

MINUTES OF MEETING
AMELIA CONCOURSE COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Amelia Concourse Community Development District was held Tuesday, May 21, 2019 at 11:00 a.m. at the Amelia Concourse Amenity Center, 85200 Amaryllis Court, Fernandina Beach, Florida 32034.

Present and constituting a quorum were:

James (Glen) Marvin	Chairman
Harvey Greenberg	Vice Chairman
Ellen Cator	Supervisor

Also present were:

Daniel Laughlin	District Manager
Jason Walters	District Counsel (by phone)
Dan McCranie	District Engineer
Tony Shiver	First Coast CMS

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 none, the next item followed.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the February 19, 2019 Meeting

There were no comments on the minutes.

On MOTION by Mr. Greenberg seconded by Ms. Cator with all in favor the minutes of the February 19, 2019 meeting were approved.
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FIFTH ORDER OF BUSINESS

Consideration of Supplemental Assessment Resolution 2019-12

Mr. Walters stated if you recall in the last meeting we levied the assessments based on the estimated closing numbers. Subsequent to the meeting we did close on that bond series and those bonds were issued so this is the final step we take, which is what we call our bring down

resolution. The only purpose of this resolution is now that we've sold the bonds we know the precise numbers and this will bring those assessments down if you will to the levels in accordance with the exact terms of the bond sales. The only difference is we do have the final numbers based on the sale so we will levy those assessments for collection in the coming year based on those final numbers.

On MOTION by Mr. Marvin seconded by Mr. Greenberg with all in favor resolution 2019-12 was approved.

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2019-13,
Approving the Proposed Budget for Fiscal
Year 2020 and Setting a Public Hearing Date
for Adoption**

Mr. Laughlin stated currently we aren't proposing an increase as the numbers are projected to work right now. We did want to discuss if there were any type of improvements or furniture needed. Tony is going to talk about getting new furniture for this room but that can come out of the capital reserve fund since we already that in the reserve study.

Mr. Shiver stated there's one thing that was not included in the budget and I brought it to Daniel's attention prior to the meeting. I met with some interior designers to get some idea for both this room and some of the outdoor space here. The area in here we're not really concerned with at the moment for discussion of the upcoming budget. We'd like to do this sooner than later, however for the upcoming fiscal year we would like to add some furniture underneath this covered space to make it an extension of this room to make it a more social space, such as some high-top tables, couch sets, and heavy stuff like that, that doesn't get moved around. I anticipate the total cost to be around \$15,000 to start. The long-term vision is to be able to have the outdoor space here with ceiling fans to be another reason for people to come to the amenity center aside from just using the pool so if somebody wanted to have a social engagement with just a couple of friends they can come and just hang out and sit on the couches if the weather is nice.

Mr. Laughlin stated just so everyone understands it's a two-step process for the budget. We approve it now and then we're going to adopt it at the August meeting. Whatever total amount we set for the budget tonight we cannot go higher than that later. When we go to adopt the budget we can lower that overall number but we can't increase it so it's safer to approve a higher number and then adopt lower if you need to.

Mr. Marvin stated this \$15,000 is not in the budget, right?

Mr. Shiver stated there's not \$15,000 earmarked specifically for furniture.

Mr. Marvin asked what about normal pool furniture? Most everywhere we go we need new lounge chairs and umbrellas and so on. Are we okay there?

Mr. Shiver stated we are okay and the additional chaise lounges are about \$135 each so that's not a huge expense and we're good for this upcoming year. If we need to replace chairs or add additional chairs the expense isn't that great.

Mr. Marvin stated I heard you say something like you wanted to do something but we weren't ready to do it now.

Mr. Shiver stated in here we're ready to do it.

Mr. Marvin asked and that's in addition to the \$15,000?

Mr. Shiver stated yes we would like to do that with this budget, like now.

Mr. Marvin asked is that going to be talked about?

Mr. Shiver stated I'm going to discuss it in my report.

Mr. Greenberg asked are you proposing upholstered outdoor furniture with cushions?

Mr. Shiver stated primarily what we're looking for is more of this durable recycled plastic type stuff with a heavy durable upholstered cushion made out of a resilient product like Sunbrella. This is not Sunbrella but it works like that and it's 25% cheaper.

Mr. Greenberg stated I've had much experience with material and frankly it doesn't matter what you use; it gets dirty, it cannot be cleaned and then you end up having upholstery that looks like garbage and eventually has to be replaced so I might just suggest not being as concerned with making it ultra comfortable and having cushions because the maintenance of them is a nightmare.

Mr. Shiver stated we're still working on the final product but basically what I would like to do is make the board aware that it's something we'd like to do.

Mr. Greenberg asked who are you working on this with?

Mr. Shiver stated Reagan at Coastal.

Mr. Marvin stated so we're really just talking about making sure there is a budget item for this?

Mr. Shiver stated yes I'm working with a company and a designer, as well as Natalie from the HOA.

