

MINUTES OF MEETING
CAPITAL REGION COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Capital Region Community Development District was held Thursday, November 18, 2010 at 6:30 p.m. at the Good Samaritan United Methodist Church, 3720 Capital Circle SE, Tallahassee, Florida.

Present and constituting a quorum were:

Barry Brooks	Chairman
Wayne Toothman	Vice Chairman
Eli Nortelus	Supervisor
David Ramba	Supervisor
Glenda Herrera-Gray	Supervisor

Also present were:

James A. Perry	District Manager
Brian Crumbaker	District Counsel
Abe Prado	St. Joe Company
Robert Berlin	Operations Manager - GMS
Norman Robertson	PBS&J

FIRST ORDER OF BUSINESS

Roll Call

Mr. Brooks stated I would like to welcome everybody for coming out tonight I particularly want to welcome our new supervisors who are freshly elected. I want to go over a little bit about what is on tonight's agenda just so everybody in the audience has an idea of how we are going to work through this process and the new members have an idea as we go through it as well. Let me touch on a few points before we have our roll call of members and staff.

Some of the significant issues that are scheduled that we will go through tonight in the agenda is our manager, Jim Perry, who will introduce himself momentarily, is going to swear in our new members so we can get started properly. That will be the first order of business and we will be welcoming Eli, Glenda and Dave to the board. Following we will have some information provided by our counsel so Brian will take a moment and walk through some very important information for us board members to keep us out of trouble as the year progresses because as an elected body as part of the statutes we have to comply with all those wonderful issues so Brian will highlight that and we will get more detail in the future.

We will follow that by going through the consent agenda. For tonight's meeting the manager will walk us through the consent agenda and explain the typical items that are in the consent agenda so in future meetings unless there is any particular objection about an item that is in it we will be able to slide right through.

We will then have counsel provide an overview of the landscape contract and the whole RFP process that the last year's board initiated and then left for this year's board just because of timing to resolve. We will ask counsel to go ahead and suggest a good process for us to finish up that project. Given the fact that we just now have all the materials in front of us I don't think we are going to make a decision tonight so counsel will provide us a timeline to go through those proposals and make a decision at a future meeting when we have all had time to digest this.

Item five we are going to move into staff reports which is one of the key parts of the agenda. All the staff who will introduce themselves to you momentarily will have information for you and share contacts with some of our neighbors and contacts with city and county officials that pertains to our district. I do know that our district engineer has a minor change order that he wants to present to us tonight to pass on so we will hear from Norm Robertson and he will brief us on that minor change order for a project that is completed on Esplanade and hopefully we can get a motion and pass on that tonight. St. Joe's representative for the district here, Abe Prado, is going to brief us a little bit on an issue that has been circulating out of the neighborhood relating to a proposed DRI change order and Abe has some good information for us.

There is a little statement in your agenda package as to the particulars of it but what I would like to do tonight and I asked for this item to be put on the agenda was to provide an opportunity for just limited kind of discussion and fact finding right now so that we can clarify some of the information that I have seen floating around in various emails so we will ask for St. Joe to help us through that, staff to help us through that and then if any audience members have any comments particular to it kind of share that with us as well. You will find out in a minute but the CDD is responsible for infrastructure within the district so I think the issue should be sitting here in this district to look at. If it looks like it is overwhelming information I don't know what the volume will be what I suggest is that we go ahead and take more discussion at a later meeting when we can get more into it. This is going to be a full meeting because of our new members and swearing in the new members.

The manager will also have an item that we will need to pass on tonight regarding our banking relationship and we will let him discuss that at that time. Also I have asked our manager to discuss and highlight three priorities that staff or he sees for the district in the coming year.

I also am going to ask each of you for the next month if you would like to think about the district and once you study what we are responsible for to come up with some priorities of your own that you would like to see us be involved with or even if it is one of the items that the manager has pointed out that you would like to take a lead in or whatever and let's come back at the December meeting and we can prioritize those and track our success throughout the year in dealing with some of those issues and working up some of those priorities.

Before we move on to roll call I would like to also ask that if audience members have any comments, questions, issues or points they want to make that they need to fill out a little slip and I notice some of you already have, hand that to our district manager and that is for us to have you on record. We do take minutes of the meeting, they are not verbatim, we don't have a transcriptionist sitting here and doing their number but they are on tape and sometimes it is hard to get people's names and correct spelling for the minutes so if you fill that out and give it to the district manager before you address the board. Also we will ask if you have anything that is new to the board or a new issue you want to discuss wait until it comes up in audience comments. If it is about a particular issue we are covering at this moment just raise your hand, identify yourself and we will deal with it then.

Finally, just to keep the meeting moving I will try to ask for all questions and comments and even from the board to go through the chair whoever that may be just in order to go through the agenda.

I will call the Thursday, November 18, 2010 meeting to order at 6:30 p.m.

SECOND ORDER OF BUSINESS

Organizational Matters

A. Oath of Office for Newly Elected Supervisors

Mr. Perry being a notary public of the State of Florida administered the oath of office to the three newly elected supervisors individually.

B. General Information for Supervisors

1. **Information on Community Development Districts and Public Official Responsibilities**
2. **Chapter 190**
Highlight of CDD Responsibilities
3. **2010 Guide to the Sunshine Amendment**

Mr. Crumbaker stated in your agenda packages are three items, the first is information on community development districts and public official responsibilities, the second is Chapter 190 and third is the 2010 guide to the sunshine amendment and code of ethics.

The governing statute for community development districts is Chapter 190. There is also 189 which is applicable to community development districts generally. The purpose of a community development district is to finance, construct and maintain construction so your roads, water, sewer and recreation to the extent the district has responsibility for that although in this community the HOA has some of that responsibility. One of the things that will be able to help you over time and I'm going to have some suggested workshops but Norm Robertson who is the district engineer will be able to help you to identify which areas the district is maintaining, has constructed, whether it has been turned over to local governments. Chapter 190 is really the first source for the district's authority and limits the authority of the district because we are a special purpose independent special district and because of that special purpose we always have to go back to 190 with respect to our role and power as a special district.

With regard to the statutes that are most important to the board there are really three, one is Chapter 112 which is the code of ethics. Because you are public officials as defined in Florida Statutes you are subject to the code of ethics so matters such as contracting with an entity you may be a partner or owner of or a family member or whatnot those all apply to you. If there is an issue that arises where you believe there is a possibility of a conflict of interest or whatever the case may be then contact me or the district manager and we can walk you through the facts associated with that.

The second is 119, which is public records. Florida has the most liberal public records laws in the country. There are very limited exemptions in Chapter 119 and I will discuss one of them later that relates to landscape maintenance proposals. Documents that relate and that is email, electronic correspondence or whatever the case may be documents that relate to business of this district as a general rule of thumb are public records and can be requested at any point in time. What I recommend is that you keep those records separate from your personal or business

files so that if we do receive a records request that there is not the possibility of blending in your personal records with those public records. We do have a public records custodian for this district, which is the district manager so any requests that come through usually come through the district manager or I will review them and then usually assist with those records request in order to ensure that we are responsive to that request.

The third is Chapter 286, which is the open meetings laws and in this case what is required is any time the matter is reasonably expected to come before the board of supervisors two or more members if they are going to have a discussion regarding that item they have to have it in a publicly noticed meeting. There are specific requirements as it relates to notice, there are two limited exceptions one for emergencies which in my experience in ten years I don't know that we have had one except for when a hurricane came through in Central Florida the other is if we are in active litigation if a complaint has been filed or whatnot then we can have what is called a shade meeting. Other than that if you are going to have conversation amongst yourselves and that includes electronically if you are going to sit on twitter and tweet each other or whatever the case may be regarding district business it has to be in a publicly noticed meeting. You can talk about golf, you can talk about life, whatever the case may be but it is related to the district and the business that is reasonably expected to come back before this board then it needs to be in a publicly noticed meeting.

Those are the three general issues that I would always be aware of as a public official on this board and if you ever have any questions please ask me or my colleague Joe Brown who you will meet who typically attends the meetings and of course Jim.

Mr. Perry stated after the end of the meeting I am going to have you fill out this oath of office you just took and in addition to that I'm going to give you some additional documents for those of you who are not serving currently you will need to fill out a form 1 statement of financial interests and that has to be filed within 30 days with the supervisor of elections here in Leon County. In addition to that I will need you to complete W4 and so forth so after the meeting I will get with you.

Mr. Brooks stated one thing I failed to do which I shouldn't and I need to recognize somebody who did come back today with us is former Supervisor Alan Hanstein.

C. Election of Officers, Resolution 2011-04

Mr. Brooks stated the next item is election of officers. The board before last we initiated a process that I'm sure you have seen in many boards where the vice chair rotates to the chair and you elect a new vice chair so that way you have some continuity with some of the issues coming before the board. We need to elect a chairman, vice chairman, secretary, assistant secretaries and treasurer. The treasurer and the secretary do not have to be members of the board specifically but they need to be part of the board's staff and that staff through GMS. Typically we will elect the GMS staff to handle the secretary duties and the treasurer duties for us.

