

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, January 13, 2011 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
Joe Brown	District Counsel
Robert Berlin	Operations Manager - GMS
Norman Robertson	PBS&J

FIRST ORDER OF BUSINESS

Roll Call

Mr. Brooks called the meeting to order at 6:30 p.m.

SECOND ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of the Minutes of the December 9, 2010 Meeting**
- B. Acceptance of the Minutes of the December 9, 2010 Workshop**
- C. Balance Sheet as of November 30, 2010 and Statement of Revenues & Expenditures for the Period Ending November 30, 2010**
- D. Treasury Report – November 30, 2010**
- E. Allocation of Assessments**
- F. Check Register**

Mr. Brooks stated the second item on the agenda is approval of the consent agenda. We have two sets of minutes. We had a workshop prior to our regular meeting and there are a couple of corrections that our district manager will highlight.

Mr. Perry stated on page 11 of the December 9, 2010 meeting about a quarter of the way down there is an open space with a question mark after it. The word to be inserted there is "back way" so the sentence would read, Mr. Kraft asked Abe did you mention that in the thought process so far as temporary extension of Orange Avenue to let that traffic in the "back way"? Then on the minutes of the workshop of December 9, 2010 under tab B on page 5 there is a blank and we are going to leave that as a blank at this time. We still don't know what should have been inserted there at all. We will try to get with Mr. Crumbaker on that to fill in that blank. Then on page 10 the second paragraph at the beginning of that, it should read: the second map is the one that shows the facilities that takes most of the water from east side of SouthWood.

The only other thing is if you look at the check register for the month it totaled \$670,000 and it is very high, \$639,000 of the \$670,000 are transfers. The assessment receipts come into the general fund and we transfer those funds to the different debt service accounts so there is actually \$639,000 worth of transfers in that total and that is why the amount is so high.

On MOTION by Mr. Ramba seconded by Mr. Nortelus with all in favor the consent agenda items were approved to include the adjustments to the minutes as reflected above.
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Mr. Ramba asked can we get a list of these \$8 and \$9 and \$4 electric bills? It just seems like we are killing trees left and right. I like looking through this but is there a way to list them with addresses? It is in the check register listed by address.

Mr. Perry stated we do that on the budget too we can do it that way.

Mr. Brooks stated one of the things that we can do that we did last year was we started sending the agenda package out electronically. Did we also have hard copies when people show up?

Mr. Perry responded we did but what we can do in regards to the check register is you do have the check register there, we can bring the detail separately to the meeting. That way if you have a question on any specific item on the check register we can refer to the detail and not print it for all five of you.

Mr. Ramba stated I have no reason to look at these every month.

Mr. Brooks asked does anyone have any concerns?

Mr. Nortelus stated that is fine.

Mr. Brooks stated there have been times that I have gone through them and looked and found certain items that didn't make sense and Robert was able to do some research on that. I think the direction from the supervisors is to feel free to streamline our agenda package with that type of material. Even if you make that available through the internet we could look through it on the computer.

Mr. Perry stated we will do it that way but we will also have one printed and available.

THIRD ORDER OF BUSINESS

Discussion of CH2M Hill's Resignation and Solicitation of Proposals for Engineering Services Under the Consultants Competitive Negotiations Act

Mr. Brooks stated item three is discussion of CH2M Hill's resignation and then the process for solicitation of proposals for engineering services under the consultants competitive negotiations act.

Mr. Brown stated just so everybody knows PBS&J who Norm Robertson is with is here with us. They do all the work as a sub to CH2M Hill. CH2M Hill is actually the formal district engineer and Fred Greene who was here at the last meeting used to attend all the meetings but in recent times he hasn't. Really PBS&J is doing everything and CH2M Hill is becoming an extra layer of management so I think that is one of the biggest reasons CH2M Hill submitted their resignation because they are really not doing much at this point. That said, the process for soliciting proposals under the CCNA is basically we will run a notice in the paper, proposals will be due from engineering firms 14 days after that, we will review those qualifications and basically they are a statement of qualifications. This isn't like the landscape RFP where price is a component. Price by statute is not allowed to be a component. Those statements of qualifications will come back we will distribute them to the board members along with your agenda packages for the February board meeting. The board will meet, go over those qualifications and rank them 1, 2, 3, 4 and based on that ranking we will enter into negotiations with the top ranked firm. If for some reason we can't get a mutually agreeable contract in place then we begin negotiating with the second ranked firm and go down the list until you get a contract in place with mutually agreeable terms. That is basically the process it is essentially a request for qualifications, no price, we won't go through the same numeric scoring that we did

with landscape contractors we will just have a list of the factors that the statute and our rules of procedure say to consider and rank them and enter into negotiations.

