

**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, June 23, 2009 at 6:02 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 (Via Telephone)
Don Christofoli	Assistant Secretary
Betty Murphy	Assistant Secretary
Gina Polseno	Assistant Secretary

Also present were:

Robert Koncar	Severn Trent General Manager
Jason Walters	District Attorney
Margaret Alfano	Parks and Recreation Manager
Russell Bagg	Maintenance Manager
Robert Machala	Master HOA, President
Jean Hoffer	Resident
Dean Reese, Sr.	Resident
Dean Reese, Jr.	Resident
Rosemarie Yiles	Resident
Sandra Wiley	Resident

The following is a summary of the minutes and actions taken at the June 23, 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 May 26, 2009 Meeting**

Mr. Cella stated each Board member received a copy of the minutes of the May 26, 2009 meeting and requested any corrections, additions or deletions.

The following changes were made:

- Ms. Murphy requested the policy of phone calls being answered within an hour and emails within 24 hours be indicated in the second arrow after the first bullet under the

eighth order of business. Mr. Walters indicated it is a Severn Trent policy and not a District policy.

- Ms. Murphy indicated the last bullet under the eighth order of business should note her request to have all deputies notified to request the identification cards of everyone and that residents' guests provide identification. Ms. Alfano was going to communicate this to the deputies.

On MOTION by Mr. Christofoli seconded by Ms. Polseno with all in favor the minutes of the May 26, 2009 meeting were approved as amended.

**THIRD ORDER OF BUSINESS**

**Manager's Report**

**A. Questions and Comments on the Proposed Budget for Fiscal Year 2010.**

Mr. Koncar distributed a list of follow-up items from the last meeting and reported the following:

- The contract with Austin Outdoors has been renegotiated and they have agreed to continue providing the District with the same services at the current rate for another year.
- A letter was submitted to the River Hills Reserve HOA notifying them the District is waiting for the water level to go down so the pond can be assessed.
- The Pool and Recreation Committee is supposed to report on their recommendations with regard to the interaction between the committee and the Board. Severn Trent did not receive any documentation to include in the agenda package.
- The voice mail has been changed to indicate any messages received by 5:00 p.m. will be responded to on the same day.
- The incident report from the Deputy Sheriff is enclosed under the recreation report.
- Staff has not been able to contact the correct person at Elite Tech regarding the outstanding check for \$20, but will continue to try.
- Mr. Kloehn from the county submitted a letter on behalf of the county regarding the Shoppes of Fleming Island and the code enforcement issue with regard to the clearing of vegetation. He indicates the District has done everything it was supposed to do. Mr. Cella noted there is a sign from Broadbent located within the buffer and requested

they be notified that the Board is not happy about this sign being installed there as it is unauthorized and may cause more issues with the county.

- No changes were made to the proposed budget by the Board.

**FOURTH ORDER OF BUSINESS**

**Attorney's Report**

Mr. Walters reported the following:

- A handout was distributed regarding water restrictions from the St. Johns River Water Management District. He noted there are exceptions to the restriction if using reclaimed water, which is what the CDD uses to irrigate. He also noted wells do have restrictions.
- The boundary amendment is complete and the rules have been changed to reflect this.
- The county submitted a letter and the issue with regard to the buffer disturbance has been resolved.

**FIFTH ORDER OF BUSINESS**

**Staff Reports**

**A. Maintenance**

Mr. Bagg reported the following:

- Staff is still working on turf issues throughout the District. Austin Outdoors is re-treating areas and within six to seven days they will be re-sodding approximately 4,000 square feet of turf.
- Austin Outdoors submitted a letter stating they are happy to do business with us and will keep the contract the way it is for another year. They will forgo the 3% increase. The Board needs to authorize execution of the extension letter to the contract with Austin Outdoors.
- The aquatics company will begin re-stocking the retention pond with carp within the next couple of weeks.
- There was a hole in the Splash Park pool. It started off the size of a golf ball and ended up the size of a manhole. It was supposed to be under warranty, but the people who did the marcite went out of business. The contractor repaired the hole at no charge. The pool will be up and running on Thursday, June 25, 2009. It will cost \$400 to \$500 to fill the pool.

On MOTION by Ms. Murphy seconded by Mr. Christofoli with all in favor the extension letter to the Austin Outdoors contract indicating the rates will remain the same for another year was approved.

**B. Recreation**

Ms. Alfano reported the following:

- Dreux Isaac took a tour of the property on June 10 and June 11, 2009. A report should be ready no later than July 1, 2009.
- Staff is making progress with the photo identifications. Ms. Alfano has been in constant contact with all the parties involved to get status updates. The printing software is being tested. The identification software has been upgraded. The printing software has to be upgraded so they are at the same level. Everything should be up and running by July 1, 2009. The initial problem was the database could not hold information for the 16,000 cards purchased. The upgrades will allow this amount and more.
- An incident report was included in the agenda package for the Board's review. Ms. Murphy noted the report looks like a personal letter addressed to Ms. Alfano rather than an investigative report. She does not feel it is professional. There are no dates indicated in the letter. She feels the information provided may not be accurate. Mr. Christofoli noted this is not a Sheriff's Department Incident Report. It is just a letter written with hearsay. He does not agree with the information in the letter. Mr. Christofoli rebutted the following:
  - He did not say anything vulgar.
  - He advised her Mr. Rust had been arrested in the past while on the District's tennis courts.
- Mr. Walters noted the District cannot ask them to issue an official Sheriff's Report if one was not issued at the time of the incident.
- Ms. Murphy asked if the contract with the Sheriff's Department states what an incident report should be. Mr. Walters has not seen the contract in a while, but he does not believe there is. It can be requested of them, but they are not always flexible with regard to these things. Ms. Murphy noted if the District is paying them to do a job, the District has the right to request they do it a certain way.