Mr. Perry stated we have had one member of the board be a secretary but we have had members of GMS be assistant secretaries in case documents are filed but you are correct on the treasurer and assistant treasurer positions.

Mr. Brooks stated so we will elect a secretary from amongst our group. Where it stands now is I was vice chair last year, Wayne was assistant secretary last year. Are any suggestions from the body?

Mr. Ramba stated two of you guys have been here so I would like to hear from you and Wayne whether either of you would like to be chairman or not. I assume it would be common courtesy for one of you to have it. I would like to hear from both of you on what your position would be on being chairman.

Mr. Toothman stated there is a lot of responsibility with the chairman and Barry has been tutored by Mary Lee and I think he is ready for it.

Mr. Brooks stated I would accept that responsibility if that is what the board would like. I would like to suggest that Wayne if he would agree would assume the role of vice chair for the upcoming year.

Mr. Toothman stated I would assume that.

Mr. Brooks stated if that is acceptable then we just need a secretary. Is there anybody willing to be secretary? It is more of a formality.

<p>On MOTION by Mr. Ramba seconded by Ms. Herrera-Gray with all in favor the following officers were elected: Mr. Brooks as chairman, Wayne Toothman as vice chairman, Eli Nortelus as secretary.</p>

Mr. Brooks stated we have our board elected members now. If Jim will give us the other positions then someone can offer a motion.

Mr. Perry stated for treasurer it would be Rich Hans he is out of our Fort Lauderdale office, for assistant treasurer would be myself and Patti Powers who is also out of our Fort Lauderdale office and for assistant secretary would be myself.

On MOTION by Mr. Ramba seconded by Mr. Toothman with all in favor the following officers were elected: Rich Hans as treasurer, Jim Perry and Patti Powers as assistant treasurer and Jim Perry as assistant secretary.

THIS ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of the Minutes of the October 7, 2010 Meeting**
- B. Balance Sheet as of September 30, 2010 and Statement of Revenues & Expenditures for the Period Ending September 30, 2010**
- C. Treasury Report – September 30, 2010**
- D. Allocation of Assessments**
- E. Check Register**

Mr. Brooks stated as I said in the beginning this will be for Mr. Perry to walk us through and go into a little bit of an explanation about some of the items you see in the agenda package. Hopefully, at future meetings we can dispose of them rather quickly.

Mr. Perry stated in regards to the consent agenda at a typical meeting we would just ask for one motion to approve the complete consent agenda. If any of the supervisors have concerns about any one item you can ask for that item to be pulled separate from the consent agenda and discussion can take place on that and voted separately.

In regards to the items that are included in the consent agenda the first one is approval of the minutes and we typically have the minutes from the prior meeting included in your agenda package. As stated earlier these are not verbatim minutes they are summary minutes. We do record the meetings, we do transcribe them as best we can but again they are not verbatim so there might be some verbiage that is missing from the minutes but overall I think they convey the content of the meeting and what the supervisors voted on.

In regards to the financial statements, which is under tab B, you will have monthly financial statements of the district for each meeting. At this meeting you have September 30,

2010 financials including the balance sheet and you will see this in every meeting. The financials are set up in a columnar format with the general fund, debt service fund, capital projects, general fixed assets and general long-term debt. For tonight's meeting I'm not going to go through the details of the financials because we are going to try to have a workshop to go over the financials, financing and budgets. I want to spend a little bit of time on each of the financials.

Again, that is your balance sheet. After that is the statement of revenues and expenditures for the general fund and you will see that is in columnar format also with the adopted budget for the year, a proration for the months and this one would be for the full year since it is September 30th year end and a variance compared to actual.

After that on page 3 you are going to have the debt service funds for each of the bond series starting with the 2001A bonds, the 2002 bonds, 2005 bonds, which are the BANS, and the 2006 bonds, which are BANS and the 2008 bonds. The 2005 series of BANS, which are bond anticipation notes, those have been paid off subsequent to these financial statements, that \$10 million has been paid in full.

On page 8 are the capital projects funds that remain in each of those series of bonds that are still available for capital expenditures of the district.

Under tab C is the treasury report and that is an analysis that shows the capital improvement bonds for each of the series, the cash that was generated from those bonds and the disbursement of funds for the various activities of the construction accounts related to each of those bonds.

Under tab D you are going to have our allocation of assessments and that shows the assessments that are collected on the roll for this district. This is the year end right now September 30th we are over 100% collected and that is somewhat typical because not everyone takes advantage of the early payment discount. This district is in good shape in regards to collection of assessments.

Finally, you are going to have behind tab E the check register for the district and that is an analysis that shows the checks that were issued along with the vendors. You do have the detail relative to that check register. There are two items to note on there, there will be a couple of adjustments on the check register. The City of Tallahassee for some reason started charging us sales tax again on our electric accounts. We are exempt and we are in the process of getting

that refunded so that will be taken care of. Then there was a small amount a late fee on a tax return that wasn't filed timely and we adjust our fees for any untimely filing of any reports and things of that nature. I think it was \$6 so we will take care of that also.

That is an overview of what you will see on a continued basis in regards to the consent agenda.

Mr. Brooks asked does anybody have any questions for Jim concerning the consent agenda or how it is laid out?

There not being any,

On MOTION by Mr. Ramba seconded by Mr. Toothman with all in favor the consent agenda items were approved.

FOURTH ORDER OF BUSINESS

Discussion and Dissemination of Landscape Proposals Submitted in Response to the RFP

Mr. Brooks stated the next item is discussion and dissemination of landscape proposals.

Mr. Crumbaker stated one of the things I wanted to do was walk through what the process is and some may be more familiar than others as to what the public bidding requirements are under state law. I will walk through the basics of the process and what the alternatives are and what process we engaged in on this project and where we are in that process.

As Mr. Brooks mentioned given the fact that we have just handed you a six inch stack of paper it is probably advisable that we carry this over until the next board meeting. We have an extension in place with All Pro through the end of the year so we would still be able to get a contractor in place by January 1.

Regarding the process community development districts and cities and counties usually engage in three basic processes in order to retain a construction or landscape contractor. The first process, which is a process that this district has used for purposes of hiring the construction contractors that you see like M Inc. and Sandco is a combination process where you actually go through a prequalification process similar to what DOT and other local governments do. You send out a minimum set of parameters that you are looking for in a contractor, you review their qualifications and then we actually rate them based upon their financial capacity and whatnot and whenever we go out to bid on a contract then it is an invitation to bid, the low bid prevails because they have already been determined to be qualified to do that work. That is the process

we have gone through with all the construction contractors and after nine years it has worked pretty well.

The second process is an invitation to bid, which is just straight low bid. You come up with minimum standards and put it out on the street and get back proposals and whoever the low bid is as long as it is a conforming bid or proposal then you go with the low bidder.

The third option which is what we did here and I will explain why we went through this process as opposed to the RFQ process but the process we went through here is called a request for proposals which is an RFP process. It is a kind of a combination of that first process which is the RFQ and invitation to bid, "ITB" process, in that you are able to then score. There is some subjectivity with respect to the proposals themselves and you are able to score the proposals based upon an adoptive scoring criteria and that gives you some flexibility with regard to their experience, their personnel, equipment, etc. and you combine the two processes so you are not doing the qualification process and you are not relying strictly on low bid. We went through the RFP process in this contract. One reason we went through that as opposed to going through a request for qualifications and ITB is that if you go through the request for qualifications and the reason why we did that was that at one point in time we had a lot of construction contracts we were letting and you go through the prequalification process because then you have narrowed it down to this finite group and you know they can do the work and we pushed those contracts out. In this case we do this once every couple of years so it is more efficient to do an RFP and provide for that flexibility to review the packages. One of the things I will stress especially if this board ultimately decides to put this off to next month you may get residents talking to you or contractors trying to call you or whatever the case may be and I will have attorneys calling me as well but at the end of the day you have to rely upon the information that is contained within the four corners of that proposal. Such and such is a great guy or I know his mother and that kind of thing is absolutely irrelevant for purposes of this RFP process. It has to be the information contained within that package with the exception of clarifications. If for instance you go through the package and determine that there is something a little bit confusing and you need clarification then my recommendation is that you go through my office and the engineer and we will request the clarification, actually Robert Berlin who is doing this on behalf of the district will request that clarification. There is a fine line a distinction between a clarification and supplementing a bid package. If it is clarification on a number you just can't read it or whatever the case may be

