

MINUTES

PORT LABELLE COMMUNITY DEVELOPMENT DISTRICT

BOARD OF SUPERVISORS' MEETING

January 28, 2016

A meeting of the Board of Supervisors of the Port LaBelle Community Development District was called to order at 5:38 p.m. on Thursday, January 28, 2016 by the Vice Chair, Jeff Perry, who verified that a quorum was present and that the meeting had been legally advertised.

Those present at the meeting were:

Jeff Perry – Vice Chair & Board Member
Mike Jordan – Treasurer & Board Member
David Capitanio – Board Member
Nancy Imhoff – Assistant Secretary & Board Member
Judi Kennington-Korf – General Manager
Andy Higginbotham – Accountant for the District
Tommy Perry - District Engineer
Robert Pritt – Attorney for the District
Jeff Daniels – Field Superintendent
Lupe Taylor – District Secretary

Jason Martinez – Chair & Board Member – Excused Absent

Mr. Pritt led with prayer followed by the Pledge of Allegiance.

Consent Agenda: Verification of proper meeting notice; Verification of a quorum; Approval of meeting minutes November 19, 2015

Upon motion duly made by Supervisor Jordan, seconded by Supervisor Imhoff and unanimously carried, it was

RESOLVED AND APPROVED the Consent Agenda was adopted as presented.

Ms. Kennington-Korf advised the Board after advertising Bid 2015-2016 Overlay Paving Project and following proper procedures, seal bids were opened on Tuesday January 26, 2016. Present for the Bid opening Mr. Scott Jones, Johnson-Prewitt & Associates Office, Ms. Taylor, and Mr. Jeff Daniels. District Engineer Tommy Perry addressed the bid results.

Mr. Tommy Perry advised all procedures were followed and the bid was opened at the appropriate time and read in front of the contractors. Five bids were received. Weekley Asphalt was the low base bid at \$81,598.20. The bid offered alternates A-F providing the flexibility to add other road improvement options within the scope of work. Given Alternatives A-F, Weekley Asphalt remained the low bidder. The base bid included South Montana, June Circle, June Court, and Bon Court (map attached with report also included Alternates A-F). District Engineer

Perry recommended the contract be awarded to Weekley Asphalt. He further suggested the Board consider the Alternates based upon the availability of funds. The cost to award the base bid and Alternates A-F is \$286,417.80.

A discussion ensued as to the application of asphalt within the County ROW. Mr. Tommy Perry advised the District historically paved to the edge of asphalt thereby encroaching into the Hendry County ROW.

Recently, a question arose as to the entity responsible for providing maintenance within the County right-of-way abutting a District road. Ms. Kennington-Korf advised the County is the owner of the right-of-way abutting a County road and is therefore responsible for the road maintenance within their right-of-way. Staff is working with the County to better define their responsibility with respect to maintenance within their right-of-way. There are nine connections (aprons) to a county road with an estimated cost of \$4,200.

Supervisor Jordan inquired into the number of miles that would be added to the base bid as a result of applying the asphalt within the apron of the County ROW. Mr. Perry estimated .9 miles would be added to the base bid. The total area being overlayed includes: Detroit Drive, .8 miles, East Briarwood Circle .2, Dellwood Circle .5, Windswept Circle .4, East Grove Court .1 and Buttercup Circle .4 for a total in excess of 3.3 miles.

Supervisor Jordan inquired as to the huge difference in pricing for overlay paving in Lee County versus Hendry County. Mr. Perry speculating the major difference in the cost of the project could be due to the thickness of the asphalt being applied and striping; striping was not included in the bid.

Ms. Kennington-Korf clarified the aprons are within the County rights-of-way and would therefore be their responsibility and sought clarification on whether the Board wanted to include the aprons. She expressed concern over the liability associated with applying the material without authorization from the County. Mr. Perry advised marking and striping was not included in the bid as it would add cost and thought it could be done outside the bid at a lower cost; additionally, he advised the District would have more control over the scope of work. Mr. Daniels inquired as to whether this was something that could be done in house. Mr. Perry advised the application of striping and marking could be done at a lower cost by District staff.

Supervisor Capitanio reminded the Board of Mr. Daniels prior cautionary statement that some of the roads are disintegrating very badly. He questioned whether this bid included removing the road base material and overlaying with a new base. Mr. Tommy Perry and Mr. Jeff Daniels rode all of the roads and concluded the road base does not need to be replaced. The District bidder will use a type of asphalt that should fill and level the cracks.

