

**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, August 24, 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
Ryan Stilwell	District Engineer
Margaret Alfano	Parks and Recreation Manager
Russell Bagg	Maintenance Manager
Audrey Bigilin	Resident
Piedad Fiallo	Resident
Bobbi Hoover	Resident
Roger Hoover	Resident
Larry Hurston	Resident
Janice McCleary	Resident
Sandra Wiley	Resident
Laura Young	Resident

The following is a summary of the minutes and actions taken at the August 24, 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
July 27, 2010 Meeting**

Mr. Cella stated all Board members received a copy of the minutes of the July 27, 2010 meeting and requested any corrections, additions or deletions.

There was one correction on pages one and five where *Amenity Aquatics, Inc. should be Amenity Aquatics Staffing, Inc.*

On MOTION by Mr. Wiggins seconded by Mr. Clark with all in favor the minutes of the July 27, 2010 meeting were approved as amended.

SIXTH ORDER OF BUSINESS

Engineer's Report

A. The Links

B. The Woodlands – Roseberry Court

Mr. Stilwell addressed the Board and the following was discussed:

- He provided in the agenda package a written report on both The Links and The Woodlands. The following is with regard to The Woodlands:
 - He inspected the area west of Lots 109 to 115 due to the drainage and flooding concerns raised by owners.
 - The areas in the back third of each lot were to drain to the west into the existing wetlands located on Clay County and Clay Electric property.
 - After inspecting the site he found a ditch in the area that is still allowing the water to drain to the north. It drains all the way to a ditch which comes behind Thunderbolt Elementary and drains off to the west onto wetlands.
 - This ditch to the west of the lots is heavily vegetated. Also, there is a pipe which crosses under Thunderbolt Road. Mr. Stilwell was not able to locate the northern end of the pipe, which means it might be blocked.
 - There is a pond at the south of these lots which is maintained by the CDD. The northern bank of the pond appears to be lower than what is in the design plans. This pond will spill out in a major rain event.
- Mr. Stilwell made the following recommendations for The Woodlands drainage issues.
 - Contact Clay County and Clay Electric to see if they can do maintenance work on the ditch located on the property not owned by the CDD.
 - Eliminate any blockage of the pipe under Thunderbolt Road.

- Restoring the pond bank back to the original design. A survey will be needed as well as establishing a grading plan. A contractor will need to perform the fill operation as well as the re-grassing of the areas.
- The following was discussed with regard to The Links:
 - Mr. Stilwell inspected the area between Golf Course Hole #1 and lots 129 through 134 on Links Drive, which is north of Pond #25.
 - In reviewing the design plans for the golf course and The Links subdivision Mr. Stilwell found the top of bank of the pond is at an elevation of 15 feet. The elevation of lot 130 is approximately 12 feet.
 - Mr. Stilwell recommends increasing the top of the bank of the stormwater ditch on the back of those lots to an elevation of 15 feet to prevent back up. A survey is needed to determine how much dirt is necessary to increase the berm.
- Mr. Christofoli asked if the District has any recourse being that the ponds were not completed to how they were originally designed to be. Mr. Walters stated it will be difficult. The biggest issue is the lapse time from when it was constructed to now. There are Statute of Limitation issues.
- The first steps are to write a letter Clay County to identify the owner of the ditch at The Woodlands and have surveys done of both areas.

On MOTION by Ms. Murphy seconded by Mr. Wiggins with all in favor approved moving forward with identifying the owner of the ditch and proceed with the necessary surveys at a cost not to exceed \$3,000.

TENTH ORDER OF BUSINESS

Audience Comments

Ms. Fiallo addressed the Board with several comments about her discontent with the community.

THIRD ORDER OF BUSINESS

Public Hearings to Consider the Adoption of the Budget for Fiscal Year 2011 (Resolution 2010-4) and Levy of Non-Ad Valorem Assessments (Resolution 2010-5)

On MOTION by Mr. Clark seconded by Mr. Wiggins the public hearing was opened.

The following was discussed:

- Ms. Davis gave an overview of the budget process for the audience's benefit.
- Page 24 shows a comparison of assessment rates between fiscal year 2010 and fiscal year 2011. The proposed budget shows an overall decrease in assessments of 1.8% for most properties.
- Staff feels the proposed budget meets the needs of the District.
- Ms. Murphy asked about the 1,000 under the *Professional Services-Property Appraiser* line item under *Administrative Expenditures* being there was nothing budgeted in the previous years. Ms. Davis explained that previously 4% was budgeted for the property appraiser and the tax collector. The property appraiser has never charged the District the maximum it is allowed. In fiscal year 2010 \$95,989 was budgeted under *Miscellaneous Assessment Collection Cost*. The actual was \$43,636 and that included what was paid to the property appraiser. This year only the assessment collection costs were budgeted under that line item and the property appraiser cost was moved to a separate line item.
- Ms. Murphy questioned why nothing was budgeted under *Miscellaneous Records Storage*. Ms. Davis thinks it may be included in the management services fee.
- Ms. Murphy noted the total projected *Miscellaneous Event Expense* for fiscal year 2010 is \$4,600 over what was budgeted and the proposed budget amount only raises it by \$1,000. Ms. Davis noted there is currently a \$9,000 positive variance in miscellaneous revenues, which covers the event expenses overrun. Ms. Alfano noted the amount proposed should be sufficient because many activities which were previously fully funded by the District will now have a fee.
- Mr. Cella pointed out that on page two under *Field Expenses* other landscaping expenses such as plant material have been broken out from the landscape contract in order to track the funds spent outside of the base contract.
- The Board opened the floor to the public for comment. There being none,

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

On MOTION by Ms. Murphy seconded by Mr. Clark with all in favor Resolution 2010-4, adopting the budget for fiscal year 2011, was adopted.

On MOTION by Ms. Murphy seconded by Mr. Clark with all in favor Resolution 2010-5, levying non-ad valorem assessments, was adopted.

- Mr. Cella and Ms. Davis thanked Mr. Clark for his assistance during the budget process.

FOURTH ORDER OF BUSINESS

Manager’s Report

A. Discussion of Request to Accept Transfer of SJRWMD Permits

Pulte Homes, Inc. through their engineer, J. Lucas and Associates, is requesting to transfer SJRWMD permits for ponds which have been turned over to the District, but have permits still in the name of Centex Homes. Mr. Walters explained the process will involve having the SJRWMD do inspections to make sure things are in order. The permits should be transferred to the District. Once everything is in order the Board will adopt a resolution accepting the transfer.

On MOTION by Ms. Murphy seconded by Mr. Clark with all in favor staff was authorized to proceed to work with Pulte Homes, Inc and SJRWMD on the permit transfers.

B. Meeting Schedule for Fiscal Year 2011

The Board reviewed the proposed meeting schedule.

On MOTION by Mr. Clark seconded by Mr. Wiggins with all in favor the meeting schedule was approved as submitted.

- Ms. Davis distributed an updated assessment schedule showing the District has collected 99.93% of its assessments.

FIFTH ORDER OF BUSINESS

Attorney’s Report

Mr. Walters discussed the following:

- A draft of Resolution 2010-6, recognizing the life and work of Mr. Reese, Sr. and expressing condolences on his passing, was distributed.

On MOTION by Ms. Murphy seconded by Mr. Clark with all in favor Resolution 2010-6, honoring Mr. Reese, Sr., was adopted.

- There was Board consensus to invite Mr. Reese's family to the next Board meeting and present them with the resolution.
- Mr. Walters reviewed an email sent by Ms. Lynn Martin, a resident who is also a candidate for the Clay County School Board. She expressed concern with some of the information and/or advertisements in the Fleming Island Plantation Forum, which is not the District newsletter. Mr. Walters distributed copies of a letter sent in response to her email. Her concerns are outside of the control of the Board and she reached out to individual Supervisors to take action. Mr. Walters' response indicated Supervisors cannot act individually and can only act at a Board meeting.
- Mr. Christofoli agreed that this flyer can be misleading. He was told that Ms. Knapp was allowed to use the logo by Centex. Past flyers were more real estate-oriented and the flyers in question were not. He suggested either adopting this logo or creating a different logo to avoid this issue in the future.
- Mr. Walters explained the District has no ownership of the emblem used.
- Ms. Murphy agreed this was an unfortunate event. She had a conversation with Ms. Knapp and was disappointed with various things she said. Ms. Knapp told her she debated for a year and half about putting out her flyer and decided to do so because she felt the District's newsletter consisted of mostly advertisements. Ms. Murphy does however believe in free speech and Ms. Knapp has the right to put out this flyer. Ms. Murphy feels it is unfortunate that Ms. Knapp printed things which are misleading and confusing to residents. Ms. Murphy is in favor of coming up with a logo for the CDD and suggested having a contest to involve the residents.
- Mr. Cella noted no one was confused with Ms. Knapp's flyer in prior years when she endorsed other candidates and he provided examples of several previous issues. Mr. Cella suggested not using or modifying the logo in the District's newsletter.

After further discussion,

Mr. Clark MOVED to continue using the same logo and Mr. Wiggins seconded it.

- Ms. Murphy requested the idea of changing the logo be entertained again if it becomes a problem in the future.

On VOICE vote with all in favor the Board will continue to use the same logo and revisit the option of changing it if it becomes a problem in the future.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Maintenance

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

- The retaining wall project in The Links has been completed.
- Lake Ridge South residents raised concerns about their berm at the last meeting. They felt it was not being adequately maintained. Mr. Bagg and Austin Outdoor came up with a chart which tracks man hours, what is done on the berm and on what days of the week the work is done in order to have documentation of maintenance performed in accordance with their contract.
- There is a beautiful old Oak Tree in Margaret’s Walk Park, which is quite large. A resident is concerned about the tree because limbs falling from it have damaged his roof in the past. He will be repairing his roof, but wants to prevent future damage to his roof by this tree. Mr. Bagg consulted with two arborists who do not recommend trimming the tree because they are live branches and trimming them can take years away from the tree’s life span. Due to the fact that the branches are over the resident’s property, he has the right to remove them himself but would need permission from the Board to use District property for the large machinery required. Staff’s concern is that the tree is trimmed properly to protect it. Mr. Cella questioned whether the homeowner would be willing to split the cost with the District.

On MOTION by Mr. Clark seconded by Ms. Murphy with all in favor the Board approved trimming the Margaret’s Walk Oak Tree branches at a cost not to exceed \$1,400 and seek cost sharing with the owner requesting the branches be trimmed.

- The River Hills Reserve retention pond water level remains too high for assessment.

- The fountain at the entrance of Village Square and Highway 17 is not working. The pump is broken. Mr. Bagg is in the process of obtaining quotes.
- Mr. Clark requested Mr. Bagg keep an eye on the pavers at the circle because they are getting loose.
- Mr. Christofoli noted part of the dock in Margaret's Walk is heavily covered with algae and it gets very slippery when it is wet. This is a safety hazard.

B. Recreation

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

- Jimmy Buffet night was a success with almost 100 people attending.
- The R.O.M.E.O club is doing well with new members joining every month.
- The Back to School Bash went well.
- There will be another summer concert on Friday, August 27, 2010.
- The white directional signs have been completed.
- Ms. Alfano's extensive efforts on the cable channel have been unsuccessful and nothing more can be done at this time.
- As of August 15, 2010 there is an average of 9.53 residents attending the Amenity Center pool between 9:00 a.m. and 10 a.m.

On MOTION by Ms. Murphy seconded by Mr. Christofoli with all in favor the Amenity Center pool will open at 9:00 a.m. through the month of September.

- The lightning detectors are in and functioning well.
- The Florida Department of Transportation conducted an inspection of the alleged blind spot at the intersection across from Margaret's Walk and determined there is no line-of-sight issue.

EIGHTH ORDER OF BUSINESS

Old Business/ New Business

The following was discussed:

- Mr. Cella sent out the letter to Mr. Behring and Commissioner Davis a couple of weeks ago. He followed up with a phone call to Mr. Davis. He has yet to receive a response from either one of them.

- Ms. Davis notified the Board that POZ Capital Investments, who owns the remaining lots in Lake Ridge North, is changing their plans of how many units they will put in there. They will go from buildings with six units in them to buildings with five units in them. They will be townhomes instead of condominiums. This will result in 14 fewer units. They requested to spread the debt service over the remaining units. The assessments department has explained they cannot do that and will have to pay down the dollar amount. A loss of 14 units will have to come before the Board for approval.

NINTH ORDER OF BUSINESS

Supervisors' Requests

These items were discussed under Staff Reports.

TENTH ORDER OF BUSINESS

Audience Comments (Continued)

Mr. Hurston discussed the danger of the intersection of Town Center Boulevard and Highway 17. He requested support from the CDD for the Amberwood HOA's request to the county for a traffic signal. Mr. Cella noted the CDD has had little influence on the county, but he does not have a problem with providing a letter of support.

ELEVENTH ORDER OF BUSINESS

Acceptance of July Financials and Approval of Check Register

There being no questions or comments,

On MOTION by Mr. Clark seconded by Ms. Murphy with all in favor the July 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