that is one thing. If you are asking if they will do it four times instead of three times that is supplementing the package. We have to be very careful about that because at the end of the day if there is a flaw in that process then we open ourselves up to a challenge, a bid protest, and there are a lot of contractors who submitted proposals this time around and a lot of attorneys have already been involved in this process. We just have to be very careful with that process. That said when we go through the RFP process we first of all have some minimum requirements. We adopt the package itself, which we did at the last board meeting. The specifications within there Robert put together a spreadsheet of specifications, we put together the RFP package and then the scoring criteria and presented the scoring criteria to the board. I will walk quickly through that scoring criteria in a moment. We are required on landscape contracts that exceed a certain statutory threshold, which clearly this does because it is a large contract we are then required to have published notice in the newspaper and then there is a period of time, 21 days, before we can receive proposals. We ultimately received proposals on November 8th I believe it was and in-between the time of issuing the RFP, the request for proposals, and accepting proposals we had a mandatory prebid conference that I believe 10 contractors attended, drove the site with Robert so they could visually inspect the site and review that in comparison to the package itself and confirmed quantities and whatnot. Hopefully, at the end of the day the proposals that were submitted are based upon very objective criteria on their end, quantities, expectations of the quality of the work and whatnot. So we have the proposals, you now have the proposals in your hands today. One of the issues associated with pushing it back, which I don't believe is an issue in this case is there is a statutory exemption for proposals. I mentioned earlier Chapter 119 there is a limited exemption with respect to RFP packages or responses to the RFP. That limited exemption is the lesser of 10 days or award of a contract, this would be day 10 and the packages after today will now be public for other contractors to pick up or whatnot. In cases where you might have competitiveness issue because some of the proposals have material defects and I will get into that in a minute as well we ultimately end up with one contractor with a viable proposal. Sometimes it is difficult because then you want to reject all bids you want to go back out on the street and it makes it difficult because everybody has seen the individual line items. I don't think that is the case here and just pre-reviewing the proposal packages at this point there doesn't seem to be the material irregularities that would require those proposals to be rejected. That is distinguished between minor irregularities where the board has the discretion to waive minor

irregularities. In the case of a material irregularity the discretion isn't there and therefore, would require the rejection of the bid or proposal.

With regard to scoring the proposal packages the scoring criteria that was adopted by the previous board is broken down into six categories. The first is personnel which is 20 points, experience 20 points, understanding scope of work 20 points, financial capability 15 points, price 20 points and geographic location, 5 points. Two of the categories when you walk through the proposals and the RFP two of the categories price and geographic location are objective numbers. The previous board elected to include a local preference for Leon County and the four counties surrounding Leon County. If their corporate office based upon the division of corporations website and their latest annual filing is within that five county area then they get 5 points. There were three contractors out of the six that we received proposals from that qualify for those local preference points. That is an objective criteria. The price is an objective criteria. The lowest price will receive 20 points or the full amount all the other contractors receive some percentage of that based upon their quoted price. As you review this over the course of the next month the four criteria you want to focus on are the personnel, experience, understanding scope of work and financial capability in reviewing those proposals. The question is do we want to have a workshop between now and then or do we just want to do this at that the next board meeting. I don't know what the preference would be.

Mr. Brooks stated what has happened in the past is if it was a subset of us reviewing the materials for the rest of us we would have a workshop that way the supervisors who weren't involved would have an opportunity in a more informal atmosphere to ask questions. Obviously, it is publicly noticed because we are a board but this time we went ahead and all the supervisors developed the RFP in a participated debate. There are three of you who haven't so we want to leave it up to you if you would like to have a specific time set to have a workshop or just go ahead and roll it into the next meeting. With that being said given the nature of the type of governmental entity that we are our workshops are usually right before our regular meeting. Time is not an issue because we can handle it in either format. It is up to you.

Mr. Ramba asked what are we doing in a workshop?

Mr. Brooks stated at the workshop we can review the RFP, ask questions about the RFP for clarification.

Mr. Ramba stated we can do it together or we can do it separately.

Mr. Nortelus asked do we each get a score sheet and we get five scores and you meld them together or do we as a board come up with one score sheet?

Mr. Crumbaker stated that is where the RFP package leaves it open and we didn't receive a spec challenge but at the end of the day each board member can individually sit in their house and score the contractors and come back, discuss their individual scoring and decide whether they want to tweak their individual scores or aggregate the scores and come up with an average.

Mr. Brooks stated previous ones I have participated in with the board we have come up with our own scores and basically come back and record them for each of the elements and then just mathematically do the scoring and we have a chance to have an exchange amongst ourselves and see if anybody wants to bump theirs a little bit one way or the other. Otherwise it is done fairly independently.

Mr. Ramba stated I don't think we need another meeting for it if somebody will give us a copy of those.

Mr. Brooks asked is that the will of the board to go ahead and wrap this into our next regularly scheduled meeting?

Mr. Toothman stated that would be my suggestion.

Mr. Brooks stated with nobody being opposed the direction is that we will just have our regular meeting.

Mr. Nortelus stated as long as we get that score sheet and the RFP we can do that.

Mr. Brooks stated what I would like to suggest is if we got everybody's email address we can email it to you.

Mr. Perry stated we do and we will email it to each of the supervisors tomorrow.

Mr. Nortelus asked is the CDD account set up or it is just the web email address?

Mr. Brooks stated whatever email address you provide but I'm sure it is on our website too.

Mr. Perry stated it was.

Mr. Crumbaker stated going back to the Florida Statute 119 issue to the extent you want to set up a separate email account separate from your business and personal that may be a good idea.

Mr. Brooks stated I have a separate file and every correspondence or anything dealing with the CDD goes into that file and I keep my same email.

Mr. Ramba asked in the RFP documents is there some prohibition like a lot of bids you have prohibitions on whether or not vendors can contact us? Am I going to be seeing calls from all these people?

Mr. Brooks stated we don't have any prohibition on that. I think Brian was alluding to that.

Mr. Crumbaker stated my recommendation is to the extent you receive a call that any comments you have please provide to staff and we will determine whether it is clarification of an issue that has been asked or whether it is supplementing it. At the end of the day there should not be any ex parte communication regarding the matter because that could taint the process.

Mr. Brooks stated at that meeting if the vendors will be available because if we do have clarification questions they would be available to respond specifically to those questions.

Mr. Crumbaker stated we can ensure that they are put on notice of when the board meeting is and they can attend. As long as we can ensure that the questions are truly clarification as opposed to something else.

Mr. Toothman stated Robert issued an addendum to the RFP. What was the addendum?

Mr. Berlin stated we issued four addendums. We were requested for five but the fifth one was not approved by counsel. It concerned them directly. The other four were just some clarifications on terms and things like that and we issued those and if one person sends it to me in an email, I craft an answer and then it goes to Joe who said at the time they approve or disapprove or whatever but four of them are out there nothing really major.

Mr. Toothman asked all that will be included in our package?

Mr. Berlin stated everyone should have included that in their bid. To answer Wayne's question no, they will not be in the RFP because obviously there were no questions asked before they saw the documents.

Mr. Brooks asked are there any other questions by the board? Do we have anybody with comments?

Mr. Perry responded yes.

Mr. Brooks asked would they waive their comments since we are not going to take up the issue or is it something you really need to say?

Mr. Perry stated I have four comment cards in regards to landscaping.

Mr. Crumbaker asked is it vendors or residents?

Mr. Perry stated I believe they are all residents.

Mr. Ramba stated if it is residents it is okay. If it is vendors we don't want them to taint the process by adding something supplemental.

Mr. Ramos stated many of you probably know me I have been leading the cub scout pack out of SouthWood for the last three years and am a very active volunteer out here. I think there is something to be said understanding how do you define that. I came to voice the fact of how many instances we have had dealing with All Pro over the last three years where proximity, immediacy and how quickly they act on things. I think there is something to be said about in kind. There is an incredible amount of in kind donations, services that they continually go ahead and do for our community. They enhance our community they make our lifestyle better for everybody around. They are accessible to ever homeowner it is not only for what they are doing for us but it is also they are providing a service to our community overall. They are accessible to homeowners conducting workshops, they do a Christmas tree stand with us and things like that, that I think have really enhanced our community. If I had to put a monetary amount on it, it is significant. Many of the services are things that otherwise our HOA or some organization within our community would have to pay for.

Ms. Hogue stated I own three homes in SouthWood. I think you should keep All Pro. I understand the RFP process we do that in our properties all the time we have limited things you can do there. As a resident and owner and I own a significant amount of real estate in SouthWood the value we get from All Pro is far and above the dollar value on the RFP process.

Mr. Horning stated I appreciate the opportunity to make my comment and again I don't believe in the four corners. I contract for this thing, I read a lot of RFPs and the low bidder doesn't always work out the best and I have been burned many times in that aspect. I thought that was going to be the best deal and they didn't follow through with promises so integrity and past history of work is something that we look at when we are going through contracts and make sure that contractor is presenting the truth. All I want to say is Mr. Barber has been unbelievable to us in SouthWood in scouting and I as a homeowner have been here since 2005 and I have called them before and they have been Johnny on the spot, they helped with the playground at Florida High, they did all the prep work, if there is something going on in the community they are immediately involved. That is the reason we live in SouthWood was to be a community so they have exemplified the character that we are all trying to have in SouthWood.

Mr. Perry stated I think that is it.

Mr. Brooks stated thank you to all the neighbors that came out to show their support and their appreciation for what All Pro has been to this community and is to this community but I'm sure all the other vendors would probably offer the same type of services as well as All Pro but we appreciate you coming out tonight and listening and participating in the discussion.

