

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 16, 2023 at 11:00 a.m. at the Amelia Concourse Amenity Center, 85200 Amaryllis Court, Fernandina Beach, Florida 32034.

Present and constituting a quorum were:

Harvey Greenberg	Chairman
Jeff Snow	Supervisor
Kimberley Chamerda	Supervisor
Fred Eichmann	Supervisor

Also present were:

Daniel Laughlin	District Manager
Lauren Gentry	District Counsel (by phone)
Mike Yuro	District Engineer
Tony Shiver	Operations Manager
Jesse Kanust	BrightView Landscaping
George Rugen	BrightView Landscaping

The following is a summary of the discussions and actions taken at the May 16, 2023 meeting.

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Laughlin called the meeting to order at 11:02 a.m. and called the roll.

**SECOND ORDER OF BUSINESS**

**Public Comment**

Mr. Charles Gay, 95185 Windflower, commented that he hopes the Board has inspected the neighborhood well as he believes the District is not getting the service that is being paid for.

Ms. Susan Mason, 95422 Orchid Blossom, commented that she is concerned about the children running amuck at the pool and playground and the lack of supervision.

**THIRD ORDER OF BUSINESS**

**Staff Reports (1)**

**B. Landscape Report**

Mr. Shiver informed the Board that he and the Chairman met with representatives of BrightView to discuss deficiencies within the community.

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Mr. Kanust stated that there are common areas that have been missed in Phases 1 and 2, and areas in Phase 3 that were mowed that shouldn't have been. A detailed map of areas that should be maintained and where their trucks should be parked has been created.

Ms. Chamerda asked that the area between Amaryllis and Windflower be cut.

Mr. Greenberg stated that there are deficiencies that still have not been corrected and reports that have not been submitted since the meeting.

Mr. Donald Wilder, 85078 Amaryllis Court, commented that he does not see the irrigation come on anymore at the corner of Daisy and Amaryllis.

Mr. Shiver stated that an irrigation audit is needed due to reports of broken irrigation heads.

#### **A. District Engineer**

Mr. Yuro informed the Board that there has been ongoing dialogue with the resident located at 85456 Amaryllis about the grading on the pond bank behind their home. A few months back he reported that the pond bank does appear to be lower behind their house. A grading plan was included in the agenda package to show what would be needed to restore it to the designed condition. He believes the repair will cost approximately \$5,000 to \$8,000 and would include bringing in about 50 cubic yards of dirt and restoring sod in the areas, which would require the contractor to use the easement for access.

Ms. Gentry stated that up until this point, the CDD has taken the stance that the CDD is not responsible for grading or drainage issues on private lots, it is the responsibility of the private homeowner. So, if the CDD approves a portion of this work, she would ask for an acknowledgement by the homeowner that the CDD is only going to address the problems on CDD property and if the repair causes any issues on their own property, that they are responsible for those issues. Another legal issue is there is a case pending with this homeowner in the Nassau County court requesting that they move their fence so the District can access their easement. If the Board approves this work, her firm will make a filing asking for an expedited decision to get this issue resolved and have the easement rights needed to complete this work.

Mr. Greenberg asked what has been done legally to put both the County and the developer on notice because it should be their responsibility to pay for this repair.

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Ms. Gentry stated that at this time there is a lack of evidence as to who caused this issue. When the District accepted these pond banks, everything appeared to be compliant with the permitted plans.

Mr. Greenberg stated that the pond banks have never been accepted.

Mr. Yuro stated that the pond bank should be at elevation 25 and 10-feet away from the lot line. The as-built that was provided for that pond bank showed that was the case and his investigation shows that is currently not the case. He added that his guess is it was caused by the builder due to not enough fill being brought in, and the reason he came to that conclusion is the as-builts are done before houses are built, then the builder comes in and brings in whatever lot fill they did and regrades everything to match existing conditions.

Mr. Greenberg stated if the requirements were followed and everything was done as the as-builts were indicated this would not have happened, so there is a deficiency on the part of the developer, the builder or the county. He added that the District has an obligation to the homeowners to ensure it's not something the CDD pays for.

Mr. Laughlin stated that a letter was sent to the builder notifying them of this issue when the District first found out about it and putting them on notice, however they have not yet responded.

Mr. Greenberg asked staff to follow up with Robert Companion in the engineering department of the county, and if necessary, go to Taco Pope.

Mr. Snow stated that he would not be inclined to approve the repair when the homeowner has not moved their fence out of the easement.

Mr. Greenberg asked Ms. Gentry to put the county on notice that construction and performance bonds should not be released due to various deficiencies. Ms. Gentry advised the Board that she was not aware of whether the builder had any open bonds with the county, but they would pursue any available avenues to hold a third party responsible for the repairs.

The Board was in agreeance to not solicit proposals for the repair.

Mr. Yuro reminded the Board that at the last meeting he was directed to review the easement agreements for the retaining walls, however Mr. Laughlin is still waiting on a few of the agreements.

**FOURTH ORDER OF BUSINESS**

**Approval of Minutes of the March 21, 2023 Meeting and April 4, 2023 Workshop**

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There being no comments on the minutes, a motion followed.

On MOTION by Ms. Chamerda seconded by Mr. Eichmann with all in favor the minutes of the March 21, 2023 meeting and April 4, 2023 workshop were approved as presented.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-02, Approving the Proposed Budget for Fiscal Year 2024 and Setting a Public Hearing Date for Adoption**

Mr. Laughlin noted the public hearing is set for July 18<sup>th</sup> at 11:00 a.m. and provided an overview of the budget. Since the budget workshop was held, the insurance company has advised that property insurance could increase as much as 50%.

Mr. Shiver announced his company is terminating its contract with the District.

Mr. Laughlin proposed increasing the amenity management and facility maintenance line items and possibly adding a field operations line item.

Mr. Shiver advised also increasing janitorial services.

The Board settled on increasing the budget by \$30,000, which would amount to a \$39 annual increase in assessments per homeowner.

Ms. Gentry noted that there will be a section added to the resolution that will provide for declaring assessments. The section for the public hearing will also be amended to state that the public hearing will be on both the proposed budget and the assessments. Ms. Gentry read the amended language into the record and stated she would send an updated resolution for signature.

On MOTION by Mr. Snow seconded by Mr. Eichmann with all in favor Resolution 2023-02, approving a proposed budget for Fiscal Year 2024 and setting a public hearing date for July 18, 2023 at 11:00 a.m. was approved as revised.

**SIXTH ORDER OF BUSINESS**

**Discussion of Lending Library Proposal**

Mr. Laughlin stated that the resident proposing installation of a lending library in the community is still interested.

Mr. Greenberg stated that he and Mr. Shiver have found an appropriate location if it is approved. That location is beyond the playground to the left of the bench. He asked if the Board wants to consider whether the lending library should be for children and children’s books only.

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Mr. Snow stated that he's not sure the Board should be responsible for monitoring the books that are in the lending library.

Mr. Eichmann asked who will be responsible for monitoring the contents.

Mr. Snow responded that the requesting resident and her students will be monitoring it monthly and will stock the library initially.

Ms. Gentry stated that a line could be included in the agreement that states that the District will not be responsible for any upkeep or stocking of the lending library. She also recommended putting a disclaimer on the back of the library that says that it is independently managed and the District is not responsible for contents.

Mr. Snow motioned to approve installation of a lending library. There being no second, the motion failed.

**SEVENTH ORDER OF BUSINESS                      Other Business**

There being none, the next item followed.

**EIGHTH ORDER OF BUSINESS                      Staff Reports (2)**

**A. District Counsel**

Ms. Gentry informed the Board the Florida legislature did not approve any increases in the government limitations of liability but did pass a requirement for ethics training for CDD supervisors. Her firm will report back to the Board on specific details of the requirements.

**B. District Manager – Report on the Number of Registered Voters (891)**

Mr. Laughlin informed the Board that there are 891 registered voters reported to be residing within the District's boundaries as of April 15, 2023.

He also reported that the Amelia Walk CDD has requested to install a structure such as bollards on a portion of the haul road owned by Amelia Concourse that runs between the two communities that was used for construction to prevent vehicles from driving on the road as Amelia Walk intends to turn the road into a walking trail. Amelia Walk would be responsible for the maintenance of the structure.

Ms. Gentry stated that it would be a simple easement agreement that would grant Amelia Walk the right to install it and the ongoing rights to access the property for maintenance. Ms. Gentry advised that her firm also represents the Amelia Walk CDD, so a conflict waiver would be required for her to represent both parties in the drafting. She stated this is required by the

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Florida Bar, but she does not believe there is currently a conflict which would prevent her from adequately representing both parties in drafting the agreement.

On MOTION by Ms. Chamerda seconded by Mr. Eichmann with all in favor the request from Amelia Walk CDD to install bollards on Amelia Concourse property subject to an easement agreement and conflict waiver for District Counsel was approved.

**C. Field Operations Manager – Report**

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

He also informed the Board that he received an email from the Phase 3 HOA management company regarding an easement request from a homeowner to put up a fence. The reason for the email is some language in the HOA documents seems to indicate the fences can be installed in District easements, with the caveat that the homeowners will be responsible for costs for repairing or reinstalling the fence if it is removed for maintenance purposes and homeowners that install fences on drainage easements may be required to install gates to allow access for pond maintenance companies.

*Supervisor Chamerda left the meeting at this time.*

Mr. Laughlin stated that the HOA cannot supersede CDD rules, so the HOA would need to change the language in their documents.

Mr. Shiver also informed the Board that Parry Pools has not yet been out to apply marcite to the pool, so he will work with District Counsel on sending a demand letter.

**NINTH ORDER OF BUSINESS**

**Financial Reports**

**A. Financial Statements as of March 31, 2023**

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

**B. Approval of Check Register**

A copy of the check register totaling \$29,763.53 was included in the agenda package.

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

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**TENTH ORDER OF BUSINESS**

**Supervisors' Requests and Audience Comments**

There were no supervisor requests.

**Audience Comments**

Ms. Susan Mason, 95422 Orchid Blossom, asked if the jets work in the wading pool and how they can be turned on.

Mr. Shiver responded that they are not jets, they are returns where the freshly filtered water returns to the wading pool.

Ms. Susan Mason also stated there are several stalls in the women's bathroom that are not latching correctly. Lastly, she asked why the lending library failed.

Mr. Laughlin responded that there needs to be a majority vote and there was no second to the motion.

Lastly, Ms. Susan Mason stated that she has chased kids out of the family bathroom multiple times.

Mr. Dale Tegreeny, 95411 Orchid Blossom, asked for an update as to what is going on with the cleanup of an overgrown lot in the Phase 3 area.

Mr. Greenberg stated that it is the responsibility of Dream Finders.

Mr. Rich Wheeler, 95298 Cornflower, suggested a brainstorming session to come up with some ways to communicate the issues with the damage being done at the amenity center to get the community engaged and come up with ways other than relying on security cameras.

Mr. Donald Wilder, 85078 Amaryllis Court, asked if the Board has had any contact with the County on road maintenance in the area.

Mr. Laughlin responded that he has reported some issues to the County and noted the residents can submit tickets to the public works department to request maintenance be done.

Mr. Dale Tegreeny asked how much is being paid to repair damage being done at the amenity center and how that compares to the cost of having a staff member on site full time.

Mr. Greenberg stated that the Board did try staffing the amenity center on the weekends and it seemed to be a waste of money as there are not a lot of incidents when the facility is crowded. Most incidents are occurring after hours and that is one of the issues that will be discussed during the discussion of security matters.

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Ms. Susan Mason stated suggested having someone on staff from 6:00 p.m. to 12:00 a.m. and then having an off-duty officer onsite from 12:00 a.m. to 6:00 a.m. She also stated that she feels it would be a better use of money to have a security guard than a staff member onsite from 9:00 a.m. to 5:00 p.m.

Ms. Ann Bachand, 95061 Lilac, stated that she likes the idea of involving the community more.

Ms. Susan Mason asked if the pool and children’s area could be locked off at night.

Mr. Laughlin stated that the access system shuts off at night, however they climb the fence.

Mr. Duane Rust, 95023 Periwinkle thanked Mr. Shiver for his time served at the community.

**ELEVENTH ORDER OF BUSINESS                      Consideration of Quote for Security Cameras**

This portion of the meeting was closed to the public in accordance with Sections 119.071(3)(a) and 281.301, Florida Statutes, as the Board discussed matters related to the security system plan. The closed session began at approximately 12:52 p.m. Supervisor Chamerda rejoined the meeting at approximately 1:09 p.m. The public portion of the meeting resumed at approximately 1:27 p.m.

**TWELFTH ORDER OF BUSINESS                      Next Scheduled Meeting – July 18, 2023 at the Amelia Concourse Amenity Center**

**THIRTEENTH ORDER OF BUSINESS                      Adjournment**

On MOTION by Mr. Eichmann seconded by Ms. Chamerda with all in favor the meeting was adjourned.

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*Daniel Laughlin*  
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Secretary / Assistant Secretary

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*[Signature]*  
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Chairman / Vice Chairman