- Mr. Christofoli noted the Deputy interviewed Mr. Rust's friends, but did not interview Ms. Christofoli.
- Ms. Murphy stated if this letter becomes a part of the official record, she agrees Mr. Christofoli's side needs to be represented. Mr. Koncar confirmed anything discussed during a meeting is part of the public record. Mr. Cella suggested Mr. Christofoli submit his recollection of the incident so it becomes part of the public record.
- Staff is getting positive feedback from residents regarding the communications update on the District's cable channel. She requested input from the Board.
- The newsletter is growing. Staff feels some of the articles on pages dominated by advertisements are not standing out. A header bar will be added to better distinguish the advertisements from the articles.
- Ms. Alfano used the last directional sign paid by Centex at the Town Center entrance across from Margaret's Walk. There was no signage in that area indicating what was ahead. Upcoming villages, the Amenity Center tennis courts and the golf clubhouse are all listed on the sign.
- At the last meeting the Board discussed distributing the proposed budget to residents. The table listing what the residents will be paying per community was inserted in the newsletter and indicates it is a draft. An article regarding the budget and providing contact information is also in the newsletter.
- There are some issues with the website. Two people have replaced the person who used to take care of the website. They just completed a major upgrade of the website and lost the majority of the information posted. The budget cannot be posted in the website at this time. Ms. Alfano suggested looking into several website options. Mr. Cella asked when they anticipate the capabilities of uploading information will be available. Ms. Alfano hopes to be able to upload information by the end of the week. Mr. Cella requested the home page of the website post information about technical difficulties with the website. There was Board consensus for Ms. Alfano to look into other website options.

**C. Neighborhood Advisory Council****• Proposal from the Pool and Recreational Committee**

This item was tabled until the next meeting. Mr. Machala discussed the following with regard to the Master HOA:

- The Master HOA can serve as a vehicle for residents who cannot differentiate between a CDD issue and an HOA issue.
  - An example of this is an email Mr. Machala received from a resident regarding the Chatham Village Lake. There were kayaks and canoes in the lake a couple of weeks ago. The HOA is responsible for enforcing the covenants, which deal with what is allowed in the CDD's retention ponds and lakes. The HOA documents states, "No motorized or power boats shall be permitted on any part of the system, except boats used for inspection and maintenance." It specifically discusses motorized or power boats; however, there is nothing in the documents regarding man powered boats. It is up to the HOA to discuss and amend the covenants.
  - Ms. Murphy noted the documents also state, "No activities shall be permitted on any part of the system, which may become an annoyance or nuisance." This implies the lake is not for recreational purposes.
  - Mr. Cella questioned whether this runs into the St. Johns River Water Management District jurisdiction. Mr. Walters responded he would have to review the permit.
  - Mr. Walters suggested a no boating policy can be adopted without having to change or add to the covenants.
  - Mr. Koncar stated his concern that once the CDD adopts a policy, the Board will be responsible for enforcing it.
  - Ms. Murphy stated her concern with what will happen to the embankments from water craft going in and out of the lake. She also feels there will be additional trash due to these types of recreational activities.
  - Mr. Christofoli stated it is up to the HOA to change their documents so the CDD does not have to enforce this policy.
  - Mr. Cella stated once the HOA changes the documents, the CDD will consider signage to enforce no boating in the lakes.

- Ms. Murphy had a request to bring up the Pool and Recreational Committees observation of the children's slide. There are instances where children are coming down the slide and there is not enough water on the slide causing them to have skin burns. They had a few recommendations such as placing a rubber mat or possibly turning the slide around to where the water is a couple of inches deeper on the other side. Mr. Cella noted this issue was discussed the first summer the slide was open. There is no rubber mat which will be able to sustain itself in the chemicals. Staff looked into removing the slide. The pool installer grinded the area so it would be smoother. There is no easy solution, but there have not been many complaints about burns since the first summer.

**SIXTH ORDER OF BUSINESS**

**Old Business/ New Business**

Mr. Cella stated there was money allocated for the Austin Outdoors increase. Now that there will not be an increase in their contract, the Board may want to consider placing some of those funds in the reserves and possibly using some of it for website development.

**SEVENTH ORDER OF BUSINESS**

**Supervisors' Requests**

There not being any, the next item followed.

**EIGHTH ORDER OF BUSINESS**

**Audience Comments**

Ms. Hoffer stated some residents are not getting the respect they deserve. She feels some people are protecting certain residents. She noted an example of where she wanted to join the Working Women's League and was not allowed. She feels she was discriminated against. Mr. Cella stated the CDD is not responsible for setting the league's rules. Ms. Murphy noted the CDD's rules should go above the league's rules. Mr. Cella stated the District would have to adopt rules similar to those at Eagle Harbor to do so. Mr. Cella stated if a resident wants to start their own league and request to use three or four courts on a Saturday afternoon, the CDD would work with them to make sure other residents were aware that several courts would be in use during the specified time. That is the extent of the District's involvement. Mr. Walters agreed the District should not get involved in the rules and regulations of the individual leagues.

**NINTH ORDER OF BUSINESS**

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

There being no questions or comments,

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

**TENTH 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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Betty Murphy  
Assistant Secretary

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Mike Cella  
Chairman