

**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, September 28, 2010 at 6:07 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 (Via Telephone)
Ryan Stilwell	District Engineer (Via Telephone)
Margaret Alfano	Parks and Recreation Manager
Russell Bagg	Maintenance Manager
Reese Family	
Ernest Hamm	Resident
Sandra Wiley	Resident

The following is a summary of the minutes and actions taken at the September 28, 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
August 24, 2010 Meeting**

Mr. Cella stated all Board members received a copy of the minutes of the August 24, 2010 meeting and requested any corrections, additions or deletions.

There not being any,

On MOTION by Mr. Wiggins seconded by Mr. Clark with all in favor the minutes of the August 24, 2010 meeting were approved.
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THIRD ORDER OF BUSINESS

Presentation of Resolution 2010-6 to the Reese Family

The Board presented the Reese family with Resolution 2010-6, honoring Mr. Reese, Sr. and acknowledging his contributions to the District and the community.

FOURTH ORDER OF BUSINESS

Manager's Report

A. Acceptance of AMTEC Arbitrage Rebate Report for Series 2007 Special Assessment Revenue Bonds

Ms. Davis briefly reviewed the AMTEC arbitrage rebate report, indicating no rebate liability existed for the District.

There being no questions from the Board,

On MOTION by Ms. Murphy seconded by Mr. Clark with all in favor the AMTEC arbitrage rebate report for the Series 2007 special assessment revenue bonds was accepted.

B. Engagement Letter with Grau & Associates to Perform the Financial Audit for Fiscal Year 2010

Ms. Davis distributed hard copies of the engagement letter with Grau & Associates to perform the financial audit for Fiscal Year 2010. This engagement letter includes revisions made by the District attorney. The fee will not exceed \$7,000, which is the same fee as last year.

On MOTION by Ms. Murphy seconded by Mr. Clark with all in favor the engagement letter with Grau & Associates to perform the financial audit for Fiscal Year 2010 was approved.

Ms. Davis also reported the following:

- A second request was sent to Mr. Granger regarding the stormwater repair. A written response was sent by his attorney's office. The correspondence was forwarded to Mr. Walters.
- Clay County Utility Authority sent a notice regarding changes which will become effective October 1, 2010. They will change from quarterly billing to monthly billings. They are also increasing their volume rate per 1,000 gallons.

FIFTH ORDER OF BUSINESS

Attorney's Report

Mr. Walters discussed the letter he received from Mr. Granger's attorney.

- They state they did not do the modification to the stormwater system and they do not know who did it. They are not taking responsibility for it.
- If the Board decides to enter into litigation, it is not in the position to demand attorney fees because there is no contractual relationship.
- Ms. Murphy stated the Board should look at what the legal costs will be if the District enters into litigation in comparison to the amount being requested from Mr. Granger. Mr. Walters stated litigation costs are unpredictable and depends on various factors. It will likely exceed the amount in controversy.
- Mr. Walters suggested looking into whether the District has the ability to lien the property.
- Mr. Cella asked how the District will be able to prove it was their negligence or something they did that caused the problem. Mr. Walters stated it would be difficult to prove that the Grangers did the modifications unless there is access to receipts or documents showing they had the work done. The District's best stance is to show the Grangers had an obligation as the property owner to maintain their land within certain parameters.
- Mr. Christofoli stated his HOA does several liens and they cost approximately \$250. If the District has the right to do a lien and can have it done for \$250, then he feels they should move forward. The Board agreed it was worth looking into.
- Mr. Cella stated the Board has to be cognizant of what they do. They need to be aware of whether they will be able to recoup anything before they send a bill out so a precedent of empty threats is not established.
- The Board directed Mr. Walters' office to look into the District's ability to lien the Granger residence.

SIXTH ORDER OF BUSINESS

Engineer's Report

Mr. Stilwell reported the following:

- A letter was sent to Clay County regarding the ditch behind The Woodlands on September 21, 2010. The Board will be advised of any action taken by or response received from the county.

- A quote was submitted for the survey work for The Woodlands and The Links. The work will begin this week. The cost is \$1,860. Once the work is complete staff can proceed with developing a plan to work the two areas.
- Mr. Cella hand delivered the letter when he went to discuss the road repairs with the county. Their response was non committal.
- Ms. Davis gave a brief update on the St. John's Water Management District's permit transfer process. They have come back with some basic maintenance items, but they have also come back with major items that are not to the original as-built design. Staff will work with Mr. Walters as well as Mr. Stilwell in contacting J. Lucas and Associates regarding those items. The District will not accept those permits until the St. John's Water Management District says they are in compliance.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Maintenance

Mr. Bagg submitted his status report and the following was discussed:

- In order to repair the pavers at the roundabout, the road will need to be closed. Mr. Bagg is coordinating the road closure along with the work which will be done.
- The Margaret's Walk tree limbs were removed. The homeowner paid \$500 towards the \$1,400 total cost.
- The Village Square fountain pump has been removed and evaluated. It needs to be rebuilt. Mr. Bagg received three quotes to re-build the fountain, two of which he distributed at the meeting. The quote from Florida Pump Service, Inc. is \$12,146. This includes installation and a one year warranty. Innovative Fountain Services, Inc. quoted \$13,640 to replace the pump with a brand new one. They quoted \$8,030 to rebuild the current pump. Compac Filtration quoted \$7,316 to replace the pump with a comparable pump. Mr. Bagg is not familiar with Ebara pumps. He recommends approving the quote from Innovative Fountain Services, Inc. to rebuild the pump at \$8,030. This also comes with a one year warranty and includes installation.

