

**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, April 27, 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
Margaret Alfano	Parks and Recreation Manager
Russell Bagg	Maintenance Manager
Blaine Peterson	Austin Outdoors
Jason Bishop	Austin Outdoors
Troy Albers	The Golf Club at Fleming Island
Jim Proctor	Tree Amigos
Representatives from Pattillo Grounds Management	
Richard Bachman	Resident
Robert Bachman	Resident
Sue Kelly	Resident
Sandra Wiley	Resident

The following is a summary of the minutes and actions taken at the April 27, 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
March 23, 2010 Meeting**

Mr. Cella stated each Board member received a copy of the minutes of the March 23, 2010 meeting and requested any corrections, additions or deletions.

There not being any, the next item followed.

On MOTION by Ms. Murphy seconded by Mr. Clark with all in favor the minutes of the March 23, 2010 meeting were approved.

THIRD ORDER OF BUSINESS

**Consideration of Proposals for Landscape
and Irrigation Maintenance Services**

Mr. Cella suggested this item be addressed after *Staff Reports* and before *Old Business/New Business*. There was Board consensus to do so.

TENTH ORDER OF BUSINESS

Audience Comments

Mr. Richard Bachman addressed the Board regarding the District’s policy that children under 15 must be accompanied by an adult at the pools. He feels children 11 and older should be allowed to swim without adult supervision being there are lifeguards at the pools. Mr. Cella stated this policy has been in place for several years due to the fact that there were problems with unsupervised children under the age of 15 causing many problems at the pools and misbehaving. Mr. Bachman was critical of the District’s policy and does not agree with it. Mr. Robert Bachman stated this policy is “neighborhood unfriendly”. Ms. Kelly stated the District’s rule was one of the main reasons she chose this neighborhood over Eagle Harbor. There was Board consensus to leave the rule as is.

FOURTH ORDER OF BUSINESS

Manager’s Report

A. General Election Information

B. Resolution 2010-1, General Election Resolution

Ms. Davis reviewed the information for the General Election.

- The qualifying period starts at noon on June 14, 2010 and ends at noon on June 18, 2010.
- There are three seats up for election. The information will be posted on the District’s website and in the newsletter.
- In order to be a candidate you must be a qualified elector within the District, a US Citizen at least 18 years old and a resident of the District.

- Resolution 2010-1 states Seat #1, currently held by Mr. Wiggins, Seat #2, currently held by Mr. Clark, and Seat #5, currently held by Mr. Cella, are up for General Election in November of this year. The resolution authorizes the District to instruct the Clay County Supervisor of Elections to continue conducting the District's elections in conjunction with the General Election on November 2, 2010.
- Mr. Christofoli noted you do not have to wait until June to qualify.

On MOTION Mr. Clark seconded by Mr. Christofoli with all in favor Resolution 2010-1, confirming the District's use of the Clay County Supervisor of Elections to continue conducting the District's election of Supervisors in conjunction with the General Election, was adopted.

C. Discussion of Fiscal Year 2011 Budget Process

Ms. Davis reported the following:

- Staff is working on the budget to try to prevent it from increasing. A draft budget will be provided to the Board by the end of the week.
- The proposed budget, which is a high watermark budget, will be discussed and approved at the May 25, 2010 meeting.
- This budget will set the highest possible amount for assessments. Depending on whether there is an increase in the assessments, the Board may need to mail out notices to the residents.
- The Board will also have to set the public hearing to adopt the budget no less than 60 days from the day the proposed budget is approved.
- Ms. Davis distributed the revised assessment collection schedule indicating the District has collected 93.08%. Last year at the same time the District had collected 94.87% of its assessments.
- Mr. Clark stated he is available to work with staff on the proposed budget.

FIFTH ORDER OF BUSINESS

Attorney's Report

A. Public Records Retention

Mr. Walters reviewed the following:

- There are requirements under State and Federal Law, as well as certain indentures related to the District's financing, which require certain documents be retained for a period of time.
- The District is required by statute to have a records retention policy in place. Mr. Walters presented the Board with two options under Exhibit A and Exhibit B of the memorandum provided to the Board in the agenda package.
- Mr. Walters recommends the Board retain the general unwritten policy of retaining all records and not destroying any of them. This would be the resolution behind Exhibit B.
- If the Board wants to take a different direction, The Department of Library and Information Services has set forth parameters of general policies for local governments.
- There are Federal Tax regulations related to the Bonds which require documents be kept for the life of the bonds, plus three years. The way it is defined results in the District having to go through several documents to identify varying retention expiration dates.

