

**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, March 24, 2009 at 6:00 p.m. at the Splash Park, 1510 Calming Water Drive, Orange Park, Florida.

Present and constituting a quorum were:

Mike Cella	Chairman
Eugene Clark	Vice Chairman
Don Christofoli	Assistant Secretary
Betty Murphy	Assistant Secretary
Gina Polseno	Assistant Secretary

Also present were:

Janice Eggleton Davis	District Manager
Jason Walters	District Attorney
Margaret Alfano	Parks and Recreation Manager
Russell Bagg	Maintenance Manager
Robert Machala	NAC, President
Michael P. Sloan	The Broadbent Company
Ken Barnett	Resident
Peggy Clark	Resident
Madelyn Christofoli	Resident
Chantal Dougherty	Resident
William Dougherty	Resident
Moe Faroqi	Resident
Dean Reese, Sr.	Resident
Jim Wiggins	Resident
Sandra Wiley	Resident

*The following is a summary of the minutes and actions taken at the March 24, 2009 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 February 24, 2009 Meeting**

Mr. Cella stated each Board member received a copy of the minutes of the February 24, 2009 meeting and requested any corrections, additions or deletions.

There not being any,

On MOTION by Mr. Clark seconded by Ms. Polseno with all in favor the minutes of the February 24, 2009 meeting were approved as presented.

**THIRD ORDER OF BUSINESS**

**Discussion of Buffer Issue with The Broadbent Company**

Mr. Sloan from The Broadbent Company introduced himself and the following was discussed:

- He apologized for the buffer disturbance issue. There was a fallen tree in the buffer and he chose to have it removed to be helpful. It was not his intention to gain visibility.
- He distributed before and after pictures of the buffer.
- Tenants are complaining about the lack of visibility since the new plantings were installed.
- He wants to contact the county to obtain an agreement from them to change the amount and placement of vegetation in the buffer.
- Ms. Murphy expressed concern over any legal fees the CDD might incur. Mr. Sloan committed to pay for any legal fees incurred.
- Mr. Christofoli does not think there is a lack of visibility. Ms. Murphy agreed.
- Mr. Clark stated The Broadbent Company is part of the community and thinks the CDD should support their efforts to contact the county.

On MOTION by Mr. Clark seconded by Ms. Murphy The Broadbent Company was authorized to approach the county seeking alternative plans for the buffer and if they obtain written approval for alternative plans the Board will not prevent them from making the changes contingent upon them paying for all costs associated with the changes.

**FOURTH ORDER OF BUSINESS**

**Manager's Report**

Ms. Eggleton Davis reported the following:

- An updated assessment collection schedule was distributed. As of March 11, 2009, 93% of the District's assessments have been collected.

- District staff is working on the proposed budget to present to the Board for approval at the May 26, 2009 meeting. The public hearing to adopt the budget will be set for a minimum of 60 days after the proposed budget is approved. Ms. Eggleton Davis asked the Board if they want staff to meet with the NAC Budget Committee.
- Mr. Cella noted that working with the Budget Committee in the past has been positive. Mr. Clark will serve as a liaison between the District and the NAC Budget Committee.
- Staff contacted Aquatic Systems, Inc. to see what impact tilapia fish might have to the retention pond discussed at the last meeting. This does not have a positive impact because the tilapia multiply in extreme numbers and they are not tolerant of cooler weather, which can result in an expensive cleanup of dead fish. A letter was sent to Mr. Faroqi asking him to cease from dumping any species into the District's retention pond and notifying him that he will be required to pay for any costs incurred as a result of his actions.
- Mr. Cella stated a letter was sent to the Amberwood HOA denying their request for the CDD to install a fence.

**FIFTH ORDER OF BUSINESS**

**Attorney's Report**

**A. Consideration of Easement Agreement with River Hills Reserve**

Mr. Walters reported the following:

- The easement agreement grants the River Hills Reserve HOA the authority to come on to the property and do the improvements discussed.
- The agreement also notes their obligation to maintain the property.
- Exhibit A is a copy of the parcel of land. Exhibit B will be a zoom in of the parameters of the easement area. Ms. Eggleton Davis noted the agreement does not reference an Exhibit B.

On MOTION by Mr. Christofoli seconded by Mr. Clark with all in favor the easement agreement with the River Hills Reserve HOA was approved.
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- DiscoverTec, LLC agreed to provide individual email addresses for each Supervisor. Supervisors can access their email by logging on to [webmail.fipcommunity.com](http://webmail.fipcommunity.com). The

email addresses will be the Supervisors' first initials and last names at fipcommunity.com. As an example, Mr. Cella's email will be mcella@fipcommunity.com.

- Mr. Walters presented the Board with Resolution 2009-2 regarding the District's findings with regard to commercial landowners using the community recreation facilities. Staff looked at the assessment methodology, which has equivalent residential units. Commercial landowners are paying assessments associated with the maintenance of the recreation facilities as well as the debt associated with the facilities in the same way all residents are. It is fair to treat commercial property in the same respect with relation to assessments as residential property is treated. The property owner will have to designate one authorized user for each ERU assigned to the property and will have to do this on an annual basis.

On MOTION by Ms. Murphy seconded by Mr. Clark with all in favor Resolution 2009-2, expressing findings regarding commercial landowner utilization of the community recreation facilities, was adopted.
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- Mr. Walters is monitoring what is happening with regard to proposed bills, which may affect CDDs. One proposed bill would allow for publication of notices to be done on websites.

**SIXTH ORDER OF BUSINESS**

**Staff Reports**

**A. Maintenance**

Mr. Bagg reviewed his report, a copy of which is attached hereto and made part of the public record. The following was discussed:

- Staff is working with Statewide Insurance to get reimbursed for the damage caused to the District's berm as a result of a vehicle accident on Town Center Boulevard, between Lake Ridge North and The Woodlands.
- The Board reviewed five different proposals for painting the gazebo. Mr. Bagg recommends River Hills Construction for a total cost of \$1,800. Ms. Murphy noted the proposal does not make a reference to repairing wood damage. Mr. Bagg verified there is no wood damage. Mr. Clark noted some of the proposals referenced down spouts; others noted an additional charge for down spouts and one stated there was no

damage to the down spouts. Mr. Bagg stated staff can take care of the down spouts without incurring additional costs. Mr. Cella thanked Mr. Bagg for obtaining additional quotes.

On MOTION by Mr. Clark seconded by Mr. Christofoli with all in favor the Board authorized engaging River Hills Construction to paint the Village Square Gazebo at a cost not to exceed \$1,800.

- The Board reviewed four proposals for painting the light poles. Complete Coating, Inc. is not able to have the job completed before the pool opens. Mr. Bagg recommends Tri-State Contractors of Florida, Inc. in the amount of \$2,500 because they guarantee they will have the job completed in time.

On MOTION by Mr. Clark seconded by Ms. Polseno with all in favor the Board authorized engaging Tri-State Contractors of Florida, Inc. to paint the light poles at a cost not to exceed \$2,500.

- The Board reviewed three proposals for replacing the tennis court wind screens. Mr. Bagg recommends Welch Tennis Courts, Inc. in the amount of \$7,042.76. There is an additional cost of \$1,500 for installation, but Mr. Bagg stated staff can do the installation.

On MOTION by Mr. Christofoli seconded by Ms. Polseno with all in favor the Board accepted the proposal from Welch Tennis Courts, Inc. at a cost not to exceed \$7,042.76.

- Austin Outdoors is working hard to change out the annuals and should be done within the next few days.
- Ms. Murphy inquired about the awnings. They will be installed on March 25, 2009.

**B. Recreation**

Ms. Alfano reviewed her report, a copy of which is attached hereto and made part of the public record. The following was discussed:

- There was an article in the newsletter going over all the changes in the District including the community cable channel, the marquis sign, community website and

improved newsletter. Mr. Clark asked if there has been feedback from residents with regard to the newsletter. Ms. Alfano stated all feedback has been positive except for one resident who did not like the name of the newsletter. There were a couple of delivery issues, but they have been resolved. Delivery dates will fluctuate depending on the schedule.

