

**MINUTES OF MEETING
FLEMING ISLAND PLANTATION
COMMUNITY DEVELOPMENT DISTRICT**

A meeting of the Board of Supervisors of the Fleming Island Plantation Community Development District was held on Tuesday, January 26, 2010 at 6:00 p.m. at the Splash Park, 1510 Calming Water Drive, Fleming Island, Florida.

Present and constituting a quorum were:

Mike Cella	Chairman
Eugene Clark	Vice Chairman
Don Christofoli	Assistant Secretary
Betty Murphy	Assistant Secretary
James A. Wiggins	Assistant Secretary

Also present were:

Janice Eggleton Davis	District Manager
Jason Walters	District Attorney
Ryan Stilwell, PE	District Engineer (Via Telephone)
Margaret Alfano	Parks and Recreation Manager
Russell Bagg	Maintenance Manager
Audrey Bigilin	Resident
Sid Cannady	Resident
Donna Isley	Resident
Jacque LaBelle	Resident
Dean Reese, Sr.	Resident
Sandra Wiley	Resident

The following is a summary of the minutes and actions taken at the January 26, 2010 Fleming Island Plantation CDD Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Cella called the meeting to order and called the roll.

SECOND ORDER OF BUSINESS

Approval of the Minutes of the December 15, 2009 Meeting

Mr. Cella stated each Board member received a copy of the minutes of the December 15, 2009 meeting and requested any corrections, additions or deletions.

There not being any,

On MOTION by Mr. Wiggins seconded by Mr. Clark with all in favor the minutes of the December 15, 2009 meeting were approved.

THIRD ORDER OF BUSINESS

Manager's Report

A. Ratification of Agreement with Prosser Hallock

Ms. Davis presented the Board with the signed copy of the agreement between the District and Prosser Hallock. Mr. Clark noted the rate schedule is not titled *Schedule 'A'* as indicated on page three of the agreement. He also noted the date on the rate schedule is October 1, 2006. Ms. Davis clarified that is because Prosser Hallock is charging the District their 2006 rates. Mr. Stilwell stated they have not adjusted their rates since 2006; therefore, their rate schedule always reflects the last time it was updated, which was in October of 2006.

On MOTION by Mr. Clark seconded by Mr. Christofoli with all in favor the agreement between the District and Prosser Hallock, Inc. for District engineering services was ratified.

FIFTH ORDER OF BUSINESS

Engineer's Report – Consideration of Grimes Contracting Margaret's Walk Change Order

Ms. Davis presented the Board with a change order from Grimes Contracting for additional drainage repairs to Margaret's Walk and the following was discussed:

- Mr. Stilwell reviewed the two invoices from Grimes Contracting. The first invoice is for \$8,551.20 as originally proposed. The second invoice is for the change order work in the amount of \$984.85. Mr. Stilwell reviewed the work with Grimes Contracting and concluded the change order is accurate and acceptable. This additional work was directed in the field and Mr. Stilwell concurs the work needed to be done because any delays in the schedule would have resulted in more expenses to the District. A detailed breakdown of the costs was provided by Grimes Contracting.
- Mr. Cella questioned whether the District has recourse to recoup the expenses from the homeowner due to the fact the problem was caused by an illegal drain. Mr. Walters stated the District is within its right to seek compensation for this expense. He recommended sending a letter with a technical explanation from the engineer, explaining the additional costs incurred associated with the unauthorized drain and

requesting reimbursement. The Board approved the change order and directed District staff to work on a letter to the resident requesting reimbursement.

- Mr. Wiggins stated even though Margaret's Walk HOA did not approve the drain that was placed in, it is a good idea to caution them not to approve anything like this in the future because of the potential problems. Mr. Cella concurred that it is a good idea to include the HOA, information wise, with regard to this issue so they are aware.