On MOTION by Mr. Clark seconded by Mr. Christofoli with all in favor the Board accepted Mr. Walter's recommendation to adopt the Resolution 2010-2 behind Exhibit B.

The following was also discussed:

- Mr. Walters also provided the Board with an update on a bill that will likely pass, which will modify sovereign immunity limits for local governments and increase it from \$100,000 to \$200,000 to \$200,000 to \$300,000. Staff will have to monitor how this affects rates on insurance policies.
- Mr. Cella asked if there is a benefit to the District and its staff to belong to the Florida Association of Special Districts. Ms. Davis stated the Florida Association of Special District is currently responding to proposed rules from the EPA on nutrient levels in water bodies which will potentially impact any districts with retention ponds such as this District. They are advising everyone to write in either opposing or addressing concerns with regards to the levels they are going to set. That is an example of how

- they do provide helpful information to districts. Mr. Cella requested Ms. Davis look into the cost of becoming a member.
- Mr. Christofoli asked if a letter was sent to the resident at Margaret's Walk regarding the drainage. Ms. Davis stated the letter was sent and the resident called stating she felt that she was being harassed. She feels the District should be going after the person she bought the house from. Ms. Davis requested she put her response in writing to the Board, but she has yet to receive it.
 - Ms. Murphy asked if Mr. Walters contacted Lake Ridge North regarding the property being maintained by the District. Mr. Walters responded he contacted both parties. The representatives from Pulte are interested in deeding the property over to the District.
 - Ms. Davis stated staff had found a corrected special warranty deed on the Lake Ridge South area showing Centex did deed the area over to the Lake Ridge South HOA. They spoke to Ms. Wicker regarding the Lake Ridge North parcel. She believed the same thing was done with them as with Lake Ridge South; however, the attorneys only show records of Lake Ridge South being done. The property manager for Lake Ridge North is in the process of checking with the surveyor Centex used to see if they have any records of having done the survey which would have taken out the portion located on the right-of-way, which has been maintained by the CDD.
 - Mr. Walters will contact the HOA for Lake Ridge South regarding their parcel. A survey is needed to draw up the sketch and legal to deed the parcel on Lake Ridge North. The condo association representative indicated the members of the condo association will have to vote on this because it is a conveyance of property and it goes above the Board of Directors purview. Mr. Walters is in the process of putting together a summary outlining the history and purpose of the District's request.
 - Ms. Murphy asked about the letter regarding the cost for the cleanup of Pond #27. Mr. Walters did not send the letter out. He will send it out.
 - Ms. Murphy asked if the letter was drafted suspending the adolescents caught using illegal substances on District property. Mr. Walters has been doing some background research with another attorney who had a similar issue. The letter will be drafted and sent out to Ms. Davis this week.

- Ms. Murphy asked about the letter concerning the county maintained roads. Ms. Davis responded she has the letter drafted and ready to be signed by the Chairman tonight.
- Mr. Wiggins asked about the letter that was going to be sent to the Margaret’s Walk HOA notifying them of what occurred. Mr. Christofoli stated the HOA is aware of the situation.

SIXTH ORDER OF BUSINESS

Engineer’s Report

There not being any, the next item followed.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Maintenance

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

- At the last meeting the Board approved expenditures of up to \$2,500 to repair the Splash Park trusses. It appears the costs will be under \$800.
- A change order was distributed for the pool repairs and resurfacing. Additional work was necessary. The additional amount due is \$1,820. This will come out of the *Reserves* line item.

On MOTION Ms. Murphy seconded by Mr. Clark with all in favor the change order from The Caliber Company, Inc. in the amount of \$1,820 for repairs to the Amenity Center pool was approved.

- The River Hills Reserve retention pond’s water level remains too high to evaluate.
- Mr. Cella and Mr. Bagg reiterated that the Amenity Center pool is not a competitive pool, but recreational.