Mr. Laughlin stated budget-wise we have capital outlay in the reserves area and currently there is nothing being budgeted in it. We could add that \$15,000 or \$20,000.

Mr. Greenberg stated I was just going to question depending on what they're doing and what the numbers are \$15,000 may not be enough if they're looking for a decent quality that's going to be durable and easily maintained. How many tables and chairs were you looking at?

Mr. Shiver stated right here you have a curved patio area and initially what we're thinking is maybe put in a couch or longer seating with wide chairs on the end so that way it faces south over looking the pond and then under this area here maybe have another set of those with maybe four, four-seat high-tops.

Mr. Greenberg stated \$15,000 might not be enough depending on the quality.

Mr. Shiver stated I realize that but we were hoping to do this with a phased approach. We want to maybe start with that and then the following fiscal year maybe we do a timed fire pit or add to what we have to make this a functional social space. If the weather is nice we could even use the additional chairs and tables for meetings.

Mr. Greenberg stated I would oppose a fire pit in any fashion for a variety of reasons.

Mr. Marvin stated if we start adding these capital improvements is that going to increase the assessments?

Mr. Laughlin stated yes if we add this \$20,000. I want to say it's about a \$20 annual increase per resident. This is a tight budget and we don't have a lot of excess to get furniture.

Mr. Greenberg stated if you're going to have an increase we better make sure we get it right the first time and don't have to go back for more money or have to redo or replace things two or three years later.

Mr. Laughlin stated if we decide to add this \$20,000 or whatever we decide we can keep that going forward and it would not affect the assessments any more but we would have that money to do improvements.

Mr. Greenberg asked do you feel that \$15,000 is sufficient or do you think we need a little bit more?

Mr. Marvin stated I'm going to have to defer to staff that's working on it because I don't know. I'm not sure how we got to this point. I'm indifferent to it; I just know that budgets become a little more controversial when you start talking about charging people more money.

Mr. Greenberg stated then we have to divert slightly because even though we don't want to get off topic very appropriately the whole issue about is this amenity center going to be rented. If this is going to be used for other purposes then this is an issue that needs to be addressed sooner rather than later. If the board does not feel that it's appropriate that this be rented out for whatever the function may be at whatever the cost then this might be something that could be deferred.

Mr. Laughlin stated I don't think that's going to have much effect on the revenue.

Mr. Marvin stated it seems like you're distinguishing between this \$15,000 and the money that would be spent on this furniture.

Mr. Laughlin stated correct. This is in our reserve study because it's an asset that we currently have. We could replace the pool furniture out of the reserves also but do to the new addition of assets it's not appropriate. We could have it capitalized and then we could use that money to replace them years down the road.

Mr. Shiver stated to answer your question as to whether it's enough, I don't anticipate doing it all at one time. I'd like to do it as a phased approach so it's not so dramatic on the budget.

Mr. Marvin stated he wants to know exactly what your plan is.

Mr. Shiver stated it's not just my plan I've been working with Natalie on this also and what we would hope to accomplish. The first thing we'd like to do is maybe get one seating area and a couple high top tables underneath ceiling fans.

Mr. Greenberg stated I understand but my question is do you end up making compromises for the sake of maintaining a certain budget point and not purchasing something that's cost efficient and will hold up. Sometimes a better quality will hold up better, will look better and will last longer and require less maintenance.

Ms. Cator stated so the question would be is \$15,000 as a jumping off point good enough for whatever the initial furniture and fans would be?

Mr. Shiver stated it's tough for me to sit here and ask for more money because it's your money and it affects your assessment. I have not gotten the quote together but to be on the safe side you could always say \$20,000 instead of \$15,000.

Mr. Greenberg asked mathematics-wise what's the difference in assessments for a \$15,000 expenditure and a \$20,000 expenditure?

Mr. Laughlin stated it's about \$6.

Mr. Greenberg stated so if we have the ability to be cost effective and make a prudent decision for less money we should but I don't think we should try to, in the long run, inhibit the ability to do the job properly.

Mr. Laughlin stated I also want to mention we can lower this before we approved so we could pick a higher number now and get more information before our August meeting and if he finds out it is \$15,000 instead of \$20,000 we can bring it down.

On MOTION by Mr. Greenberg seconded by Mr. Marvin with all in favor resolution 2019-13, approving the revised proposed budget for fiscal year 2020 and setting a public hearing date for August 20, 2019 at 11:00 a.m. at the Amelia Concourse Amenity Center.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Greenberg stated you were going to be doing some research for us. There had been a question about what are the procedures necessary to amend some of the bylaws and various rules of the various associations to make them all the same.

Mr. Marvin stated he's talking about the lake maintenance.

Mr. Walters stated I reached out to one of the attorneys I work with on the HOA side and candidly I'm not all that well versed in HOA law. It's certainly doable it's just going to take the will of the association to do that and the more difficult part is the phase one, which is the covenants and restrictions, we would likely want amended. Obviously we don't have control over that but the other two are going to be the same so it would only make sense for the one to get in line with what we're envisioning. That has been turned over to the residents as I understand and once that happens there are triggers regarding the way you can amend those bylaws and covenants, usually requiring a certain vote of the affected homeowners so that's the procedure they would have to go through. I would leave it up to their board members and their attorney to make sure they are complying with that but it is doable it will just take the will and effort of that HOA and to the extent we can assist them with language suggestions I'm happy to do that but it's not a board we have direct control over. As you know we have made the decision to maintain those lake banks and that won't require an amendment to the covenants. That is CDD

property and it's not subject to those covenants. I'm happy to give them whatever guidance I can however I can but I don't want to purport to represent them in any way.

Mr. Marvin stated I think you had recommended some correspondence be sent to the homeowners around the lakes from the CDD?

Mr. Walters stated yes we have that drafted with the kind of direction from the board. That will be sent to the affected lakefront property owners because obviously if you don't backup to a pond you won't be affected.

Mr. Marvin stated maybe you could share that draft letter with the various board members.

Mr. Walters stated yes I will circulate it to the board. I've circulated it amongst staff and I think we're ready to go based on the input that I've got.

Mr. Marvin stated I think you had volunteered or maybe had agreed to do some additional research with the Nassau County government regarding the plats and the bond and the street maintenance. I don't know whether you've gotten to that. People continue to have questions about the streets being taken over for maintenance by the county and so forth. Has there been any movement on that?

Mr. Walters stated I need to get with Dan, our engineer, on some of those issues. There is a lot of moving parts with the county and the way they've handled this obviously we are in that unique position of kind of the grandfathered in provisions relating to the county ordinances so we will get with the rest of staff and get whatever response we can from the county. It's sometimes a little bit frustrating but we will continue to work on that.

Mr. Marvin stated maybe we could have some report from you at the next meeting on that issue.

Mr. Walters stated I definitely will.

Mr. Greenberg stated just as a reminder, one of the main issues was there was a bond from Jackson Shaw that the county inadvertently let expire and went back to Jackson Shaw and never called it and as a consequence there is nothing they can do and we feel there may be some culpability on the part of the county and the fact that Mike Mullins said oops, doesn't really ring true with us.

Mr. Walters stated correct and it's somewhat of a Murphy's Law situation with all of the confluent factors of everything that can go wrong will go wrong given the unique status and the

bond and everything else so we will work with county staff to the best of our ability and try to get a resolution from them.

Mr. Greenberg stated please also don't forget that Dan has backup. He has communication from the county where there has been acceptance of certain responsibilities of what they were planning on doing and then we got the oops.

Mr. Walters stated correct I think that will be helpful.

Mr. Marvin stated I'm not sure what's at risk here. They're county roads, they are in county right of ways and it's the county that failed to do anything. I'm not sure that we have any obligations or financial requirements to do anything here so I think we should keep in mind we're trying to resolve something and I'm not quite sure what we're trying to resolve.

Mr. Greenberg stated we are but part of the problem is that we've seen damage occurring to the roads and with the county not having accepted them the only way anything gets fixed is if we fix it at our expense.

Mr. Marvin stated I previously suggested that we should not spend our money to make those repairs.

Mr. Greenberg stated we were very fortunate that we had our management and staff have been very industrious in making the necessary repairs to alleviate any unsafe conditions.

Mr. Marvin stated you're right. Jason, we will look forward to that report.

B. Engineer

Mr. McCranie stated I have nothing to report but what we will anticipate, as Glen brought up and it's a very valid point, is there are areas along that pond bank that I will double check but I'm fairly certain we did not include in the contract to be cleared and sodded and it should be cleared and sodded. It should have been done whenever we did phase one it just never did so I'm going to get a change order to get it cleared and sodded.

Mr. Marvin asked you're going to confront Dream Finders about that for us?

Mr. McCranie stated I don't know if it's confronting Dream Finders. It should be confronting the review of the contract because now the contract is in the CDDs control. It's been transferred; right Jason?

Mr. Walters stated for phase three, correct.

Mr. McCranie stated Dream Finders I guess is paying for anything above and beyond so I can bring it up to their attention. It's still going to be AJ Johns doing it under their contract. Either way it needs to be done.

Mr. Marvin stated I don't want it to come out of any of our funds.

Mr. McCranie stated it can't. We're going to spend every dollar that we've got.

Mr. Marvin stated that's my point. That's why I'm asking you to bring it up to Dream Finders. I want them to pay for it.

Mr. McCranie stated will do. I can't assure you they are going to pay for it but I can assure you it should be part of the contract.

Mr. Marvin stated we need for it to be done while the activity is going on over there otherwise it will cost a fortune to do it later.

Mr. McCranie stated I agree.