THIRD ORDER OF BUSINESS

Manager's Report (Continued)

B. Signs Placed by POZ Capital Investment, Inc.

The following was discussed:

- Ms. Davis reviewed a letter she and Ms. Donahue received from POZ Capital Investment, Inc's attorney regarding signage for the Lake Ridge North project. The letter states they do not need approval from either the CDD or the HOA because they acquired the property from Centex.
- They installed the signs without seeking approval from the BAR. Staff is looking into the platting to determine if signs were installed on District property.
- Mr. Walters stated he looked at the property records and determined the CDD does not own the properties in question.
- Mr. Wiggins asked whether the properties in question were conveyed to the District by Centex. Mr. Walters responded it was not. The county considers it a right-of-way and there were issues on whether the county was going to allow the District to take the property. To avoid further issues the District negotiated an easement allowing the District access to the property.
- The Board questioned whether the District maintains the parcel belonging to Lake Ridge North. Mr. Cella stated either they have to maintain it or the District has to obtain the rights to maintain it. If the District does maintain it, it should be reimbursed. The Board requested District counsel determine whether the parcel on the Lake Ridge South side was conveyed or should have been conveyed from Centex to the CDD.
- Ms. Murphy suggested looking into all the gated areas to make sure the District is not maintaining areas belonging to other entities.

Ms. Davis also reported a letter was sent to the River Hills Reserve HOA referencing the CDD’s plans to address the issue with the River Hills Reserve pond.

FOURTH ORDER OF BUSINESS

Attorney’s Report

Mr. Walters reported a resident constructed a play structure on District property located behind their lot. The property is the District’s conservation easement. A letter was sent to the resident by Ms. Davis on behalf of the District. The play structure was removed and the resident apologized.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Maintenance

Mr. Bagg reviewed his report and the following was discussed.

- The surface of the kids’ splash center at the Amenity Center pool is deteriorating. The surface has to be approved by the Florida Department of Health. As of now they will only approve a rubber finish or a marcite finish. A company which uses PVC membrane is trying to get their product approved by the Florida Department of Health. There was Board consensus not to use marcite and Mr. Bagg will bring this before the Board at the next meeting with hopefully more options.
- The Board was presented with three quotes for the Amenity Center pool shade structure. Mr. Bagg recommended Boree Canvas Unlimited, Inc. for a total of \$1,577.

On MOTION by Mr. Wiggins seconded by Mr. Christofoli with all in favor the proposal from Boree Canvass Unlimited, Inc. for a total of \$1,577 was approved.

- Mr. Bagg presented the Board with three proposals for refurbishing the remaining pool furniture which was not refurbished last year. He recommended using the same company that did the work last year, Unique Special Services, Inc. for a total of \$3,010.

On MOTION by Mr. Clark seconded by Mr. Wiggins with all in favor the proposal from Unique Special Services, Inc. for a total of \$3,010 was approved.

- Austin Outdoor provided an update on the repercussions caused by the cold fronts and freezes. There were excessive irrigation repairs. They replaced hundreds of sprinkler heads at their cost.
- Due to the extreme cold weather there have been numerous dead tilapia in the ponds. Cleaning up the dead fish is not part of the Aquatic Systems contract. They are willing to do it, but it will be at an additional charge to the District at the rate of \$90 per hour. Ms. Murphy noted the District should not be responsible for these costs being that a resident admitted on the record to placing the tilapia in the ponds. Although staff was able to clean up the dead tilapia without incurring additional costs from Aquatic Systems, it still took many hours of work to clean up. Ms. Murphy recommended a record be kept of the hours spent cleaning up the tilapia and if additional work is needed the Board seek reimbursement. Mr. Cella requested a reminder be placed in the newsletter warning residents not to place foreign species in the ponds.
- The River Hills Reserve retention pond's water level is still too high to assess.
- The Amenity Center pools are in the process of being resurfaced. The work should be completed within seven to ten days. A few additional repairs will be needed and will cost approximately \$2,000.

On MOTION by Mr. Clark seconded by Ms. Murphy with all in favor the Board authorized Mr. Bagg to do additional repairs to the pool equipment at a cost not to exceed \$3,000.

- Mr. Cella asked about the plantings. Mr. Bagg stated the new rotation is due in March. In the meantime they are working on the plantings damaged by the freezes.
- Mr. Christofoli requested Mr. Bagg look into pressure washing the bicycle path in front of his neighborhood.

B. Recreation

Ms. Alfano reviewed her report and the following was discussed:

- Staff is still working on the website and there has been more progress. Mr. Walters is working on a termination letter for DiscoverTec.