Mr. Nortelus asked do we have a scope of work that we are handing these guys?

Mr. Brown responded it is real basic. The notice that will run will basically say district engineering services, a continuing role, evaluating the district's infrastructure, etc. It is a vague description because what we are looking for here is somebody who is going to be at the table and answer questions that may come up from supervisors or deal with issues that may arise or if there is ever additional construction to be done potentially do engineering or drawings for that. A lot of times you will see for cities, counties or state is an RFQ will go out for a very specific project, a bridge or big roadway or something. We don't have that, that is not what we are looking for so it is more of a general type description but there is a general description of the services involved and really tailored to what the district does which is the roadway improvements that we constructed, stormwater, parks and recreational facilities is all described in there.

Mr. Brooks stated basically we are putting a firm on retainer.

Mr. Brown responded yes essentially.

Mr. Brooks stated understand too that CH2M Hill did a lot of the lion's share and is the predecessor of the work that got us to where we are. Since we have slowed down and there is not much work going on it does make sense for us to be able to work with one engineer. It will be a cost savings.

Mr. Nortelus asked it is not a set retainer it is just as you go?

Mr. Brown stated we have a contract that our firm has that we use for basically all of our districts and essentially there is one master agreement then there are work authorizations that are issued under the agreement either on a time basis or lump sum basis. The first work authorization would be a general work authorization, which would cover miscellaneous things that come up, attendance at meetings and that would be on an annual basis whatever is budgeted. In the district's fiscal year budget there is \$20,000 for district engineering services. That would be the general matter, attending meetings, miscellaneous stuff that comes up from the board of supervisors or whatever the case may be. If we ever got to a point where the district issued bonds or was going to build a roadway or something then there might be work authorizations for that and there would be a lump sum amount or some sort of not to exceed threshold that would be billed on an hourly basis.

Mr. Ramba asked being that this is fairly basic stuff that we are down to now with the maintenance of the district can we include an hourly price list as far as the request for qualifications for whoever they designate to be the district engineer? It is great that we get a list of all the people that work for them but how much does the guy cost that they are going to send to the meetings? Can't that be part of the CCNA process or are we restricted to qualifications only? Price isn't a factor but how much is it going to cost us for the guy we want at our meetings?

Mr. Brown stated that will come in with negotiations. Once you have ranked based on qualifications when we go to whoever the firm is and say we are interested in retaining you as our district engineer at that point you get their list of fees for each engineering category. In their qualifications they designate who it is that is going to be our guy. That way you can look at it and the supervisors can say these fees are way out of line or we want you to come down on these fees and if they are not willing to then at that point you can begin negotiating with number two.

Mr. Ramba asked you can't go from one to two and then back to one?

Mr. Brown responded I'm not sure offhand. I have never had that come up before. I can check on that.

Mr. Ramba asked if we think number two may be cheaper and we get to number two and he is not can we go back to one?

Mr. Brown stated I'm not sure of the answer to that.

Mr. Toothman asked are we hiring a firm or an engineer?

Mr. Brown responded an engineering firm. One of the requirements is that they are a business entity in the State of Florida.

Mr. Brooks stated go ahead and pursue that and I guess for the next meeting we will hear from you and adopt whatever the requirements are that we want folks to have and hopefully in March we can select a firm.

FOURTH ORDER OF BUSINESS

Consideration of Fiscal Year 2010 True-Up with St. Joe

Mr. Brooks stated item four is consideration of the fiscal year 2010 true-up with St. Joe.

Mr. Perry stated under tab 4 you have the general fund fourth quarter true-up worksheet, which shows the adopted budget for last fiscal year, which ended September 30th, the actuals through September 30th and the variance. If you look at the top under revenue section you will

see special assessment tax collector and those are the collections that go through the tax collector on individual properties that are on the roll, which was collected \$1,033,000 and our budget was \$1,030,000. The reason it is over the budget amount is not everyone takes advantage of the 4% early payment discount so we were fully funded in regards to our tax collections on the roll. Right below that is the special assessment direct to St. Joe, which as you will remember the agreement we discussed last month is kind of their fair share payment for the lands that they own. Under that is the developer contribution, which is almost \$159,000 last year which pursuant to that agreement they would pay up to \$257,000 if needed. We go through on a quarterly basis and do a true-up and the bulk of the true-up occurs at the end of the year which is this fourth quarter true-up.