FIFTH ORDER OF BUSINESS

Staff Reports

A. Attorney - Memorandum

Mr. Crumbaker stated I apologize it is not in the agenda package normally it is in the agenda package. The biggest issue over the course of the last month has been the landscape RFP, getting it put together, getting it noticed, putting it out on the street and ultimately receiving and reviewing those for purposes of determining whether they are in conformance with the bid requirements.

B. Engineer

1. Update on SouthWood DRI Amendment

Mr. Prado stated I will take the first item associated with the SouthWood DRI NOPC that is pending. The NOPC is a notice of proposed change to the development order for SouthWood. Sort of a footnote version of it is there are essentially three components to the proposed NOPC. The first component is just memorializing the 3 year extension provided by the legislature. Currently the development order expired in 2020, the legislature recently passed a 3 year extension to that so we are memorializing that to actually clean up the expiration date now of 2023. I believe it is December 31.

The second item deals with the way the city handles their concurrency needs. Essentially concurrency is the way that the city makes developers pay for impacts associated to the city's infrastructure by the development being created. When SouthWood first started back in 1999 the way the city handled concurrency was if you brought a road above capacity you had to fix it. They later on changed that to what is referred to as donut concept, which is what our current Phase 2A was entitled as. The donut concept was if you were outside a certain radius rather than building the improvement you could pay the proportionate share of that improvement but within the donut you had to build the improvements. What that meant for example some of you might

remember this when we did Phase 1 we had to build improvements, Old Bainbridge, that is everybody's favorite. We had to do improvements at Pensacola and Capital Circle the complete west side of town so the way they amended their concurrency for Phase 2A was instead of doing that you could just pay for it but if you were within a certain radius you had to build those improvements. Currently there are 11 improvements within the development order that have to be constructed and for example there is a turn lane that has to be built at Paul Russell and Apalachee Parkway, there is a turn lane that has to be built at Paul Russell and Old St. Augustine most of them deal with turn lane improvements.

After the NOPC 6 which was entitled Phase 2A the city further went on and amended the concurrency method of calculations to where you could do full proportionate share. What that meant was you no longer had this uncertainty that you have to build Paul Russell and Old St. Augustine, you no longer have the uncertainty of are you going to have to condemn the property to build the right of way. How long is that going to take? How long is it going to drag out? The way the development order is written the city would have because we at St. Joe and you as the district can't condemn or do immanent domain so the city would have to pursue that and do right of way acquisitions, you have to deal with permitting of a lot of those improvements which in this case since they all impact the area, a lot of the roads right here are county roads, Old St. Augustine being one of the primary ones but that in itself is a much more intricate process. The city said forget it instead of having developers come in and build a turn lane here and a turn lane there and build a bunch of small improvements that at the end of the day really don't amount to much, give us some cash. In addition to that we have a set cost for infrastructure so if you build one lane mile of roadway that costs X amount of dollars and the improvement calls for a four lane road for 1,000 feet it takes a 1,000 over a set standard cost so you have now a known certainty of what those costs were going to be. What we are proposing to do is say we want to be treated with the same rules as everybody else in the city so we are proposing to go the full proportionate share and take out the uncertainty of how long is it going to take to condemn property, is the project even feasible, are we going to be wiping out half the canopy road on Old St. Augustine which is really where most of your affects would have been. So that is the second item.

The third item dealt with the internal improvements within SouthWood. The current development order had language that stipulated certain backbone roads within SouthWood, so

Merchants Row, Southchase Boulevard formerly known as Paul Russell Road, Shumard Oak, Esplanade, Orange, Mossy Creek, Four Oaks and Biltmore. There was a requirement that extension of those roads be started by December 31, 2009. One of the things when we started talking about doing an NOPC for the traffic the city said there is language there we would like to try to clean it up a little bit, we don't know what it means so here is what we are proposing, let's tie it to specific pod development. So when you develop this area and it abuts to this road you build that section of road with that rather than just saying you started but never really having it finished or a requirement that it be completed when you develop the pods. It is a third item that is included in the NOPC which is pending with you right now. It is going through the city, the county, Apalachee Regional Planning Council and the Department of Community Affairs.

Mr. Brooks stated the process has been going on for about two years.

Mr. Prado responded correct, we started negotiating with the city running the traffic models that determines where your impacts are for offsite which is sort of the one that really drags out the longest because you have this black box that very few people claim to know how it works and you say here is the development, here is what you are building, here is how many houses, how many square feet and then through some magic formula it says this guy is going to drive from SouthWood to over here on Old St. Augustine and Monroe and this guy is going to drive over to Old Bainbridge Road and this guy is going to drive to Capital Circle Southwest and lo and behold there is the roads that are right back there. That is sort of a process that goes through it gets evaluated and one of the things that was important to the city was to make sure the model reflected what we know has been built. Obviously from 1999 when we started with a barren piece of land to where we are a lot of development has taken place.

Mr. Brooks asked what is the expectation? Is there a timeline you think that this amendment process is complete?

Mr. Prado responded we are currently working with the Department of Community Affairs and we think we have it figured out. The biggest sticking point for DCA has been you are saying you are going to pay this money to the city for your proportionate share. Where is that money going to go? How do we know the city is not going to take that money and decide to do something else with it? That really doesn't solve the traffic impacts created with the development. The city, DOT and DCA have been working on what they felt they were understanding that sort of outlines when any development not necessarily just us, when a

development happens they are going to give you cash and here is a list of priorities that we would have identified are most beneficial to the area. That is ongoing right now. The city and DCA are also trying to finalize the language as to how we are going to reference that memorandum of understanding of the development order because obviously we don't want to be so specific that if they decide to change that we are now stuck with an outdated development order that needs to be updated. That is in the works. Right now the city is proposing to bring it to the city planning commission in early January. After that it will go to the city commission for approval. I'm not sure where the county is with getting it on the agenda. Typically they will defer to the city, 99% of the acres in SouthWood are in the city. January is planning commission followed by the city commission.

Mr. Brooks stated I want to tell Abe and St. Joe I appreciate him coming tonight and bringing the board up to date on this issue. I don't know if you have been involved in the neighborhood discussions but I think it is item no. 3 that is raising the most concern among our neighbors and residents in SouthWood, which is the onsite infrastructure improvements or road improvements. I wanted to get it out on the table for us. If there is anybody who wants to speak on it, I don't want us to get weighed down in this meeting and go through a lot of discussion or debate on the merits of it. I would like to get some information out there and then if it looks like there is an interest from the neighbors and an interest from the board I would like us to direct our staff to see if they can work with St. Joe, the city or whoever is appropriate to try to come back to something that might make the residents more comfortable about that item no. 3, the roads within the district. Do any supervisor have any questions of Abe at this time?

Mr. Ramba stated I have a few questions of the attorney. What does the CDD board have in authority over something like a notice of proposed change in a DRI?

Mr. Crumbaker stated the district has no land use authority or review authority. From the standpoint of stepping in or having approval authority or review authority over the NOPC the board doesn't have that ability to do so.

Mr. Ramba asked is it St. Joe's opinion that because we have kind of mealy mouth language in the DRI to determine that there is a 3 year extension and both Orange Avenue and Biltmore Avenue have been started do you believe there are actually delays to further construction of Orange out to Biltmore and Biltmore down to Schoolhouse or is this more of a clarification and your company's opinion?

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Mr. Prado stated I will address the root question you asked, is it our opinion that the language is not clear. Our opinion is that the language is clear. The language clearly states that you have to be under construction by such and such a date. Our opinion is pretty clear that that is what it says. The concern that is really more expressed by the city is the fact that it says you need to be under construction but what does that mean? Does that mean you are going to turn the first shovel and complete all those items of development and never get back to doing and completing the road? I guess the short answer is we said yes, we understand what you are saying, we understand your concerns, we understand there are always the "what ifs" how we do know you are going to do this, how do we know you are going to do this before the time the development order expires? How do we know you are not going to wait until 2020? How do we know that come January 1, 2020 you aren't going to say I guess we have to build all these roads that we started back in 2009? We said we hear your concern here is what we propose to ease your nerves we are going to agree to tie them to specific parcel developments and make sure that road is in place. In our opinion the language is not that fluffy.

Mr. Brooks stated Mr. Ramba stated what Brian told us is accurate but we can let staff work and maybe look at financing associated with the roads.

Mr. Ramba stated I just think there is a difference between all the road improvements and the ones we care about most in the neighborhood which are the internal roadways not because of additional pod property but it could be because of additional schools or services that have located in SouthWood that have caused a lot of cut through traffic and that type of thing. That being said I think the most important thing that our district counsel said is we don't have land use authority. We can provide input to the city planning commission and things like that and maybe make recommendations or ask our staff to beg, plead and borrow to see if we can do that, other than that it would behoove us if it is important to the community that we would determine whether the CDD would have to find a way to finance that in the future and that would obviously cause an increase in our assessments. It is weighing the two options that are out there. I represent other developers in the state and most of them don't have extra money sitting around to drop \$3 million to \$4 million in road improvements they plan on doing 10 years from now prior to the actual home and lots being sold. I was trying to clarify what we were allowed to do, what was our jurisdictional issue on affecting an interest in that notice of proposed change.

