

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

The regular meeting of the Board of Supervisors of the Portofino Isles Community Development District was held on Tuesday, November 9, 2021 at 10:00 a.m. at the Newport Isles Clubhouse, 1856 SW Newport Isles Blvd., Port St. Lucie, Florida 34953.

Present and constituting a quorum were:

Dan Duncan  
Frank Austin  
Juan Azcona  
Rohn Timm

Chairman  
Vice Chairman  
Assistant Secretary  
Assistant Secretary

Also present were:

Ginger Wald  
Paul Winkeljohn  
John Jado  
John Kiechle  
Susan Austin  
Stefan Obel

District Counsel  
District Manager  
Field Supervisor  
Property Manager - Newport Isles  
Resident  
Resident

**FIRST ORDER OF BUSINESS**

**Roll Call**

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

**SECOND ORDER OF BUSINESS**

**Approval of the Minutes of the  
September 14, 2021 and  
October 12, 2021 Meetings**

Mr. Winkeljohn: Your minutes from the meetings are in your books, if there's any questions, we can take them or a motion to approve.

Mr. Duncan: I don't know if everybody or anybody read the October ones, the September ones I think we gave you the corrections. Did anybody check the October minutes, Rohn?

Mr. Timm: I didn't have any problems with it.

Mr. Winkeljohn: Excellent.

Mr. Duncan: Ok, well there are a lot of problems with them.

Mr. Winkeljohn: Some typos or with names?

Mr. Duncan: Yes, names and this and that.

Ms. Wald: Do you want to approve September, and defer October?

Mr. Duncan: Yes, absolutely.

Mr. Winkeljohn: So, we can get the names adjusted.

Mr. Duncan: It's not only names, it's actually misrepresentation.

Mr. Winkeljohn: No, you can't have that.

Mr. Duncan: Now it was agreed that you'd be sending a Word version, which I have not received, and therefore I couldn't actually make changes, so in one place they call you Mr. Toombs instead of Mr. Timm, so if you read it carefully, you should have caught all these things.

Mr. Timm: I didn't understand what was going on with some of that, like going back and forth.

Mr. Duncan: Well, if you don't understand, in general, in order to approve what is on the record, it's not like something that is being said, this actually becomes the record.

Mr. Winkeljohn: Well, the audio tape is the record.

Mr. Duncan: But nobody actually goes to the tape, because it's easier to read.

Mr. Winkeljohn: Right.

Mr. Duncan: So, I take the time. Did you have the time Juan to read the October minutes?

Mr. Azcona: The minutes?

Mr. Duncan: Yes.

Mr. Azcona: Yes.

Mr. Duncan: And you have no problem with it?

Mr. Azcona: The one that I was absent, or the previous one?

Mr. Duncan: No, the last one.

Ms. Wald: That's the one he was absent at.

Mr. Duncan: The very last one, yes.

Mr. Duncan: Ok, and that's fine.

Mr. Winkeljohn: Right, so I'll get the Word version out today.

Ms. Wald: So, do you just want to do motion approving the September 14th?

Mr. Duncan: September is fine.

On Motion by Mr. Austin seconded by Mr. Timm with all in favor, the September 14, 2021 Minutes were approved and the October 12, 2021 Minutes were tabled.
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Mr. Winkeljohn: Alright, we'll table the October minutes and I will circulate the Word version, I made another note to make sure our staff does that, and that will be the policy going forward. Thank you.

**THIRD ORDER OF BUSINESS**

**Staff Reports**

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

**A. Attorney**

Ms. Wald: I don't have anything today.

Mr. Winkeljohn: Alright.

**B. Engineer**

Mr. Winkeljohn: Butch was on the road today, he called me this morning and he said we can reach him if we have any questions for him. He said he would try to call in if he got to a safe place to call.

**C. Field Manager**

Mr. Winkeljohn: Under field manager's report, John how are things?

Mr. Jado: Basically, it's just maintenance, we had a problem with Mr. Galotti, I spoke to his wife.

Mr. Winkeljohn: And just for the record, the background was Mr. Galotti sent messages to the Florida DEP who sent out an email to us, I called the inspector and explained to him that there's really no DEP issues, we're not permitted by them for the lakes directly, and I went over that we're fully maintaining with our contractor that we have staff onsite. I went through it, and he said he would file the complaint away, and it was a non-issue.

Mr. Duncan: When a complaint is being made, as a matter of policy, I suggest that a contractor that has a contract with a District should never approach a homeowner. I was on vacation when I saw this message from Tim Fisher, the Lake Doctor, saying, what do you want me to do to get in touch with the homeowner, and I told him that I do not think that's appropriate. If a homeowner has a problem, they should approach the Board, should approach John, because if we actually institute a policy that the contractor should actually talk to each of the homeowners, it's a very slippery slope. So, it indicates that there is a poor plan in writing or otherwise to the HOA, the HOA should forward the email or complaint to the District, and John will work on it, and then we will see that the contractor does what the contract requires for him to maintain, the lakes or whatever.

Ms. Wald: So, was it the resident that brought it up to the contractor, or the contractor brought it up to the resident?

Mr. Duncan: I stopped the contractor from talking to him.

Ms. Wald: Ok, because the contractor in the contract specifically states that all direction is through the District manager or his designee.

