

**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, July 28, 2009 at 6:07 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

Also present were:

Janice Davis	District Manager
Jason Walters	District Attorney (Via Telephone)
Margaret Alfano	Parks and Recreation Manager
Russell Bagg	Maintenance Manager
Susan Armstrong	Resident
Elaine Harrell	Resident
Dean Reese, Jr.	Resident
Dean Reese, Sr.	Resident
Jim Wiggins	Resident
Sandra Wiley	Resident

The following is a summary of the minutes and actions taken at the July 28, 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 June 23, 2009 Meeting

Mr. Cella stated each Board member received a copy of the minutes of the June 23, 2009 meeting and requested any corrections, additions or deletions.

There not being any,

On MOTION by Ms. Murphy seconded by Mr. Christofoli with all in favor the minutes of the June 23, 2009 meeting were approved.

THIRD ORDER OF BUSINESS

Public Hearings to consider the Adoption of the Budget for Fiscal Year 2010 (Resolution 2009-4) and Levy of Non-Ad Valorem Assessments (Resolution 2009-5)

On MOTION by Ms. Murphy seconded by Mr. Christofoli with all in favor the public hearing to adopt the budget for fiscal year 2010 was opened.

The following was discussed:

- The Board discussed the increase of \$17,000 under landscaping. This increase is no longer needed because Austin Outdoor agreed to waive the 3% increase in their contract.

The record will reflect Mr. Clark joined the meeting.

- Ms. Alfano reviewed her proposal for a community website which will total \$1,350 for the next fiscal year. Mr. Cella recommended setting a line item for *Community Website* and placing the remainder of the excess money into reserves.
- The Board decided to place \$2,000 under a line item for *Community Website* and adding \$15,000 to the *Parks and Recreational-General Reserve*. Ms. Davis will make sure the narrative explains a description of what the \$2,000 is for.
- The Board opened the floor to the public. There were no comments from the public with regard to the budget.

On MOTION by Mr. Christofoli seconded by Mr. Clark with all in favor the public hearing was closed.

On MOTION by Ms. Murphy seconded by Mr. Clark with all in favor Resolution 2009-4, relating to the annual appropriations and adopting the budget for fiscal year 2010 with the changes discussed, was adopted.

On MOTION by Mr. Clark seconded by Mr. Christofoli with all in favor the public hearing to levy non-ad valorem assessments was opened.

- Mr. Walters reviewed Resolution 2009-5 for the Board, which imposes special assessments, certifies an assessment roll, provides a severability clause and provides for an effective date.
- The Board opened the floor to the public. There were no comments from the public. Mr. Cella noted most residents will have a 2.1% decrease in their assessments and some residents will have a 2.5% decrease.

On MOTION by Ms. Murphy seconded by Mr. Clark with all in favor the public hearing was closed.

On MOTION by Mr. Clark seconded by Ms. Murphy with all in favor Resolution 2009-5, levying non-ad valorem assessments, was adopted.

FOURTH ORDER OF BUSINESS

Manager's Report

A. Meeting Schedule for Fiscal Year 2010

Ms. Davis reviewed the proposed meeting schedule for fiscal year 2010. There were no changes to the dates proposed.

On MOTION by Ms. Murphy seconded by Mr. Clark with all in favor the meeting schedule for fiscal year 2010 was approved.

B. Acceptance of Financial Audit for Fiscal Year Ending September 30, 2008

The following was discussed:

- There were no matters discovered, which need to be reported.
- There were no discoveries of anything being done incorrectly with regard to the maintenance of the District's financial books.
- There are no financial emergency conditions.
- Ms. Murphy questioned why the financial audit took so long. Ms. Davis stated the financial audit for fiscal year 2007 took longer last year. This was also the first year Grau & Associates was doing an audit for the District and needed to do more background work.
- Mr. Clark noted page 22 indicates the District had an excess of revenues over expenditures of almost \$400,000 in the general fund.

On MOTION by Ms. Murphy seconded by Mr. Clark with all in favor the financial audit for fiscal year 2008 was accepted.