Mr. Brooks stated thank you for bringing that up because that is exactly where we are but we will see what we can do to help if we can.

Ms. Bibler stated I wanted to update the two supervisors who were our supervisors before this meeting have been updated on this and Mr. Toothman attended this meeting but a group of homeowners had a meeting that was set up by Commissioner Ziffer with county and city representatives and St. Joe was also there where we expressed our concerns to the city and county folks that are going to be the staffers who are going to be reviewing and making recommendations to the planning commission who then will make recommendations to the city commission on whether the amended DO gets approved or not based on the NOPC. Basically our issue was not with St. Joe being able to take advantage of the proportionate share within the area they are talking about filling in the donut hole if you want to call it that but it was with no. 3 the internal roads and that is because on my street, Mossy Creek, I have definitely noticed and I don't have little children who play out in the yard but I have noticed a large increase in traffic since Conley Elementary opened. I don't think it is even at capacity yet. Something we brought up at the meeting and I was interested to find out when I saw it was that the school zone for Conley is almost entirely to the east of SouthWood. What happens is we have these people coming from the east on Old St. Augustine Road and on Apalachee Parkway making that U-turn and getting onto SouthWood Plantation Road and coming in the back way to the subdivision coming down Longfellow which was never meant to be a collector road, a fairly narrow road that winds around and has houses close to the street, then coming down onto Grove Park and then coming up Mossy Creek to get to Orange Avenue which if I lived east of here and I was taking my child to Conley I would do that too. It is the easy way to go but it causes a lot of problems and causes roads to be used for collectors that were never meant to be. The reason why is the wonderful master plan that St. Joe has for the development those arteries of Orange Avenue and Biltmore and Schoolhouse Road were never completed. I wouldn't call them under construction myself portions of them have been constructed. The fact that they haven't been completed is causing us to have a lot of traffic on our internal streets that we were never intended to have. The group of us homeowners that went were just basically representatives of the streets that have been most affected by this and Salinger is on the other end where we have this problem of people coming in by that same way and coming to the high schools that are there or going to the state offices from east of the development. Because they can't get all the way down Schoolhouse

Road they take Salinger so Salinger is supposed to be a local street that is basically only used by the residents of the street instead it is a collector. It was never meant to be that. We had someone from Longfellow, John Ray from my street, Mossy Creek, Dale Allen from Baringer and Salinger especially for a long time ever since I moved here and started coming to these meeting I have heard about Salinger as having a lot of problems. If it is not your street you hear that but then when I started seeing a lot more traffic on Mossy Creek I thought now I see what they are talking about. It is easy to see why that is happening. Our problem with item 3 is to complete those roads in pieces as the adjacent pods and neighborhood goes in doesn't speak to the fact that that is not what those roads are for. Those roads are to serve the community as a whole. Thank god we have a lot of people coming into the neighborhood and coming through as far as the fact that we have the state offices here, we have the schools here, the idea of that is to make people want to move to SouthWood because they will be close to those areas to bring people to use our little downtown which is starving for people to come there yet because we are not bringing people down Biltmore to Orange Avenue and right to Four Oaks where they are going past Early's instead they are coming through the local roads and never see those places. The neighborhood is just not working the way it was meant to work. Unfortunately because of the economy I can see where if we say okay now instead of December 31, 2008 we are going to say if we haven't developed these neighborhoods by 2023 now as the due date we will finish those roads. I don't believe it. I hate to say it but I'm not sure St. Joe will be around in 2023 to do that. I don't feel like we should be willing to accept the fact that yes, we understand St. Joe that times are tough you guys need a break, you agreed to something when the DRI was approved as far as spending a lot of money on improvements outside of our area, no you shouldn't have to do anymore you shouldn't have to spend that money yet I think some of that savings needs to be spent here in our community.

Mr. Brooks asked do any of the other speakers have anything they want to add or has Carolyn pretty much summarized the gist of the group?

Mr. Powell stated I live at the corner of Salinger and Grove Park and I would like to second your comments. I really appreciate those. I also want to add something to that. The Central Park conservation area that we have is a real benefit to our community and there is quite a bit of wildlife that also shares that conservation area with us including some that are endangered or species of concern. Among those are the golfer tortoise, Sherman's fox squirrel,

there may be others I'm not aware of. There are deer that go down there a Sherman's fox squirrel was killed about two weeks on Grove Park right in front of the Creative Child Care Center. I think we have a responsibility to take care of our conservation area and if some of these endangered or species of concern continue to get decimated by the traffic that is barreling down Grove Park I think we are failing in that responsibility and I think we have some responsibilities with the city and the state to take care of those areas. There are kids that are on their way to Florida High and JB II not all of them are in cars, a lot of them are in cars going too fast on our street but it is also kids riding their bikes and walking and speeds of the traffic are threatening those kids on their way too. Anything we can do to get this traffic off to Schoolhouse Road to Tram for Biltmore and for Orange to go to SouthWood Plantation Road I just hope there is some way we can do that and improve our quality of life.

Mr. Ray stated I want to thank you for hearing this issue. The internal road system in SouthWood is dysfunction junction. We have voids and high speed traffic on our roads. They are simply inappropriate for residential streets. I see it everyday and the symptoms are everywhere. My children are in greater danger because of that. I appreciate this body's willingness to partner a potential solution for this. I don't know what it is but I will say this that the development order currently in effect does not say take your sweet time to finish a minor arterial road in SouthWood. It doesn't say take your sweet time in finishing major collector roads that service the entire community. The plain and common sense reading of that document says these roads should be under construction by a certain date. It doesn't say they should be under construction and feel free to stop that and halt it for a number of years until 2023. The development order does not say please build these major, major collector arterial road unless you have trouble selling homes. That is not what it says. I agree this is probably not the venue to battle that fight but it is not what that says. I appreciate this board's willingness to be a partner in this. We will see how many other partners join us at the table. I appreciate your partnership.

Mr. Brooks stated we look forward to working with everybody on this issue and do what we can do within our purview and our financing capabilities to try to resolve it.

Ms. Leon stated I just want to present from the Longfellow standpoint I think Longfellow has become one of the major collector roads within the neighborhood. We even feel the impact of the traffic when Biltmore was opened onto SouthWood Plantation Road. At that point in time we began to see a significant increase in traffic where people were cutting through. As time has

gone by and more office complexes have opened, Conley opened, JB II all of that we are receiving the traffic all the way from the east side, the daycare center on Grove Park, Florida High all the state buildings not just the ones that are here off of Merchants but now that DOR has opened on this side and we are basically dreading when the district court of appeals also opens because again, we will have more people continue to cut through there. Our road has a local designation as such because the homes are 15 feet from the road and they are very narrow roads. If they are speeding and have to brake they are going to end up inside my house. I can attest to the speed of those cars. We would welcome any assistance we can have and come to some kind of agreement with St. Joe as to what needs to be done.

Mr. Allen stated I wanted to second everything Carolyn had said. I live on Baringer Hill Drive and Baringer Hill has been experiencing these problems for quite some time now, both the volume of the traffic and the speed of the traffic. The city has attempted to deal with the speed of the traffic on Baringer by building a series of speed bumps but it has nothing to do with the volume of traffic that is coming down that road right now. It is a long windy, curvy road and the only restriction on the use of that road is it is posted against construction traffic but we have huge volumes of commercial traffic, deliveries to the clubhouse, the beer delivery trucks, the food trucks, all these trucks come down Baringer Hill Drive because it is the short way. In addition to needing to finish the interior arterial network in the community we really have to keep a lot of the roads that were designed to handle them and I mentioned at the meeting that Carolyn set up that I lived in a neighborhood in Bethesda, Maryland years ago that had this problem and they found it very effective to deal with it by restricting the amount of right and left turns on these minor roads during rush hours. That is when the problems are that 7:00 a.m. to 9:00 a.m. when everybody is trying to get through the neighborhood and to work and get home. In addition to taking under advisement how we can finish the interior road network so that it works that is not going to completely solve the problem if people are using all these short cuts to move through the neighborhood on inappropriate roads. Don't forget that piece when we try to deal with the overall making this neighborhood work because it is a beautiful neighborhood and it needs to work better.

Mr. Nortelus asked just for clarification that date 2023 that keeps popping up can you explain that to me?

Mr. Prado stated that is when the development order expires. Everything in the development order has to be done no later than 2023. To address the question of how do we know St. Joe is going to be here or anything like that I think those rumors have been going around for an extended period now. I guess the only thing we can say is that we are still here and we intend to be here. We still own from Biltmore to Williams Road. If you want to think in the long term if you were to abandon a development order in the City of Tallahassee I think you would find it very hard to get anything ever approved throughout the state.

Mr. Brooks stated I know St. Joe would like to see this problem resolved too. Hopefully, we can all work together cooperatively and put some of these great minds together that we have with our staff and St. Joe and the people in the audience and see what we can come up with. I want to thank you for participating and sharing your concerns.