If you look at the expenditures under the administrative section our expenditures were \$189,000 and our budget was \$224,000 so we are approximately \$35,000 favorable to budget. Under maintenance our expenditures were \$1,388,000 compared to a budget of \$1,626,000 so we were favorable under that of \$238,000 for a total favorable variance under expenditures of \$273,000. Because of that favorable variance of \$273,000 the developer contributions by St. Joe should be zero because they exceeded our budget for the year of their \$257,000, which could have been their contribution.

They have currently funded \$159,000 of that and that will be refunded to St. Joe and that is included under the financials that were previously discussed in November which were in the consent agenda. During the budget process we anticipated that we would probably be close to this amount. The working capital of the district was about \$400,000 at that time and about \$100,000 in reserves, which really the whole \$500,000 could be utilized by the district to meet unanticipated expenditures but typically that \$100,000 is what we would look for. This trues it up to what we anticipated happening this year and those payments will be made to St. Joe based upon approval of this fourth quarter true-up.

Mr. Ramba stated the good news isn't really for us.

Mr. Brooks stated the good news is for both because the developer voluntarily has been giving the district a source of interest free cash and they are going to get that back so the reality is that this district is operating based on its actual. Then on top of that because of our savings throughout the year we still have whatever the difference is between the \$273,000 and the \$159,000 that is going to roll into our reserve.

Mr. Ramba stated it is good news for us but really good news for St. Joe.

Mr. Brooks stated but it is good news for us in the fact that we are managing our fiscal house ourselves even to a point where we are able to put some additional reserves in. One of the things during budget discussions we were struggling last year with a contingency with maintenance for stormwater, cleaning up after a storm and that type of thing. The argument was that we can't anticipate that so we were saying let's reduce our budget so we don't have to increase our assessments. We took a little bit of heat for doing that from some of the supervisors and were kind of chastised and warned that we need to be very cognizant of the fact that some unforeseen event could happen. Now we have a little bit better reserve with this cash so if we need to we have cash if something happens this year. Do you need approval of that true-up?

Mr. Perry responded yes because it is a contractual agreement with St. Joe and there is a fourth quarter true-up.

On MOTION by Mr. Ramba seconded by Ms. Herrera-Gray with all in favor the fiscal year 2010 true-up with St. Joe was approved as presented by staff.

Mr. Brooks stated thank you for explaining that and pulling that together and I think it just tells you we are in a good and positive position financially.

FIFTH ORDER OF BUSINESS

Appointment of Audit RFP Committee

Mr. Brooks stated item five is appointment of audit RFP committee.

Mr. Perry stated as part of the audit process we have an audit that is done each year. Our current auditor is Carr Riggs & Ingram and this is the last year of their three-year contract so they are completing the audit for the year ended September 30, 2010. Under the Florida Statutes we need to go out for proposals. With that proposal process we are going to ask the board to form an audit RFP committee. Typically the board will serve as the committee. That doesn't mean all of you have to be there but we would ask that the board be appointed as the committee and at the next committee meeting which we propose to be at 6:15 p.m. next month, 15 minutes prior to the regular meeting, that committee would set the criteria for the RFP. There are four statutory required items the fifth item we recommend to the committee to consider would be price so that would be a component of the RFP. Once the committee makes that

recommendation to the board and they accept it we will advertise and bring the proposals back to the committee for ranking. We went through this process a little over three years ago and changed auditors to Carr Riggs & Ingram at that time. We expect to probably receive between three to six proposals.

On MOTION by Mr. Ramba seconded by Mr. Toothman with all in favor the board was appointed as the audit RFP committee and a committee meeting was set for February 10th at 6:15 p.m.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney - Memorandum

Mr. Brown stated with respect to the financing discussion at the last meeting I expect Kevin Mulshine to come back to the board with an update and response from the credit rating agency in March.