On MOTION by Ms. Murphy seconded by Mr. Christofoli with all in favor the proposal from Innovative Fountain Services, Inc. to rebuild the pump at a cost of \$8,030 was approved.

- The lights inside the Village Square fountain which illuminate the jets in the fountain are not working. They cannot be repaired. Quotes were obtained for six lights as well as ten lights. Staff recommends Innovative Fountain Services, Inc.'s quote for six lights at \$4,953.

On MOTION by Mr. Clark seconded by Mr. Wiggins with all in favor the proposal from Innovative Fountain Services, Inc. to install six lights at a cost of \$4,953 was approved.

- The River Hills Reserve pond is too high to be assessed.

B. Recreation

Ms. Alfano submitted her status report and the following was discussed:

- All 56 seats on the bus for the trip to the Hard Rock Café Casino in Tampa on October 2, 2010 have been booked.
- The tickets for the Nifty Fifty Murder Mystery Dinner are going fast. Residents are excited for the event.
- The next community yard sale is scheduled for Saturday, October 9, 2010 and Sunday, October 10, 2010. It was recommended that future yard sales be held on Saturdays only.
- Ms. Alfano reviewed the volunteer waiver for the Haunted Hay Ride event on October 30, 2010.

On MOTION by Ms. Murphy seconded by Mr. Wiggins with all in favor the volunteer waiver form was approved.

- The Amenity Center pool will not be able to open an hour early in October and stay within budget. Ms. Alfano recommended returning to and opening the pool at 10:00 a.m. The Board agreed with Ms. Alfano's recommendation.
- Clay County Public Works and the Sign Department has notified staff the stop sign at the intersection of Town Center Boulevard and US 17 needs to be 36 inches. The decorative pole has been pulled and a temporary steel post has been installed with a 36-inch stop sign in order to be in compliance. The current signs and sign poles are very expensive to change, repair and replace. The county provides the stop signs, but

the District is responsible for the decorative poles. It will cost \$636 to have the stop sign mounted on the District's decorative pole and reinstall it. They also said the stop signs on Town Center Boulevard are not up to code. The current signs are 24 inches and need to be 30 inches. Ms. Alfano will obtain more information as well as options to discuss with the Board at the next meeting.

- A 2011 wall calendar will be included in the December newsletter.
- Mr. Wiggins has been working with the Clay County Sheriff's Office to keep the VIPS program moving forward. Mr. Ernie Hamm will take over Mr. Reese's position of running the program. Mr. Hamm introduced himself to the Board and provided an update on the VIPS program. An article will be placed in the next newsletter to get more volunteers.
- Mr. Fred Tillman provided Ms. Alfano with a proposal to install a sign stating *Stop for Pedestrian in Crosswalk* in two separate locations at a cost of \$42.50. The signs need to be mounted separately. Mr. Cella stated further research is needed before the Board can make a decision. Mr. Wiggins suggested Ms. Alfano check with the county and see if they are willing to post the signs.

EIGHTH ORDER OF BUSINESS

Old Business/ New Business

▪ Update on Site Tour of Roads with County Officials

The following was discussed:

- Mr. Christofoli requested an update on the units in Lake Ridge North. Ms. Davis reported that POZ Capital Investments has been notified they need to apply to the District for the reduction in units. They have also been provided with the payoff amount; however, they have failed to come forward as of yet.
- Mr. Cella provided the Board with an update on his meeting with county representatives. They discussed the road conditions of Town Center Boulevard and Fleming Island Plantation Boulevard as well as the request to repair and/or repave them. The county is currently evaluating all roads within the county under a contract with PBS&J. The evaluation will take four to six months. Once completed a priority list will be established of the roads needing repair. The county representative indicated the District's roads will likely be lower on the list of priorities. The county currently does not have money in the budget for repaving. Next year's budget will be

the first one with funds allocated towards repaving. The county has established a program where they purchased their own paver and have someone on staff trained to do smaller repairs. Several pot holes within the District were repaired after the meeting.

- Mr. Cella also discussed the drainage ditch behind The Woodlands. Mr. Tucker indicated the county will establish property ownership. This process will take 10 to 14 days. They also indicated they do not have funds to maintain the drainage ditch immediately.

NINTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Clark announced he might need to call in for next month's meeting.

TENTH ORDER OF BUSINESS

Audience Comments

There not being any, the next item followed.

ELEVENTH ORDER OF BUSINESS

Acceptance of August Financials and Approval of Check Register

The Board reviewed the financials. Mr. Clark asked about check #53905 and check #53912 in the amounts of \$240,000 each. Ms. Davis responded one was made out to Bank United to open up a 12-month CD. Another one was made out to Florida Shores Bank-Southeast to open up a money market account. Another \$240,000 went to Florida Shores Bank-Southwest to open up a money market account. These transfers ensure full FDIC insurance coverage for all funds.

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

TWELFTH 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