Mr. Toothman stated we have two problems, one is the long term goal of just getting everything done and the other one is an immediate goal that we should be able to take care of right now with different mechanisms to slow traffic down whether it is the police or stop signs or one way traffic or right turns only or left turns only. Is there any way we can facilitate that happening?

Mr. Brooks stated what I would like to do if I may is I would like to ask with your permission and maybe a motion needs to happen if we can expend up to about \$5,000 to \$6,000 from our side to look at the legal issues involved with that item no. 3. Also the engineering side of it, they can do our traffic engineering studies. Wayne, I kind of like your idea is there something we can do as a CDD to do some immediate improvements and then maybe measure how big of a problem we have. Then maybe from a financing side take a look. Obviously we all have our assessments we don't want to pay any more but if it is a quality of life issue maybe we need to look at what funding the CDD might be able to put in and maybe we can go back to St. Joe and look at some sharing possibilities or whatever so we can immediately resolve some of these major backbone problems. I don't know I'm just throwing that out there for us to consider. I don't think we can solve it here I think if we can get staff to take a look at it and maybe give us some professional recommendations or options then we can discuss those at another meeting.

Mr. Toothman stated everything is engineered and planned and all of that the numbers of traffic and all of that. St. Joe, the City of Tallahassee that is kind of their jobs to do that. I don't see us stepping into that and providing \$5,000 to get the answers that are already there. I would

prefer to take \$5,000 and have the City of Tallahassee place a police officer there. From some of the comments I heard it was almost immediate that something needs to be done.

Mr. Brooks stated I take your point but I wasn't asking for us to do the numbers or engineering but I think if the CDD wants to try to get in and participate and resolve it I would like to see what our staff can do meeting with these people and that is going to cost some time and money and resources of our staff to do it. I just wanted to provide some sort of budget so we are not going over in some other category or whatever.

Mr. Crumbaker stated I think with respect to my end of this I have a call tomorrow with Kevin Mulshine who is the district's underwriter. On my end the first thing I would probably do is have the conversation with Kevin regarding a potential refunding of the 2001 and 2002 bonds. Then we would give you some sense of what kind of new money you can generate without actually increasing the level of assessments. At that point as Mr. Toothman said my guess is St. Joe and/or the city have models with a great deal of traffic information. Once we identify how much money we may have available without increasing assessments then we can determine what the biggest bang for your buck is in alleviating some of these traffic issues by the engineer then taking a look at the information that the city or St. Joe may have and say this extension will assist these areas in this way as opposed to this project or give some recommendation at that point on what the alternatives are. If we can't free up money then it is a flat question of do we want to raise the assessments \$2 million spread out over the units but hopefully through a refunding and I have a call tomorrow to talk with Kevin Mulshine about refunding opportunities that maybe there is a way we can generate savings on the assessment as a result of refunding, take that savings as new money and apply that to a project and figure out which ones to take a look at. That would be very little expense that is just a call tomorrow.

Mr. Brooks asked does anyone have any other comments or suggestions?

Mr. Toothman stated Abe and I met yesterday. Were you able to get with the city public works and are they willing to participate?

Mr. Prado stated I will defer that comment to Bill Weir who is at the back as far as conversations with the city. I have not personally been overly involved with that aspect. Hopefully he can fill you in a little more as to what that strategy is from that standpoint.

Mr. Brooks stated again, I don't want to open this up to where we are going to debate the issue and try to resolve the problem right here tonight.

Mr. Weir stated I am vice president and general manager of Capital Region for the St. Joe Company here. SouthWood falls under my purview. I did meet with Commissioner Ziffer on Monday and I discussed this issue with him at length. I discussed various outcomes, what we could do and couldn't do and he is in the process of putting together a group that includes people from city staff, we would like to have people from the community to take a look at the issue of traffic and what can be done immediately because what I heard at that meeting even if St. Joe said yes, we will build those roads right now you have a good 18 months before anybody could roll on pavement. What I was hearing was you have an immediate problem not a long term problem. I think by working with their staff we might come up with some solutions, the one-way street idea, maybe some other things where we can actually find ways to either divert traffic where we want it or possibly block traffic altogether in certain areas, I don't know but without city staff because they are the ones who can make it happen, this board can't make it happen, St. Joe can't make it happen, the city owns the roads, and the city makes the rules with regard to how those roads go. We have to get them involved.

Mr. Toothman stated I would like to volunteer my services if there is a meeting I will be glad to participate.

Mr. Brooks stated Wayne when you are there you will be speaking on behalf of yourself until the board can take any kind of formal position on anything but he can come back to the board and report to us and we can confirm whatever that position is.

Mr. Toothman stated I think there are some opportunities on the immediate side and if the city needs \$100 for a sign let's facilitate it and make it happen.

Mr. Brooks asked based on what I have heard is there a will or feeling that this board besides getting immediate involvement should take a look at some of the options like Brian's talking about since this is an infrastructure issue which to me is the responsibility of this board to deal with and consider for SouthWood and we are elected by you and explore what our options would be to participate in any of the future fixes or pushing these projects as quick as we can? Is there any will of the board to follow that?

Mr. Ramba stated we need to look at the refinancing of the bonds, determine just general ideas until we see the outcome of that between the city and St. Joe. My experience with the Department of Community Affairs over the last several years is that they always squeeze something out of somebody at the end. If folks have issues and they have talked to their city

commissioners those are the guys that are actually going to make the decision on this issue and they are the ones that have the leverage with negotiation over St. Joe or for anybody else who has a development order it is within their jurisdiction so I wouldn't want to expend too much funds on anything other than temporary issues although I probably get more traffic than anybody because I'm right between Longfellow and Mossy Creek and everybody comes down Longfellow and cuts across to wherever they are going whether it is Conley or high school. I think the stop sign they put in on the corner of Mossy Creek and Grove Park has substantially slowed down traffic in front of my house and we used to watch the children go across the street and dodge it in front of the playground down Mossy Creek and that stop sign while most people roll through it they at least slow down substantially. I think there are some temporary fixes that we can support but that being said even street signs are not within our jurisdiction the roads have been turned over to the city and the city is responsible for doing that. I think whatever support the board can give is helpful without going outside our jurisdictional boundaries of what we are and are not allowed to do.

Mr. Brooks stated if we can direct staff I don't think we need a motion for that, if they would take a look at the bonding capacity.

Mr. Crumbaker stated we are going to take a look at that. In fact Kevin Mulshine is going to be here next month as a follow-up to a previous conversation the previous board had with Kevin. One of the reasons we are speaking tomorrow is about the credit package and some of the information that he had compiled for that credit package. Hopefully, next month he will have a positive report on the potential of refunding the 01 bonds and possibly the 02 bonds. I think at the end of the day it is more of a by-product of that conversation for purposes of the infrastructure needs or whatever the case may be.

2. Consideration of Change Order No. 2 with CW Roberts to Overlay Four Oaks Boulevard and Esplanade Way

Mr. Robertson stated this is consideration of change order no. 3 for CW Roberts for the overlay of Four Oaks Boulevard and Esplanade Way. As a little bit of background for the new board members CW Roberts provided us with a bid to overlay Four Oaks Boulevard you may have seen that was overlaid recently and striped. We then prepared change order no. 1 which we overlaid Esplanade Way and I'm sure you have noticed that has taken place about two weeks ago. After they overlaid it they realized they went over on the asphalt they originally said they

were going to use I believe it was about 5.36 tons of extra asphalt, which amounted to \$439.52. CW Roberts requested a change order for that amount and I recommend approval.

On MOTION by Mr. Toothman seconded by Ms. Herrera-Gray with all in favor change order no. 2 with CW Roberts in the amount of \$439.52 for the overlay of Four Oaks Boulevard and Esplanade Way was approved.

C. Property Management Report

1. All Pro Reports

Mr. Berlin stated every week we get a weekly review from your current contractor All Pro. This is a part of the 2006 contract so they have been doing that and we added it to the agenda package so when you get it you can go through there just in case you thought you saw them working someplace and didn't understand it almost always shows up in here. This is their schedule and it is required in all the RFPs.

Mr. Toothman stated All Pro did fertilization on the week of the 15th and again the week after that. Who applied the fertilizer? I'm assuming it is the same guy and we have a responsibility to follow the rules.

Ms. Bishop stated correct.

Mr. Berlin stated that is in the RFP you will get. We made sure that was in there. If you look at that you will get a good idea. If you question any of that you can call me or call the contractor himself and specify what it involved.

2. Operations Memorandum

Mr. Berlin stated the next section is my report. Basically it is a down and dirty, not what I do the full day but just highlight items that you will see every month on the report.

3. Variance Report

Mr. Berlin stated I have a series of three articles and you can always request that it is added to my report. The first one is lake maintenance and we have pretty extensive water bodies out here that handle the runoff from the roads and what have you and we are constantly having to do something in one of the ponds. There is a renewal for an operating permit from the city, we

have gone through since I came on board. We know how to handle that and it always shows up here. If you look at lake maintenance it says cut pond bottom in 080. Pond 080 is the pond at the end of Mossy Creek and Orange Avenue. It is a spectacular pond you don't see too many of those around SouthWood it is a whole different concept and we try to keep the pond bottom mowed but again it gets wet in there when it rains and we have to take that attack as we can whenever we have an opening.

