

MINUTES OF MEETING  
AMELIA WALK COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Amelia Walk Community Development District was held Tuesday, December 12, 2017 at 2:00 p.m. at the Amelia Walk Amenity Center, 85287 Majestic Walk Circle, Fernandina Beach, FL 32034.

Present and constituting a quorum were:

Mike Taylor	Chairman
Greg Matovina	Vice-Chairman (by phone)
Gregg Kern	Supervisor
Rose Bock	Supervisor
Chris Hill	Supervisor

Also present were:

Daniel Laughlin	GMS
Dan McCranie	District Engineer
Jason Walters	District Counsel (by phone)
Jennifer Erickson	Evergreen Lifestyles Management

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Laughlin called the meeting to order at 2:10 p.m.

**SECOND ORDER OF BUSINESS**

**Audience Comments**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Approval of Minutes of the October 17,  
2017 Meeting**

Mr. Matovina stated on Page 4, at the top of the page, "This is for Evergreen, they were originally going to pay 70% for the assessment payment." I suspect the word "Evergreen" is supposed to be "Greenpoint."

On MOTION by Mr. Matovina seconded by Ms. Bock with all in favor the Minutes of the October 17, 2017 meeting were approved as revised.
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**FOURTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed

**FIFTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

Mr. Walters stated I don't have any action items for the board.

Mr. Taylor asked do we need to do anything with the next bond issuance?

Mr. Walters responded that will be at the next meeting.

**B. District Engineer**

Mr. McCranie stated I am working on the Engineer's report for Phases 3 and 4A currently. It is in draft form now. It will be reviewed and then brought to the board next month.

**1. Ratification of Requisition Nos 49-52**

The requisitons are located in the agenda package behind Section V, Tab B-1 and are the final requisitons for Phase 2.

On MOTION by Mr. Matovina seconded by Mr. Kern with all in favor Requisitions 49-52 were approved.

**2. Discussion of Drainage Issues**

Mr. McCranie stated these are located in the agenda package. We were asked to get surveys for two areas behind certain lots and come up with a basic plan. That is in your package. Everything in black was picked up by our surveyor, and everything in red was based upon the engineered lot grading plan. It does not appear as if the homebuilders followed the plan completely. Even in looking back at detail, if they were to follow the plan, everything should flow correctly, and everything would work better. We don't control that land. That is not CDD property. So I don't see a specific concern for the CDD, not that there is not an issue there, but it does not appear to be a CDD issue. There are two different areas. One is in Phase 1, halfway down, in and around the area of Lots 10, 11, and 12 and also in the area of Lot 1 in Phase 2, Right at the boundry of Phase 1 and 2, there was a blowout issue. That also was during the hurricane, and berm failed behind the lots. The stabilization was not there, so we

had an issue. It appears if they were to follow the grading plan that we would not have an issue in the future as they continue to build that berm. If they build the berm from 1.5 to 2 feet behind and above the expected grades, that would be the suggestion as well. Everything should work out as planned.

Mr. Taylor stated so we would recommend that one of the board members reach out to the builder to address these concerns. I am going to appoint Greg Kern to communicate the findings of this report with A.V. Homes, the builder.

Mr. Kern asked Mr. McCranie, to be clear, the red is the lot grading?

Mr. McCranie responded yes, the red is the engineering plan, the lot grading, that it appears they did not completely follow. The black are the points that were surveyed.

Mr. Kern asked the berm itself would be the builder's obligation to construct?

Mr. McCranie responded the builders have built it in the past. It is not something that we, as the CDD, have constructed. We can make an argument potentially that the berm should go onto our open space tract back there, but in the past in Phase 1 and Phase 2 we as a CDD have not constructed the berm.

Mr. Taylor stated so it is clear the builders were given a full set of engineering plans that complied with all the local building codes to build to that plan, correct?

Mr. McCranie responded yes.

Mr. Taylor stated the CDD, for the general public's reference, is responsible for the right-of-way, which you might want to explain that in detail for the public.

Mr. McCranie stated the CDD itself is in charge of the drainage system, so as soon as it gets into any of the pipe networks, or if there was a problem with wetlands and things like that, that would be CDD-owned property. If it gets into the right-of-way, so outside of the sidewalk to outside of the sidewalk – anything that happens in that corridor area is the CDD's responsibility that we maintain. Anything around the ponds and the pond banks is part of our drainage system.

<p>On MOTION by Mr. Taylor seconded by Mr. Hill with all in favor to appoint Gregg Kern to communicate with the builder, A.V. Homes, about drainage issues was approved.</p>
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**C. District Manager**

Mr. Laughlin stated he had no report.

**D. Community Manager - Report**

Ms. Erickson stated we are still working with the Nassau County Sheriff's office. We are waiting for the streets to get the final approval. We should be done with this by the end of March. It is a time-consuming process. We have had a lot of maintenance items. We have gotten a lot of the ceiling repaired in my office as well as the fitness, card room, and hallway due to moisture problems we are having. The AC box is now locked because people were leaving it on 65. Christmas lights were supposed to be installed, but because they were coming from California and the fires, they will be done by Friday. That is an HOA expense. We have re-wired bathroom doors. We had some issues with Bates Security getting the cards to work, but that is completed. The tennis and small area on the pool fence has been pushed back to Friday to get installed because of the rain. There are two bids for you to look at today. The first one is pressure washing. I had them break it down into different levels of areas, so we don't have to do it all at once. We still have the ability to do some of it. The areas in need are the tennis courts as well as sidewalks. It is within the budget.

On MOTION by Mr. Taylor seconded by Ms. Bock with all in favor the Martex proposal to pressure wash areas listed was approved.
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The second is a suggestion. We have a lot of dead spots in the fields. Martex approached us about putting 50 pounds of rye seed on the soccer field for \$1,800. It is not something that is a necessity. They have extra seed, and they are giving it to us at the cost and not labor. If we want to take advantage of that, we can do so and have it done pretty quickly.

Mr. Taylor stated I would recommend holding off. It is late in the season.

Ms. Erickson stated I have some concerns that the community asked me to bring to your attention. I have been trying to work with A.V. Homes to do clean-up. The lakes are really bad. I have had Lake Doctors out twice. They take out what they can, but it is an ongoing thing because the guys are not picking up the trash, especially when they are doing siding. We have a lot of new residents in Phase 2 that pick up a bag of trash every day. I spoke to them and am getting nowhere with it. We have about 200 lbs of concrete debris that

needs to be removed. They were supposed to get it done in October, and here we are in December. Where they are putting their construction dumpsters, they are blocking people's walkways as well as the mail carrier. Also, we need to speak to A.V. regarding their construction workers. We have had several complaints about them out there until 3:30 in the morning. We have one specific resident who has an F-250 who physically cannot get to their home without asking the construction people to move. They are parking side-by-side all the way down Majestic Walk. I could barely get my small truck through. The last thing is just to get the construction workers to stop at stop signs. I can forward all these issues to the board.

Mr. Taylor stated since Greg is communicating with the builder on the drainage issue, he can send a letter on behalf of the CDD to address these issues.

On MOTION by Mr. Taylor seconded by Ms. Bock with all in favor to have Supervisor Kern communicate with A.V. Homes about issues presented by the Community Manager was approved.

Ms. Erickson continued. We have had a couple of successful events. Cookies with Santa will be on the 20<sup>th</sup>. We are going to have a pre-New Year gathering for the residents on the 30<sup>th</sup>.

**SIXTH ORDER OF BUSINESS**

**Supervisor's Requests and Audience Comments**

There were no supervisor requests.

**Audience Comments**

Genevieve Avino, 85066 Champlain Drive, stated I have some concerns about landscaping. We have lost a number of trees in both hurricanes in the entrance. Are there plans to replace them? They were large trees.

Ms. Erickson responded we did get a proposal for elm trees to be replaced in those areas, but we did pass that for right now because it wasn't the appropriate time. We are looking into some different landscape ideas for some that are deeper rooted. We are working with Martex to do a new design for that.

Ms. Avino stated I have noticed that in some of the older areas, that has not been kept up. There are a number of very old bushes that need to be replaced. I would be willing to be

your guide in that. I am a gardener, and I love doing it. It has gotten to the point you can't read the sign of Champlain Drive. There are half-dead bushes and that kind of thing. That circle is so lovely, it should be continuously lovely I think. I would like to see you follow through with that.

Ms. Erickson stated the CDD's budget for this year includes having those kinds of things upgraded and replaced as needed.

Mr. Paul Geiger, 85493 Berryessa Way, stated going along with what she said, as you walk sidewalks here in this first open area, the grasses have almost overgrown the sidewalk.

Ms. Erickson stated we normally do that in January. That is an annual thing that they do.

Darnell McNeill, 85529 Berryessa Way, stated I have concern from Hurricane Irma at the intersection of Berryessa and Calumet, that drainage system doesn't seem to be working properly. Anytime it rains, the water level gets really high, and it stays high. I think that needs to be looked at.

Mr. McCranie stated we have a very high water table, and they are designed that when the storm is over, and it is 3 or 4 days later, you are going to look and you will have your grate, and the water level should be a foot or foot and a half below. I will make sure at that intersection that we don't have any blockage or anything like that.

Mr. Geiger stated at the end of Berryessa Way, where our house is, the road ends. We have had contractors or landscapers or somebody that has been coming in and dumping stuff. It is a lot of stuff that you put in beds – dirt, mulch, tree limbs, and black plastic.

Mr. Kern stated I will include that in the discussion with A.V.

Ms. Daria Cesario stated can you explain to me in layman's terms about the berm and the right-of-way and what you are not responsible for.

Mr. McCranie responded in the cases I have reviewed, the berm has been built upon the individual lots. In that property boundary, that would be not owned by the CDD but is owned by the individual. With that, any kind of berming, any kind of lot grading, or anything of those requirements, they are not owned, controlled, maintained or is the responsibility of the CDD. Anything that would be outside of that, which is behind the lots along Majestic, we have a 50' tract that is owned by the CDD. It is where a trail road is. It is where some berming and ditches are and things like that.

Ms. Cesario asked what about the grate?

Mr. McCranie stated the grate is owned and maintained by the CDD.

Ms. Cesario stated the grate does not exist now. It is covered. It was covered when we got there. Nobody ever came to clean it.

Mr. McCranie stated that should be something that we typically maintain and should, then let Evergreen know. We can make sure that it stays maintained. That is our responsibility to keep that maintained.

Ms. Cesario stated the grate is there, it is just covered in mulch and debris. It is very sunk down.

Mr. McCranie stated we are going to be asking A.V. Homes to come and look at that area as well. All of those lots, if they were graded properly and had the right amount of fill, then everything would flow and would not be as wet as it is in your backyard.

Mr. Taylor stated this would be my recommendation. You bought a home from a builder who is no longer in business. We will be happy to provide you the grading and design elevations that it should be per the design that the District Engineer did for your lot. Unfortunately, you are probably going to have to remediate the problem. We can look at the structure for which the CDD is responsible for maintaining. Everything around that structure, that inlet, that grate that is covered, you might have to do some lot improvements at your own expense to bring it up to elevation to meet the design. You will be talking about bringing in dirt and maybe re-grading.

Ms. Bock asked if she went through a Realtor, and did she get a Seller's Disclosure. She asked Ms. Cesario to look at the Disclosure and see if they disclosed anything. She may have a case of going back on that Owner, which is just a suggestion. It should have been disclosed that there was an issue in the yard. You might have to consult an attorney or your Realtor to find out what to do.

Mr. Taylor stated we do see there are spot elevations that are not correct. The District took action based on some feedback and we knew had a problem. We identified the two isolated areas, and there are some inconsistencies from what his original design was to what is being built in the field. Gregg Kern will have a discussion with the representative from A.V. Home. It will all work together.

Mr. McCranie stated the grate, when it is clear and clean, under normal circumstances – not hurricane – will rise up and probably have 6" of water on top of it. That is the design and what should be expected as your worst case. I don't foresee it because when it is 6" above that grate, it is also flowing over the banks of the pond system. Then we have a wetland that is 4' below that grade. There is still a positive place for all that water to go so it is not going to rise up any higher and come into your house. You can feel a little bit less worried because the system, while it is still going to be mushy back there, should not be able to fail and cause flooding of your actual home. I have seen some pictures, and it is not ideal.

Paul Geiger stated we have a lot of things you are going to take to A.V. What if A.V., at this point, turns around and decides it is not cost effective for them to do that. What is the board's remedy to something like that?

Mr. Walters responded with respect to the individual lot, I can't throw out an opinion as to some of the legal remedies on the private property. If we are talking about things we are asking related to the District work, we have several legal remedies at our disposal. We have to negotiate in good faith and try to get things done. If they don't, then you have to evaluate your options otherwise. We are hopeful that everything can get together and reasonably fulfill their obligations. I hate to say that the answer is you ask again but more firm, but that is kind of the escalation of the way you have to do things.

## **SEVENTH ORDER OF BUSINESS                      Financial Reports**

### **A. Balance Sheet & Income Statement**

### **B. Approval of Check Register**

### **C. Special Assessment Receipts Schedule**

Mr. Laughlin stated a copy of your financial statements is included in your agenda package as of October 31, 2017. The total of the check register is \$213,130.12.

On MOTION by Mr. Matovina seconded by Ms. Bock with all in favor the check register in the amount of \$213,130.12 was approved.
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**EIGHTH ORDER OF BUSINESS**

**Next Scheduled Meeting for December 19, 2017 at 2:00 p.m. at the Amelia Walk Amenity Center, 85287 Majestic Walk Circle, Fernandina Beach**

Mr. Laughlin stated the next scheduled meeting is December 19, 2017 at 2:00 p.m. at this location. Nothing has come up, so the board might want to cancel this meeting and wait until January to meet again.

On MOTION by Mr. Kern seconded by Mr. Hill with all in favor to cancel the December meeting was approved.

The next meeting will be January 16, 2018 at 2:00 p.m. at this location.

**NINTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Taylor seconded by Mr. Hill with all in favor the Meeting was Adjourned.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman