

**PINEY-Z
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Piney-Z Community Development District was held Monday, November 26, 2018 at 6:00 p.m. at the Piney-Z Plantation Lodge, 950 Piney-Z Plantation Road, Tallahassee, Florida.

Present and constituting a quorum were:

Gerry Cashin	Chairperson
Ann Pincus	Assistant Secretary
Art Kirby	Assistant Secretary
Philip Wilcox	Supervisor

Also present were:

Bob Nanni	District Manager / Secretary
M. Christopher Lyon	District Legal Counsel
Melinda Parker	CDD Manager
Rick Evans	Buildings & Grounds Manager
Residents	

The following is a summary of the discussions and actions taken at the November 26, 2018 Piney-Z Community Development District's Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Roll Call

Ms. Cashin called the meeting to order at 6:00 p.m., and Mr. Nanni called the roll.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

FOURTH ORDER OF BUSINESS

Organizational Matters

A. Oath of Office of Newly Elected Supervisors

- Mr. Nanni, being a Notary Public of the State of Florida, administered the oath of office to Ms. Pincus and Mr. Wilcox; copies of the signed oaths are attached hereto and made a part of the public record.
- They both chose to be paid for meetings.

B. Election of Officers -Resolution 2019-1

- Election of Officers tabled to January meeting.

THIRD ORDER OF BUSINESS**Audience Comments & Supervisor Response(s)**

There being none, the next item followed.

FIFTH ORDER OF BUSINESS**Approval of Minutes of the September 17, 2018 Meeting**

On MOTION by Ms. Pincus seconded by Mr. Kirby the September 17, 2018 meeting minutes were approved, with votes as follows:

Ann Pincus – Aye

Philip Wilcox -Aye

Art Kirby -Aye

Gerry Cashin - Aye

SIXTH ORDER OF BUSINESS**Acceptance of the September and October, 2018 Financial Statements and Approval of the Check Registers and Invoices**

- Statement by Chair Gerry Cashin: “At our meeting in September a series of comments was made regarding the ongoing **increase** in the cost of running this district. Those comments were highly inaccurate, unfair to this board and **grossly** unfair to our staff. I want to share the **facts**, to set the record straight. I ask that my statement be printed in the record.”
 - At 9-30-15 our cash on hand was \$153,499.
 - At 9-30-18 that number more than doubled, to \$307,567.
 - There were **no** assessment increases during this period.
 - Nonetheless, we have just completed our third year in a row of **decreasing** operating expenditures which, at the end of fiscal 2018, were **lower** than they have been since at least 2011. (Remember, the cost of pool renovation was covered by “reserves,” and is included in the **operating** expenses in the financial statement merely to conform to State accounting procedures.)
 - In addition to this significant cash increase (\$154,068) we also completed deferred maintenance projects at a cost in excess of \$148,240 (attached).

- Had we elected to continue kicking the can down the road, pretending that the amenities would care for themselves, our cash on hand after three years under current management could have **increased** by more than **\$302,308**, a truth which is the total opposite of the impression purposely created in this room two months ago.
- Ms. Cashin continued, I am disappointed that misinformation about the running of this Board and these amenities was conveyed not only in this room, but in writing throughout the community. It scared people. We are still working to lessen expenditures, and we reduced our contract with Inframark by cutting the number of meetings and by assuming much of the work they used to do.

On MOTION by Mr. Kirby seconded by Ms. Pincus to approve financial statements for September and October, check registers and invoices, with all votes as follows:

Ann Pincus – Aye

Philip Wilcox -Aye

Art Kirby -Aye

Gerry Cashin - Aye

SEVENTH ORDER OF BUSINESS

CDD Manager's Report

- Ms. Parker reported:
 - Pool season ended 5 days early due to Hurricane Michael.
 - The total number of sign-ins for the year was 7,093, which was up from the previous year's total of 4,884.
 - There were 1,433 waivers submitted of which 103 (7.81%) were defective in some manner.
 - If the weather permits, we intend to do asphalt the first two weeks of January.
 - A resident intending to participate in the January 13th swim in Tampa Bay sponsored by the Navy Seal Foundation, would like to use the pool to train approximately 4 or 5 times when Mr. Evans is working at the pool. He will have a wetsuit. He has been asked to provide his own chlorine as the

water will be too cold to break down the chlorine sticks the District uses and he has agreed to do so, and he will sign a waiver.

- Mr. Kirby inquired if Mr. Evans has any objections?
- Mr. Evans noted he does not. He has explained to the gentleman that he does not attend to the pool in the closed winter season as he does during normal operation.
- Mr. Wilcox inquired if the gentleman is a resident?
- Mr. Evans noted he is.
- Discussion followed on utilizing city pools.