Mr. Duncan: It turns out that I don't know exactly how it was, he actually thought that Paul directed him to contact the resident and he asked me, hey I'm not sure, can you give me Paul's phone number to actually talk to him, because I don't know exactly what I'm supposed to do. So, I took the liberty to say, do nothing, and we'll try to resolve it. So, I called Frank and Frank promised me that he would talk to the homeowner and then Frank talk to him.

Mr. Jado: Yes, and I was on vacation, so Frank talked to him.

Mr. Winkeljohn: Right, and I spoke to Frank.

Mr. Austin: Yes, I went by the on the 26th, and obviously he didn't even know what the CDD was.

Mr. Duncan: So, I think that's a better policy.

Mr. Austin: His complaint was the HOA was not keeping up the lakes, but I explained that we have a process of treating the water and the grasses and what have you.

Mr. Duncan: We have more fundamental problems, even that we offer the HOA, we offered them to come to the HOA meetings and explain, in writing we actually put this offer, and they explain what the CDD is. As you remember, we wrote two different letters, a letter for the natural preserves, and the lakes, and in this letter, I made sure that we made an offer to the HOA for the District manager or a Board member to come. I also in the last couple of years, I requested that in the package that the HOA has for when a new homeowner comes, there is a package the HOA provides and I asked the HOA to include information about the CDD.

Mr. Jado: It's a welcome package that they go over the restrictions.

Mr. Duncan: That's the idea.

Mr. Azcona: Yes, but it's two different kinds of people, residents, like if somebody is renting, and homeowners.

Mr. Duncan: The problem is that they don't do that, the homeowners are already in there, but when they provide a new resident, they have restrictions, covenants and everything else. Anyway, this is for more than, I think it's more than 3 years that I requested that. Nick, the previous HOA manager said we don't do that.

Mr. Azcona: While we're on the topic, John, could we interrupt you for a quick second? We would like for upcoming people and the homeowners and so forth that we have a welcome package, if we could include some information about the CDD so people are aware of what the CDD is, and what the CDD stands for.

Mr. Kiechle: If these guys are going to provide me with some fact sheet that we could put into our packet, that's not a problem at all.

Mr. Winkeljohn: Sure.

Mr. Duncan: Yes, but I requested that for the last 3 years.

Mr. Azcona: John wasn't here, now he's the manager.

Mr. Austin: Yes, John is the manager, he's good.

Mr. Duncan: Ok, but we also offered for the District manager to come to a HOA meeting and talk about the CDD.

Mr. Winkeljohn: Right, anytime.

Mr. Duncan: Anytime in writing, if you look at the letters. Ok, but anyway, I would like as a process, so if we have a contract with anybody.

Ms. Wald: Well, all those contracts state that, so I think it's just Paul reminding each one of those contractors and their employees.

Mr. Duncan: Well, I got that he was trying to respond.

Mr. Azcona: But it is stated that communication is through the property manager, it is stated for them to refrain themselves from talking to anybody, any resident, or any other person, other than the assigned person.

Mr. Winkeljohn: Right, and most contractors have that habit naturally, but in this case, it should have been more formalized.

Ms. Wald: So, it's reminding them of that.

Mr. Azcona: Yes, just remind them.

Mr. Duncan: I said in the minutes, do nothing.

Mr. Winkeljohn: So, the bottom line is, I think the long term solution is what you just said, is to help work with John to get him a flyer. A lot of the Districts and HOAs use the, you have a rental approval process, so if somebody wants to rent their home, right there is another huge opportunity because that turns over more frequently than homeowners, so you get to an audience a little bit faster, and renters are often less knowledgeable about how things are, or care what the rules are, so that's an intersection point that might benefit as well. So, we'll come up with something for John like a one page or something.

Mr. Kiechle: No problem.

Mr. Jado: Alright, do you want me to finish my report?

Mr. Winkeljohn: Sure.

Mr. Jado: Well, basically we're re-fertilizing, we've done all of Brigantine, we're taking care of all the re-fertilization for the last quarter of the month. The gentlemen have been taking care of the preserves, I have one thing, or the big thing is I have a

couple of bills sitting for the sprinkler company, we're waiting for the agreement to be signed by the CDD as far as I know, and then I need to know to move forward with that.

Mr. Duncan: I haven't seen the maintenance agreement.

Mr. Winkeljohn: I didn't get it.

Mr. Jado: John said he sent it out to everybody, I didn't get it either by the way.

Mr. Kiechle: I can give you a copy right now.

Mr. Winkeljohn: Yes, can you print it for us?

Mr. Duncan: No, but did you execute it?

Mr. Winkeljohn: No, I did see the final language, remember that was how it left us, so let's see what it is.

Mr. Duncan: Right.

Ms. Wald: The last meeting, Michele said that they were waiting for one signature.

Mr. Winkeljohn: Right.

Mr. Duncan: Yes, before they could give it to us to sign.

Ms. Wald: Yes, we were waiting for them to give it to us so we can sign it.

Mr. Winkeljohn: He has it.

Mr. Jado: She was waiting for the last one to sign it, and now it's waiting for us to sign.

Mr. Duncan: They have not communicated that.

Ms. Wald: Here we are.