B. Recreation

Ms. Alfano reported the following:

- The Easter Egg Hunt was a great success. There were 189 kids who participated.
- The Memorial Day Parade is scheduled for Saturday, May 29, 2010 at 10:00 a.m.
- The District’s cable channel cannot be seen with the new converter boxes. Ms. Alfano contacted Comcast and is trying to resolve this problem. Mr. Cella mentioned Clay County has a Cable Advisory Board and suggested the Board write a letter to both the advisory board and Comcast regarding this issue. Ms. Murphy asked

whether there will be a price adjustment being that this channel is no longer available. Ms. Alfano stated the District is not paying for this channel.

- There will be a spring concert on Friday, April 30, 2010 at 7:00 p.m.
- There was a Walk for Autism on Saturday, April 24, 2010 as well as a silent auction.

THIRD ORDER OF BUSINESS

Consideration of Proposals for Landscape and Irrigation Maintenance Services (Continued)

The Board reviewed the proposals submitted and the following was discussed:

- Mr. Walters reviewed the score sheet and instructions.
- Mr. Christofoli had questions about assigning points to the proposals.
- The Board reviewed their scores for personnel.
 - Ms. Murphy awarded 10 points to proposal #1, 25 points to proposal #2, 20 points to proposal #3, 23 points to proposal #4 and 25 points to proposal #5.
 - Mr. Christofoli awarded 15 points to proposal #1, 23 points to proposal #2, 15 points to proposal #3, 24 points to proposal #4 and 20 points to proposal #5.
 - Mr. Cella awarded 23 points to proposal #1, 24 points to proposal #2, 21 points to proposal #3, 25 points to proposal #4 and 24 points to proposal #5.
 - Mr. Clark awarded 15 points to proposal #1, 25 points to proposal #2, 15 points to proposal #3, 19 points to proposal #4 and 23 points to proposal #5.
 - Mr. Wiggins awarded 25 points to proposal #1, 20 points to proposal #2, 20 points to proposal #3, 20 points to proposal #4 and 20 points to proposal #5.
 - Ms. Murphy stated she gave proposal #1 a low score because she does not think they have the personnel needed. Their proposal stated the management level and amount of people were "to be determined" in several places.
 - Mr. Wiggins stated he looked at the range of projects and was impressed with the involvement in Federal contracts and their ability to handle these contracts suggests their personnel is adequate.
 - Mr. Cella stated he went by the evaluation criteria and factored in the geographic location of the firms. He feels all the firms are more than qualified.
 - Mr. Christofoli stated he felt it was important that contracts be in Clay County or as close to Clay County as with other vendor contracts the District has.

- The Board reviewed their scores for experience.
 - Ms. Murphy awarded 5 points to proposal #1, 15 points to proposal #2, 10 points to proposal #3, 15 points to proposal #4 and 15 points to proposal #5.
 - Mr. Christofoli awarded 5 points to proposal #1, 15 points to proposal #2, 5 points to proposal #3, 15 points to proposal #4 and 15 points to proposal #5.
 - Mr. Cella awarded 13 points to proposal #1, 15 points to proposal #2, 12 points to proposal #3, 14 points to proposal #4 and 15 points to proposal #5.
 - Mr. Clark awarded 10 points to proposal #1, 15 points to proposal #2, 10 points to proposal #3, 12 points to proposal #4 and 15 points to proposal #5.
 - Mr. Wiggins awarded 15 points to proposal #1, 10 points to proposal #2, 10 points to proposal #3, 10 points to proposal #4 and 15 points to proposal #5.
 - Mr. Bagg stated he did at least three reference checks on all the proposals and did not receive any negative feedback. He could not get three references on Pattillo Grounds Management. The only reference he spoke to gave an outstanding reference, but it was for mowing 14 Million square feet of grass.
 - Ms. Murphy reiterated the importance of finding someone who has worked on property comparable to the District's. Mr. Bagg stated he did not come across any of their references which had experience with properties similar to that of the District. Most of the references were from out of state. Mr. Christofoli stated he spoke with the Chairman for Eagle Harbor. They are using Tree Amigos and are very happy with them.
- The Board reviewed their scores for understanding of scope of work.
 - Ms. Murphy awarded 10 points to proposal #1, 30 points to proposal #2, 20 points to proposal #3, 25 points to proposal #4 and 28 points to proposal #5.
 - Mr. Christofoli awarded 15 points to proposal #1, 26 points to proposal #2, 15 points to proposal #3, 30 points to proposal #4 and 30 points to proposal #5.
 - Mr. Cella awarded 29 points to proposal #1, 30 points to proposal #2, 29 points to proposal #3, 30 points to proposal #4 and 30 points to proposal #5.
 - Mr. Clark awarded 28 points to proposal #1, 30 points to proposal #2, 28 points to proposal #3, 28 points to proposal #4 and 30 points to proposal #5.