With respect to the sunshine law workshop, Pat Gleason has been designated special counsel for open government in the Attorney General's office and I have spoken to her and she is willing to do the workshop. I will work with her to figure out what time works for her and also send you an email to be sure that we can either do it before the next board meeting or on some other date. I will also coordinate like we tried to do with the board at Piney-Z to see if we can do a joint one for everybody.

B. Engineer

Mr. Robertson stated prior to the meeting I passed out several copies of a payment application from CW Roberts. This is the final request for payment for a project that was previously approved by the board to put an overlay on Four Oaks Boulevard, stripe Four Oaks Boulevard, stripe portions of Unit 29 and 30 and to stripe Esplanade Way and I believe we overlaid Esplanade Way as well. This is the final payment including all their retainage for \$35,126.54 and we recommend approval.

Mr. Toothman moved to approve the final payment to CW Roberts in the amount of \$35,126.54 and Ms. Herrera-Gray seconded the motion.

Mr. Ramba stated the change orders are 50% of the contract. From coming to the meetings I know it was because we added some striping and changed everything around.

Mr. Robertson stated and we added a significant amount of asphalt.

Mr. Ramba stated we put out an RFP for something and do the add-ons. If it is additional that we didn't properly compute when we decided that it didn't fill the road up correctly but you have 50% more in change orders than the original contract was for. If it was a bigger contract maybe we could have gotten a bulk price for cheaper or something. It seems rather large for a \$150,000 contract to have a \$70,000 change order. I wasn't here when a lot of this was done but I would like whoever the future engineers are, the district managers, it doesn't seem kosher to have 50% of the contract amount in a change order.

Mr. Robertson stated I completely agree with you. To give just a little more history on this project specifically, the original work to be done was to overlay Four Oaks Boulevard and to stripe Four Oaks Boulevard. We got a fairly decent price on the asphalt for Four Oaks and it was a lump sum project. They used less asphalt, they had to make a guess on how much asphalt they were going to use because it was an older road that had been in service and when roads get worn you get kind of a rutting effect so you may have to put down more asphalt than you originally would have if you were to put the second lift on immediately following the first. We asked the contractors to estimate how much they were going to use. They made an estimate they gave us a pretty good price and they used a significant amount less than they estimated. We asked them if they would be willing to take that additional asphalt and overlay Esplanade with it after the fact and they said that they would. That was kind of a courtesy from CW Roberts and we made the decision at that point to change order into their contract another project. We got a savings from the entire thing so the purpose behind the large change order was an attempt to take advantage of the savings that CW Roberts was willing to give us if we would do that change order. Typically I agree with you on doing large change orders that you want to make sure that you have as much upfront as possible but in this case we actually did a second project in an effort to save money.

Mr. Brooks stated your point is well taken, Mr. Ramba, and that is something that the board and staff would be sensitive to or any significant change orders. Obviously, that does look bad from the first blush until you know the facts behind it.

Mr. Robertson stated I would also be happy to bring to the next meeting all the change orders for this contract if you would like to look at that.

Mr. Ramba stated no, my point would be that if we bid out Four Oaks and Esplanade maybe the price would have been cheaper.

Mr. Robertson stated I agree with you and the thought at the time was that there was not enough funding to do both roads so we figured which road was more important to do and which one would fit the budget and as it turned out we got such a good price on it and there was additional money freed up between letting that initial contract and the change order. There were several factors and I agree it was something that I know St. Joe had a hand in it as well and was something that we did think about ahead of time and the intent was to only build what there was enough funding for and we felt that Four Oaks was all we could do at the time.

Mr. Nortelus asked what is the next major paving or major road that needs work? Is pretty much everything done?

Mr. Robertson stated as far as I know to the best of my knowledge without going back and looking through the files I believe we have overlaid everything they anticipate overlaying in the near future. I know there are a couple of roads, Ivy Green Trail being one of them that still need an overlay but I believe finishing up Four Oaks and Esplanade north of Blair Stone we are pretty much finished doing all the overlays.

Mr. Brooks stated we have a motion on the floor and have had discussion specific to the final payment.

On voice vote with all in favor the motion passed.

Mr. Robertson stated based on the question on how much more there is to pave, just to clarify I know that has been a topic of discussion on what has been overlaid and what hasn't, just so everyone understands in the past we used to do just one lift of asphalt when there was a lot of home construction and the purpose behind that was to let the home construction take place and not scar up the new asphalt. There were a few lingering projects out there where we hadn't put the second lift on. I believe all of the projects we have done in the last three years we immediately put the second lift on and I wanted to reiterate that I believe we have done that with everything else but I will go back and look and make sure there is nothing else remaining.