*(At this point several people were talking at one time, and no one conversation could be heard)*

Mr. Jado: What they did was they had all the Board members sign a sheet.

Mr. Winkeljohn: Right, a separate sheet.

Mr. Duncan: John, the way the contractor does it, you send that out so they have two pages with a total of six signatures on the original contract.

Mr. Kiechle: Well, that's for the HOA.

Mr. Winkeljohn: Right, so this copy, is that an original?

Mr. Kiechle: Yes, Michele signed that.

Mr. Winkeljohn: Ok, so we can sign that, and she'll look at it right now. Great, then we'll make two copies.

Mr. Duncan: Right, two copies and we'll sign both copies.

Mr. Winkeljohn: Great.

Ms. Wald: This is not an original.

Mr. Duncan: Again, we need two originals, one comes back to you after we execute both originals, and one stays with the District.

Mr. Kiechle: Ok, I got it.

Mr. Winkeljohn: Right, this one is in dark ink or a copy, so I can't really sign it.

Ms. Wald: I have to read this and make sure it's the right version as well.

Mr. Duncan: Ok, so let's assume that Ginger looks at the last version and it's the right one.

Ms. Wald: It's the right one, and you can execute it today.

Mr. Duncan: Yes, you sent it back to me.

Ms. Wald: We're good.

Mr. Winkeljohn: So, we'll deal with it later.

Ms. Wald: Ok, we'll do it after the meeting, but as long as it's the right one, it is executed, it's fine to execute it.

Mr. Winkeljohn: Back to John.

Mr. Jado: Then I have a couple of bills for a sprinkler system company that we used and I had them for 2 weeks now and I don't know if I should ok them or not.

Mr. Duncan: Not yet, as I said before, in this agreement, the CDD took over the Rosser pump station, which was not ours, so we had bills for the Rosser pump station that the moment that it's signed, that will take care of that.

Mr. Winkeljohn: Excellent.

Mr. Jado: So, then we will pay it, we will not ask the HOA to split it.

Mr. Duncan: Right, it's in the agreement, we take care of that.

Mr. Jado: Ok.

Mr. Duncan: We took over that.

Mr. Winkeljohn: So, that's internal, so it looks like it will get paid, as long as there's no version issues.



Mr. Duncan: It's now again, 3 ½ years since I wrote the amendment for it.

Mr. Winkeljohn: We understand.

Mr. Duncan: And by the way, all the things that was agreed to, and you guys put in were taken out in the final version, the \$2,000, the \$5,000 and all the other stuff, and they were taken out because I put the section that basically states how the process is, either party will get an estimate, so we know that you have to tell the other party.

Mr. Jado: Then we had a problem with the fountain which we had The Lake Doctors buy a new part and redo. Are we supposed to get a bill for that Dan because I didn't see a bill for that?

Mr. Duncan: Yes, most likely, we do not know the cost, but the timer was completely fried and it was a tremendous short, which unlikely for any other stuff to have caused.

Mr. Jado: I'll get with Tim on that, anyway we got that repaired. Everything is in good shape, we're working with the HOA and really doing a great job together. The communication has never been this good, it's fantastic.

Mr. Azcona: And it's been pretty good.

Mr. Jado: It's excellent and I'm actually helping out in the neighborhood now because they don't have any maintenance people, so if I see garbage, I'm picking it up before it gets into the lake, I pick it up.

Mr. Duncan: I thought they had two young guys.

Mr. Jado: One guy is hurt and the other one is quitting, so I've been helping out with that with the palm fronds and different things to keep the community nice, and have good faith between the CDD and the HOA, so we're getting along very good, so I'm very happy about that, and that's about it, just general maintenance. Everything looks good to me, I don't know if you guys have seen anything that's lacking, but I'd like to know if you do.

Mr. Winkeljohn: And this time of year is a good transition period for the lakes, that first cold front you usually get a lot of the floating weeds, and so you get a clean looking water. Now is the time where our lake maintenance people, like The Lake Doctors can start looking at what they want to do for the spring, so they sort of get ahead.

Mr. Jado: Right, and we talked about that, but they've been keeping it under control pretty good.

Mr. Azcona: Like that we assigned for cutting some trees.

Mr. Jado: I've been trimming my own, up in the Rosser area when I see low branches, I actually have a small chain saw, so I'm going to cut everything up about 8' to 10' as best I can. Some of the bigger stuff I may not be able to do, we need palm trees to be pruned, the big ones, they have to be pruned up and we have cabbage palms that I'll get with Ignacio this month to get my permission to go ahead and get a price, usually he does it by the hour, it's \$29 or so an hour for two men, it doesn't cost us so much. Once in a while they price the palm trees, which are about \$18 to \$20 a palm tree, not the big phoenix ones, but the cabbage palms.

Mr. Azcona: But we already had an approved budget for the work on that.

Mr. Jado: Yes, we kind of had an approval last month, so that's about what we have to do to really get in shape.

Mr. Azcona: And the other \$6,000, I think we allocated for, I think it was pressure cleaning.

Mr. Jado: Right, pressure washing, I'm waiting for this agreement to get signed because him and I, we're going to be splitting a lot of that, or portions of it, with the wall in certain areas, and the sidewalks and stuff will be on the CDD that is on our property.