Supervisor Jordan cited concern in 3 to 4 years we may have pieces of the road coming up. He wanted to know how to avoid this from happening. Mr. Tommy Perry stated the key is the asphalt being at the right temperature when the overlay is being applied along with the right type of asphalt which is a DOT approved mix.

Mr. Perry suggested tabling the Bid until Attorney Pritt could review the subject information in the bid document. At this time, the Board tabled the subject until Attorney Pritt could review the bid.

The Board opened the public hearing for Resolution 2016-1, repurposing the Capital Funds account. Ms. Kennington-Korf advised the Board of the two District Funds: the General Fund and the Multi-Capital Fund. The purpose of the public hearing is to discuss the capital fund. Attorney Pritt addressed Resolution 2016-1 emphasizing changing the purposes for which previously collected proceeds of Special Assessment Resolution 83-2 may be used; designating uses for which proceeds may be used; providing for objections to change in purpose and deadline; providing for a hearing in order to determine objections and request equalization; providing for public notice; and providing an effective date. Mr. Pritt advised Resolution 2016-1 has been drafted, published, and the public has been invited to attend and participate in this meeting. After some discussion, the Board determined a second hearing would only be necessary if the General Manager received substantive written comments following a 20-day comment period. The General Manager was directed to advertise the 20-day comment period and to bring to the Board any such comments that would necessitate the need for a second public hearing.

Upon motion duly made by Supervisor Capitanio, seconded by Supervisor Imhoff and unanimously carried, it was

RESOLVED and APPROVED Resolution 2016-01 be accepted as amended striking "G" and adding the removal of a second public hearing in "F" and the addition of a 20-day written objection period.

Bid 2015-16 Overlay Paving Project was taken off the table and addressed. The Board was advised they could now discuss how to use the capital funds if there were no material objections.

Vice Chairman Perry inquired if anyone from the audience had a concern whether the Board should consider the whole project including the base bid and Alternatives A- F.

Mr. Higginbotham expressed concern about moving forward with the whole project and suggested the Board aggressively budget in the General Fund to match the capital funds. He advised he would like for the road improvement funding to be addressed during the upcoming budget workshop or public hearings.

Ms. Kennington-Korf reflected upon the \$50,000 in the General Fund budget and commented the Board may consider contributing a road improvement allocation every year. It was further discussed the Board had flexibility of using the Capital PS account which has in excess of \$83,000 in addition to CD's. She recommended using the funds contained in the PS account along with the \$50,000 appropriated in the General Fund. She advised the Board of a misconception this money is sitting in the bank for Public Safety use. Recently, Ms. Kennington-Korf and Mr. Jeff Daniels met with a local Fire Chief; he was advised there was money sitting in an account waiting for their use; there was also discussion about others in public safety seeking the funding.

Supervisor Capitanio advised the Board if the funding was available, it should be used in order to get the project done. He further stated that it doesn't mean all the money should be spent at once but the District has the money for the project.

Supervisor Imhoff inquired as to how much of the project can or will be accomplished. She was in agreement with Supervisor Capitanio to move ahead with this project.

Ms. Kennington-Korf summarized if the Board was to undertake the entire project of \$286,417.80, \$50,000 could be taken from the General Fund, \$83,242.61 from the PS capital account which would leave a balance of \$153,175.19; there exists a \$299,999 CD that will soon mature. The Board could take \$153,175.19 from the CD leaving a balance in the CD of \$75,824.81 that could generate a new CD.

Supervisor Imhoff inquired as to whether equipment was needed at this time?

Ms. Kennington-Korf advised Mr. Daniels needs a new truck. His truck keeps stalling and needs to be replaced.

Upon motion duly made by Supervisor Capitanio, seconded by Supervisor Imhoff and unanimously carried, it was

RESOLVED and APPROVED that after the 20-day comment period if no written objections were received, the Board authorized the General Manager to award the Base Bid with all alternatives for the sum of: \$286,417.80 to Weekley Asphalt. Be it further approved to use \$50,000 from the designated funds in the General Fund along with the \$83,242.61 or the balance of the PS account and a portion of the \$229,000 CD maturing February 6, 2016 to equal the amount of the bid with the proceeds of the CD going back into a CD.