The next thing we have is your security and accident reports. We love this when none is reported but you might see items such as an auto accident or a hit and run on a light pole or even some cars that crash into houses and then leave the scene. That is what that particular item is for.

The next thing is open items and these are items we have been working on sometimes you might see them in the report for several months. We try to make sure we address those. There is the action that your O&M budget is taking care of. The first one is lake water sampling. I have to apologize for lake water sampling the board voted on doing a very simplified check of four major lakes here. They contracted GMS to do that I got through the first couple of them and had to leave the job. I am back once we get through the RFP process we will probably be doing two more samplings. I don't know that the board will want to renew that I don't think they need to. Right now there is nothing to report. Hopefully, next month you will see a lake sampling package.

RPMs on Four Oaks Boulevard, we originally did Blairstone and I tip my hat to Abe for helping me so much getting this going. You might notice last year in the wintertime and summer that the medians got brutalized. Some were people who just ran off the road and others were strict vandalism and we were constantly repairing those. We took it upon ourselves and Abe handled this to go to the city and ask if we could put some sort of device on the medians to slow down the destruction and they came back with three things. Jersey barricades work well but they wouldn't let us do that. Rumble strips that make everybody angry and the delineator cones was like a red flag to a bull. The RPMs are little reflective markers that run down along the edge of the pavement. Blairstone was made a little larger when it was created, it is a single lane but there is more asphalt you almost have a mini shoulder. We moved that stripe out to where it would go on a finished product when it is four laned which is a ways away and we put the RPMs along there. We noticed that when people come through there and see those or if they drift over and hear the pop, pop, pop they usually swerve back the other way and damage to the medians was

greatly reduced there. The board then approved RPMs on sections of Four Oaks in an attempt to do the same thing because it is basically a single lane. What your district engineer talked about on getting the second lift down on the south end of Four Oaks they also included the RPMs in there so it was paid as a construction cost it didn't come out of your O&M. The section that already had the second lift that as far as I know has been completed. I haven't driven it lately to see if the contractor had picked up the last few RPMs but they had been all laid out and I see no reason why they are not there but I apologize I haven't looked at that section. We completed it all the way up to Orange, that last little section we didn't have any. There is a section in there for overlay and they picked that up with the RPMs. Somewhere along the line the plans or what have you it was missing a little bit of the yellow striping. I want to say Goldenrod possibly and Orange Avenue and I think you will see that cost coming across next month it is about \$1,600 I went ahead and authorized that because it just looked funny without the stripe there and again we had RPMs put in there. We are hoping that works the same way that Blairstone did and maybe we can keep some of the people off the median.

The next thing I have is Strides for Breast Cancer event. I just wanted to say something about that. Any of you who were out here for that part of the problems we have had is parking for these big events like this and this time we wanted to make sure it did not happen. Unauthorized your contractor would go out and work with me on a Sunday we came out here and we roped off the medians so we had nobody parking in the medians and we made sure the event promoter in this case the Cancer Society and FSU supplied quite a few live bodies to help direct the traffic and park as many cars as we could in the Town Center on delineated parking spaces. We will usually have a line item in here when an event is coming on you might have to make a decision whether to have it or not such as POPS and 4th of July.

Unfortunately I missed a spot in here and I wanted to touch briefly on it and it doesn't need any discussion. There is a group out here that would like to start a victory garden, community garden, whatever it is. I'm not going to go into any detail I will allow them to do it, this is not my forte so I don't want to say things about the garden that are wrong. The big thing is that they need a space for it and right now we have looked at some spots and we will continue to look at others and of course it will be presented to the board and you probably will have to make a decision about that.

A long time ago when I started I used to work for St. Joe and on Grayfield there is a pump station it is in one of the nicest little ponds that we have. We have a pump station there and early on when St. Joe was building the homes the homeowners did not want to see the pump station so we put the usual landscaping around the pump station and consequently brought in some large hollies of some sort and planted them where we don't plant anything where you might have found a street tree but it is not a very wide green area between the front of the walk and the back of the curb. They have grown up quite tall, they busted through cable TV several times and the homeowners have landscaping on the other side of those trees. They came out and asked me to look at this and I met them out there and I explained to them why it was put up which was to create an instant barrier so they wouldn't have to look at that. The landscaping has grown tremendously around the pump so when they walk around the back it doesn't look like it did before. I have been putting together a request for your contractor to go out there and physically remove those trees and sod that area. I would guess since they are not planting anything it will be \$400 or \$500 and it would satisfy the homeowners on the other side. I will bring that up at the next meeting.

The very last thing that I supply you with is our variance based on all the bills that have crossed my desk. Some of the bills that don't cross my desk are utilities, they go straight to Tamarac and are paid that way and I adjust my variance once I receive those other bills but you don't see that again unless you ask for it. Every once in a while somebody will turn a bill in late. We ask the contractors not to do that and it may not make the posting. There could be some discrepancy in here but this will give you an idea of what we are spending month to month.

Mr. Brooks asked does any supervisor have any questions of Robert on his report? Just to highlight something so the supervisors understand Robert does have some thresholds that he has been authorized for his expenses. When he commented about the \$1,600 he authorized that is within his threshold that the board has already provided him. A lot of times Robert will bring issues to us but we just give him some direction.

D. Manager

1. Change of Bank Operating Accounts

Mr. Perry stated item no. 1 is we would ask the board to consider changing our bank operating account. This is an item the former board had discussed. Our current provider is

SunTrust and we would like to change to Wells Fargo Wachovia. We do over 100 districts in the state I think we have 3 districts where we work with SunTrust about 15 we use Bank of America and the rest are Wachovia and what we have been trying to do is institute a direct deposit for supervisor payroll checks and the task has been very difficult with SunTrust. We do have that in place with Wachovia on a few districts so we know we can migrate the accounts over there and implement what we want to do. The fees will be the same or there might be a slight reduction in fees.

On MOTION by Mr. Toothman seconded by Ms. Herrera-Gray with all in favor staff was authorized to change the operating account to Wells Fargo Wachovia.

2. Discussion of CDD Priorities FY 2011

Mr. Perry stated in discussions with the chair he asked me to put together some of the priorities that I see for the district over this next fiscal year along with ongoing duties and requirements just to give you an idea of certain things that are happening on a monthly and annual basis for the district. This is a working draft and I have also asked other members of the staff to give me their ideas in regards to priorities. As I see them as of right now the number one thing that has already been discussed is the refinancing that has been brought to the previous board with the concept that we would pursue that with Prager Sealy and eventually have a transaction early next year.

The second item in regards to priorities is the landscaping that is the biggest contract we have by far. The bulk of the expenditures of this district revolve around that. Getting that RFP done, selection of the vendor, all of that is a pretty big task and we believe the second biggest thing for this year that we need to resolve.

The third I put down because we have three new supervisors, there are a lot of items that are going to be thrown at you this year. If you haven't participated with districts it typically takes you about a year to go through the whole process with the budget and approval process of the budget and adoption, the assessment rolls and all of that. It is an ongoing education and we will probably have several workshops this year for a number of items.

This is a work in process and I believe the chair has already asked you to do that specific or would you like that listed also. This would be a working document that we will update.

Mr. Brooks stated I want to make sure we all get a chance to look at what we are doing and have an opportunity to have a little bit of input in the district for next year. We can always agenda this for the next meeting and highlight what we see as our priorities for the district as a whole.

SIXTH ORDER OF BUSINESS**Other Business**

There not being any, the next item followed.

SEVENTH ORDER OF BUSINESS**Supervisor's Requests**

Mr. Brooks stated this is an opportunity for each of us if we have any issues that we want to particularly discuss or ask staff this is our opportunity.

Mr. Toothman stated thank you for cleaning up the sidewalks behind Mossy Creek.

Mr. Nortelus asked whatever happened to the discussion about meeting locations moving into SouthWood?

Mr. Perry responded as best as I can recall the other board deferred that item for this board. They thought it might be appropriate since there was going to be three new supervisors that if they wanted to change locations that they determine that.

Mr. Nortelus stated I prefer the community center. Is there a comparison?

Mr. Perry responded there is a minimal charge on this of \$200 per meeting and there was discussion that the potential charge would be a little less at the other location. There were concerns about logistics, telephone if we need it and some of the events that might be going on there. That was the discussion the other board members had.

Mr. Brooks stated if it is the wish of the board we can continue to explore that. I think the primary deal was the other board wanted to leave it to us to make that decision. This is a big step better than when they used to meet at the Brokaw-McDougall House in the mornings. Coming here we are adjacent to our property and it has plenty of parking and the facilities. I know Teresa Muchler from our HOA is here and I know she has had discussions with staff. Do you want us to open that up and look at it again?

Ms. Herrera-Gray stated I think it would be a good idea.

Mr. Nortelus stated it would be easier for people to come.

