

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

The regular meeting of the Board of Supervisors of the Fleming Island Plantation Community Development District was held on Tuesday, July 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 (Via Telephone)
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 Outdoor
Jeff Church	Amenity Aquatics Staffing, Inc.
Diana Boothe	Resident
Mark Good	Resident
Jacque LeBelle	Resident
Fred Tillman	Resident
Sandra Wiley	Resident

The following is a summary of the minutes and actions taken at the July 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
June 22, 2010 Meeting**

Mr. Cella stated all Board members received a copy of the minutes of the June 22, 2010 meeting and requested any corrections, additions or deletions.

There not being any,

On MOTION by Mr. Wiggins seconded by Ms. Murphy with all in favor the minutes of the June 22, 2010 meeting were approved.

THIRD ORDER OF BUSINESS

Manager's Report

Ms. Davis reported the following:

- The Master HOA submitted an article for the CDD newsletter. The article was not published in the August edition because of some items within the article which were not factually correct. One part of it had to do with fines being assessed without the hearing process. Staff checked with the property manager and, under Florida Statutes, they are not able to do that. The other part mentioned violations would be issued on golf carts; however, those types of violations can only be enforced by the Sheriff's Department.
- The only outstanding assessments are for properties which are in bankruptcy. Their tax certificates could not sell.
- Ms. Murphy asked if the letter was sent to Mr. Behring. Mr. Cella has the letter and will sign it so it gets sent.

FOURTH ORDER OF BUSINESS

Attorney's Report

- **Discussion Regarding Policy on Sexual Predator Amenity Access**

Mr. Walters distributed a draft policy with regard to access limitations for sexual offenders and predators. The District has security powers and a general right to govern access to its facilities due to conduct. There are several cities in South Florida which are moving in the same direction. The proposed policy stated the District will not grant access cards to the amenities and will deactivate amenity access cards, which may have been granted, to individuals who are registered sexual offenders. The policy can be challenged in court, but cases in other cities and counties have proven leaning in support of similar policies. Because this is a policy, it can be changed at a regular Board meeting without prior notice. Ms. Murphy suggested approving the policy and also moving forward with the process of adopting it as a rule. Mr. Walters recommended keeping it as just a policy in the case it gets challenged.

The proposed policy was read into the record:

Any individual registered as a "Sexual Offender" as defined in Section 943.0435, Florida Statutes, or as a "Sexual Predator" as defined in Section 775.21, Florida Statutes, shall not be permitted to access the Plantation Splash Park or the Amenity Center, as defined herein.

District staff shall not grant amenity access cards to individuals who are registered as Sexual Offenders or Sexual Predators and shall immediately deactivate any amenity access cards which may have been granted to an individual who is registered as a Sexual Offender or Sexual Predator.

On MOTION by Ms. Murphy seconded by Mr. Wiggins with all in favor the proposed policy on sexual predator amenity access was approved.

FIFTH ORDER OF BUSINESS

Engineer's Report

Mr. Stilwell sent an email regarding Margaret's Walk Lot 123 Erosion, which will be addressed under the maintenance report.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Maintenance

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

- Mr. Stilwell inspected the property in Margaret's Walk after a resident expressed concern about erosion on his property. He determined there is no erosion issue; however, the District should monitor it if there is future erosion. Grass clippings were found over the fence and in the wetlands. This is of concern because it can cause erosion issues in the future. Mr. Bagg will report back to the resident with the engineer's findings.
- The engineer met with Sauer Concrete & Tractor, Inc. regarding the retaining wall in The Links. He approved the re-construction of the wall and does not feel the additional warranty is necessary.
- Mr. Stilwell inspected Pond #25 in The Links as well as Pond #16 in the Woodlands due to backyard flooding issues. He is still reviewing and will present his final analysis next month.
- The trusses at the Splash Park have been completed and the flashing was installed.
- SJRWMD sent a letter regarding Pond #38 in Margaret's Walk. A SJRWMD representative evaluated the pond and found many of the storm drains were filled with debris. He also found high amounts of algae growth, which may be a result of residents' use of fertilizers, excessive nutrient loading, minimal flow and warm temperatures. All the curb inlets were cleared of trash and debris. Aquatic Systems

- provided a quote to install an aeration system in the amount of \$2,700. Mr. Bagg is waiting for the results of the oxygen levels in order to determine if the aeration system is necessary. He will bring this back before the Board at the August meeting. Mr. Clark requested the Margaret's Walk HOA be made aware of this situation. Mr. Cella recommended putting something in the newsletter addressing the whole community as this may be an issue in other areas with retention ponds as well. Mr. Walters will try to obtain information from someone at the University of Florida who is an expert on water flow and stormwater issues. He provided another District with an excellent presentation and may be able to do a seminar for the community.
- Many residents in Lake Ridge South feel their berm is not being properly maintained. It was noted their berm is being maintained the same as all the other berms in the District. Despite the fact the contract with Austin Outdoor requires the berms to be maintained once a month; they are actually being maintained more often. Ms. Davis noted that requesting weeds to be pulled more often than the schedule is requesting a different level of service. The Board opened the floor to Lake Ridge South residents for comments. Mr. LeBelle stated the weeds are only pulled out once a year when it is brought to staff's attention. Ms. Boothe stated the outside of the berm is being maintained, but not the inside of the berm. Mr. Peterson disagrees with the statement that weeds are being pulled only once a year. Mr. Bagg will work with Mr. Peterson to look into this issue and put together a plan that will make the residents happy without adding expenses to the District. Ms. Murphy stated the level of effort on both sides of the berm should be equal.
 - The River Hills Reserve retention pond remains too high to assess.
 - Austin Outdoor donated framed photographs to the community which are now displayed in the Splash Park meeting room.

B. Recreation

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

- Mr. Dean Reese, Sr. passed away. He initiated the VIPS program and has participated in various neighborhood organizations. The Board discussed the possibility of doing something to honor Mr. Reese. Mr. Walters recommended a resolution honoring Mr. Reese and his service to the District as well as the

community. The resolution can be framed and presented to his family. There was Board consensus to do a resolution honoring Mr. Reese, Sr.

- The Navy Band will perform on September 4, 2010 at 7:00 p.m. for Labor Day weekend since they were rained out on Memorial Day.
- The Clay County Supervisor of Elections was looking to move their voting site; however, they decided to remain at the Amenity Center.
- The white directional signs will be completed by the end of August, 2010.
- The newsletter is growing. There were some delivery issues with the July edition. Approximately a dozen residents called to inform staff they had not received their newsletter. After discussing this issue with the Times-Union staff feels this is a one time incident because of a new driver. Mr. Cella stated he did not receive June or July's newsletter either.
- Ms. Alfano is still working on the cable channel issue.
- Staff is moving forward with a Twitter program to provide pool updates.
- The pools closed for 30 minutes every time there is a sighting of lightning or a clap of thunder. All residents are asked to go under the covered area and are not allowed on the pool deck or in the pool during this time. This gets residents frustrated and there was an incident yesterday where a resident was abusive towards the lifeguard and staff. Mr. Church from Amenity Aquatics Staffing, Inc. addressed the Board on the severity as well as the logistics of lightning. The national standard used by all lifeguard companies is the 30/30 rule. Their company policy does not allow lifeguards to be on the pool deck during this time or allow people to be there either. The Board agrees with the lifeguard policy and does not feel it is right for residents to react negatively to staff which is taking action to protect them. The Board was presented with three proposals for lightning detectors: a handheld version for \$78, a wall mounted version for \$185 and more extensive versions which run approximately \$350 to \$539. Ms. Murphy is concerned with addressing the rudeness of the residents. Ms. Davis stated there is a policy where privileges can be suspended for an amount of time determined by the Board.

Ms. Murphy MOVED to authorize staff to suspend resident pool privileges for no less than a month if a resident exhibits inappropriate behavior and Mr. Christofoli seconded it

- Mr. Walters recommended the Sheriff be called for any threats of physical violence. Staff can be authorized to restrict privileges until the next meeting so the Board can make a decision with regard to any egregious behavior that does not reach a threatening level. Mr. Cella suggested sending the resident in question, Mr. Godinez, a warning letter. Because he is a tenant, the property owner should be copied on the letter.

On VOICE vote with Ms. Murphy, Mr. Christofoli, Mr. Cella and Mr. Wiggins voting aye and Mr. Clark voting nay the motion as previously outlined passed.

- Mr. Christofoli stated some residents recommended opening the pool at 9:00 a.m. since it has to close early in the afternoons due to storms. He also mentioned the heat is too intense after 10:00 a.m. Ms. Murphy agreed the Amenity Center pool should open earlier.

On MOTION by Mr. Wiggins seconded by Ms. Murphy with all in favor the Amenity Center pool will open at 9:00 a.m. for the month of August, 2010 contingent upon it being cost neutral.

- Mr. Wiggins feels a lightning detector should be purchased for each of the pool facilities.

On MOTION by Mr. Wiggins seconded by Mr. Clark with all in favor the Board approved the purchase of two portable lightning detectors at an amount not to exceed \$400.

- Mr. Wiggins provided the Board with an update on the VIPS program. There was countywide meeting. The coordinator of VIPS was concerned that the community not allow the program to falter. The Fleming Island Plantation VIPS volunteers will hold a meeting to select a new leader.

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. Good lives adjacent to the Sixth Green. He asked if there were any out-of-bounds stakes. Mr. Cella stated he believes it is an issue to discuss with Mr. Albers from the golf course.
- Mr. Good asked who is mowing the lawns for vacant homes. He was informed it is the HOA.
- Mr. Good recommended placing audience comments at the beginning of the meeting.
- Mr. Tillman stated he was hit by an SUV while riding his bicycle last week. He believes the monument sign in the center of Town Center Parkway contributed to the accident because it obstructs lines of sight between vehicular and pedestrian traffic. He suggested it be removed or elevated. He also had an incident last year on his bicycle where he had to make an emergency stop at the crosswalk of Links Drive and Town Center Boulevard. He made several suggestions on how the community can be made safer for pedestrian traffic. With regard to adding stop signs, this is a county issue and representatives from the county and FDOT would need to be involved. Mr. Tillman provided a written statement to the Board which will be incorporated into the record by reference here.

TENTH ORDER OF BUSINESS

Acceptance of June Financials and Approval of Check Register

Mr. Christofoli asked if the designated reserves were divided into categories. Ms. Davis responded not in the case of the CDD. In HOAs, some reserves have been restricted to certain purposes when they are established.

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

July 27, 2010

Fleming Island Plantation C.D.D.

ELEVENTH ORDER OF BUSINESS

Adjournment

There being no further business,

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

Janice Eggleton Davis
Secretary

Mike Cella
Chairman