Mr. Winkeljohn: And they're going to do a winter plant, annual rotation of the signs I would assume.

Mr. Jado: An annual rotation of what?

Mr. Winkeljohn: The signs.

Mr. Duncan: The agreement states that landscape on HOA property will be taken by the HOA.

Mr. Winkeljohn: I understand, I didn't say us, I said they.

Mr. Duncan: Well, we've done it once.

Mr. Winkeljohn: Right, so you might want to advise them that it's due.

Mr. Jado: I don't quite understand, signs?

Mr. Winkeljohn: That are in front of the two monument signs.

Mr. Jado: Oh, yes, I've spoken to Frank about that.

Mr. Duncan: It's not us, we've done it once as a courtesy, but what's in front of the monuments, we did it as a courtesy once.

Mr. Winkeljohn: Right, they need a winter plant in there.

Mr. Jado: Yes.

Mr. Duncan: Ok, so a winter planting.

Mr. Jado: Right, I think we need to get some more hearty things.

Mr. Winkeljohn: John is back now.

Mr. Kiechle: Michele only signed one copy.

Mr. Winkeljohn: Ok.

Mr. Jado: Ok, so we'll take that one.

Ms. Wald: And let me just read whatever was signed anyway.

Mr. Winkeljohn: And we can live with one copy, we'll sign it and make two copies of it.

Mr. Duncan: But you need an original right?

Mr. Winkeljohn: Well, I can live with a copy.

Mr. Jado: Why don't we take the original and sign it and put in in your file.

Mr. Winkeljohn: Right, we'll mark it as one original for our signature, we can sign it in blue.

Mr. Duncan: In general as a process, I would like to get two originals.

Mr. Winkeljohn: Right, it's preferred.

Mr. Kiechle: What if you guys sign two copies and we just send one back and then I'll have Michele sign the other one for our records, that's no problem.

Mr. Winkeljohn: Right, that's what we'll do.

Mr. Duncan: Ok.

Mr. Azcona: And what was that you were saying Paul about the plantings?

Mr. Winkeljohn: Yes, I was just saying, it was just an observation that the two monument signs, the summer plant, it's a vinca, it doesn't do well in the winter here, so they're looking pretty rough, when I was driving in I saw them.

Mr. Azcona: And the CDD did it as a courtesy for the HOA the first time.

Mr. Kiechle: You're talking about right inside the gate?

Mr. Winkeljohn: Both the monument signs, they're due for like an annual planting.

Mr. Kiechle: Ok.

Mr. Jado: And I went down to Miller's to pick up some more fertilizer because I had some, I'm fertilizing a lot of plantings, and we were talking about some bougainvilleas, different colored ones, but keep them very short.

Mr. Winkeljohn: There's a dwarf bougainvillea.

Mr. Jado: Right.

Mr. Duncan: But we have these two beautiful bougainvillea on each of the sides, and if you want to put different colors.

Mr. Jado: Well, that's why I said multiple different colors.

Mr. Winkeljohn: But bougainvillea in front of the sign are challenging, they don't like water, and then you have things that don't like water with grass. You have to get something like impatiens or new guinea impatiens, they're really hearty, they can even last through the summer.

Mr. Duncan: Anyway, you'll take it to John.

Mr. Jado: Right, they only last 3 months.

Ms. Wald: It's good to go, so he can sign it.

Mr. Winkeljohn: She said it's good to sign.

Mr. Duncan: Anyway, so you guys will decide what needs to be done, maybe something that will be good for 6 months.

Mr. Winkeljohn: Perfect. Alright, anything else John?

Mr. Jado: No, that's about it.

Mr. Winkeljohn: Excellent, thank you.

#### **D. CDD Manager**

Mr. Winkeljohn: I don't have anything under manager.

### **FOURTH ORDER OF BUSINESS**

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

Mr. Winkeljohn: That moves us to Supervisors requests, anything from the Board?

Mr. Duncan: Yes.

Mr. Winkeljohn: Please.

Mr. Duncan: Ok, go ahead Juan.

Mr. Azcona: I'm good.

Mr. Duncan: Ok, so just a piece of news, I decided to resign from the Board starting January 1st, I will give the courtesy of six weeks, and it's a long time coming. I joined the Board mostly to do something that has not been done, to do the perimeter project and save a lot of money, and then I was accused of taking \$30,000 in bribes in writing by Joe Percelli or Michael Joey, they don't know, but the HOA lawyer actually put it in writing warning me. Then the verbal abuse from Michael Joey, the physical abuse to John in front of the HOA meeting that was recorded on camera and the HOA didn't do anything about it, that was physical abuse, the AT&T fiasco, in which they accused me that I'm the one, that I'm stopping the community from getting WiFi because you know, I put a stop in the system on them of putting the WiFi without an easement on somebody else's property. So, following that, the accusation that we as a CDD, we actually sold land and then we gave to particular owners and corporations a break in the assessment, and finally what put me on the top was Rohn Timm accusing me of breaking the law, after I did all this for the community. So, I said you know, he successfully, being a lot like Joe Clark, which is the mouthpiece for Michael Joey, he will have what he wants. So anyway, starting January 1st, my services will not be required.

Mr. Winkeljohn: Alright, any questions or comments?