C. Property Management Report

1. All Pro Reports

Mr. Berlin stated the first thing you have as usual is the All Pro weekly reports.

2. Operations Memorandum

Mr. Berlin stated the second item you have is my dailies and monthly report.

3. Variance Report

Mr. Berlin stated the first thing we have is lake maintenance. Right now we are working on WD141 in the south end of Unit 10. Last week I made a payment to the city for the permit so we have a second pump in there and we are working on that and getting it ready for the city's inspection and we have been very successful and I don't see any reason why we won't get our operating permit.

We continue to work on the format for the reporting that the chairman asked for as far as the status of some of the infrastructure. We don't quite have that worked out yet. Between Norm and myself and the chairman we hope to have something in next month's agenda package for you to use and look at.

Security and accident reports we always like to see a zero here but unfortunately we had some graffiti along Biltmore just prior to the Christmas holiday. Fortunately the artist in question was height challenged so I was able to get it off the poles without any problems. They did paint up a sign that St. Joe has control over and we turned the sign around and St. Joe will have a new one put up. Right after Christmas we had some graffiti in Central Park, there is still some graffiti in Central Park, there is a flower on the bridge and we are going to pressure wash that next week. The weather has not been conducive to do that. We think we can take it off with pressure washing. I cleaned some obscenities off the bridge by the tot lot and we will pressure wash that and do some repainting. We have a little bit on the asphalt that we did not take up. It is typical art everyone has their own interpretation of what it looks like. We ordered some asphalt paint that is used to cover up striping and that should be in next week. It is still a little too cold to use that paint. You can't use a sealer on it. If you get calls from anyone we know it is there and we will take care of it.

Special events are listed usually as things that go on within the park on CDD property that require a permit. The Department of Corrections has contacted me for a March 5k and 1k

run that they want to hold in the park. I sent them the application and was hoping to have it back to allow the board to look at it and get an idea what they were asking for. I told them it would go on the February meeting for approval. I haven't gotten anything back from them yet.

Yesterday I got the POPS in the Park application and I have made copies for the board. We don't want to go over this tonight I am trying to give you a heads up because this is a pretty big event so take this information home and read through it. This is a first submittal, there is stuff in there that is missing, to be determined, and if you have any questions while you are going through it on the very last page is the symphony's contact, Laura is the person who handles this for them. They will be at next month's meeting to answer questions and hopefully we will firm up some more stuff that goes on. I ask the board to look at this application very closely, read through it so that you understand what they are asking for. I will attend their meetings representing the board so I can get an idea of where they are at. We still have the deposit that the board needs to see, certificates of insurance from the vendors and those usually come in late as we try to nail those down and a pretty good itinerary of what is going on. Hopefully, next month we will be able to go through this. That gives us an additional 60 days to go through a very big event.

Open items, I have done the lake water sampling, the results are back in and I'm waiting for our check and I will pick those up and I will have a report put together and you will have that in next month's agenda package.

We have further discussion on the community garden and all I want to say about this is hopefully next month we will have an open talk on this if the board is willing to do this. There was a brochure that was passed out and they are looking for a piece of property that the district has that they can use. We have narrowed down a spot off of Biltmore we will bring that up in February to talk it over. It has irrigation, the ability to have electrical service, both on street and on site parking, it is not perfectly level, it is on the eastern side of the job but there are sidewalks so people can walk there. I throw all this out at you and we will talk about it more next month. I think they will be here and be able to answer any concerns that you have. Nobody is planting anything right now.

Bridge post caps and wood replacement again we go back to the graffiti, I will have the numbers I had my office check them. All Pro has pressured washed before they have the equipment to get in there. The numbers are as good as we are going to get from anybody. We

do need the ability to have a water source and All Pro has it. We will wash the decks and by next month I should have at least two quotes plus a third one of us doing the work ourselves to replace the top rail. They have been up there ten years this September. We had an engineer look at them I looked at them visually structurally they appear very sound it is more cosmetic than anything else. The wood is warping, ten years is pretty good for being out in the sun. At the same time some of the graffiti got on the informational signage. We are going to see if it can be painted on some of the ones that the paint is on and we are going to try to take the signs apart and clean them and reseal them so we can get a little more life out of them. That should be a minimal cost.

