

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, January 15, 2019 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      |
| Gregg Kern  | Vice Chairman |
| Rose Bock   | Supervisor    |

Also present were:

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

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Laughlin called the meeting to order at 2:03 p.m.

**SECOND ORDER OF BUSINESS**

**Audience Comments**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Organizational Matters**

**A. Consideration of Appointing Supervisors to Fill Seats 1 and 4**

Mr. Laughlin stated we've received two resumes so far so we haven't received as many as we've been hoping for.

Mr. Taylor stated I'm going to defer to legal counsel to tell us what the next step would be to go forward from here.

Mr. Walters stated when vacancies are created, by Statute the way we fill those seats is by appointment. Appointment is a fancy word for a motion, a second and vote by the Board just like you would for any other matter that comes before the Board. It's up to the remaining supervisors to appoint to fill the seat. These are both resident-electors seats so the qualifications for someone to sit in these seats are they have to be a registered voter residing within the District. We've had vacancies for several months and it sounds like we've gotten some interest.

There's no requirement, and we have a constituted board that is functioning, but obviously we could run into quorum issues and things like that if we continue with less than a full board so at this point it's up to the Board to appoint those seats and to do so there would just be a nomination and there would be a motion to appoint person 'X' and if that gains a second then the full board would vote on that appointment.

Mr. Taylor stated I believe through Evergreen Jen has sent me a list of two other prospective residents that have potentially shown an interest, so with that being known, is it something we as a board can review and follow up on those two other parties and then make a nomination at the next board meeting?

Mr. Walters responded yes that would be fine. It's up to the Board whether you want to take action at today's meeting or if you want to wait until the next meeting once you've had a chance to review all of the candidates and perhaps speak with them individually.

Mr. Taylor stated since we have the two people here today, Mr. Murphy and Mr. Brewis, is it okay if we ask a few questions while they're here?

Mr. Walters responded yes that's certainly appropriate.

Mr. Taylor stated I appreciate you guys coming and I know you've expressed an interest so we would like to give you a couple of minutes to address the Board and we will take it under advisement.

Mr. Craig Brewis stated I live on 85203 Majestic Walk and GreenPointe built my home. I've been here five years. I'm a realtor with Berkshire Hathaway and I've been doing that for a little over four years. I was in the Coast Guard for twenty years and when I got out of the Coast Guard in Maryland I was on my HOA board for a full seven years and served in all different capacities of the HOA board. I'm looking to serve some sort of capacity down here. I have a little bit of insight into what this is because I'm the one that sold River Glen to DR Horton.

Mr. Kern stated for what it's worth, Craig and I have known each other from my past life so you have my support. Daniel, can you define the seats a little bit and what the terms are on the two seats?

Mr. Laughlin responded these are seats one and four and those seats would be held until 2022.

Mr. Taylor asked I assume for you, Mr. Brewis, that's fine?

Mr. Brewis responded I'm not leaving the neighborhood, but more important I'm not leaving the County. I've found my piece of paradise.

Mr. Taylor stated we will go to you Mr. Murphy. I've had the pleasure of meeting you at a few board meetings in the past and we have your resume here in the package but for the public that's here, do you want to address the Board?

Mr. John Murphy, 85200 Champlain Drive, stated my wife and I and my daughter, Kelly, closed May 31<sup>st</sup> and we're thrilled to be here. We came from Connecticut. I'm a retired police chief. I managed an organization of 135 police officers with a \$20 million budget. As part of that I was responsible for almost all of the budget, including Federal and State grant work. While we lived in Connecticut we lived in Farmington Woods in Avon, Connecticut, which is an extremely large community with 1,100 units. I was active on the board there and on the golf committee and house committee. My mother sold real estate in that same complex for many years as I was growing up so we're very familiar with the development of that complex. I'm familiar with rules and regulations, policies and procedures and budgets. As a police officer I dealt many times with individuals that may not be happy with things that don't go their way and have the ability to find common ground with people and I think that's very important here. We have a lot of new developments going in and a lot of new folks moving in to our development. I'm sure issues will come up. I've attended many meetings and have seen how the Board has dealt with issues such as drainage and so forth and dealt with individuals who are very passionate about certain issues but were able to maintain their composure and effectively deal with that issue so that's the kind of approach and attitude and philosophy that I would bring to the Board and look forward to serving on it.

Mr. Taylor stated thank you. With that being said, I would like to explore the other two inquiries and then come back before the Board in February and hopefully bring two residents we feel would best serve the community.