C. Manager – Report on the Number of Registered Voters (381)

Mr. Laughlin stated there are 381 registered voters within the District. The other thing I wanted to mention is the room rentals. Amelia Walk had their amenity center closed down recently so they held a meeting here last month. They're not going to be having any meetings here going forward because I know there were problems with parking. Three Rivers is a new community being developed in Nassau County and they need a place to meet. There are no residents currently so it is just a developer board and staff. A meeting would entail maybe 5 or 6 people present. I just wanted to bring this up to the board and see if they're okay with them having their meetings here. We could charge them \$150 or \$200 per meeting or whatever we decide.

Mr. Marvin stated I don't have a problem with them meeting here and I don't have a problem with the charges but is that different than if it gets rented out for a party?

Mr. Shiver stated we charge a \$50 fee for residents to reserve this room.

Mr. Greenberg stated I think there needs to be a brief discussion as to what is the policy. Does there have to be a policy? Is this something the board thinks is in the community's best interest and what are the ramifications of doing this?

Mr. Laughlin stated I know other districts have done it. It's not an uncommon thing to happen.

Mr. Walters stated if we're going to set rates we're required to do that by rulemaking so that's what we've done in the past and if we're going to change those rates then we would go through that same process. It's certainly acceptable to have different rates for different activities and oftentimes a distinction is between a resident renting a room and a non-resident so of course and outside board that wanted to use the facility would be in a non-resident category so it's really up to this board on where you want to set those rates.

Mr. Marvin asked we don't already have rates for renting this out?

Mr. Shiver stated we don't have a non-resident rate.

Mr. Marvin asked so we need a non-resident rate?

Mr. Greenberg stated the question is, is this something we should do with the wear and tear, the lack of parking and notwithstanding it may be something we still want to do but do we want to have certain conditions and requirements?

Mr. Shiver stated can we allow one district to do it and others not?

Mr. Walters stated once we set a rate we can put the conditions on there and I think that's a valid point. For example, you could limit the amount of people and that would generally flow over into parking if you had a ten-person limit for these board meetings where we're not expecting a flood of residents that should restrict the number of vehicles that are coming in so the board has that authority to set whatever conditions they would like and that includes a deposit because the rental rate is one thing but if there's damage that's not going to cover it so sometimes we require a refundable deposit making sure that everything is clean and not damaged when they leave.

Mr. Greenberg asked is there any restriction as it relates to time of day or days? In other words come the summer the amenity center and the pool are being used far more by the residents than it might be during the winter. Certain times of the day you have a lot less traffic or a lot more traffic.

Mr. Walters stated that's certainly something we can consider. I've got some districts that have very robust rentals programs and generate six figures because they've got huge venues that do weddings and so forth so they will have a whole myriad of rates and times you rent it so we certainly can say the room is available for rent during these times with these stipulations.

Mr. Marvin stated if we don't already have these rules in place now then my recommendation is we look to staff to bring recommendations to the board at the next meeting

because if we're talking about certain days, deposits, the fees, the hours, the number of people and the number of cars that too much for us to sit here and figure out ourselves.

Mr. Walters stated no and it's not something we can figure out today so that's something we would bring back to the board and you guys would decide at a later meeting.

Mr. Laughlin asked is it possible for the board to make a motion to approve one single meeting?

Mr. Marvin stated they have this Three Rivers project and they're just trying to get it kicked off. I'll make a motion that they can use it for their initial board meetings at \$100.

Mr. Greenberg asked do we have that ability to arbitrarily pick an additional fee?

Mr. Walters stated yes in the interim we can have a one-off approved use and as we are moving forward toward ratemaking I think that's fine.

Mr. Greenberg asked why \$100? I think it should be a little more representative of what it is that may be a policy going forward.

Mr. Laughlin stated I'd say roughly around \$150 to \$250, which is the highest I've seen.

Mr. Greenberg stated if the two of you need assistance I'd be glad to help you formulate a policy. I've done plenty of that.

On MOTION by Mr. Marvin seconded by Mr. Greenberg with all in favor allowing Three Rivers CDD to rent the amenity center at a rate of \$150 per meeting was approved subject to there being no interference with residents and other activities.

Mr. Greenberg stated you had made a suggestion some time ago, which Tony had agreed with and I think it's good that we follow up on it. Would you ask Trim All to come to our next meeting? They've had enough time now to have a pretty decent idea as to what their routine is. Let's find out what they're doing, how they're doing it, and their schedule and let us be able to express our satisfaction or dissatisfaction.

Mr. Laughlin stated yes there are some districts where their landscape company comes to every meeting so it's doable.

Mr. Greenberg stated we can determine after that whether it's necessary but I think it's a good idea.

Mr. Laughlin stated we will reach out to them.

C. Operations Manager - Report

Mr. Shiver stated myself and the HOA president, Natalie Voytac, met with a designer to discuss refurbishing this room with more resilient furniture and making it a more functional space for both meetings and for reservations for the residents so in front of you is a very thick packet, which I am not going to go over in detail. She gave us a variety of different layouts, furniture ideas, even art of the wall and after speaking with Natalie several times on this issue we are not pleased with the exact design that she has laid out for the room, nor the furniture but she did do a good job in accomplishing some of what we want. We are proposing three additional tables in this room that would sit six people each so we wouldn't need folding chairs and tables and you can also use the chairs as additional seating. We did measure it. The designer gave us some paint options. We were going for a Florida coastal look without being too cheesy. We were hoping to maybe spend about \$12,000-\$13,000 in updating this room with new furniture. Right now we don't have exact items picked out but this would come out of reserves for replacement of furniture so I don't know exactly what the protocol is. Do I need to request the money?

Mr. Laughlin stated I believe it's in the reserve study so I think it's something that can be done without approval.

Mr. Walters stated I still think it needs approval unless we set a spending limit by which staff is authorized to make expenditures.

Mr. Shiver stated if you look at the chairs and couches, the couches are in pretty bad shape. They gave us material samples and color options. Every single fiber in this is just the color of the fiber, it's not dyed so if someone spilled red wine on it for instance, you literally just wash it off with dish soap and it doesn't stain the fabric. It's like Sunbrella. At least that's what they've sold to me. I have to do a little more research on the Revolution brand. There are some other things that we want to do in here to make it a more functional space for meetings and reservations. We were going to add some ceiling fans to the room. They're already pre-wired. We're going to paint the room so we have some different paint schemes that Reagan has put together for us.

Mr. Marvin asked did we consider recovering the existing furniture?

Mr. Shiver stated I have not.

Mr. Marvin stated I certainly believe we need to freshen up. Are you just looking for a budget?

Mr. Shiver stated I'd like to go ahead and get this ball rolling.

Mr. Marvin asked who is helping you spend this money?

Mr. Shiver stated Natalie Voytac; she's the HOA president.

Mr. Marvin asked are we happy with Natalie.

Ms. Cator stated yes.

Mr. Marvin asked and we have a decorator involved?

Mr. Shiver stated yes we have an interior designer involved.

Mr. Marvin asked and you're going to do all this for how much? \$12,000?

Mr. Shiver stated I don't know the final design. The numbers that she gave us in here if we went with the cheapest option would be \$14,000.

Mr. Marvin stated I think we're budgeting \$41,000 for reserves for this year and we've got some reserves built up so I think it would be prudent for this board to at least make sure that some reserve carries forward.

Mr. Greenberg asked how much did we just spend on refurbishing the kiddie pool?

Mr. Laughlin stated there were two \$11,000 payments.

Mr. Shiver stated about \$22,000 or \$23,000.

Mr. Greenberg stated I would suggest that whatever you select, before anything is ordered, get a large swatch of the fabric and see how it reacts with various things and whether it will really wipe clean and see how it reacts with chlorine.

<p>On MOTION by Mr. Marvin seconded by Ms. Cator with all in favor replacement of the amenity center furniture was approved at an amount not to exceed \$18,000.</p>
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Mr. Shiver stated the start with Trim All, our new landscape company, has been a little rocky. A lot of it has just been communication and they have assigned us a new account manager as of last week at my request. We would have problems where they would miss things, I'd bring it to their attention and I wouldn't get a response for about five days and then the response would be, "we will take a look at it". Some of the areas they have already come out to look at is the sodded area behind the amenity center, there's a part of the lake bank that has needed sod for about three years. They were out here this morning looking at that and they were looking at the lake bank on lake number two where the geese have caused the erosion. They are looking at the

second entrance, the tree stump that has needed to be removed for quite some time. They are also going to be looking at improving the JEA lift station and just making sure they're hitting that area.

Mr. Marvin asked so you're not ready to fire them today?

Mr. Shiver stated I haven't put them on notice yet. The new account manager has been much more responsive to the point she's picked up the phone and called me, which is what I want.

Mr. Marvin stated we've seen a number of communities where they have highs and lows with the landscape maintenance so we know they can improve and do better or there is somebody that can take their place. You'll be prepared to have these people at the next meeting.

Mr. Shiver stated absolutely. I do have one proposal from Trim All that they sent me two weeks ago. If you notice around the pool area we have bottlebrush trees that look like they're declining so Trim All has given us a proposal to replace six of the existing bottlebrushes with river birch trees at a cost of \$1,863.30. I'm not going to recommend it at this time.

Mr. Greenberg stated I wouldn't either. For anybody who uses the pool that has allergies they are the most pollen-given trees there are and I wouldn't intentionally do that to people. I think there might be something that's better suited.

Mr. Marvin asked have the bottlebrushes been here ten years?

Mr. Shiver stated they've been here a while and all of them look to have an issue and they are not thriving and that's odd because bottlebrushes are pretty resilient.

Mr. Marvin asked did we ever get someone to look at declining trees like that or is that beyond what we do?

Mr. Shiver stated I normally leave it up to the landscape company because they usually have those people on staff. I have not contracted it out. The other thing I want to mention is at the last meeting the board approved a not to exceed amount of \$1,000 to purchase and install a marquee sign. I purchased the marquee sign and all of the lettering and it came in at just under \$1,000, however I still need additional funds to actually install it. I have to purchase posts and paint to be able to mount it. \$200 would be sufficient but because you guys gave me a not to exceed I could not exceed that dollar amount.

Mr. Marvin asked Daniel do we have \$200 in the budget?

Mr. Laughlin stated I think we can handle that.

Mr. Shiver stated I think you can expect to see this sign installed next week if not this week.

Mr. Greenberg asked how much money does management have authorization to spend without board approval?

Mr. Walters stated I don't know that we've set a fixed amount on that. Oftentimes we do and that's just based off of typical expenditures and comfort level with the staff. I can bring back a resolution at the next board meeting to set that number. I'd like some guidance as to what that number should be.

Mr. Greenberg stated I think that's smart. We shouldn't waste time and not get things done because of certain things. Management should have the ability to spend nominal amounts in order to get things done.

Mr. Marvin stated I think that's exactly right but in this particular case he was only given \$1,000 and was not allowed to exceed that amount.

On MOTION by Mr. Marvin seconded by Mr. Greenberg with all in favor \$200 for installation of the marquee sign was approved.

Mr. Shiver stated the last thing I have is I did site survey about two weeks ago and I noticed there was quite a bit of growth on this end of the pond and I went around and looked at ponds three and four and noticed they were starting to look like there was some growth so I reached out to Aquatic Systems and they treated this end of the pond right away, however where we did get prices for budgetary items we actually never got a signed agreement for the maintenance of three and four so I have an agreement for Aquatic Systems to take over three and four effective immediately for \$251 a month.

Mr. Marvin asked is this reflected in the budget?

Mr. Laughlin stated no.

Mr. Greenberg stated before we go and sign an agreement there is some question as to the caliber of service that Aquatic Systems does provide. We have had numerous instances where they looked to take the easy way out and instead of backing their boat up to the pond at the various access points because that's going to take work they like to just dump stuff in the pond wherever they can get to it by hand. They were quite taken aback with your direction the last time about using access points and the fact that he actually had to put his boat in the water.

Mr. Marvin asked is this something you were involved with?

Mr. Greenberg stated no a couple of the residents advised me immediately and I saw when he then actually put it in the water and I had emailed Tony because I wanted to know what it was but there were some other residents that were rather annoyed about the fact that they were coming onto their property with no idea who it is or what they were doing and when somebody confronted him he said go over by the amenity center, back your trailer, put the boat in the water and go do it the way you're supposed to, at which point he did.

Mr. Marvin asked is the boat a requirement?

Mr. Shiver stated I don't know if it's a requirement. Some of these ponds are pretty big and they should have a boat.

Mr. Greenberg stated this is a large pond. One of their access points used to be where Dream Finders is working over in phase three so they don't have that access now and I understand that.

Mr. Marvin stated the reason I asked about the boat was because not only here, but over in the newer phase those lakes are completely surrounded by lots and their access is going to be down common lot line easements and the idea of trying to get boats in and out of there to do that is going to be very difficult.

Mr. Greenberg stated we agree but they're all much smaller and comparable in size to the pond on Periwinkle.

Mr. Shiver stated because I need maintenance of ponds three and four immediately I would recommend, if the board would approved this with Jason sending them a standard agreement to sign and that agreement will allow us 60-days out and will allow us to put them on notice, let me talk to them and make sure they understand we're not happy with that service as we're getting it right now.

Mr. Marvin asked even if we sign it don't we have a 30-day notice where we can cancel anyway?

Mr. Laughlin stated we do with every vendor.

Mr. Greenberg stated then I see no reason why we shouldn't approve it providing that you talk to them and make them aware of it.

Mr. Marvin stated this group and one other group, Charles Aquatics, are the go-to people for these communities and lake maintenance. We're not cutting edge here. They're doing them all.

Mr. Greenberg stated and I suspect it's just a matter of it was easy, they did it however they wanted before and it might be the individual person.

Mr. Shiver stated I'll certainly make sure that they know they're being watched.

On MOTION by Mr. Greenberg seconded by Mr. Marvin with all in favor ongoing lake maintenance for ponds three and four at a rate of \$251 a month was approved.

Mr. Marvin stated now we have talked about increasing the budget.

Mr. Laughlin stated we actually have that amount budgeted for this year.

Mr. Shiver stated that was the confusion because we asked for this number to build this current budget we just didn't have a signed agreement.

Mr. Marvin asked when are we going to have this agreement to execute?

Mr. Laughlin stated I'll get it to Jason and then I'll have it sent to you.

Mr. Shiver stated I don't know if it requires additional approval but they are proposing one installation of a carp barrier on pond four \$250.

Mr. Marvin asked what is pond four?

Mr. Shiver stated it's one of the ponds in the new phase.

Mr. Laughlin stated we can do that later.

Mr. Marvin asked we want the carp in there?

Mr. Shiver stated they're including the carp in their proposal.