- Ms. Alfano reviewed the proposed changes to the pool policy for the 2009 swim season.
  - Changing the required age to be able to bring a guest to the pool from 18 to 16.
  - Allowing residents to bring their grandchildren to either pool facility without having their Splash Pass punched.
  - Change the policies and procedures wording to include, “No outside food and beverages are allowed in the Splash Park with the exception of water, which must be in a clear container.” Mr. Machala does not agree with the clear container policy because it will result in micromanagement.

On MOTION by Ms. Polseno seconded by Mr. Clark with all in favor the recommended pool policy changes for the 2009 swim season were approved as submitted.

- Ms. Alfano presented the Board with a draft agreement with Aquatics Staffing, Inc. for lifeguard services. Changes in pool hours at both pools and the number of lifeguards at the Amenity Center resulted in savings of \$24,009.

On MOTION by Ms. Murphy seconded by Mr. Clark with all in favor the agreement with Aquatics Staffing, Inc. was approved as presented and the Chairman was authorized to execute the agreement.

- Mr. Clark noted that Ms. Alfano has put \$40,000 back in the District’s pocket this year with her work on the newsletter and the agreement for lifeguard services.
- Ms. Alfano updated the Board on upcoming community events during spring break. There will be some beautification projects for Earth Day. There will be a community walk in April. The first Fleming Island Plantation Parade will be held on May 23, 2009. There will be events directed towards the 12 year old to 15 year old age group.

**C. Neighborhood Advisory Committee**  
There being no report, the next item followed:

**SEVENTH ORDER OF BUSINESS** **Old Business/ New Business**

Mr. Clark noted there is a loose paver in the circle and all the pavers should be checked.

**EIGHTH ORDER OF BUSINESS** **Supervisors' Requests**

Mr. Christofoli noted there are several dead trees on District property behind the entranceway to Margaret's Walk.

**NINTH ORDER OF BUSINESS** **Audience Comments**

- Ms. Christofoli discussed the following:
  - She complemented Ms. Alfano and Mr. Bagg on the good job they are doing saving the District money.
  - She is interested in the spirit of neighborhood camaraderie. The adults enjoy and look forward to the summer concert series. Because the District has saved money, Ms. Christofoli suggested having one or two more Friday evenings of bands and also requested they start earlier than in the summer.
  - She questioned why there are so many Begonias used in the community's landscaping. Mr. Bagg stated it is what Austin Outdoor's recommends. Mr. Bagg will check if Austin Outdoor's has any other recommendations.
  - Ms. Alfano noted she met the cap for the events line item and cannot add a concert without approval from the Board. It will cost \$1,000 to add a band to the concert series.

On MOTION by Ms. Murphy seconded by Mr. Clark with all in favor the Board authorized extending the summer concert series by one event.

- Mr. Barnett submitted a DVD showing problem areas in Margaret's Walk to Mr. Bagg and would like to address certain areas with staff.
- Mr. Faroqi addressed the Board clarifying his actions with regard to the retention pond.

**TENTH ORDER OF BUSINESS**

**Acceptance of February Financials and Approval of Check Register**

Mr. Clark noted *R&M-Reserves* under *Parks and Recreation-General* shows an unfavorable variance of \$24,978 and nothing is shown under the budget column. He requested pulling what is in the budget out when there are expenses which flow through there so it will not show as a negative figure. Mr. Cella noted that because it is being taken out of the reserves it should not impact the budget and is giving a false reading. Ms. Eggleton Davis will discuss this with the accounting department.

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

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

There being no further business,

On MOTION by Mr. Christofoli seconded by Ms. Polseno with all in favor the meeting was adjourned.

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Janice Eggleton Davis  
Secretary

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Mike Cella  
Chairman