**B. Oath of Office for Newly Appointed Supervisors**

This item was tabled.

**C. General Information for New Supervisors**

This item was tabled.

**D. Consideration of Resolution 2019-09, Designating Officers**

This item was tabled.

**FOURTH ORDER OF BUSINESS**

**Approval of the Minutes of the December 18, 2018 Meeting**

There were no comments on the minutes.

On MOTION by Mr. Kern seconded by Mr. Taylor with all in favor the Minutes of the December 18, 2018 meeting were approved.

**FIFTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

There being none, the next item followed.

**B. District Engineer – Ratification of Requisition Nos. 26-28 and Nos. 1-3**

Mr. McCranie stated I have two requisitions that I gave to Daniel; number 29, which is for \$439,488.72. It is a combination of pay request numbers three and four for Earthworks of Florida and it is roughly 73% of the overall bill because the 4A bonds are separate from the 4B bonds and it is for work up to last week. I have reviewed the site and okayed the amounts and we do have a lien release at the very end. Requisition number four is for the 4B bonds and it's the remainder of the Earthworks bill, \$184,782.93.

Mr. Laughlin stated we have requisitions 26 through 28 and numbers one through three that are in your book for ratification.

Mr. Taylor stated Earthworks requisition 26 is for \$152,671 and that's out of the 2018A Series bonds. I'm checking the pay application from Earthworks with what is currently due of \$47,000 so I'm trying to figure out the delta here.

Mr. McCranie stated below it is the breakdown from their invoices in percentages for the A and B bonds.

Mr. Taylor stated I'm good with that. The clarification needed is we have \$152,000 on the requisition form but we only have \$47,000 on the pay app.

Mr. McCranie stated because there's two attached to that requisition. There should be a combination of pay applications one and two.

Mr. Taylor stated we have requisition 27 for \$12,950 for Lee Surveying and requisition 28 for Hopping Green, \$851.

On MOTION by Mr. Taylor seconded by Ms. Bock with all in favor Requisition Nos. 26-28 were ratified.

Mr. McCranie stated requisition number one should be the second part of Earthworks.

Mr. Taylor stated for \$64,191.

Mr. McCranie stated number two is for McCranie and Associates for design services for design of phase five. That's why it gets part of the phase 4B because 4B and 5 are one bond issuance.

Mr. Taylor stated just one clarification. Your invoice following requisition two, the engineering design doesn't have a current percentage if I'm reading it right.

Mr. McCranie stated invoice 3427 will say prior and current and then they continue on until you get to the last one, which would show prior 100% for final development plans and 90% of engineering design as of 11/29/18.

On MOTION by Mr. Taylor seconded by Mr. Kern with all in favor Requisition Nos. 1-3 were ratified.

Mr. McCranie stated now we move to the request for the new requisitions, which would be requisitions 29 and 4. They are both a combination of the 4A versus 4B totals for pay applications number three and four for Earthworks. 4A bonds is requisition number 29 and 4B bonds is requisition number 4.

On MOTION by Mr. Taylor seconded by Mr. Kern with all in favor Requisition Nos. 29 and 4 were approved.

Mr. Kern stated can I make a request to make a requisition summary maybe in Excel form, that way we can see the requisition number, A and B split and it's just a lot quicker and saves us from having to flip through all of support documents.

Mr. McCranie stated yes I already have one created for both 3 and 4A and then 4B/5 so I can do that. It will also help you understand where our budget is and how much money we have left.

**C. District Manager**

Mr. Taylor asked have we got our website to where it's compliant with ADA?

Mr. Laughlin responded I'll check with them. All of the Districts have been doing them all at once so they're going from one to the next.

Ms. Erickson stated I was on it today and it has changed over.

**D. Community Manager - Report**

Ms. Erickson stated the biggest thing is our landscape company changed over. Martex didn't come out a whole lot over the last two weeks so I'm going to send Jason a list of the hours that they were visibly here. Trim All was here last week and brought 16 guys and did two days worth of full clean out. They are about halfway done to get us up to par. We are having some issues with irrigation. Zone 27 is on four different programs so we're over watering where Martex hasn't caught that. We may have to buy a secondary clock so I'll propose that later but just a heads up.

Mr. Taylor asked do they have an as-built of the irrigation system?

Ms. Erickson responded I'm going to the County for a correct one. The papers that were given to me by Martex are hand-drawn.

Mr. Taylor asked and we have not processed any final pay out to them?