Mr. Toothman asked can we get back next month what is lacking?

Ms. Muchler stated we have a phone line in there now that we didn't have before.

EIGHTH ORDER OF BUSINESS

Audience Comments

Ms. Leon asked who owns Newbury Park?

Mr. Prado stated it is public right of way.

Mr. Brooks stated the immediate response is it is city right of way so if you have a question on it Robert is a wonderful resource in our community.

Mr. Ramos stated on the victory garden as Robert mentioned we had a meeting last week and Nathan Ballentine is with me from Tallahassee Food Gardens. We have a proposal of some due diligence we have done to date. This kind of stems from a few months ago we met and spent about two hours going through the community discussing pros and cons of different locations. Town Center needs every bit of help it can get. We have seen this in other communities as being a great impetus for things like that, walk up traffic, getting people to hang out, just another reason for that to become really, truly the heart of our community which is what I think was what it was originally intended to be. In a matter of just two short days I put together a little petition and already had 81 homeowners respond to it, 70 unique households and I have a link that you can view its progress as it continues to grow. We understand from the HOA does not have dollars to fund this, the CDD does not have dollars to fund this all we are looking for and requesting from the CDD is land usage for the parcel that is across the street from Early's on Four Oaks and Merchants. We are looking at this being a cost neutral opportunity. We have already secured in kind donations and again All Pro is stepping up to help us, Ace Hardware has agreed to go ahead and donate soil and mulch. We only need 45 families as it stands right now. As you will see in the petition the language is very specific it is not just yes, I'm writing my signature, it is I am willing to commit to working this thing, participating in it. It is a very active participation that we requested as part of the petition. I appreciate your consideration. We have somebody who we will bring on board to help us manage it, facilitate it, let us avoid a lot of pitfalls that others have done.

Mr. Brooks stated I know Robert has already mentioned it and he will be looking at it and hopefully will advise us as to whatever our responsibility is at our next meeting.

Mr. Ballentine stated I am with Tallahassee Food Gardens. The exciting part of my business is that I am privy to things going on locally and around the region and nation as it

pertains to community gardens, urban agriculture and I would like to tell you that for 35 years in Tallahassee there was really one community garden. It has moved twice. Five years ago something started happening here but also all around the country, non profits are popping up to support the community gardens and urban agriculture, folks doing my kind of work, facilitating community gardens and also installing raised beds and helping folks grow food for themselves at their houses are springing up all around the country. I got an email today from a person who was trying to organize this but here locally five years ago something started shifting you have the Apalacheecola Garden about three or four years ago, the Gretten Garden, in the past two years you have Havana Community Garden, Fourth Grade Community Garden, Marine Gardens and Motts Community Garden. The thing that is really exciting about SouthWood is that most of these gardens are fruit free gardens they are on the edges of town where population densities are minimal, folks have to drive to get to their garden. The Havana Community Garden about a third of their members actually commute from Tallahassee because there is no community garden space. I was talking to a lady who lives on Mossy Creek and she drives to North Meridian Road and rents a plot with somebody else. Citing a community garden near the Town Center provides such a unique opportunity for synergy between attracting folks, I was talking to somebody from the Department of Health and they said I love that idea because I want a destination to walk to on my lunch breaks or you get folks in a community garden that they won't cross the street to get a sandwich. Also you have the townhouses and the whole community so nearby so the potential for such a community garden considering it a hub for the community for teaching kids where the food comes from for enabling us to get good food at a lower price than having to buy at the farmers market. It excites me a whole lot. The one thing as an organizer that is always a consideration is that in order for a community garden to be successful it has to be very grass roots, it has to be claimed and owned by the community. Every once in a while people get this idea and will send me emails that they want to start a community garden for our neighborhood, I know where I can get compost and get some lumber and start a community garden. I admire that offer but the most critical piece of the community garden is the community involvement and it is growing as you can see in the petition.

Mr. Brooks stated thank you for coming out and briefing us on this. We will ask staff to take a look at it.

Mr. Ramba asked how do you know if someone is doing it 10 minutes a week or not going by at all? Here is my question about the location why I would like you to try to provide maybe another visible community location. One, there is no parking. There is parking across the street, very limited, probably a dozen spaces between the Y and the one road there everybody else would have to park behind that area. There is no parking on Four Oaks, golf carts aren't allowed on Four Oaks, golf carts aren't allowed on Merchants Row. The idea that we could pull up in our golf cart which I see a lot of people out here driving them around you can't get there legally to the location you have chosen. I don't know if there is a place down closer to FSU School or Florida High or some other places within the community that would work. I just think that you can't legally get your golf cart over there, there is no real parking other than parking that we hope will be used by customers of the people at Town Center and if you have people there five hours a week if you are throwing a hoe or shovel or something and working on the garden you can't park adjacent to that piece of property there is a bike path on both sides. We don't want people parking on the median or the lawns. If you could look at alternatives I understand the vision of what you do and the place and if it is a community garden where people see it people will be active in it, it is a great place to gather but we have a big community here I think there are some locations that would allow people to travel there by car and allow for some parking area that wouldn't be detrimental to the idea whatsoever you would still be very visible in the community. Look at some options for us that you could bring to the board that would work with the vision you have and what would be successful but a place where people can actually get there via golf cart and have some parking area. You can't even park on the street right there and I think that would make it tough for people. You can park across the street there are about 3 spots where we do the Christmas tree stuff.

Mr. Ramos stated that was initially a location and of course that is St. Joe so we went through and discussed some different things and spent about 2 hours looking at different places. Obviously there are other options there were a lot of considerations. There are easy ways for us to go ahead and maintain and keep some degree of equipment here. I don't expect people to bring shovels every time they want to work in the garden. We could easily keep them locked up.

Mr. Nortelus asked where would you put tools and items?

Mr. Ramos stated so long as there is an area that could potentially be a little white picket fence that went around it and frame it to kind of shield it from drive by traffic but you had plots within it.

Mr. Brooks stated Brian thank you for all the information. Let's let them work with Robert for a little bit and then come back to us with some more details and ideas.

Mr. Berlin stated I did not work with them to find them a spot which you haven't heard needs water and electricity. I think that basically eliminates many, many spots.

NINTH ORDER OF BUSINESS

**Next Scheduled Meeting – December 9, 2010
at 6:30 p.m. at the Good Samaritan United
Methodist Church, 3720 Capital Circle SE,
Tallahassee, Florida**

Mr. Brooks stated our next scheduled meeting is December 9, 2010 still at this location.

Mr. Perry stated we will have an agenda item at the next meeting to see if we can meet on the dates that were specified and the board can decide to change locations at the next meeting.

TENTH ORDER OF BUSINESS

**Proposed Workshop – December 9, 2010 at
4:00 p.m. for General Review of District
Budget/Financing/Capital Improvement Plan**

Mr. Brooks stated we have a proposed workshop that will start at 4:00 p.m. at the same location to go over some of the materials that Brian highlighted and Jim highlighted in today's meeting.

Mr. Perry stated we do need a motion to have the workshop.

Mr. Crumbaker stated we did this with the last board, a lot of construction has happened out here, the capital improvement program for the project, there was also a financing plan for the project, assessment methodology. It is not the simplest out there because of the size of the project and how this was financed so Kevin Mulshine will be in town for the regular board meeting to give a presentation so district manager, district engineer, myself and Kevin Mulshine would like to hold a workshop to walk through the structure. If you are okay with that then I will ask for a motion to authorize district staff to notice a workshop for December 9, 2010 at 4:00 p.m.

On MOTION by Mr. Ramba seconded by Mr. Toothman with all in favor staff was authorized to notice a workshop for December 9, 2010 at 4:00 p.m. at the same location.

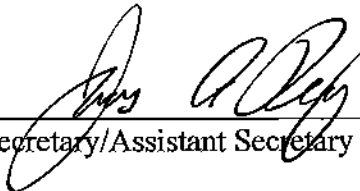
Mr. Crumbaker stated the other item that is not listed and we did this a while back we had a joint workshop with the Piney-Z board solely in relation to 119 and 286 issues. We had Alexis Chamberlin come in and she gave a presentation and did a Q&A part where everybody could fire off their questions. We are proposing to do that in conjunction with your January board meeting, the workshop before the January board meeting. I want to get confirmation as to whether you want to hold a joint workshop again with the Piney-Z board have a person from the attorney general's office come in and discuss 119 and 286 and if so then I need a motion to authorize staff to go ahead and notice that workshop for 4:00 p.m. on the date of the January board meeting which is January 13, 2010.

Mr. Toothman asked has somebody contacted Piney-Z are they willing?

Mr. Crumbaker stated I was waiting to see if this board was interested in inviting them over but I will contact counsel for Piney-Z because they have new board members as well.

On MOTION by Mr. Toothman seconded by Ms. Herrera-Gray with all in favor staff was authorized to notice a workshop that may be in conjunction with the Piney-Z board for January 13, 2010 at 4:00 p.m. at the same location.

On MOTION by Mr. Ramba seconded by Mr. Nortelus with all in favor the meeting adjourned at 8:44 p.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman