

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, September 14, 2021 at 10:30 a.m. at the Amelia Concourse Amenity Center, 85200 Amaryllis Court, Fernandina Beach, Florida 32034.

Present and constituting a quorum were:

Harvey Greenberg	Chairman
Bill Toohey	Vice Chairman by telephone
Jeff Snow	Supervisor
Ellen Cator	Supervisor
Daniel Pieratti	Supervisor

Also present were:

Daniel Laughlin	District Manager
Jennifer Kilinski	District Counsel
Mike Yuro	District Engineer
Tony Shiver	First Coast CMS

The following is a summary of the discussions and actions taken at the September 14, 2021 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 10:35 a.m.

**SECOND ORDER OF BUSINESS**

**Public Comment**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Organizational Matters**

**A. Acceptance of Resignation of Ellis Lancaster**

On MOTION by Mr. Greenberg seconded by Ms. Cator with all in favor Ellis Lancaster's resignation was accepted.
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**B. Consideration of Appointing a New Supervisor to Fill the Vacancy**

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Mr. Laughlin reminded the Board the term for the vacant seat expires in November 2022 and will be available to be filled through the general election at that time. He introduced Mr. Daniel Pieratti noting he is a Dream Finders representative and also a resident of the community. Mr. Greenberg stated that he feels it is advantageous to have the developer's input and if possible, help and asked Mr. Pieratti to ensure he is committed to doing what is in the best interest of the community.

On MOTION by Mr. Greenberg seconded by Mr. Snow with all in favor appointing Mr. Daniel Pieratti to fill the vacant seat was approved.
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### **C. Oath of Office for Newly Appointed Supervisor**

Mr. Laughlin, being a notary public of the State of Florida administered an oath of office to Mr. Pieratti.

Ms. Kilinski recommended Mr. Pieratti create an email address dedicated to CDD business and also keep any CDD records separate for public record request purposes. She also gave an overview of the Sunshine Law noting board members cannot communicate about CDD business outside of public meetings.

### **D. Consideration of Resolution 2021-05, Designating Officers**

Mr. Laughlin reminded the Board the current slate of officers is Supervisor Greenberg as Chairman, Supervisor Toohey as Vice Chairman, Supervisors Snow and Cator as Assistant Secretaries, and from his office for document and check signing purposes, Mr. Laughlin as Secretary and Assistant Treasurer, Jim Perry as Treasurer and Assistant Secretary and Ernesto Torres and Marilee Giles as Assistant Secretaries. Mr. Laughlin noted Jim Perry is retiring in the next month and therefore will need to be removed from the list of officers. He asked for a motion to set the slate of officers as follows: Supervisor Greenberg as Chairman, Supervisor Toohey as Vice Chairman, Supervisors Snow, Cator and Pieratti as Assistant Secretaries, Daniel Laughlin as Secretary and Assistant Treasurer, Jim Oliver as Treasurer and Assistant Secretary, and Ernesto Torres and Marilee Giles as Assistant Secretaries.

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On MOTION by Mr. Snow seconded by Mr. Pieratti with all in favor Resolution 2021-05, designating officers as listed above was approved.

**FOURTH ORDER OF BUSINESS                      Staff Reports (1)**

**A.    District Engineer**

There being nothing to report, the next item followed.

**B.    Trim All Landscape Report**

Mr. Shiver informed the Board there is no report for Trim All, but noted a proposal was submitted for items to be completed in the fall, however he is holding off on approval until he is able to meet with them this week to discuss numerous complaints. The Board discussed whether to proceed with obtaining proposals for landscape maintenance services to be considered at the November meeting. Mr. Greenberg suggested providing Trim All the opportunity to improve after the meeting with Mr. Shiver this week and if there is no improvement, the Board can make the decision to request proposals at the November meeting.

**FIFTH ORDER OF BUSINESS                      Minutes**

**A.    Approval of Minutes of the May 18, 2021 Board of Supervisors Meeting**

There were no comments on the minutes.

On MOTION by Mr. Snow seconded by Mr. Greenberg with all in favor the minutes of the May 18, 2021 meeting were approved as presented.

**B.    Acceptance of Minutes of the May 18, 2021 Audit Committee Meeting**

There were no comments on the minutes.

On MOTION by Mr. Greenberg seconded by Mr. Snow with all in favor the minutes of the May 18, 2021 Audit Committee Meeting were accepted as presented.

**SIXTH ORDER OF BUSINESS                      Ratification of Transfer to KE Law Group  
for Legal Counsel and Consideration of Fee  
Agreement**

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Mr. Laughlin informed the Board Ms. Kilinski has left Hopping Green & Sams and is now working with KE Law Group. Between meetings Mr. Laughlin made the decision to sign a letter stating that the District would retain Ms. Kilinski as legal counsel at her new firm. Mr. Greenberg stated that he felt it would be to the District's benefit to continue to retain Ms. Kilinski as legal counsel, however he asked that annual increases in fees come before the Board for approval.

On MOTION by Mr. Greenberg seconded by Mr. Snow with all in favor ratifying the transfer to KE Law Group for legal counsel was approved along with the fee agreement.

Mr. Greenberg informed the Board the issue of acceptance of the Phase 1 roadways by the County went before the Board of County Commissioners and it was approved unanimously. He also updated the Board on new developments surrounding Amelia Concourse, including a school district to be called Amelia Concourse School District of Fernandina Beach. A traffic study was done about a month ago which has resulted in the County looking at additional traffic lights. An issue brought forth in a few meetings is a request for a cut through by Orchid Blossom Trail in Phase 3. The County has acknowledged that might be the only solution, however he's not aware of where it will be or the timing of the project.

#### **SEVENTH ORDER OF BUSINESS**

#### **Acceptance of the Audit Committee's Recommendation**

This item was tabled as the Audit Committee rejected the only proposal received in response to the RFP for audit services.

#### **EIGHTH ORDER OF BUSINESS**

#### **Acceptance of the Fiscal Year 2020 Audit Report**

Mr. Laughlin read statements from the audit report into the record noting the audit is what is known as a clean audit. The SPE fund, created when the bonds defaulted, has been questioned each year in the audit report and will be questioned each year until the SPE fund is no long necessary. District staff will respond to the query as it does each year stating that the major landowner in the District failed to pay their annual debt service assessments, which caused the District to have insufficient funds to pay their annual debt service payments for the Series 2007 Capital Improvement Revenue Bonds. The District filed a foreclosure lawsuit against the

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property owned by the major landowner and obtained ownership of the property through the special purpose entity. The SPE has entered into various real estate sales agreements with the new developer that requires a payment to the SPE upon the closing of each developed lot on the property securing the bonds. The collection in these fees to date has resulted in over \$3.5 million of past due debt service payments being made. Ms. Kilinski stated that a true-up of the amortization schedule for the assessments outstanding will be needed. A new amortization schedule will need to be done by the trustee.

On MOTION by Mr. Greenberg seconded by Ms. Cator with all in favor the Fiscal Year 2020 audit report was accepted.

#### **NINTH ORDER OF BUSINESS**

#### **Public Hearing for the Purpose of Adopting the Fiscal Year 2022 Budget**

Mr. Laughlin noted there is no increase in assessments proposed with the Fiscal Year 2022 budget, which is substantially similar to last year's budget.

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

There were no comments from the public.

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

#### **A. Consideration of Resolution 2021-06, Relating to Annual Appropriations and Adopting the Fiscal Year 2022 Budget**

On MOTION by Mr. Snow seconded by Mr. Greenberg with all in favor Resolution 2021-06, relating to annual appropriations and adopting the Fiscal Year 2022 budget was approved.

#### **B. Consideration of Resolution 2021-07, Imposing Special Assessments and Certifying an Assessment Roll for Fiscal Year 2022**

Mr. Laughlin noted this resolution allows District staff certify the assessment roll and submit it to the County for collection of the annual assessments.

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On MOTION by Mr. Greenberg seconded by Mr. Snow with all in favor Resolution 2021-07, imposing special assessments and certifying an assessment roll was approved.

**TENTH ORDER OF BUSINESS**

**Consideration of Designating a Regular Meeting Schedule for Fiscal Year 2022**

Mr. Laughlin noted the proposed schedule includes bi-monthly meetings for Fiscal Year 2022. Meetings can be canceled or added as needed.

On MOTION by Mr. Greenberg seconded by Ms. Cator with all in favor the Fiscal Year 2022 meeting schedule was approved as presented.

**ELEVENTH ORDER OF BUSINESS**

**Consideration of Resident Request to Remove Portion of Fence on CDD Property**

Mr. Shiver informed the Board a previous owner of 85189 Amaryllis Court installed irrigation and landscaping on a portion of property owned by the CDD. The current homeowner installed a fence and later learned what he thought was his property was in fact the CDD's. There is no irrigation and poor landscaping in the area. The homeowner has requested he be allowed to remove the fence, enclose the section of property, re-landscape the section, and maintain it himself. Mr. Shiver noted he is not asking for ownership of the property, but simply an easement or permission in perpetuity to have use of the property that could be terminated if needed. Ms. Kilinski stated that she would draft a non-exclusive perpetual easement agreement. Mr. Greenberg asked if there were any downsides to consider. Ms. Kilinski responded that overall there were not. Mr. Toohey stated that he was concerned this would set a precedent and could encourage similar requests from other homeowners. Ms. Kilinski responded that this agreement would not be ceding property to the homeowner, and it would not allow structures, hardscape or impervious areas; the purpose is to allow them to install irrigation and landscaping. A member of staff will review what the homeowner intends to install, and the agreement would allow the District to reclaim the property afterwards. The agreement will be brought back to the next meeting and Mr. Shiver will confirm what the homeowner intends to install on the property.

On MOTION by Mr. Greenberg seconded by Mr. Snow with all in favor authorizing counsel to draft a non-exclusive perpetual easement agreement for 85189 Amaryllis Court was approved.

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**TWELFTH ORDER OF BUSINESS****Discussion Regarding Phase 2 Maintenance Access Easements**

Mr. Shiver informed the Board the District's lake maintenance and landscape maintenance vendors only have one point of access to the pond located off Snapdragon that does not have a fence barrier. The other access points have fences installed with gates on both sides of the property, however they are not large enough for the maintenance vendor's equipment. The two homeowners that have not installed fences feel it's unfair that their yards are being used each time the ponds and pond banks are maintained. Mr. Shiver noted letters were sent in 2019 to all the owners whose lots are on easements warning them of the issues installing fences will create. Mr. Shiver suggested either asking the owners to remove the fencing, or to reposition the fencing so that it doesn't block the easement. Ms. Kilinski recommended sending a letter to the homeowners giving them a timeframe to remove the fencing from the easement.

On MOTION by Mr. Greenberg seconded by Ms. Cator with all in favor authorizing staff to send cease and desist letters asking homeowners to remove their fences out of the District's easements was approved with Supervisor Snow authorized to finalize with staff.

**THIRTEENTH ORDER OF BUSINESS****Consideration of Little Library Request**

Mr. Laughlin reminded the Board a request from the Junior Women's Club of Fernandina to install a Little Library on District was presented at an earlier meeting and the Board asked for more information. Ms. Cator provided a picture of what the Little Library will look like and noted it would be donated and installed by the Women's Club in a designated place of the Board's choosing. The box measures about 10-inches by 12-inches with a glass door and stores donated books. The Women's Club goal is strong reading and literacy skills and to help prepare children for further education. In response to a concern that the box would bring a lot of outside people coming in to use the box, the Women's Club stated that the libraries are intended to be filled by the community and are usually filled with a combination of children and adult books and do not have to be returned to the same library. The HOA would be responsible for maintaining the library. As for advertising, they would like to post a picture of the project once completed on their Facebook page to show the ladies completing their community service

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project, otherwise it will not be advertised. If it was important to the Board that the picture was not posted, they would abide by that.

Mr. Greenberg asked Ms. Kilinski if there are any liability and insurance concerns. Ms. Kilinski responded that a perpetual easement agreement may be necessary for the installation if the HOA is going to be operating and maintaining the library on CDD property, however the liability risk is low.

Mr. Shiver asked which HOA would be responsible for the maintenance. Ms. Cator responded that she presumes it will be the Phase 1 HOA, but she could confirm that is the case if the Board agrees to allow the installation of the box.

The Board discussed other concerns about the library such as inviting outside people into the community, creating more traffic congestion and relying on the HOA for maintenance.

Mr. Snow stated that he's in favor of installing the box and if it does not work out, it can be removed.

On MOTION by Mr. Snow seconded by Ms. Cator with Mr. Greenberg, Mr. Toohey and Mr. Pieratti opposed, allowing installation of a Little Library on District property was not approved.
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The Board was agreeable to a representative from the Women's Club attending the next meeting to answer any questions the Board has in order to consider the request again.

#### **FOURTEENTH ORDER OF BUSINESS      Staff Reports (2)**

##### **A. District Counsel**

Ms. Kilinski informed the Board the current standard per the District's Rules of Procedure is to notice every board meeting seven days in advance. There is also an annual notice that gets published in a newspaper and posted on the District's website. There is nothing in the Statute requiring the seven-day notice for regular board meetings. Ms. Kilinski presented a resolution that would waive the requirement of the seven-day notice for regular meetings, which would in turn save the District advertising expenses.



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On MOTION by Mr. Greenberg seconded by Mr. Snow with all in favor Resolution 2021-08, waiving the portion of the rules of procedure requiring published notices for each regular meeting was approved.

**B. District Manager**

Mr. Laughlin informed the Board the last capital reserve study done for the community was completed in 2018 and a lot of the estimates are no longer accurate due to the amount of inflation. He recommended beginning the process of obtaining proposals to have another reserve study done. There were no objections from the Board so the item will be added to the next agenda.

**C. Field Operations Manager – Report**

Mr. Shiver gave an overview of maintenance updates and repairs that have taken place since the last meeting. He informed the Board he received a request from the Phase 2 HOA to get permission to install a second message board at the Bellflower entrance, which the Board felt was not necessary.

The Board discussed the complaints of excessive geese. Mr. Laughlin informed the Board of a vendor called Goose Masters that uses herding dogs to control the geese, and Mr. Shiver will install a sign near the amenity center asking residents not to feed the geese.

Mr. Greenberg asked Mr. Shiver to obtain a quote for restocking carp in the ponds. Mr. Laughlin will look at the lake maintenance contract.

Mr. Shiver presented a proposal from Horizon Casual for replacing the tables on the pool deck, totaling \$2,668.80 and noted he plans to get at least one more quote to present at the next meeting if the Board is amenable to considering the proposals. Mr. Snow asked for more options for the tables and the Board also asked for quotes to replace the chairs.

Mr. Shiver asked the Board for direction on installing holiday decorations as First Coast CMS is no longer able to do so. He presented a quote from a company to install their own lighting for a total of \$4,714. The Board discussed asking the HOA for assistance in funding installation of Christmas lights and opted to approve a not to exceed amount to allow Mr. Shiver to look into other companies that provide a similar service or will use the lights the District already owns.

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

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On MOTION by Mr. Pieratti seconded by Mr. Snow with Mr. Greenberg in favor and Ms. Cator opposed installation of Christmas lights at an amount not to exceed \$6,000 was approved.

**FIFTEENTH ORDER OF BUSINESS      Other Business**

There being none, the next item followed.

**SIXTEENTH 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. Assessment Receipt Schedule**

A copy of the assessment receipt schedule was included in the agenda package showing the District's assessments are fully collected.

**C. Approval of Check Register**

A copy of the check register totaling \$943,321.53 was included in the agenda package, \$853,581.23 of which are related to the SPE and are costs reimbursed by Dream Finders. Mr. Laughlin noted going forward the SPE charges will not be listed on the check register.

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

**SEVENTEENTH ORDER OF BUSINESS      Audience Comments / Supervisor's Requests  
Supervisor Requests**

Mr. Pieratti stated that the 15 mph signs on Amaryllis have to be removed in order for the County to allow acceptance of Phase 2. He also noted the District could petition the County to install speed bumps if desired. Mr. Laughlin stated that a traffic study would need to be done prior to initiating the petition.

**Audience Comments**

Mr. Bill Wesley, 95182 Snapdragon, stated, "I own the house that has the only open access and I appreciate your motion. The real concern is the pickup truck because it runs over sprinkler systems and breaks them, and it leaves tracks. Is there some other way to get a boat on a trailer through there and if there was, with 7.5-feet you could get a boat in there without having to remove the fence if they put a 7-foot gate in there." Mr. Laughlin responded that the

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homeowners should not have installed a fence within the easement in the first place and it is not a precedent that should be set. Mr. Shiver stated the goal is to have the contractor only using one person’s easement access every four or five months.

*Ms. Cator left the meeting at this time.*

A resident asked whose responsibility it would be to clean the stormwater drainage out. Mr. Pieratti responded the CDD is responsible for the stormwater management system.

**EIGHTEENTH ORDER OF BUSINESS      Next Scheduled Meeting – TBD**

The next scheduled meeting per the adopted meeting schedule is November 16, 2021.

**NINETEENTH ORDER OF BUSINESS      Adjournment**

On MOTION by Mr. Pieratti seconded by Mr. Snow with all in favor the meeting was adjourned.

DocuSigned by:

*Daniel Laughlin*

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Secretary / Assistant Secretary

DocuSigned by:

*Harvey Greenberg*

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Chairman / Vice Chairman