- The Eagle Harbor Tennis Department has requested to use all six of the District's tennis courts on September 11 and September 12, 2010 from 7:00 a.m. to 7:00 p.m. so they can host a USTA-sanctioned event. They offered to pay the District a \$250 facility usage fee per day. They would also provide their own insurance and staff for each day. The event is for a kids' amateur tournament. Ms. Murphy does not think it is a good idea. Mr. Clark thinks it is a good idea. Mr. LaBelle stated he uses the tennis courts often and would not like the District to allow an outside club to use the tennis courts. He also noted that Eagle Harbor has not been a good neighbor in allowing Fleming Island Plantation residents to use their tennis courts. Mr. Cella stated he understands everyone's point and his main concern is how it would benefit the residents, which it will not. Mr. Wiggins noted the pools are open during that time of year and this event would impact the residents' ability to use the parking lot.

On MOTION by Ms. Murphy seconded by Mr. Christofoli with all in favor the request from Eagle Harbor to use the District's tennis courts was denied.

- Mr. Cella asked if the Board will reconsider if Eagle Harbor provides additional information. There was Board consensus not to reconsider.
- The contract with the Sheriff's Department is up for renewal. It is the same as last year's contract with no increase in fees or changes in the language.

Mr. Christofoli moved to approve the contract with the Sheriff's Department and Mr. Clark seconded it.

- Ms. Murphy questioned whether there were any problems with the Sheriff's Department this past year. Ms. Alfano responded there were a few communication issues, but there were no major issues.

On VOICE vote with all in favor the security contract with the Sheriff's Department was approved.

- Ms. Alfano reviewed the two lifeguard contracts for the 2010 swim season.

On MOTION by Ms. Murphy seconded by Mr. Clark with all in favor the lifeguard contracts were approved for renewal subject to District counsel review.

- Staff is only proposing one pool rule change this year, which is residents who attend either pool in the last hour of operation with a guest should not be required to have a punch taken from their splash pass. There was Board consensus to allow this rule change.
- Staff would like to resubmit a request for the parcel of land on which the Centex trailer is currently located for a maintenance building.
- Mr. Walters stated the Splash Park facility was turned over in July of 2007. The warranty on the building was a one year warranty. Separate items have separate warranties such as the roof and air conditioning system. Mr. Walters spoke with representatives from Pulte and he does not feel they will be receptive to repairing items within the building. Mr. Walters will attempt to contact the original contractor to see if they can work anything out with the District as well as other individuals.
- Mr. Walters thinks Pulte may be more acceptable to giving up the parcel where the Centex trailer is and he will work on the issue.
- Ms. Alfano updated the Board on all the events at the Amenity Center in January.

SEVENTH ORDER OF BUSINESS

Old Business/ New Business

There not being any, the next item followed.

EIGHTH ORDER OF BUSINESS

Supervisors' Requests

There not being any, the next item followed.

NINTH ORDER OF BUSINESS

Audience Comments

The following comments were made:

- Mr. LaBelle expressed his concern on the signs placed on Town Center Boulevard by POZ Capital Investment, Inc. He said they are confusing and Lake Ridge South has experienced a significant amount of construction traffic. Mr. Cella sympathized with Mr. LaBelle's concerns; however, the CDD has no jurisdiction over this issue. Mr. LaBelle thanked Ms. Alfano and Mr. Bagg for their hard work and complimented them on the great job they are doing.

- Ms. Isley also expressed concern about the signs and asked who she would be working with to resolve this issue as President of the Lake Ridge North HOA. Ms. Davis responded she will be working with Ms. Donahue and the BAR. The District attorney will not be involved if it is not CDD property.
- Mr. Wiggins informed the Board that he has volunteered for the VIPS program. Mr. Reese, Sr. stated there are now 10 volunteers signed up for the program.

TENTH ORDER OF BUSINESS

Acceptance of December Financials and Approval of Check Register

Ms. Davis provided the Board with an updated assessment collection sheet showing the total collected to date is 86.41%.

On MOTION by Mr. Clark seconded by Ms. Murphy with all in favor the December financials and check register were approved.

ELEVENTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Ms. Murphy seconded by Mr. Wiggins with all in favor the meeting was adjourned.

Janice Eggleton Davis
Secretary

Mike Cella
Chairman