Ms. Kennington-Korf addressed the vacant District office. In December of 2014 Hill International vacated the building terminating their lease agreement with the District. She stressed the need to move forward with leasing the building. A number of options for leasing the building have been employed unsuccessfully ranging from attempting to lease the facility without involving a realtor. After months of advertising locally in the paper, posting signs, and the web, no interest was expressed in leasing the facility. The Board directed staff to work with Sherri Denning. Ms. Denning rendered an opinion to lease or sell the facility, whichever option comes first. Ms. Denning noted there are differences between a long- and short-term lease. If entering into a short term lease, the building is in need of several significant repairs and improvements; if a long term lease, the Board could impose upon the leasee to participate in a cost sharing arrangement. Ms. Kennington-Korf requested the Board provide direction as to the disposition of the District office building.

Supervisor Imhoff stressed the importance of addressing the building deficiencies if the facility is to be leased. Mr. Daniels advised the repairs need to be made however, he cautioned making the repairs until such time a lease is executed. He further explained the building is 28 years old and it needs to be used. The Board advised Ms. Kennington-Korf to communicate with Ms. Denning and before considering selling the property to seek a long term lease through December 31, 2016. Thereafter, the Board will reconsider their options.

Ms. Kennington-Korf presented a financial report on the Districts CD's and MM accounts. . During the November 12th Board meeting, the Board authorized Supervisor Jordan and staff to review the financials and recommend the best course of action. Because the CD's were not near maturation, the Board requested staff to structure a 5-year CD schedule that will best represent the Districts' interests. Ms. Kennington-Korf introduced Ms. Lupe Taylor as the District Staff Assistant. She hired Martha Ratliff, an individual with legal and title work experience, for a short term so as not to interfere or delay the annual audit. Andy Higginbotham was recognized for his significant contribution to the audit. Also of significant importance, the GASB 68 has not been published.

The Board authorized signatory authority for Ms. Taylor to perform services (and where necessary signatory authority) for District business including but not limited to financial institutions (checks and credit card), an alternate to the Insurance Boards (P&C and health), and other service as directed by the Board of Supervisors or General Manager.

Mr. Pritt recommended an elected official serve in the capacity of District Secretary and staff as Recording Secretary. During the previous meeting, the Board appointed Supervisor Imhoff to serve as the Assistant Secretary. The Board reversed their action and appointed Supervisor Imhoff to the office of District Secretary.

Upon motion duly made by Supervisor Jordan, seconded by Supervisor Capitanio and unanimously carried, it was

RESOLVED and APPROVED to reverse the appointment of Supervisor Imhoff as Recording Assistant Secretary.

Upon motion duly made by Supervisor Jordan, seconded by Supervisor Capitanio and unanimously carried, it was

RESOLVED and APPROVED to appoint Supervisor Imhoff as District Secretary.

Upon motion duly made by Supervisor Imhoff, seconded by Supervisor Capitanio and unanimously carried, it was

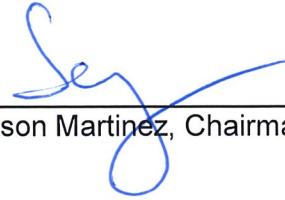
RESOLVED and APPROVED Ms. Taylor be granted signatory authority to perform services for District business including but not limited to financial institutions (checks and credit card) and to serve as an alternate on the Insurance Boards.

Ms. Kennington-Korf reminded the Board of their quarterly schedule, with the next Board meeting April 28th, and thereafter, July 28th, which will also serve as the Proposed Budget Public Hearing.

Mr. Perry, District Engineer, reported on the status of State Road 80. The FDOT finalized the acquisition of the right a way for the remainder of the two-lane road. State funds are in place for paving the remainder of the four-lanes. He also advised the District is working with Hendry County to replace culverts under County roads.

Mr. Daniels, Field Supervisor, reported on the status of the annual tree trimming and routine maintenance schedule. Additionally, he updated the Board on the status of the surplus tractor: is off of Gov Deal because there were no bids. There is an upcoming auction at the Lee Civic Center and interest has been expressed. If it does not sale at the auction, staff will continue to explore other options for disposition. As noted for the record, the Board has already given permission to dispose of the tractor in the most efficient way.

There being no further business to come before the Board, the meeting was adjourned at 8:50 p.m.



Jason Martinez, Chairman

ATTEST:



Lupe Taylor, Recording Secretary