Ms. Davis also reported the following:

- Staff received the draft of the reserve study and made some corrections to it. It should be ready to present to the Board at the next meeting.
- Ms. Polseno submitted a letter of resignation.

On MOTION by Mr. Christofoli seconded by Mr. Clark with all in favor Ms. Polseno’s resignation was accepted.

- The Board decided to follow the same process of recruiting candidates as in the past. An article will be placed in the newsletter notifying residents of the open seat. Because it is a landowner seat the only requirements are that candidates must be US citizens and Florida residents. All applications will be due a week prior to the September meeting.

On MOTION by Mr. Christofoli seconded by Ms. Murphy with all in favor the Board authorized staff to advertise the vacancy and request résumés for any interested candidates.

FIFTH ORDER OF BUSINESS

Attorney’s Report

There being no report, the next item followed.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Maintenance

Mr. Bagg reported the following:

- He does not suggest making improvements to golf course property as previously discussed in order to store the VIPS vehicle because it is not District property. He requested direction from the Board. Mr. Cella noted the District only has two storage facilities; one by the tennis courts and one by the Splash Park. Mr. Bagg stated the one by the tennis courts is too small. The one at the Splash Park can store a golf cart, but the door would need to be enlarged. Ms. Alfano noted she was meeting with Mr. Reese, Sr., the head of the VIPS program and the Sheriff tomorrow to look at the existing storage facilities. She stated the District vehicle which is currently being stored at the Splash Park can be stored at the golf course since it does not need to be

charged and the VIPS vehicle can be stored in its place. The VIPS vehicle is owned by the Clay County Sheriff's Department. Mr. Walters does not feel there is an issue with the District storing its golf cart on golf course property as long as there is an agreement or letter of understanding with the golf course and he recommended the District get verification from the insurance carrier that the vehicle will still be covered even though it is being stored at the golf course.

On MOTION by Mr. Christofoli seconded by Ms. Murphy with all in favor staff was authorized to obtain estimates to widen the door on the District's storage shed so both vehicles can be stored and to enter into the agreements necessary as per Mr. Walters' direction to store the VIPS vehicle in the District's storage shed and to store the District's maintenance vehicle at the golf course.

- Staff is researching a service agreement for the two maintenance vehicles and the tennis court roller. More information will be brought to the Board at the next meeting.
- There are some ponds within the District which have issues. Pond #25 has drainage and erosion issues. The District engineer is determining who is responsible for repairing the damage. Golf carts are also cutting through private property to get to the golf course. Some residents are plugging the pipes in order to keep the water level high. This is occurring at Ponds 25, 38 and 39. This puts the ponds in danger of overflowing. Staff is proposing the Board authorize the purchase of three signs stating "Tampering with Control Structures is Prohibited by Law." Ms. Murphy does not think the signs will help and questioned how to enforce this. Ms. Alfano stated she cannot take action against any offenders without a warning sign being posted. The signs cost approximately \$80 each.
- Mr. Cella commented on the golf carts cutting through private property and stated the District cannot enforce any resolution as it is not District property. There was Board consensus for the CDD to send a letter to the golf course bringing this issue to their attention. Mr. Cella requested staff draft a letter to the golf course.
- The River Hills Reserve pond is continuously being monitored. At this time the water level is too high for the situation to be properly assessed.

- Mr. Reese, Sr. requested any signs approved by the Board be brought before the ARB for approval.

On MOTION by Ms. Murphy seconded by Mr. Clark with all in favor the Board authorized the purchase of three signs for the District ponds as proposed by Mr. Bagg and with the approval of the ARB.

- Mr. Christofoli noted there is a drainage problem in Margaret's Walk. The connectors between the drain and the boxes behind the stormwater drains collapsed. They needed to be dug out, resealed and the area had to be re-sodded. This is a continuous problem. Mr. Walters is researching whether this is a CDD issue or an HOA issue. If it is considered to have been conveyed as part of the stormwater system, it is the CDD's responsibility. If it is part of the roadway, it is the HOA's responsibility.
- A tree was taken down due to a car accident. It is being covered by the driver's insurance company.

B. Recreation

Ms. Alfano reported the following:

- The photo identification software problem has taken longer than expected to resolve. There are two separate software programs, which need to work together. The upgrade fees as well as reconfiguration of the software was done at no cost to the District. Staff has converted to a temporary card system.
- There was positive feedback on the new headings in the newsletter.
- Ms. Davis asked Ms. Alfano to give any documents related to the new website to Mr. Walters for his review prior to them being executed. The Board requested Ms. Alfano start the process for the new website as soon as possible instead of waiting until the new fiscal year.
- Ms. McCowan requested the Board waive one month's rent of the Snack Shack due to loss of revenue as a result of the Splash Park being closed for repairs.

On MOTION by Mr. Clark seconded by Ms. Murphy with all in favor the Board approved waiving one month of rent (\$250) for the Snack Shack.

- Mr. Cella requested staff send Ms. McCowan correspondence on the Board’s action.
- Overnight parking at the Splash Park has become an issue in the past month. After discussions with the county and the District attorney, staff is recommending a sign be posted advising of the parking policies so vehicles left overnight can be towed away. Mr. Walters is looking into options to enforce the parking policy. Ms. Murphy noted there have been cars towed from two different subdivisions in the past week because they were not adhering to parking regulations. Mr. Walters stated if they are towed from the streets it is different because the county has jurisdiction over the streets. The gates are closed at night, but they cannot be locked because there needs to be access for emergency vehicles if needed. Mr. Cella’s understanding was that the gates were placed there for the purpose of being able to lock the entrance to the parking lot and there would be a mechanism for emergency vehicles to gain access. Staff will look into other options to resolve this issue.

C. Master HOA

- **Proposal from the Pool and Recreational Committee**

Ms. Murphy reported the master HOA will not be reporting to the Board on a monthly basis and currently no one from the Pool and Recreational Committee is working on a proposal. These items will be taken off future agendas.

SEVENTH ORDER OF BUSINESS

Old Business/ New Business

- **Letter from Don Christofoli Regarding Incident at Tennis Courts**

The following was discussed:

- A letter from Mr. Christofoli responding to the Deputy’s report regarding the incident at the tennis court was included on the agenda and made a part of the public record.
- Ms. Murphy read the policy and procedures document in detail. She is not sure why there is a policy and procedures document that cannot be enforced. It states certain things should be happening and they are not. It states identification cards need to be checked and guests need to be registered, but she was told guests do not need to be registered. The District is not adhering to the policy and procedures.

- Ms. Alfano stated identification cards are being checked during the day by staff at the tennis amenities, basketball amenities and playground amenities. Security checks identification cards in the evening. Guests are registered for certain events such as tennis camps. There is no formal registration of guests, but they are accounted for.
- Mr. Cella stated “registering properly” can be left to interpretation.
- Ms. Murphy suggested the policies and procedures be reviewed to determine if they need to be revised. Mr. Walters agreed that it is a good idea to do this on an annual basis.
- The District is not fully staffed to register and check in people using the facilities at every facility, at all times.
- Ms. Murphy will review the policies and procedures and identify areas which may need to be revised and/or amended.

EIGHTH ORDER OF BUSINESS

Supervisors’ Requests

The following was discussed:

- Mr. Clark stated the pavers are coming out at the roundabout again. He feels the sprinkler system may be the cause. He also commented on the pavement patching by the county in front of the Woodlands.
- Mr. Christofoli thanked Mr. Bagg for repainting the arch at Margaret’s Walk.

NINTH ORDER OF BUSINESS

Audience Comments

There not being any, the next item followed.

TENTH ORDER OF BUSINESS

Acceptance of June Financials and Approval of Check Register

Ms. Davis noted the District has collected 99.9% of its assessments.

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

July 28, 2009

Fleming Island Plantation C.D.D.

ELEVENTH ORDER OF BUSINESS

Adjournment

There being no further business,

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

Janice Davis
Secretary

Mike Cella
Chairman