SEVENTH ORDER OF BUSINESS **Financial Reports**

A. Balance Sheet and Statement of Revenues & Expenditures

Mr. Laughlin stated you have your balance sheet and income statement in your agenda package as of April 30th.

B. Approval of Check Register

Mr. Laughlin stated the check register totals \$53,087.13.

Mr. Marvin asked is there anything unusual in there/

Mr. Laughlin stated no it's pretty standard.

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

C. Assessment Receipt Schedule

**EIGHTH ORDER OF BUSINESS
Supervisors Requests**

Audience Comments / Supervisor's Requests

Mr. Marvin stated I only want Dan to check with Dream Finders about that lake bank over there. Dan if you hear from Jason you all can thrash around that whole road acceptance thing.

Mr. Greenberg stated unfortunately Nick is not here and there are considerable problems with their contractor and homeowners have tried to get a certain amount of cooperation but they have the mentality of they're going to do whatever they want.

Mr. Marvin asked the site contractor?

Mr. Greenberg stated AJ Johns. Nick has been very good trying to be responsive to homeowners but AJ Johns doesn't necessarily follow their direction they do whatever they want. They have been in violation of various laws a number of times and it has been pointed out to them, they have been threatened with the EPA being called, doing major demolition, not watering things down and the water tank is sitting right there but I guess they're trying to save money and they don't turn it on. They have been told time and again about bringing heavy duty equipment and large trucks through the main entrance and they continue to do so. We have photos being sent to us by various residents of heavy-duty equipment coming through. The curb is broken, it has been chipped away little by little, it's getting worse and despite that they continue doing this. There have been issues with them starting work at 6:30 in the morning.

Mr. Marvin stated okay so dust and trash?

Mr. Greenberg stated the heavy equipment coming through. This past Saturday they were doing major work. They shouldn't be doing that on weekends. There is plenty of work they could do but it doesn't have to be with all of the heavy machinery. As I said, Nick has been very responsive but with him not being here it's unfortunately just getting worse.

Mr. Marvin stated under the current scenario are you directing AJ, Dan?

Mr. McCranie stated we don't specifically direct AJ. The CDD has a contract with AJ Johns and they have to follow that contract. It has damages I believe. They're working for you so

if all of the sudden you tell them they can't work on the weekends and they can't meet their schedule then they're going to say, well you told us we can't work on the weekends and it creates issues. Certainly the timeframes are valid because the county has rules. I think it's 7:00 but you can ask and maybe they will change it but they work for the CDD. I don't know of any laws being broken so if there are laws being broken let me know because then we can look into it.

Mr. Greenberg asked the CDD hired AJ Johns?

Mr. Marvin stated no, we were assigned that contract.

Mr. Greenberg asked by the county?

Mr. Marvin stated no by Dream Finders.

Mr. Greenberg stated how can an entity legally obligate another entity?

Mr. McCranie stated you as the board accepted the assigning of the contract. It was bid out in a public manner in which we advertised it and we had open competition.

Mr. Marvin stated this is slightly out of the norm. Normally the CDD would bid the work and we would still be under contract, just as it is now. In this case Dream Finders was allowed to bid it out, go to contract and assign it to the CDD as opposed to the CDD going to contract itself.

Mr. Walters stated that's correct. It would be our contract either way. We approved the assignment documents maybe six to eight months ago so that was procured and then assigned to the district so to the extent there are issues with their performance we as a board and as a district have the ability to enforce that. As Dan said the contract will say what it says and obviously there is always going to be a catch all provision regarding compliance with all rules, laws and regulations so to the extent whatever they are doing, for example, the county ordinance says no work before 8:00 and they are starting work before 8:00 they are in violation of that provision so I want it to work within the four corners of the document but we have the ability to address any shortcomings.

Mr. McCranie stated we did do a video of all of the road system before they started construction so we will have that to go back to and if they did damage the road system and we can attribute it to them then we will have them fix that.

Mr. Greenberg asked Joe, can you do me a favor and send photos of some of the heavy equipment and trucks that come through.

A resident stated you got that and I went and talked to him and he unloaded right on the pavement. It still left little marks in the road. They should be using that construction area.

Mr. Marvin stated Jason, with regard to these items of concern raised by board members and homeowners what is our best avenue to express these matters of concern to AJ Johns? Is it through our CDD engineer?

Mr. Walters stated there are notice provisions as well in that contract so to the extent there are any deficiencies we can put them on notice and they have a corrective period. It's generally 30-days under the contract so I'm happy to work with Harvey and Dan if you'd like in terms of coming up with a list of issues and making sure that they are truly out of compliance. If it's an annoyance and we'd rather them do it one way or the other but they can do it either way it's going to be harder to enforce but to the extent we can open that dialog with them and just say here are the issues that are coming up and we need corrective action we have those rights under the contract.

Mr. Marvin stated I can't quite clearly see how this is going to work because the reason I'm asking about it is because these are things the homeowners and the board members would like taken care of immediately. This is not something they want studied for a long period of time. They would like to have the contractor put on notice right away.

Mr. Walters stated we don't need to wait for further board action, we can do that after this meeting.

Mr. McCranie stated I think what Jason is saying is we need to see exactly what rules are they breaking.

Mr. Greenberg stated I can tell you for a fact when you are moving dirt and there are huge clouds of dirt rising you're supposed to be watering it down to keep the dust down.

Mr. McCranie asked watering what down?

Mr. Greenberg stated the dirt.

Mr. McCranie stated that typically doesn't happen.

Ms. Cator stated when they did phase two, which is right across the street from our house, for the most part, not always, when they were done for the day they would take their watering truck and they would spray water so that dirt was watered down so that it was not as much of a health issue. Obviously I don't know if that's a part of the contract but that's what they did when they did phase two.

Mr. McCranie stated I think that was because Dream Finders asked them to because there were different homeowners that were complaining because they were right behind that so it could be a 'would you please do it' thing.

Mr. Marvin stated I think you're going to find out that's the same with the construction equipment. These are all public roads and they have the right to bring them in all they want. What happened was we asked Dream Finders not to bring the equipment in on those roads and they agreed and they said they would have the contractor being the equipment in through the new entrance over there. Apparently they're not doing that so I don't know where that leaves us.

Mr. McCranie stated we can strongly suggest that they do that. Certainly we can strongly suggest that they stop using this main entrance. I know they've got an agreement with Earthworks over there to be able to utilize their construction entrance and that was what they've been using and I have seen them have water trucks up and down that roadway to keep the dust down.

Mr. Greenberg stated Dan, at one point the dust was so bad that somebody called the fire department because they thought they were doing unauthorized burns.

Mr. Marvin stated so we're going to leave it up to Jason and Dan to put the contractor on notice.

Mr. Greenberg stated at the last meeting the question was asked of Nick whether or not they were going to be starting on that new access road from Amelia Concourse and whether or not that was going to be used and he said yes. Do you know what the actual plan of when that was supposed to commence?

Mr. McCranie stated kickoff in Nassau County's pre-construction meeting is tomorrow so clearing and some minor grading can have occurred, but no actual construction can occur until tomorrow so they certainly could not have started that process in the county right of way until tomorrow.

Mr. Greenberg asked and knowing the way the county works, what would you anticipate being a realistic commencement date to start that?

Mr. McCranie stated the county meeting is tomorrow so after that it's fully up to AJ Johns' schedule.

Mr. Greenberg asked and do you have any idea how long it would be anticipated before they commence that?

Mr. McCranie stated they've done some clearing there. What are you wanting to be commenced?

Mr. Greenberg stated start creating an entrance and start using it.

Mr. McCranie stated that won't happen until the end. They can have a cleared area but now that they have an access point off of Amelia Concourse to come in they've paved it over there they are going to come in onto the Amelia Walk back entrance.

Mr. Greenberg stated right but what we're telling you is they're not. They're doing it for some of the equipment and trucks but there is still a lot of big heavy traffic coming through the entrance right here on Daisy.

Mr. McCranie stated all we can do is ask them. We can't require that because some of the roads are going to be accessible and their only way but we can certainly request them. We've got the video so that if they do harm the roads during the construction process we can ask them to fix that as well but the contract doesn't say you cannot use the public roads.

A resident asked we own the roads in phase one.

Mr. McCranie stated they're still public. I can contact AJ Johns and ask them not to start work before 8:00 a.m. on Saturday.

Mr. Marvin stated not before 8:00 a.m. on any day.

A resident stated I wouldn't say that, but Saturdays, Sundays or holidays.

Mr. McCranie stated also to not use the main roads and finally keep the dust down and keep the areas that are unsodded watered down to control the dust.

Mr. Marvin stated with the lowboys that they use to bring the equipment in the way they operate they're built to unload on a flat surface and that's why they do it on the road.

Mr. Greenberg stated we do know.

Audience Comments

Mr. Charles Gay, 95185 Windflower Trail, stated I think Harvey brought up the issue but I have been emailing pictures and keeping in touch. I didn't know if I needed to put you in the loop, Dan. When they bring 40-ton cranes in on the roads when they've got brand new construction over there it's not good.

Mr. McCranie stated I'm not positive that they can come off of the Amelia Concourse back entrance and actually get to an area and unload. It's potentially possible that this is the only it can happen.

Mr. Gay stated I figured that's probably what happened.

Mr. McCranie stated we will ask where possible.

NINTH ORDER OF BUSINESS

**Next Scheduled Meeting – August 21, 2019 at
11:00 a.m. at the Amelia Concourse Amenity
Center**

Mr. Laughlin stated our next meeting is August 20, 2019 at 11:00 a.m. here at the Amelia Concourse amenity center, which will be the budget adoption.

TENTH ORDER OF BUSINESS

Adjournment

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


Secretary / Assistant Secretary


Chairman / Vice Chairman