

MINUTES OF MEETING  
AMELIA CONCOURSE COMMUNITY DEVELOPMENT DISTRICT

A regular meeting of the Board of Supervisors of the Amelia Concourse Community Development District was held Tuesday, May 19, 2020 at 11:00 a.m. at the Amelia Concourse Amenity Center, 85200 Amaryllis Court, Fernandina Beach, Florida 32034 with additional participation through Zoom communications media technology pursuant to Executive Orders 20-52, 20-69 and 20-123 issued by Governor DeSantis pursuant to Section 120.54(5)(b)2., Florida Statutes.

Present and constituting a quorum were:

Harvey Greenberg	Chairman
Bill Toohey	Vice Chairman
Ellen Cator	Supervisor (via Zoom)
Ellis Lancaster	Supervisor (via Zoom)

Also present were:

Daniel Laughlin	District Manager
Jason Walters	District Counsel (via Zoom)
Dan McCranie	District Engineer (via Zoom)
Tony Shiver	First Coast CMS
Dan Walker	First Coast CMS

The following is a summary of the discussions and actions taken at the May 19, 2020 meeting. An audio copy of the proceedings can be obtained by contacting the District Manager.

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Laughlin called the meeting to order at 11:00 a.m.

**SECOND ORDER OF BUSINESS**

**Audience Comments**

There being no comments, the next item followed.

**THIRD ORDER OF BUSINESS**

**Staff Reports (1)**

A. District Engineer – Consideration of Requisition Nos. 24-28

Mr. McCranie gave an overview of requisition numbers 24-28, copies of which were included in the agenda package.

On MOTION by Mr. Ellis seconded by Mr. Greenberg with all in favor requisition numbers 24-28 were approved.

Mr. McCranie stated, "It appears that construction is nearly 100% done. We're working on final paperwork to get the final platting done. I drove through the subdivision this weekend and everything looks good. I assume home building will begin as soon as they get it platted."

Mr. Greenberg stated, "We've had a couple of issues with accidents and I know that initially you had indicated that the plans called for a pass-through of the center median in phase three. We need at this point to aggressively go forward and try to get the County to pay attention to this and do something about it because the accidents are only going to get worse. All of the construction and residential traffic that's going to be coming out of phase three are making turns by Daisy. There are no provisions for making turns such as a stoplight or stop sign, so they just pull into the beginning of Daisy Court and make the turns. How do we go about doing this?"

Mr. McCranie responded, "I'm not certain what the CDD can do about turning illegally on the County road even though it's in front of you. I don't know if it's a CDD issue if it's all off CDD property."

Mr. Greenberg stated, "In order to make this illegal U-turn they're pulling into the beginning of Daisy Court, so they are pulling on to our property."

Mr. McCranie stated, "Even that right turn lane is part of the Amelia Concourse right-of-way so unless they're coming into our entrance, coming around and then leaving our entrance, as soon as you get to the sidewalk you are now on County property. There is nothing engineering-wise I could do. As a Board you could submit a request to the County. They're not going to put a stop light or stop sign in, so I don't know what the answer is except for, you could hope that as we don't have any more major construction traffic coming in and out that they make better decisions when they're driving. The County would want to look into the factors involved in the accidents such as speeding and if we don't have those answers I doubt the County is going to spend their money to fix a road."

Mr. Greenberg stated, "How about they start off with a sign that says no U-turns."

Mr. Walters stated, "This is a County issue. It's a County road. The County, and the County only has traffic and roadway safety authority, we don't have any of that authority so to the extent drivers are making illegal driving decisions that's up to the County to enforce. We can certainly point out there are some issues near our entrance and that we're requesting additional controls, but at the end of the day that's solely within the purview of the Sheriff's Department. The only thing we could do is say we want to engage an off-duty Sheriff's deputy to monitor that area for illegal turns or activity. The problem we have is that's off our site."

Mr. Toohey stated, "I definitely think we need to explore having the Sheriff's office monitor this area. If we can't pay for that, maybe we can coordinate something with our HOA group."