- Mr. Wiggins awarded 30 points to proposal #1, 20 points to proposal #2, 18 points to proposal #3, 20 points to proposal #4 and 30 points to proposal #5.
- Mr. Bagg noted Nanak's Landscaping Grounds and Maintenance was higher in unit price with regard to replacing shrubs, trees and additional mowing. Austin Outdoors was a little higher in price for controllers. All other prices were in line. Mr. Bagg believes Austin Outdoors who he has had a good working experience with, Nanak's Landscaping Grounds and Maintenance and Tree Amigos all have shown sufficient information that he is comfortable they have the capability to perform on this contract.
- Ms. Murphy noted that Austin Outdoors has done work for the District without charging them additionally; however, she did not take that into consideration when scoring the proposals.
- Mr. Christofoli was most impressed with Tree Amigos' proposal.
- The Board reviewed their scores on unit price.
 - Ms. Murphy awarded 2 points to proposal #1, 8 points to proposal #2, 8 points to proposal #3, 10 points to proposal #4 and 8 points to proposal #5.
 - Mr. Christofoli awarded 8 points to proposal #1, 8 points to proposal #2, 10 points to proposal #3, 10 points to proposal #4 and 9 points to proposal #5.
 - Mr. Cella awarded 8 points to proposal #1, 7 points to proposal #2, 6 points to proposal #3, 9 points to proposal #4 and 10 points to proposal #5.
 - Mr. Clark awarded 8 points to proposal #1, 9 points to proposal #2, 8 points to proposal #3, 9 points to proposal #4 and 10 points to proposal #5.
 - Mr. Wiggins awarded 10 points to proposal #1, 7 points to proposal #2, 8 points to proposal #3, 9 points to proposal #4 and 10 points to proposal #5.

The record will reflect the Board took a brief recess.

- Mr. Walters and Ms. Davis tabulated the scores. The proposal ranked in first place was Austin Outdoors with a total point value of 94.6. The number two ranked proposal was Nanak's Landscaping Grounds and Maintenance with a total point value of 91.7. The number three ranked proposal was Tree Amigos with a total point value of 90.6. The number four ranked proposal was Pattillo Grounds Management with a total point value of 77.6. The fifth ranked proposal was the Golf Club at Fleming Island with a total point value of 74.7.

- Mr. Walters asked if anyone wanted to make any changes to the points they awarded.
No Board members made changes to the points they awarded.

On MOTION by Ms. Murphy seconded by Mr. Christofoli Austin Outdoors' proposal for landscape and irrigation maintenance was ranked number one and staff was authorized to issue a notice of award and enter into a contract with Austin Outdoors.

EIGHTH ORDER OF BUSINESS **Old Business/New Business**
There not being any, the next item followed.

NINTH ORDER OF BUSINESS **Supervisors' Requests**
There not being any, the next item followed.

TENTH ORDER OF BUSINESS **Audience Comments**
Ms. Wiley complimented the Board on the landscape RFP process.

ELEVENTH ORDER OF BUSINESS **Acceptance of March Financials and Approval of Check Register**
There being no questions or comments,

On MOTION Mr. Clark seconded by Mr. Wiggins with all in favor the March financials and check register were approved.

TWELFTH ORDER OF BUSINESS **Adjournment**
There being no further business,

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

Janice Eggleton Davis
Secretary

Mike Cella
Chairman