we had some problems with it, but that's it.

Mr. Winkeljohn: Ok, thank you.

### **D. CDD Manager**

#### **1) Consideration of Proposed Fiscal Year 2021 Meeting Schedule**

#### **2) Discussion of Financial Disclosure Report from the Commission on Ethics – everyone has filed**

Mr. Winkeljohn: Under manager's report, the fiscal year 2021 meeting schedule is before you. You guys know we hold meetings when there's business, and if we need a special meeting, we can add it, and if we don't, we can cancel. If this meeting and frequency still works for you on that date and time, a motion to approve would be welcomed. Can you hear me? Are you there, Frank? Sorry about that, my computer just magically froze out of nowhere, and I'm on cell phone. I left off with the meeting schedule.

Mr. Duncan: Did you hear, there was a violator that you were supposed to write a letter to, that he had a garden that went all the way to the lake, do you remember that?

Mr. Winkeljohn: Not exactly, but I'd be happy to do it.

Mr. Austin: You can call me on that.

Mr. Winkeljohn: Alright I'll circle back with Frank and get that done.

Mr. Duncan: Frank can give you that information, and we left it unattended because we had so much problems with the other 10 violators of the natural preserve, and this natural preserve had to be completed by the end of September to get within the 90 days window.

Mr. Winkeljohn: Right.

Mr. Duncan: But we sent you a request and we sent a picture of this garden, but we will re-send it to you.

Mr. Winkeljohn: Ok, I don't see it in my inbox, but I'll go through it again.

Mr. Austin: Paul, if you can't find it, I can re-send it.

Mr. Winkeljohn: What was the address?

Mr. Austin: If you can't find it, I'll re-send it, but we discovered that at the end of May.

Mr. Winkeljohn: Ok, I must have missed it.

Mr. Duncan: We will send you the pictures and you can write them a letter.

Mr. Winkeljohn: Ok, alright I'll do that. I don't see it in my inbox, something happened.

Mr. Duncan: Ok.

Mr. Winkeljohn: Was there anything else? I was moving on to the meeting schedule.

Mr. Duncan: Nothing really.

Mr. Winkeljohn: Ok, so is there a motion on the meeting schedule?

Mr. Duncan: They look fine, so somebody has to make a motion.

Mr. Azcona: What's the motion for? For the meeting schedule? Can you verbalize it?

Mr. Winkeljohn: Yes.

Mr. Duncan: There is a list of dates for the meetings in the agenda, and I checked them, they look right to me.

Mr. Winkeljohn: Ok, we just need a motion to approve the meeting schedule for 2021.

Mr. Azcona: Ok, I make a motion and when do we anticipate that we will resume in person meetings?

Mr. Winkeljohn: Good question.

Mr. Duncan: When the Governor approves it.

Mr. Winkeljohn: Correct.

Ms. Wald: Well, September 30th, which is really midnight October 1st, is the expiration of the Governor's Executive Order which permits these type of meetings without a physical quorum. Unless the Governor issues an extension of this Order, or a new Order, then all virtual meetings will end on September 30th, so this would be your last virtual meeting.

Mr. Azcona: Ok, so do we want as a Board to continue having virtual meetings for a little bit longer or how do you guys feel about it, would you like to meet in person after October?

Ms. Wald: No, you don't legally have the option. So, let me just explain Juan. The only reason why we were able to have these meetings via telephone, or video conference is because of the Governor's Emergency Executive Order allowing that to happen. If that doesn't continue then we will have no choice and we will have to have at least 3 Board members physically meeting as a quorum.

Mr. Azcona: Ok, so we will not have an option, we will have to physically meet.

Ms. Wald: Right.

Mr. Duncan: Except that it's possible that he will extend it.

Ms. Wald: He could, however, the last time he extended it there was some specific language, the introductory language that was referred to because budgets were being adopted in September by different Districts and also local governments, and so that was the basis for the extension of the virtual meetings. Whether that will continue thereafter, we do not know, different parts of the state obviously are in different phases

and the Governor is going to have to make a decision by the end of the month whether he's going to want to extend or not.

Mr. Azcona: Ok, so we'll be notified, I guess.

Mr. Winkeljohn: Yes, as soon as we know.

Mr. Duncan: Well, if he insists on opening the schools then that's it.

Ms. Wald: In fact, Dan is 100% correct, we were not really confident we were going to get an extension for this month, so I think because of the budgets we were able to do that, but I would not hold out too much hope for an extension after this month.

Mr. Azcona: Ok.

Mr. Winkeljohn: And I would add, there's many layers to this, if he removes the requirement there still may be spacing requirements to hold the meetings, where the public would have to join telephonically, so there might be a hybrid approach to it that I wouldn't be surprised by. So, we'll keep our eyes on it, as soon as we get the information, we'll come up with what our recommendations are. The good news is for this fiscal year we wrapped up our budget and our rules so if we couldn't conduct a meeting easily, we're not missing any requirements, so that's good.

Mr. Azcona: Ok.

Mr. Duncan: So, my suggestion Juan is that at the next meeting we'll do it outside in the park wearing masks. Anything else?

Mr. Winkeljohn: All in favor of the meeting schedule would me in order.

On Motion by Mr. Azcona seconded by Mr. Willemstyn with all in favor, accepting the proposed Fiscal Year 2021 Meeting Schedule and authorizing staff to advertise was approved.

Mr. Winkeljohn: Next item, congratulations everyone has filed their financial forms, we got that wrapped up.

## SEVENTH ORDER OF BUSINESS

## Supervisors Requests and Audience Comments

Mr. Winkeljohn: Item No. 7, is audience comments, Nick do you have anything for us?

Mr. McIntyre: I do not.

Mr. Winkeljohn: I can update that Nick and his Board did start to look at our agreement and we're looking for Butch to help us with a clean map that we can use as a tool to sort of circle the areas. As soon as we have that, we're going to meet again in the next couple of weeks, virtually, I guess.

## **EIGHTH ORDER OF BUSINESS**

## **Financial Reports**

### **A. Approval of Check Register**

### **B. Balance Sheet and Income Statement**

Mr. Winkeljohn: Item No. 8 are your financial reports, the check register, balance sheet and income statement. If those are in order a motion to approve would be welcomed.

Mr. Duncan: I checked them, and everything is in order.

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

## **NINTH ORDER OF BUSINESS**

## **Adjournment**

Mr. Winkeljohn: That's all our business today, and Frank if you send me that, I'll do that letter right now while I'm sitting here, and we can adjourn the meeting. Is there a motion?

Mr. Azcona: I have a couple of comments first.

Mr. Winkeljohn: Please go ahead, yes sir.

Mr. Azcona: Ok, while we have Nick, hi Nick, we discussed at the last meeting and I think it's in process now that the HOA is coordinating with Butch about the map, so everybody from the HOA and the CDD, everybody is on the same page. While you're here at the meeting, is there any other things that the HOA would like to communicate to the CDD to cooperate better or anything, or any kind of conflicts or something that we can address about it, or work with the relationship, is there anything that needs attention?

Mr. McIntyre: I'm not aware of any conflicts or anything, I think we've begun working together very well. I'm working with Joe Clark with the agreement, and we're

looking forward to working with the CDD regarding maintenance and whatnot, and we'll be meeting with Paul and John Jado to iron out the details of that and get some guidelines within our expressed concerns and whatnot, but nothing has been brought to me that needs to be addressed.

Mr. Azcona: Ok, good to hear. If there ever is any kind of issue, if the HOA feels, and you as their representative feel that there is something that we can iron out to both parties and work together efficiently because we basically represent the same constituents please don't hesitate to come to a meeting and voice your concerns or your opinions so we can address them.

Mr. McIntyre: Absolutely.

Mr. Azcona: Thank you, and then I have another comment, just for the record, today was an open public meeting and as we all know, usually people don't participate even when there is a public meeting, but many people are always very quick to complain or judge people, or members of the Board, I would like personally acknowledge all the hours of volunteer work and hard work from our members, Frank, Dan and Ron and thank all of them for value they bring month to month to the CDD, and furthermore, today we talked about the items that were needed, the shed that was needed, and if there are any tools or other things that are needed by the members to do volunteer work, please don't hesitate to bring them so we can discuss them and there should be no additional burden for members for out of pocket expenses, or their cars, or other resources that many have been using. So, I just wanted to state that for the record.

Mr. Duncan: Juan, please if you don't quite understand the business, these are reimbursable every month, so we do that, reimbursing John for everything that is required. When I asked for a motion it's actually for large items, but actually for day to day operations we are actually reimbursing through GMS, and I sign the invoices and turn them into Patti Powers, and she sends me more than that as part of the reimbursement of these 10 violators, we actually had to send each of them a monthly invoice and get the checks and send them back, so there's a lot of that, so small things we actually are doing that, and we have been doing that forever, so you need a motion only for the large amounts.

Mr. Azcona: Ok, but I know in some occasions people are using personal homes or items to put this away and some of those things nobody is getting paid for that, so there are a lot of volunteer hours and a lot of use of personal items.

Mr. Duncan: I put at least 4 or 5 hours in every day, and I don't ask for any payment.

Mr. Azcona: And that's what I'm saying, so at the very least it's to acknowledge the volunteer work and the hard work you guys are doing because most of the public are not aware of it and they just complain without understanding what the Board members are doing, so I just wanted to acknowledge that and thank all you guys for the work.

Mr. Duncan: Ok, thank you, and thank everybody.

Mr. Winkeljohn: Excellent. With nothing else, is there a motion to adjourn?

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

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Secretary / Assistant Secretary

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Chairman/Vice Chairman