Mr. Laughlin stated, "Maybe if I report it to the Sheriff's office they will come out. I'll look into getting a letter together."

**B. Trim All Landscape Report**

Mr. Shiver stated, "Trim All has not been serving the inside area of the amenity center regularly since the facility shut down. We did schedule mulch and starting this week they will have access coming and going for the regular service visits."

**FOURTH ORDER OF BUSINESS**

**Approval of Minutes of the February 25, 2020 Meeting**

On MOTION by Mr. Toohey seconded by Mr. Greenberg with all in favor the minutes of the February 25, 2020 meeting were approved as presented.

**FIFTH ORDER OF BUSINESS**

**Public Hearing for the Purpose of Adopting Amenity Facility Rental Rates; Consideration of Resolution 2020-05**

On MOTION by Mr. Toohey seconded by Mr. Greenberg with all in favor the public hearing was opened.

Mr. Walters stated, "We've talked about in the past, and obviously made the decision to move forward with adopting rates with regard to the rental of our facility. Anytime we adopt rates or charges we have to do so by a public hearing, so that's the purpose of the resolution and

we did a notice for this. The key item in the resolution is exhibit A, which sets forth the rates. Those were the ranges of rates we had taken guidance from the Board previously on where we're looking to land. You'll see there are two categories specific to the room rental for non-resident and resident, and then we have the proposed range of rates for an hourly fee between \$15 and \$75 for a resident rate, and between \$20 and \$150 for a non-resident. One of the reasons we provide a range like that is, so we have some flexibility. The Board is free to adopt a rate today anywhere in those ranges for each category. If we chose \$20 an hour for a resident and a year from now, we want to move that to \$25 we would be able to do that at a public meeting instead of going through the hearing process."

Mr. Shiver noted the current rate is a flat \$50 rate for a five-hour time period, with an additional refundable deposit of \$125 required. Mr. Shiver also informed the Board that non-resident rentals are not typical, but merely special circumstances. Following a discussion, the Board made the following motion to adopt hourly rates.

On MOTION by Mr. Toohey seconded by Mr. Greenberg with all in favor the public hearing was closed.

On MOTION by Mr. Toohey seconded by Mr. Greenberg with all in favor Resolution 2020-05 adopting rates of \$15/hour for residents and \$150/hour for non-residents was approved.

Ms. Cator joined the meeting at this time.

**SIXTH ORDER OF BUSINESS**

**Public Hearing for the Purpose of Adopting Amended and Restated Rules of Procedure; Consideration of Resolution 2020-06**

On MOTION by Mr. Toohey seconded by Mr. Greenberg with all in favor the public hearing was opened.

Mr. Walters stated, "You've got a copy of the amended and restated rules of procedure in your agenda package. This is something we've rolled out to every district we represent throughout the state and every district is required to have its own rules of procedure. This is largely based on State statutes that govern our operations so as we go through sessions, you'll

hear me provide updates on different bills that are working their way through, which have passed, and which we have to comply with. We've updated these comprehensively and rolled them out to every district to make sure they are in compliance with any statutory changes and then there's also usually a tweak or two for best practices learned during that time."

There were no public comments.

On MOTION by Mr. Toohey seconded by Mr. Greenberg with all in favor the public hearing was closed.

On MOTION by Mr. Greenberg seconded by Mr. Toohey with all in favor Resolution 2020-06 adopting amended and restated rules of procedure was approved.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2020-07, Approving a Proposed Budget for Fiscal Year 2021 and Setting a Public Hearing Date for Adoption**

Mr. Laughlin informed the Board there is no increase proposed in the budget, therefore the assessments will remain the same as the previous year. Following a brief discussion, the Board made the following motion to approve the budget as presented.

On MOTION by Mr. Greenberg seconded by Mr. Toohey with all in favor Resolution 2020-07, approving the proposed FY21 budget as presented and setting a public hearing for August 18, 2020 at 11:00 a.m. was approved.