Mr. Austin: I'd like to say that Dan has done a lot for this community and I really appreciate everything he's done, and the intelligence that he had to make things work out and the amount of hours that he put in that nobody sees, and the amount of work and time and effort has really been extraordinary, and I really hate to see him go because there are times when we need a mentor, you have to go to somebody higher up to really help understand what's going on, and he's going to be missed.

Mr. Timm: I would like to say, my initial position was incorrect, that the reason you all weren't having meetings was because the business was already being done without a meeting, but then when it was explained to me that his expertise as an advisor was actually more efficient in how they were operating, and I saw over the last month or

so, and I'll tell you, I even sent the District manager a memo saying, I saw these guys out there working in the hot sun doing all this work are under appreciated, and I changed my whole perspective and I realized these people saved money, and the Chairman has said numerous times, his expertise in designing and reassessing projects has saved the community lots of money, and I was finally appreciative of what he was doing, because I had the wrong impression initially because of conflicting information coming in, and I wanted to come and see for myself, as I think Mr. Jado was asking me one time, am I my own man, and yes I am. I've always been independent that I could be fair and reasonable, and I want to say today, that I'm apologizing for my analysis that was incorrect, even my thoughts. The evidence was supportive of that, I realize now that you guys had been having meetings and doing things, and I want on the record that I was remiss in my initial estimation of what was going on, and if that would have any affect in you changing your mind, there it is.

Mr. Duncan: Well, no you successfully cleaned up this Board as you stated, but I'm not resigning because of you. I'm resigning because I realize that you can only do so much to save the community money, which is wasted in some other place, and it was not only you, about a month ago Joe Percelli starting yelling at me that I am the most dishonest person that he ever met, because I hired John Jado. You don't remember the huge issue that we needed a maintenance person in general. So, it's not only you, well as a result, I promised this Board that I would complete the three fountains, I don't see any items here for the fountains, and I will not do any more work on the maintenance building, I completed my preliminary design and as far as the fountains are concerned, I was out for 3 weeks, even though I left everything for permits and everything else, nothing was done.

Ms. Wald: So, Dan from a legal perspective, you just need to send your resignation to him with the effective date.

Mr. Duncan: Yes.

Ms. Wald: Then whenever we have the January meeting, the Board can go ahead and accept, and I would suggest since you already have a procedure in place for members, put it out to the community for someone to appoint for Dan's seat, that's

going to be vacated, and then you'll also have to do a re-election of officers at that time as well, and I'll miss our phones calls.

Mr. Winkeljohn: Right.

Mr. Duncan: I was just looking at the budget compared to previous years because I did all the engineering, we spent on engineering only \$1,000 and we assigned about \$28,000 to \$30,000. So, this money, because I don't call Culpepper for everything, so my advice to you guys is that you should get familiar with the systems and hardware, and the land and the lakes, and what it takes, and the storm system and everything else.

Mr. Winkeljohn: Very good.

Mr. Azcona: I have a comment.

Mr. Winkeljohn: Please, go ahead.

Mr. Azcona: Thank you for your words, thank you Dan for the work you've done, and we will need to take into consideration for future budgets that we may need to increase dues. So, before you demonize the people that are giving their free time and their expertise, and they think they can do better, they can do what Rohn did, come here and learn, and then you can please communicate it back to the people who told you all the crap, instead of coming and disrupting, coming and bringing value. So, the value that you could do right now for the community is that you watch and learn, please spread the word and if somebody else from the community, like I always say, please come, and welcome, there's an empty room here for the record, so if somebody has anything to complain about, please come here to this meeting and learn, rather than bitch and complain. Also, we will need to allocate, obviously we're losing a lot of value with Dan and expertise, even if I get involved and I try to learn, I'm not going to have the time or the years to learn what he knows, so what we're going to have to do is pay people to replace the work that he was providing for the community, but for future budgets, we will need to take that into consideration, maybe the engineer needs to come more often to the meetings and so forth.

Mr. Winkeljohn: Yes, you're absolutely right, historically when we had a project, the project required a project manager to be the representative, the liaison with the contractor and the original design or the concept and Dan has clearly filled that role with

John and Frank filling in, as Rohn even observed accurately. So yes, your future projects, staff would know to bring in that component, and of course there's a cost factor you would understand, and that's just how business will have to be done, unless you want to change your mind.

Mr. Duncan: I think that what really made me decide, even though it's been building for a while, is I look at how the HOA spends money, and what is the reason to save \$30,000 on a building which is a general contractor and what I do. When they spend \$50,000 on items that are not being used, and there are so many things, what if I can do a project, I sent to John the design for replacing the volleyball court, pickleball courts and shuffleboard, and I know that I can bring it to \$10,000 less than what I do, so you save money there, they will spend on some other item. So, I decided that it's not worth it when I hear the feedback, when somebody told me that Michele says that HOA is in corroboration with the CDD is doing the fountains, I said to myself, HOA barely signed a chip with nothing else. So, if you actually look at the re-election of the HOA Board members, the HOA Board members in the re-election campaign, like any politician took credit for the project, for the paying of the project. So, I said to myself, it's only as you can do for the community.

Mr. Jado: And I want to state that perimeter project was bid out 4 years prior to Dan and I doing it, at a cost of \$1.1 million or \$1.2 million dollars, within theory a product I found the contractor that did the concrete wall, Dan did most of the design, and I helped with some, and we brought a better project in, and I think it was \$800,000 or so.

Mr. Duncan: \$950,000 and we gave \$50,000 back, 25/25.

Mr. Jado: Four years later, so that's quite a savings.

Mr. Winkeljohn: It was well documented, Frank do you have anything?

Mr. Austin: Yes, I'm joining Dan.

Mr. Winkeljohn: Today?

Mr. Austin: Effective January 1st, and pretty much basically the very reasons Dan gave is, I really enjoyed what I was doing, trying to help the community and then you have other people in the community that obviously do not appreciate anything you do, the time you invest, and in some cases it was 30 and 40 hours a week, because I was working with John and you got people working against you, making false



allegations, and then there's certain HOA Board members that have put what they say you didn't do into the HOA meetings that they want to do away with the CDD. So, what am I investing my time to try to help the community save money for whatever comes along, for people to have that attitude to work against you. So, it got to a point that it wasn't fun anymore, and when it gets to the point that it's not fun anymore, I need to let somebody else have some fun.

Mr. Azcona: If I could ask you, thank you for all the work you've done first of all.

Mr. Austin: I enjoyed it until he came along.

Mr. Azcona: And in that time, what I would ask of you guys if you could before you leave, have at least the type of work you do.

Mr. Austin: I have 3 books.

Mr. Winkeljohn: We have it all documented.

Mr. Azcona: Oh, you have it all documented, so what we need to have in place before they leave, have an assigned person that we will have to pay for to perform those tasks.

Mr. Austin: But why would you want to pay?

Mr. Duncan: No, you don't have anything documented.

Mr. Winkeljohn: Well Frank and John have everything documented.

Mr. Duncan: No, John doesn't have everything, I asked Frank to put his books together and the rest is on my computer.

Mr. Winkeljohn: Right, that's what I was referencing.

Mr. Duncan: Ok, with total respect, it's a long process, and even for example, if somebody would, I reprogrammed the controllers for the fountains for the Thanksgiving colors, so you'd have oranges and browns and reds and so forth, and I will reprogram them for some Christmas colors after that, and then in general, first I would do the pastel colors for March, but do you think that anybody would be able to do that, no. You have to pay, even though I created a very sophisticated WiFi type of that, if somebody wants to save money, they should go on the web, look at that controller, look at programming a controller and this stuff, and I know that somebody will do it, most likely.

Mr. Jado: I just want to say that I'm going to miss Frank a lot because when I need an extra hand, he was there. The things I didn't know, he knew, and just like last

week propping up a 300 pound tree, him and I did it together, I couldn't have done it by myself, it's totally impossible, am I right?

Mr. Austin: Yes, actually I had used the Gator, it was so big and heavy.

Mr. Jado: So, any time I needed another set of hands, Frank was there, and always happy to help and he's going to be truly missed, and he did a wonderful job and I wish he'd reconsider, just like Dan.

Mr. Timm: I would ask him to reconsider, I already apologized.

Mr. Austin: Well, you have an excellent opportunity now, you said you wanted to get involved and be hands on, as Juan said, there's going to be lots of stuff to do.

Mr. Duncan: They will have to get Joe Clark and Michael Joey to do stuff.

Mr. Austin: Right, I'm sure they'll be glad to help.

Mr. Duncan: And there is something else that you guys should know, if I would have been a private citizen in my life, and anybody would make these allegations, I have the resources to bring legal action for slander, and in addition to that, Mr. Timm should understand that in the State of Florida, it's a felony to threaten a government employee. However, as Chairman of this Board, I'm constrained in my actions, but I'm not constrained as a private citizen, and people watch out, because freedom of speech does not cover slander or bringing accusations, how can you accuse a Board that actually sold land that we own and preserve on behalf of the homeowners. I mean these things are in writing, as a lawyer you should know that you actually say something it goes, but to put it in writing, so that's it.

Mr. Azcona: Anyway, so if you could please do that, if you guys could put forward in these next two months all the tasks that you think will be important that you've been performing for the past years, and then we can have a plan of action to hire whoever we need to hire with the different levels of expertise and determine how much it's going to cost, and if there has to be an assessment for the people to pay for those fees we will have to figure out what we need to do. I'm not saying there will be an assessment, it's really year after year not taking into consideration inflation or anything, and if it comes to that, then we will have to look at the numbers and decide a plan of action.

Mr. Winkeljohn: Right, the 2023 budget cycle will begin in February or March, that would be the timing where we would have to consider that.

Mr. Austin: Did we lower the cost of engineering in the budget, or is it the same as last year?

Mr. Winkeljohn: Typically, you don't lower the cost, but you have a placeholder of a typical amount so that your assessment doesn't go crazy, but the expenses went up.

Mr. Duncan: I can tell you, it was assigned as either \$20,000 or \$30,000.

Mr. Austin: So, it's still there?

Mr. Duncan: Yes, it's still there and we spent \$1,000.

Mr. Austin: Ok, and I realize that.

Mr. Azcona: But we could use those monies for improvement.

Mr. Winkeljohn: They go to reserves, they go to other benefits, right, but absolutely no doubt we were able to operate for the last several years at a much lower engineering expense without a doubt. Are there any other audience comments?

A resident: I do.

Mr. Winkeljohn: Yes ma'am, can you say your name for the record?

Ms. Austin: My name is Susan Austin. I want to make it very clear on January 1st, forget my number, nobody call my husband, can you do this, can you help with that, can you give us this number, or this information, he paid his dues, it's somebody else's turn. He is not a well man, and he is out there in 100 degrees digging holes and doing everything else too, he's not a well man, we've done our part, it's done, it's somebody else's turn, don't call him to do your favors, it's done.

Mr. Winkeljohn: Thank you, any other audience comments? Yes sir, please say your name for our record.

Mr. Obel: My name is Stefan Obel, and I want to thank both gentlemen for their work. I totally agree also with what Juan said here, and I really fear that the financial future for all of the residents, it's not just Newport Isles, there is another part as well will be quite different when we suddenly have to pay for everything. So, over the last couple of months I was already quite concerned about the direction of how certain things were going, so again, I really want to thank both gentlemen here for the work that

they have done over the years. I'm not sure we can even put a price tag on what we have saved as a neighborhood but, I'm grateful and I'm sad to hear particularly the way this came to an end here.

Mr. Duncan: No, Stefan this doesn't have anything to do with the straw that breaks the camel's back with Mr. Timm, but actually this has to do a lot with HOA and I can put a price, I saved \$350,000 on the project and I saved another \$100,000, so at least a half a million dollars I saved, so this is what it is, but I've had enough.

Mr. Winkeljohn: Understood.

Mr. Austin: Thanks for those comments.

Mr. Winkeljohn: Are there any other audience comments?

Mr. Obel: Can we only speak to this subject, or is this open to anything?

Mr. Winkeljohn: We're in the open discussion portion.

Mr. Obel: I have one other thing, I just have a question regarding Brigantine Place, the road here for the Board for me to understand. First of all, I want to let everybody know how pleased I am with the physical and visual appearance of Brigantine, if I compare that to roads that are not maintained by the CDD anymore, this is a day and night difference and yes, that is why some of you were in like 100 degrees and doing stuff, so thank you for that. I have a specific question for the Board, or the management about Brigantine, since the road is paid for and maintained by the CDD, I have to wonder, when I look who is using the road, there seems to be a difference between those who pay and those who get the benefit of it, is that intended to be that way?

Mr. Duncan: Yes, the road, the developer originally struck a deal with the city that the CDD would actually maintain Brigantine as a public access road. So, you can actually attempt, and we did that, to acquire what we're taking to give it back to the city, but the city made it clear that they will not maintain it. Now, we invested, the CDD invested at least half a million dollars in the landscape and so forth and we just completed a project putting in new lights, in which we did it ourselves, between me and Frank and John and we decided in the best interest of the community we should continue to maintain it. Talking about things, it used to cost about \$1,700 a month, the landscape and the sprinkler head maintenance for half a mile or whatever it is. We

decided to replace it ourselves, the sprinkler heads, and we saved \$700 a month, so at this moment we are paying \$1,000 or \$1,100, or \$1,200, so if we don't do it, that gets to be put in a contract and so that in itself will cost an additional \$8,000.

Mr. Azcona: Right.

Mr. Winkeljohn: I want to add, the bigger picture of this District is unique. You have about \$175,000 a year in residential contributions to the daily operating budget of the District, but you have over \$180,000 of contribution from all the parcels surrounding this area, including the businesses on both sides of that road. That stormwater rebate comes to you, this District, for its benefit to maintain the waterways, the preserves, and the roadways around it, so indirectly they are absolutely contributing at a significant level, in fact more than the residents if you want to split it to the dollar. So, putting that concept out there is very misleading, and this Board would judge that you're getting an enormous advantage in the current situation of your assessment being half of what it would normally be. So, in exchange for the attractiveness which you acknowledged, in exchange for control, which is very important in this world, you're getting all the benefits and the money, so I wouldn't startle any of the residents with information that they're not getting their fair share because all you had to do is look a little closer, and you've had this conversation with me, and I've given you this information before, but you haven't seemed to changed your point of view, which is odd, but the point of view I would recommend to this community is be very thankful to those contributions that you don't have to fund and enjoy your beautiful community.

Mr. Obel: No, I bring this up specifically based on the most recent events here to make a comparison between those, and I as a resident now have concerns about the future direction when two very essential people are leaving, and I just wanted to make that clear that there is a concern.

Mr. Winkeljohn: Very good.

Mr. Duncan: It's even to us, if you look at our projects, if we don't get the money from the county for the stormwater, we will be in a deficit.

Mr. Winkeljohn: You would have to double your assessment in theory.

Mr. Duncan: Yes.

Mr. Austin: Also there's a real estate value, when I brought my wife in here, and I've lived in much nicer communities all my life, she cried, because that road wasn't finished, that road looked like hell, it looked like you were going into a ghetto, so the devaluation of the property values that were happening, if the county started to take care of that, plus what they're saying about it would cost the stormwater, we'd lose the stormwater money, we'd have to grade it, it would be detrimental to this community, to even think of it, so put it out of your mind, as a citizen, put it out of your mind.

Mr. Duncan: We tried to do some things, but when we looked at the consequences, we decided it's not the right thing to do.