Mr. Ramba stated I wanted to identify an asphalt failure that has been there a couple of years.

Mr. Berlin stated it is on Grove Park, it has been reported. Kim usually picks it up as she is watching the landscape crews and we call that in and get a reference number from the city and that is what you are going to start seeing. You will notice as you drive out Biltmore you will see a square that as of last night when I drove through where they cut out another one that is identical to what you are looking at where we did an irrigation repair and they have not repaired that one. They have come in and done the roadwork but have not put the asphalt down. Hopefully this spreadsheet that we put in there will give you an idea. When you see stuff like that please contact our office.

Mr. Ramba asked were we able to figure out who did the wheelies on Orange Avenue this weekend? They nailed the fire hydrant.

Mr. Berlin stated apparently a police report was filed. I do not have that. Looking at the January Piney-Z report they had a rash of vandalism over the holiday and their district oversees their pool facilities and everything. They had benches smashed, gates broken and they have about \$7,000 worth of fence repair that they have to do and they are talking about additional security. I know that doesn't affect us but this time of year that is what we are seeing. We are not alone on this type of thing although we are subject to a lot of tearing up of the grass that we saw this last year too.

Mr. Toothman asked the DOC doggie dash event are there going to be inmates in our neighborhood?

Mr. Berlin responded no I don't think this has anything to do with the inmates. I think they are trying to raise money for an animal shelter and this is strictly people that are involved in that. When they submit their application there will be the application of people they are asking to pay \$25 to enter the race and all those proceeds go to the animal shelter. They are trying to get local runners to run a 5k and make a donation. Whether they get anybody to show up or not remains to be seen.

Mr. Brooks stated thank you for all the hard work and all the staff for the reports and what you do for us during the month.

D. Manager

Mr. Perry stated the direct deposit system is set up so those of you who haven't given me a check just email it to me and I will get with you.

Mr. Toothman asked is there going to be a date that you are going to do this?

Mr. Perry responded I'm hoping we can do it along with this meeting if not it will be the next one.

The other thing I had was in connection with our audit the fieldwork is progressing we expect to have a draft report hopefully in March no later than April. Again, that is ahead of the statutory requirements but we try to get that in as quick as possible.

SEVENTH ORDER OF BUSINESS

Other Business

Mr. Brown stated I want to clarify on the CCNA I want to be sure on the timeline what the board wants to do and what I'm thinking we are going to do which is I'm prepared to go ahead and run an ad so that we get proposals back for the board at the February board meeting. Then they can be ranked and negotiations February and March and hopefully enter into a contract in March. I want to make sure we are on the same page.

Mr. Brooks stated I think that is what I had.

EIGHTH ORDER OF BUSINESS

Supervisor's Requests - Notification of Proposed Change No. 7

Mr. Brooks stated we do have one item that was submitted and Mr. Perry will discuss that.

Mr. Perry stated included in your agenda package is the notification of proposed NOPC change no. 7. That is in reference to a letter that was sent by the chair if you will recall the board has asked the chair to send a letter regarding an NOPC and delaying that and the letter from the mayor has the timeframes in it of the delay. The delay was also agreed to by St. Joe as I recall. In regards to that and discussions with the chair and maybe it wasn't clear at the last meeting I know that Mr. Toothman had volunteered to do some research into potential funding for additional roadways for the district that would eventually be turned over to the city. I think you can bring the board up to date on that but also in discussion with the chair was the concept that there probably needs to be a more formal participation by staff in this process to a certain extent. When I say that there are probably going to be a few meetings that will occur over the next couple of months in regards to this process. In discussion with the chair it really is a function, at least from my perspective, of the District engineer. We have staff that is somewhat knowledgeable on the roads but we are not engineers by any means. It might be appropriate that the board consider having the current district engineer attend those meetings to brief the board and make sure that the interests of the district is being considered. That is what I bring to the board for consideration.

Mr. Brooks stated I think we can do that right now for direction from the board to do that. While Wayne has volunteered to help shepherd this issue through for us there is a lot of staff that are helping other entities that have a stake in this that are the engineers and are knowledgeable about that type of stuff not that you are not, Wayne, but I think it would be good if you had some assistance.

Mr. Toothman stated that is a good point because I was going to ask for help.