**EIGHTH ORDER OF BUSINESS**

**Discussion on Four-Way Stop at Amaryllis and Windflower Intersection**

Mr. Greenberg stated, "We have an on-going situation at one of the intersections at the beginning of the new phase. As our roads are still private, what is involved in us putting up a stop sign?"

Mr. Walters responded, "That is something we would need the County involved in. As previously discussed, we do not have any authority over traffic regulation, that is solely the responsibility of State, City and County so the extent there is a four-way stop that was warranted there, the County would have to approve that."

Mr. Toohey stated, "We've put stop signs up in a previous community I was involved with that was gated, with private roads. As an HOA we purchased the stop signs ourselves and had them put up and simply had to have the County come and certify them and put the stickers on the back of them. It doesn't seem like that challenging of a process to get two stop signs put up in an area that could save some lives."

Mr. Walters stated, "I think if it's an appropriate spot for one, we ought to do that, but we would require the County to certify that. We could speak with Dan, and he can get with the County road department on that."

Mr. Greenberg asked Mr. Laughlin to spearhead the request for stop signs.

**NINTH ORDER OF BUSINESS**

**Discussion of Suspension of Resident's Amenity Privileges**

Mr. Shiver stated, "As background to this topic, I was asked by the District to lock up the facility in response to the COVID-19 pandemic, which was not outside the lines of every other CDD that I know of. I manage nearly 40 different community development district amenity centers, as well as HOA facilities and out of all of those we only had two that remained open and those were both HOA facilities. I sent out an e-mail blast to the community letting them know the decision was made and I received a message the next day that the lock was cut off the gate. We came back and replaced that lock and then on Friday, March 20<sup>th</sup> I received another message that the lock was cut off so I sent an e-blast out reminding the community why the facility was locked and also asking whoever cut the lock off to replace it. The response I received was that I had no legal right to lock this facility and that I could verify that with Nassau County Sheriff's Department. I tried to call that resident that evening to leave a message. I sent that email to District Counsel who was in contact with County officials and, what I understand, the Sheriff's Department attorneys. We relocked the gate and had no other contact with that resident. Then, on Friday May 1<sup>st</sup> I received another email from that resident saying the pool should have been opened per Federal recommendations, and if it is not opened by tomorrow, Nassau police will support me in opening it up myself. I responded to the resident saying, please let me explain to you that it is not my decision to open this pool and I would prefer to call him. He preferred that I keep everything in writing rather than talk to him on the phone, so I sent him an email specifying that it is not my decision and I do not have the authority to open it. I explained that it is a CDD, a special purpose municipal governmental entity and is different than an HOA, and that the facility

will remain closed. The next morning, I received a message that the gate locks were cut again. I reviewed the video footage and saw the individual cutting off the locks with an angle grinder. I contacted District Counsel, District Manager and the District Chairman and I did contact Nassau County Sheriff's Department because I have to drive 60 miles one way just to replace these locks, not to mention my personal time on the weekends is valuable."

Mr. Walters stated, "With respect to the concept we're dealing with today, which is the consideration of limiting access or suspending privileges to use the facilities, this is something we deal with at a lot of districts for a variety of conduct. Without going through the laundry list of things such as we have no right to close it, that is not correct. The Sheriff's Department never supported anyone in damaging District property or accessing the facility when it is closed. The District has the right and responsibility to operate its facilities in a manner that it deems prudent. The resident has been provided notice of the Board's consideration for today, and it's up to the Board to make that decision whether you want to suspend those privileges for whatever you deem the appropriate amount of time, or not at all. Obviously, there has to be some kind of limit to the type of conduct that we will permit. I believe the resident has dialed in and it would certainly be appropriate if he wanted to make a statement on his own behalf that he be able to do so before the Board makes a decision."

Mr. Shiver recommended suspending the resident until the next CDD meeting at which time he would be given the opportunity to reimburse the District for all costs incurred, and if that reimbursement does not take place, the suspension continues.

Mr. Greenberg suggested a 30-day suspension for the resident in question, with the family of the resident suspended for a two-week period and the resident required to reimburse the District for costs incurred within those 30-days.

Mr. Toohey suggested suspension for only the resident in question until restitution is made and an apology is given, and if by the next Board meeting there has been no apology and/or reimbursement of costs incurred by the District, the privileges of the resident and his family will be revoked. The remaining board members concurred and made the following motion.

On MOTION by Mr. Toohey seconded by Mr. Greenberg with all in favor suspension of the resident's amenity privileges until restitution and an apology have been given was approved. If restitution and an apology are not received by the August 18, 2020 meeting, suspension of the entire family's privileges will be considered.

**TENTH ORDER OF BUSINESS**

**Other Business**

There being no other business, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Staff Reports (2)**

*The following item was taken out of order.*

**D. Operations Manager**

Mr. Shiver informed the Board that the pool will be opened beginning May 20<sup>th</sup> from 11:00 a.m. to 7:00 p.m., with the facility staffed seven days a week and capacity limited to 21 persons initially. Residents will be required to bring their own chairs.

**A. District Counsel**

Mr. Walters noted his firm will continue to monitor all of the directives from the Governor's office and local and state directives and will keep board members and staff in the loop.

Mr. Walters also informed the Board a letter was drafted on May 18<sup>th</sup> to Nassau County Attorney Mike Mullin requesting a status update regarding the ongoing issues with the phase one roadways in which the County allowed a letter of credit to lapse. The Board authorized Mr. Walters to send the letter.

**B. District Manager – Report on the Number of Registered Voters (511)**

Mr. Laughlin informed the Board there are 511 registered voters reported to be residing within the District boundaries.

Mr. Laughlin also noted the qualifying period for the 2020 general election process begins noon on June 8<sup>th</sup> and ends noon on June 12<sup>th</sup>. Anyone interested should contact the Nassau County Supervisor of Elections.

Mr. Laughlin further noted that he received an email from Ms. Voytac requesting to build a Little Library box on District property, at no cost to the community. Mr. Toohey expressed



concern at the general public entering the CDD to access the library and asked for more information. Ms. Voytac noted she would reach out for more information. Mr. Greenberg questioned the insurance concerns of having someone else’s property on the District’s property and Mr. Walters noted a license agreement could be drafted. Further discussion on the topic was tabled until the August meeting.

*Mr. Toohey left the meeting at this time.*

**C. Operations Manager (Continued)**

Mr. Shiver gave an overview of his report, a copy of which was included in the agenda package.

Ms. Cator asked Mr. Shiver about the status of a previously reported issue with a homeowner feeding geese. Mr. Shiver responded the issue would have to be turned over to FWC.

**TWELFTH ORDER OF BUSINESS                      Financial Reports**

**A. Balance Sheet and Statement of Revenues & Expenditures**

Copies of the financial statements were included in the agenda package.

**B. Approval of Check Register**

A copy of the check register totaling \$240,646.34 was included in the agenda package. Mr. Laughlin noted there is a check to U.S. Bank for \$159,000, as a result of an error on the banks part in which funds were deposited into the general fund, when they should have been deposited into a different account.

On MOTION by Mr. Greenberg seconded by Ms. Cator with all in favor the Check Register was approved.

**C. Assessment Receipt Schedule**

A copy of the assessment receipt schedule was included in the agenda package showing the District is 100% collected.

**THIRTEENTH ORDER OF BUSINESS                      Audience Comments / Supervisor’s Requests**

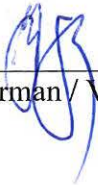
There being none, the next item followed.

**FOURTEENTH ORDER OF BUSINESS                      Next Scheduled Meetings –August 18, 2020 at 11:00 a.m. at the Amelia Concourse Amenity Center**

**FIFTEENTH ORDER OF BUSINESS      Adjournment**

On MOTION by Mr. Greenberg seconded by Ms. Cator with all in favor the meeting was adjourned.

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman