

ABERDEEN
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Aberdeen Community Development District was held Tuesday, October 24, 2017 at 4:00 p.m. at the Aberdeen Amenity Center, 110 Flower of Scotland Avenue, St. Johns, Florida 32259.

Present and constituting a quorum were:

Rhonda Lovett	Chairperson
Angela Andrews	Vice Chairperson
Dennis M. Clarke	Supervisor
Hillary (Beth) Fore	Supervisor
Gary Davis	Supervisor

Also present were:

Jim Oliver	District Manager
Carl Eldred	Hopping Green & Sams
Louis Cowling	Riverside Management
Lauren Egleston	Vesta/Amenity Services Group

The following is a summary of the actions taken at the October 24, 2017 meeting. A copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Roll Call

Ms. Lovett called the meeting to order at 4:00 p.m. and called the roll.

SECOND ORDER OF BUSINESS

Audience Comments

A resident stated I provided the board in writing, damage in our backyard due to a drainage pipe that has caused a 3 X 2 hole in our yard that is a hazard. I'm afraid that it is undermined and I would like the drainage repaired and the property returned to its original state. Louis has come over but has not found a contractor that will do such a small job.

Ms. Lovett stated if it is in our easement we need to get that fixed as quick as possible.

Mr. Cowling stated George did look at it and he gave me the name of a couple of contractors but they were not available to do the work because of other projects and it is a small job. I have had Jason Webb from Duval Asphalt take a look at it and he was supposed to have a

proposal to me by today. Hopefully, we will have a proposal in the next day or so and we will work with the supervisors to release the money to do that work.

Mr. Oliver stated we will coordinate the appropriate repairs and ask the Board to ratify these actions after the fact.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the September 26, 2017 Meeting

On MOTION by Ms. Andrews seconded by Ms. Fore with all in favor the minutes of the September 26, 2017 meeting were approved as presented.

FOURTH ORDER OF BUSINESS

Update Regarding Access Control System

This item was tabled.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2018-01 Approving the Actions for Transfer of 1-Acre Recreational Parcel to CDD

Mr. Eldred stated we previously negotiated an agreement with D.R. Horton to acquire the one-acre parcel for \$1. The option must be exercised before December 20th so in an abundance of caution we went ahead and scheduled it for this meeting. The resolution before you simply acknowledges the agreement with D.R. Horton, that it is in the best interest of the district to exercise the option and purchase the property. In section 2 there is specific language that authorizes members of the board to take whatever actions are necessary to effectuate this acquisition. In section 3 the district approves the real estate contract, which is attached to the resolution and authorizes the chairperson or anyone who has been designated by the chairperson to execute those documents. It also notes that any changes will be approved by the chairperson or the designated member of the board and that will be conclusive evidence of the approval of those changes. In section 4 the district approves the payment of the outstanding debt assessments at closing on the 12 units that were planned for construction on the expansion property. The expansion property is the one-acre parcel. D.R. Horton had planned to build 12 units, there was debt assessed to those units and as part of the original agreement we agreed to pay \$1 for the property and pay off the debt assessment and that will take place at closing and that will be approximately \$130,000. Section 5 is a provision that authorizes staff and members

of the board to take any and all necessary actions to acquire the property. Exhibit A is the agreement with D.R. Horton that was an amendment to the original agreement that provided for the purchase of the property. Attached to that document is a real estate contract, which is Exhibit B to the contract, which we negotiated at the time when everything was fresh on everybody's mind. These are the terms that both the district and D.R. Horton agreed to for purchasing the property. It establishes which costs will be paid by the district. The district will be provided the property in an as is condition. There is also an addendum to the standard real estate contract that D.R. Horton requires in all of their land sales and this is the document that took the most negotiation. The key provision there is that we are buying it in an as is condition. Section 7 refers to D.R. Horton's ongoing obligation to construct the road. You may recall that there was an agreement to build a road that allows us access to the one-acre parcel. Also D.R. Horton agreed to assist in any necessary changes to the existing permit to allow us to construct the amenity on that property. You have seen it before but I wanted to go through it again.

On MOTION by Mr. Clarke seconded by Mr. Davis with all in favor Resolution 2018-01 was approved.

Mr. Eldred stated I assume the board is not in any hurry for me to send the letter to D.R. Horton exercising the option, every month that goes by D.R. Horton is paying the assessments. Since you have to take steps by December 20th I propose that in early December I send the letter to D.R. Horton notifying them that we are exercising the option then closing has to take place within 90 days. Depending on how quickly that process moves forward towards closing will determine when we have to pay the debt assessment. I will give the lawyer at D.R. Horton that I have been working with a heads up.

SIXTH ORDER OF BUSINESS

**Consideration of Second Amendment
Landscape & Irrigation Maintenance
Agreement with R&D Landscape**

Mr. Eldred stated this is a result of the fact that the existing agreement expired at the end of September and this is the standard agreement. We are essentially extending the existing relationship for another year. This agreement does add some extra services that have all been before the board and approved. We are formally incorporating those extra services into the master agreement and those services amount to a total of \$29,865.

Ms. Andrews stated I am not thrilled with them and I would like to look at other providers. They miss areas for months and we will probably have the same issue with a new company but I would like to look at other providers.

Ms. Lovett asked didn't we issue them a letter in terms of notice on scalping and other issues?

Mr. Cowling stated this will be their third year so in the spring it will go back out to bid and if we want to go out earlier we can do that.

Ms. Lovett stated we can go out as soon as possible and we can cancel this contract.

Mr. Cowling stated I have been pushing them hard and I think they are doing a lot better.

Mr. Oliver stated I suggest we begin the RFP process early 2018 so we can have the proposals reviewed before we enter into the budget process in May.

On MOTION by Ms. Fore seconded by Mr. Davis with all in favor the second amendment to the landscape & irrigation maintenance agreement with R&D Landscape was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Audit Engagement Letter from Berger, Toombs, Elam, Gaines & Frank

Mr. Oliver stated the CDD is a form of government in the State of Florida and as such, we are required to have an annual audit performed by an independent CPA firm. Those auditors are selected through the RFP process in accordance with Florida Statutes, Chapter 218 and the Board went through the process a couple of years ago to selecte the current auditor. This is the renewal letter in the amount of \$3,525, as you budgeted for that service.

On MOTION by Mr. Davis seconded by Mr. Clarke with all in favor the engagement letter with Berger Toombs to perform the fiscal year 2017 audit in the amount of \$3,525 was approved.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2018-02 Designating Registered Agent

Mr. Eldred stated this is just a resolution that changes the existing registered agent, which was Mike, to me. I have been overseeing the district counsel function for this district for a while so it simply changes the name and it will come straight to me as opposed to Mike.

Mr. Oliver stated maybe the first time it can be a round table discussion and that can morph into something more formal. After your one on one or small group discussions then we start having noticed workshops where the entire board is present.

TENTH ORDER OF BUSINESS Update Regarding Security Camera System

This item tabled.

ELEVENTH ORDER OF BUSINESS Other Business

There being none, the next item followed.

TWELFTH ORDER OF BUSINESS Staff Reports

A. Attorney – Update Regarding Conveyance of Pond

Mr. Eldred stated at the last meeting we talked about conveying that pond that is outside the district that is located within the footprint of Durbin Crossing and I said all we need to do is prepare the necessary conveyance documents. I have since discovered that it is part of the Aberdeen permit so it is going to require a little bit more effort to transfer that permit. We will go through the water management district but it should be as simple as Durbin Crossing saying they are willing to accept the conveyance and they are going to take over the necessary maintenance, etc. that they have actually been doing all these years anyway.

Ms. Andrews asked are you working on the Julington Lakes item at the same time.

Mr. Eldred stated I need to understand the status of that and I will work offline with Louis and George on that and I will bring an update to the next meeting.

B. Engineer – Work Authorization No. 26

Mr. Oliver stated each year the engineer provides a work authorization and this is to cover on a not to exceed basis what his general engineering services will be. This is in the amount of \$4,000 and you budgeted \$7,000. If he reaches the \$4,000 threshold he will come back to the board with an additional work authorization.

On MOTION by Ms. Andrews seconded by Ms. Fore with all in favor work authorization no. 26 was approved.

C. Manager

There being none, the next item followed.

D. Operation Manager - Report

Mr. Cowling reviewed the items outlined in the monthly memorandum, which was included in the agenda package.

E. Amenity Center Manager - Report

Ms. Egleston reviewed the amenity center activities and maintenance items, which were outlined on the monthly memorandum, which was included as part of the agenda package.

EIGHTH ORDER OF BUSINESS

Financial Reports

A. Balance Sheet as of September 30, 2017 and Statement of Revenues and Expenses for the Period Ending September 30, 2017

A copy of the financials was included in the agenda package.

B. Assessment Receipt Schedule

A copy of the assessment receipt schedule was included in the agenda package.

C. Impact Fee Summary Report

A copy of the impact fee summary report was included in the agenda package.

D. Approval of Check Register

On MOTION by Mr. Davis seconded by Mr. Clarke with all in favor the check register was approved.

THIRTEENTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

A resident stated I would like to bring up the parking issue. The issue is the roads are county rights of ways and nothing can be done. Why can't a nuisance be covered under the CDD by-laws?

Mr. Eldred stated the streets are not owned by the district, the district has limited authority. They have authority over the infrastructure that it has installed, the amenity center is

included in that, common areas, etc. The roads though originally constructed by the district were given to the county so the roads are under the county's control. We have no authority to restrict parking or anything else on the roads.

A resident asked couldn't it be tied into how they use their property?

Mr. Eldred stated how residents use their property would be an HOA issue to the extent those uses are inconsistent with the restrictive covenants.

A resident stated parking is crazy and it seems like nobody wants to take accountability. We come here we are told to go to the county, we call the county and are getting pointed to the HOA. At what point is someone going to take accountability? The roads are too small to begin with, they built the houses so that I can't even park my truck in the garage.

Mr. Eldred stated I hear you but it is not an issue of this district and we are a creature of statute so we have very specific enumerated areas of responsibility and authority and we cannot exercise authority where we don't have it. The streets are under the county's purview and that is the county's responsibility how they oversee parking. I can't tell you how the county handles that. Your board members are residents also and may be similarly affected but there is nothing the district can do legally.

A resident stated they block the sidewalk and block the street.

Mr. Eldred stated as sympathetic as we may be there is simply nothing we can do about that. Sidewalks are part of the right of way and we cannot do anything about that but if people are parking in the common areas that is something you can ask the board to do because the district owns the common areas. We can do something about that. Just as you can't do anything about your neighbor's property we can't do anything about the roads or the rights of ways.

A resident asked what about the common area that was designed for a playground by Stirling Bridge and can that area be used for parking?

Mr. Oliver stated the district would tow cars if they parked on unauthorized common areas.

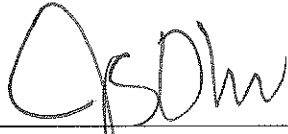
Ms. Lovett stated we have a towing policy.

Mr. Oliver stated if you contact your county commissioner, he will engage the appropriate county staff members on this matter. You can also contact the SJSO to the extent this creates a safety hazard, especially the blocking of emergency vehicles.

**FOURTEENTH ORDER OF BUSINESS Next Scheduled Meeting – 11/28/17 @4:00
p.m. @ Aberdeen Amenity Center**

Mr. Lovett stated the next meeting is November 28, 2017 at 4:00 p.m.

On MOTION by Mr. Davis seconded by Ms. Fore with all in favor
the meeting adjourned at 7:12 p.m.



Secretary/Assistant Secretary



Chairman/Vice Chairman