Mr. Brooks stated if we can follow Mr. Perry's suggestion to me which is to have our district engineer kind of shepherd this for the CDD's interests if Wayne and the district engineer have questions that they can't resolve at least now staff can start communicating and it also allows us to talk to staff individually if we have questions, meaning other supervisors because we are prohibited by the sunshine law for me to pick up the phone and talk to Wayne and ask about the meeting. By having staff participate that does give us a conduit where we can talk without having to wait for these monthly meetings. It is an infrastructure issue for the district so I think it is important for us to be at the table.

Mr. Perry stated the one other point and I don't want to say it is a stopgap measure but we anticipate this is just for a couple of months and if this takes on a life of its own we would ask the engineer to provide us an estimate for a scope of work and pricing etc. so the district would know what we are getting into as far as budgeting purposes and so forth.

Mr. Ramba asked Mr. Robertson, do you work for St. Joe?

Mr. Robertson stated we have done work in the past for St. Joe we have a contract with St. Joe.

Mr. Ramba asked is there a contract with St. Joe now?

Mr. Robertson responded I think we may have. We have no active ones that I know of. There are some that are open but inactive. I can double check on that.

Mr. Brooks stated I think the point you are making is valid and I have had discussions with our district engineer. I am sensitive to the fact that the CDD needs to protect its interests and St. Joe is protecting their interests. I want to make sure we have the right people at the table.

Mr. Ramba stated we want to work together with St. Joe and do everything right but we may have to fight with St. Joe and I just want to make sure that nobody is put in a difficult position. It is easy when we are all getting along when your company works for both but I don't want your boss coming in and saying back off a little bit. It is something I wanted everybody to be aware of. Let's make sure that we don't put anybody in a bad position.

Mr. Brooks stated professional standards hopefully dictate something on that as well.

Ms. Bibler stated Mr. Ramba asked my question. I was concerned about a conflict of interest since they have done work for St. Joe in the past and I'm sure will continue to do work for St. Joe.

Mr. Brooks stated I want to clarify that too. That is a concern and I have talked to our manager about that even today I spoke to him about the whole issue a conflict of interest with the developer and what the CDD's interests are. I have had a dialog directly with Norm whether Post Buckley is who we end up choosing to stay with in a couple of months but we have to be careful it's that transition and we really are fully transitioned now that all the supervisors are elected not developer appointed. We need to be very cognizant of the fact that we need to look out for our interests.

Mr. Toothman stated Norm is an engineer who may not have built roads. What is before the city is legal concepts and I'm thinking we might be better served going with our legal professionals versus an engineering professional.

Mr. Brooks stated I understand what you are saying but I think what Jim is saying is if this starts to develop further because I see this for the interests of our community is the further building of those roads in total. If we need to involve Mr. Brown he is welcome to be involved.

Mr. Toothman stated I'm just saying for somebody to take what happens at a meeting and filter it back to us. These are legal principles and legal rights that St. Joe is going after and they are not so much how they are going to build the road that is pretty standard.

Mr. Brown stated I think there are really two issues. One is from an engineering perspective identifying what the traffic problems are and what the solutions might be. There are a couple things here. One, what is the problem, what is the possible traffic engineering solution and then two, from a district perspective how do we get that done, where is the financing and funds going to come from for the district which I think Wayne brought up at the last meeting with respect to potentially being able to use the proportionate fair share payments which is a separate issue from engineering issues of what is the engineering solution for the problem.

Mr. Brooks stated I think we have a point lead on this whole issue but my point is I think we need to be involved to protect our interests so whomever you need to use.

Mr. Ramba stated I would make a motion that Mr. Toothman be allowed to work with our district manager to make sure whatever attorney he needs that we already have on retainer that you use them because we basically have a month and a half of this going on and we don't need to be shooting around whether or not we spent \$50 on somebody to attend a half hour meeting when it is important that we get the right information to the right people.

Mr. Brooks stated I think direction is adequate. I think you heard where we are trying to go as our manager. As the director of our staff team let's coordinate and make sure we are all on the page with this whole project.

Mr. Perry stated yes.

Mr. Toothman stated basically this is a map from the PUD and this is the road network that allows vehicles to migrate through and a network that we would migrate out. That is the road network for our development. They had this notion of concurrency where basically there would be no impact to the City of Tallahassee. The city has basically stated to me that the

prorata share contribution has to be applied to this memorandum of agreement between the city, Leon County and the DOT but as I read the statutes it looks to me like they take this memorandum of agreement, they get their authority from the ability to basically apply this to any development within the city and the statute calls out and says it doesn't apply to DRI's because DRI's have their own special subsection within the concurrency management statutes. My belief is that basically we are being impacted by the prorata share because there is an impact they are saying you have to mitigate your impact. The way to mitigate it is you pay into a bank and in lieu of the city going out there and mitigating the impact they are taking the money and going to the hinterlands and applying the money. They are not fixing the problem for us. It is almost a tax if you want to look at it that way. What I would like to do and I spoke with Joe and he said if we can approve not to exceed \$1,800 to have experts in their firm that can specifically look at this memorandum of agreement between DOT, the city and Leon County and get the specifics of the NOPC 7 and the statutes and see if it is legal because the city is telling me that we can't do it but that is city staff people and they are basically throwing their attorney under the bus. I would like to have our attorneys look at it and find out who is being truthful and then maybe even meet with the city's attorneys and question where they are at with this.

Mr. Brooks asked so you want an appropriation from the board or authorization for \$1,800 to help you with the legal question surrounding the PUD.

Mr. Toothman responded right.

Mr. Nortelus asked how is Grove Park considered a minor collector?

Ms. Bibler responded because it was 2000 when they did the application. They were just getting started in that area.

Mr. Toothman stated this is the plan for our neighborhood. I have met with city growth management staff and they threw their attorney under a bus and said the attorney told us we couldn't do it. I would like to take the next step get our attorneys up to speed on it and then meet with the city attorneys and feel where they are at and find out if it is truthful or not or just their opinion. Are they making a political decision or are they making legal decisions?

Mr. Brooks asked is there enough budget to support what Wayne is proposing?

Mr. Perry responded yes, at that level. We had talked that the effort over the next couple of months would probably be a not to exceed \$5,000 or \$6,000. We have room in the budget for something like that. If we move forward with this and as I said earlier if it looks like we have

another avenue to go down and the scope of work is going to be bigger then we would ask legal counsel and the engineer to bring those proposals to the board.

Mr. Brooks asked are you suggesting maybe that we go with a threshold of \$5,000 or \$6,000 right now total?

Mr. Perry stated yes.

Mr. Toothman stated that sounds great to me.

Mr. Brown stated just to clarify for the board I won't go out and do this work, I am not a concurrency expert but we have other attorneys in the firm who are so they will take their expertise and figure it out and you won't have to pay for my time trying to get myself up to speed as an expert.

Mr. Brooks stated from a staff perspective it is coordinating through Norm.

Mr. Toothman stated I would like to show you a map that Carolyn has put together and the roads that are in yellow is kind of what her group believes is a cure to the whole problem. If we can get these roads in yellow constructed then we would be in better shape than we are now. Just to inform you on where they are going and where I'm going is I'm trying to figure out a way to take that prorata share money and actually apply it to building the roads in yellow right away and as an incentive for St. Joe to jump in there and build that then they would have a big savings. Ultimately this plan design will have to be done. The DRC meeting is January 24th, the planning commission public hearing will be February 1st, the city commission public hearing will be February 23rd. Is there a way that we can publicize that on our website?

Mr. Perry asked which dates would you like?

Mr. Toothman responded all three of those. That way if they have an issue they can present their issue to the city. The January 24th meeting is the DRC and there is no public comment. The public can attend it and you can do written comment I believe but you cannot actually go there to speak. February 1st is the planning commission that is a public hearing and you can have your comments. The city commission is February 23rd and that is another opportunity to voice their opinions if they would like.

Mr. Perry stated if you could get with me afterwards and provide the meeting locations and everything I want to make sure we have it correct.

Mr. Brooks stated thank you, Wayne, for following through on this project for us.

NINTH ORDER OF BUSINESS

Audience Comments

There not being any, the next item followed.

TENTH ORDER OF BUSINESS

**Next Scheduled Meeting – February 10, 2011
at 6:30 p.m. at SouthWood Community
Center**

Mr. Brooks stated our next scheduled meeting is February 10, 2011 at 6:30 p.m. at the SouthWood Community Center. We have a 6:15 p.m. committee meeting at the same location.

On MOTION by Mr. Nortelus seconded by Mr. Toothman with all in favor the meeting adjourned at 7:32 p.m.



Secretary Assistant Secretary



Chairman/Vice Chairman