On MOTION by Ms. Pincus seconded by Mr. Kirby, to allow the swim request by the resident was approved, with votes as follows:

Ann Pincus – Aye

Philip Wilcox - Aye

Art Kirby - Aye

Gerry Cashin - Aye

EIGHTH ORDER OF BUSINESS

District Manager's Report

A. Consideration of Resolution 2019-2-Amending the Budget for FY 2018

- Mr. Nanni outlined Resolution 2019-2 regarding the budget amendment for the reserve account for the pool renovation, noting it is to satisfy the auditors.

Mr. Kirby MOVED to adopt Resolution 2019-2 amending the budget for fiscal year 2018 and Ms. Pincus seconded the motion.

- Ms. Parker inquired if the resolution would need to be renumbered due to the date issue, with Resolution 2019-1 being done in January?
 - Mr. Nanni noted he would leave it to Ms. Slaughter.

On VOICE vote the motion was approved, with votes as follows:

Ann Pincus – Aye

Philip Wilcox - Aye

Art Kirby - Aye

Gerry Cashin - Aye

B. Consideration of Motion Assigning Fund Balance

- Mr. Nanni outlined the motion assigning Fund Balance.

On MOTION by Ms. Pincus seconded by Mr. Kirby the assigning Fund Balance was approved, with votes as follows:

Ann Pincus – Aye

Philip Wilcox - Aye

Art Kirby - Aye

Gerry Cashin - Aye

NINTH ORDER OF BUSINESS**District Attorney's Report**

- Mr. Lyon noted he has nothing to report.
- Ms. Cashin inquired if two Board members can discuss procedural matters with regard to the Sunshine Law.
 - Mr. Lyon noted he thinks a procedural matter would fall within the Sunshine Law and probably should be done in a public meeting.
- Mr. Kirby inquired if time and timing is of the essence, and it has to deal with process of the actual meeting, ie. they are not taking a vote on the Chairman's agenda rather than the order in which an agenda item appears. This has been his point.
 - Mr. Lyon noted Florida has the broadest Sunshine law is the in the entire country. Unless there is an express statement that something is not covered by the law, then it is covered.
 - If it can be construed as something that should be done in public, then they should do that. If it has anything to do with the CDD and the running of this Board, do it in a public meeting not in private to avoid conflict.
- Discussion continued on process / procedural ruling referencing a 2011 court case - Milton. Mr. Lyon noted the Legislature is a different animal and is not covered by Sunshine Law.
- Discussion followed on the submittal of agenda items with Mr. Nanni noting they should be submitted to the Recording Secretary, who composes the draft agenda for submission to the Chair and District Manager, for review.

TENTH ORDER OF BUSINESS**Old Business****A. Ratification of Asphalt Contract with Jack Kelly Services**

- Ms. Cashin reported it is signed, sealed and delivered.

Ms. Pincus MOVED ratification of the Jack Kelly Services Asphalt contract in the amount of \$44,695 and Mr. Kirby seconded the motion.
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- Mr. Wilcox addressed the contract being dated November 13th and signed. Is it a legally binding contracted at this point? If so, it seems the vote is coming late.
 - Ms. Cashin noted it was approved at the last meeting.
 - Mr. Lyon noted the terms of the proposal were agreed upon at the last meeting and approved by the Board. This was essentially reducing the proposal to a contract.

On VOICE vote the motion was approved, with votes as follows: Ann Pincus – Aye Philip Wilcox - Aye Art Kirby - Aye Gerry Cashin - Aye

B. Update of Remediation of Website for ADA Compliance (Kirby)

- Mr. Kirby noted the intention was turn it over to Ms. Abby Dunn, who has done all the heavy lifting, she sent a text message noting she would be coming, but arriving late.
- Mr. Kirby noted the State was able to provide no assistance. Ms. Dunn reached out to a gentleman, Mr. Josh Ellis, to who she described the issues we are having. In addition, we wanted to be certain if we needed to use an outside vendor that it was a local vendor. Mr. Ellis, who is a State employee, has his own business and has done ADA compliance is familiar with ADA tools that can access the website.
- The analysis report:
 - The website is currently 2/3 compliant

- 5.59% is considered to be a failure
- 1.61% is in a warning area
- There are three primary stages: Stage One: fix what they know to include some information that is not needed.
 - It was discovered not all PDF files convert into ADA compliant format and the hope is to resolve this issue through new computer tools.
- Stage Two: Is to try to break it.
- Stage Three: Train Ms. Parker and Mr. Evans
- Mr. Kirby noted they have a proposal on the scope of work.
- Ms. Parker reported:
 - The original cost to remediate the site by the South Florida firm was \$3,900, but the current gentleman performing the work is asking \$490.
 - Board discussed paying a higher amount, with the proposal being up to \$2,000 for the contract and scope of work.

Mr. Kirby MOVED to accept the proposal for website ADA compliance services with Joshua Ellis not to exceed \$2,000 and Ms. Pincus seconded the motion.
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- Ms. Parker noted there was a handout provided listing everything on the website and what is coming off the website.
- Mr. Lyon inquired about the Code of Ethics being deleted.
 - Ms. Parker noted she was provided a list of what is required.
 - Mr. Nanni noted it is the latest review for Chapter 189.
 - Mr. Lyon noted he is certain it is still required to be on the website. He does not believe the District has adopted a Code of Ethics and when you have not it says you should provide a link to general applicable ethic provisions with one option being to link to Florida Ethics Law ethics pages.
 - Ms. Parker noted they have the link.

- Mr. Kirby noted there are three tiers of ADA compliance - Level 1, Level 2, and Level 3.
 - The State only maintains a Level 2 compliance.
 - The proposal is for a Level 2 compliance.
 - Mr. Lyon noted the Florida Special District Information Program, Department of Economic Opportunity, has listed nine things as examples of compliant websites. If they could get all nine that would be great to show their effort in complying with the regulations.
- Ms. Abby Dunn reported on the differences in ADA compliance levels:
 - Level A, Level AA, Level AAA.
 - Level A and Level AA are industry standard.
 - Level AAA are best practices in an ideal world.
- Mr. Lyon inquired if there is a deadline for the work to be done? He did not see one in the proposal.
 - Mr. Kirby noted he thought they had discussed tentatively by the January meeting.
 - Ms. Dunn suggested doing the provided scope by the January 28th meeting and testing, proving and training to be completed by the March 25th meeting.
 - Mr. Lyon requested the three phases with deadlines for the contract.
- The Board thanked Ms. Dunn for everything she has done.

On VOICE vote the motion was approved, with votes as follows:

Ann Pincus – Aye

Philip Wilcox - Aye

Art Kirby - Aye

Gerry Cashin - Aye

C. Update on Motion Approving Staff Bonuses

- Mr. Lyon addressed staff bonuses and reported a law change noting according to Chapter 215, local governments can give employee bonuses if there has been a written policy, ordinance, or rule to implement the bonus scheme. There are four criteria that must be met: (1) it must be based on work performance; (2) describe

- standards in evaluation by which the bonus will be rewarded; (3) notify all employees of the policy; and (4) consider all employees for the bonus. He suggested adopting the policy tonight.
- Ms. Cashin noted her disappointment that this was not addressed with the Board after the law was changed in 2011. Discussion continued on Chapter 215.
 - Mr. Lyon outlined the policy drafted noting the Board should choose an evaluation period.
 - Mr. Nanni noted using FY 2019 funds the Board can take action to vote on it and, because it is not a FY 2019 line item, it will come from unassigned cash. At the end of FY 2019 they will ask for a budget amendment.

On MOTION by Mr. Kirby seconded by Mr. Wilcox, the Piney-Z Community Development District Employee Bonus Program was adopted, with votes as follows:
Ann Pincus – Aye
Philip Wilcox - Aye
Art Kirby - Aye
Gerry Cashin - Aye

- Ms. Cashin noted the Board is happy to do this and it is long overdue, but they have to follow the law.

On MOTION by Mr. Kirby seconded by Ms. Pincus, to consider bonuses for Ms. Parker and Mr. Evans at the January 28, 2019 meeting was approved, with votes as follows:
Ann Pincus – Aye
Philip Wilcox - Aye
Art Kirby - Aye
Gerry Cashin - Aye

- Mr. Kirby addressed the pool project under the guidance of Ms. Parker and Mr. Evans.

- Mr. Kirby addressed the Toys for Tots noting there is a third box of toys that will be picked up tomorrow morning. The closing date for them is December 12th and they are hoping to have a fourth box.

ELEVENTH ORDER OF BUSINESS

Supervisor Requests

There being none, the next item followed.

TWELFTH ORDER OF BUSINESS

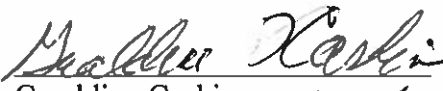
Adjournment

There being no further business,

On MOTION by Ms. Pincus seconded by Mr. Wilcox, with all in favor, the meeting was adjourned.



Bob Nanni
Secretary



Geraldine Cashin
Chair 1/28/19