Mr. Winkeljohn: And the topic of that road has been discussed, I could say no less than 20 times in the last 10 years, and thought through by different Boards and different levels and opinions but, the conclusion has always come to keep it the way it is. I think I shared this history, just for everyone's sake, we did try to create agreements with the property owners on those sides so that should they benefit from the road and put a cut through in, that they would fund us, but the District just doesn't have that type of leverage, we're not authorized to enforce something like that. So, at the end of all the knowledge and experience, I think you're in the best possible place, and an alternate of any kind would worsen your condition without a doubt. The ultimate situation is when the outer parcel monuments go down, one is down, the other one will go down, is what this Board has been recommending strongly to the HOA, that it looked very carefully at how it's going to mark its presence down this road, and the CDD is in position at that entryway to put in a new monument. It won't be the same, and frankly it will be more to scale and maybe more attractive one day but, that's about the only thing, but with the city, had you not done what you've done, when those monuments went down, you'd have no right to do anything, you wouldn't have an entrance, you'd be invisible and that would affect your real estate value indirectly.

Mr. Obel: And this is my point, because dimension of a potential home or not, if somebody was interested in buying a piece of property in here, one that comes through Brigantine all the way from Gatlin, and one that drives along Aledo, which one has a better set of mind about property value and stuff like that, and so I think we have a little

misunderstanding because I do not want this to go away because I don't want it to look like it did before, because it will affect property values in here.

Mr. Jado: It's pristine out there.

Mr. Winkeljohn: The misunderstanding was that they're not paying their share, and I wanted to make that very clear, they are quite well, so we're together there.

Mr. Duncan: The other thing is that I had a couple of meetings with the city to see what I would have been allowed in creating a monument at Gatlin and Brigantine entrance at the section of Gatlin, and the city made sure to tell you how proud they are about the Brigantine landscape, which they characterize as one of the best in the city. The other thing is, the city has a website in which they are keeping track of the number of trees that are being planted in the city, and I made sure that I gave them information about the number of trees that the CDD is planting, but what I noticed is that the HOA is actually cutting more oak trees than I would ever replace with other trees, and this is another thing that bothers me a lot.

Mr. Winkeljohn: Alright, are there any other audience comments?

## **FIFTH ORDER OF BUSINESS**

## **Financial Reports**

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

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

Mr. Winkeljohn: Not hearing any, we can move on to the financial reports which includes a check register and balance sheet and income statement. If there are any questions, I can take those, and if not a motion to approve those would be appreciated.

Mr. Duncan: Did anybody check the register?

Mr. Timm: I checked it.

Mr. Azcona: I just want to make sure we don't miss on that, on those line items, everything that they were doing so we can get that processed.

Mr. Duncan: Well, I checked it as usual, I just want to make sure that when I am not here, we are in a transparency business, so each check is being recorded and it's being put in the agenda, so there is no check that is being issued or money that is being paid out of our accounts that is not incorporated line by line in the monthly statements.

Mr. Winkeljohn: Right, and from a general financial standpoint, these financials run through September 30th which is the fiscal year end, and just for the record, it might

be of note that we have over \$740,000 in cash in our reserve operating account, those funds, what we've done in the 2021 budget, and we'll do again going forward is identify portions of the reserves for the likely cost replacement of items we're responsible for. In this modern era, the District cannot have enough money in reserves, the costs of restoring a lank bank, the costs of road repair, are certainly real but, the recovery from a hurricane is enormous, and you'll want it right away, and Districts that don't have this available cash, have to wait for the local government to come clean up your street that we care so much about around this property. We would have the funds to do it, now we would technically be eligible to be reimbursed but, the current FEMA posture is to require federal level contract placement which is way past, it's not a big enough amount of money to get into that game, and so you end up just really having to spend your own money. The available posture for you is to wait for the city or the county to do it, but no community of your level will wait for that and so the reserve funds really should be thought of in all those ways I just described. The good news is, you have them, you're not looking for them.

Mr. Duncan: Alright, we had two sums of FEMA, one is like \$175,000 and one is \$185,000, and by doing all the work that we are doing, we saved, and we put in the reserves about \$138,000, so we actually only spent only 60% of the income and the rest was put in the reserve.

Mr. Winkeljohn: So, I would ask for motion to approve the financials.

On Motion by Mr. Azcona seconded by Mr. Austin with all in favor, the Check Register, Balance Sheet and Income Statement were approved.
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**SIXTH ORDER OF BUSINESS**

**Adjournment**

Mr. Winkeljohn: I have nothing else for today's agenda, and with the pending resignations not being until January, there were no action items on today's agenda, so if the Board has any interest for the holidays, I don't believe your December meeting will be necessary, and it would not be out of character at all to cancel that meeting, is that the direction of the Board?



November 9, 2021

Portofino Isles CDD

Mr. Azcona: That's fine with me.

Mr. Winkeljohn: So, no objection?

Mr. Austin: No objection.

Mr. Winkeljohn: Ok, now if an emergency item came up, the meeting would be held and we would need your participation for quorum, but I do not anticipate such a thing. With that, a motion to adjourn would be appreciated.

Mr. Duncan: I will finish the fountains by January 1st, I hope.

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

  
Secretary / Assistant Secretary

  
Chairman/Vice Chairman