Ms. Erickson responded no. I believe the final count I got from Martex is \$15,900. They owe us for flowers that were not replaced in the very back where we approved almost \$4,000 worth of flowers and they pulled it out without permission because they thought it was dead but it was just dormant. They were informed it would be reduced from the bill, along with any work they did not do. Last week they were here for about three hours but Trim All is here and they've already gotten a lot done.

We had an incident when I was out of town with a sewer back-up so JEA put signs up. I have not gotten to the bottom of that yet.

Mr. Bob Rosia, 85570 Berryessa, stated it was not pretty. Nodbody seems to know anything and it's not good for home sales. I've been in construction all my life and I thought they pressurized lines for sewer and they're telling me it's just gravity-fed lines. If the gravity-fed line is clogged up already can you imagine what it's going to be when you get some homes out there? I called three or four times and they wouldn't give me the account or tell me where it was broke at. Somebody should be monitoring this.

Mr. Taylor stated I have no knowledge of this break. Where did this occur?

Mr. Paul Geiger, 85493 Berryessa, stated I don't know where exactly it occurred but at the intersection of Berryessa and Calumet on Sunday morning it was shooting up through the manhole cover for about two hours. I called JEA and nobody came out. It was flowing to all three drains. They finally got out there but this is the same area that was scoped back in September and they said they couldn't find anything so I can't figure out how it got blocked but it must have been. They were out there about two hours and put signs up. I went out and asked one guy and he said he didn't know anything. I think someone from the Board needs to get a hold of JEA and find out what it was. It got into the lake. One of my neighbors said he saw some dead fish.

Mr. Taylor stated I'll ask Dan to research this with JEA and the utility authorities.

Mr. McCranie stated it just doesn't make sense that a gravity line would all the sudden do that. I'll try to find out.

Mr. Taylor stated the new developments go through a formal process of inspections so we will get a report.

Mr. McCranie stated the whole system has already been supposedly opened up and turned over to JEA.

Mr. Geiger stated the residents thought there was something there because the water was going in to the drains and backing up but they went down and scoped it back in September or October and said they didn't find anything.

Mr. Taylor stated we will get a report back to Evergreen so they can notify the residents.

Mr. Geiger stated I think that would be good because some people can smell it when you turn your water on.

Mr. Taylor asked both of you called JEA?

Mr. Rosia stated I called them after the fact.

Mr. Geiger stated I called them the morning I saw it happen.

Mr. Taylor stated and that's the proper protocol. We will get a report on that.

Mr. Kern stated in between meetings feel free to notify Dan or anyone else that can notify the Board so we can participate.

Mr. Taylor stated yes the proper protocol would be to call the utility department or EMF if it's an emergency, then notify Evergreen who knows how to contact at least one of the people on the Board and they will be the quarterback to get the right person to respond.

Mr. Kern stated ultimately it's a JEA line but we can maybe put some pressure on them.

Ms. Erickson stated Lake Doctors is testing the water for us so that's already been scheduled. As far as flower replacement, going from phase two to phase 4A, those beds on the right hand side where they pulled everything up we're probably going with something that's maybe an evergreen that's not going to frost and die.

Mr. Taylor stated I think color is important. Just look at the weather forecast to make sure we don't put it in too early.

Ms. Erickson stated no we're going to hold off and treat it for any kind of fungus. Other than that, we've got Morning Coffee on the 28<sup>th</sup> and an upcoming paint night. The only community comments I've gotten is again the concern about the gym for the new construction and we've got some issues with residents not cleaning up after their pets. I bought signs and started installing them around the community where people have lodged complaints hoping to narrow that down a bit.

Mr. Taylor asked do we have dog stations with bags?

Ms. Erickson responded no.

Mr. Taylor asked can we explore the cost to put those throughout?

Ms. Erickson responded yes I'll look into the dog stations. Also, speeding. I was informed the Sheriff's office can do a speed trap out front of the community but not in the community.

Mr. Taylor stated in one of our other communities we've explored putting up solar panel speed limit signs so I'd like you to coordinate that. We have a resource you could possibly look at. When are the Christmas decorations and lights going to be taken down?

Ms. Erickson responded they started pulling them down yesterday and Thursday is their deadline. Just so you know, we are billing Martex for about \$400 worth of lights that they cut.



**SIXTH ORDER OF BUSINESS**

**Supervisor's Requests and Audience Comments**

Mr. Kern stated for the residents, we're in the process of finalizing the plans for the amenity renovations and they will go out to bid. Once they do, we will have an idea on cost and will be able to speak on the timeframe and we will certainly keep you posted.

**Audience Comments**

Mr. Rosia stated there is a fellow right out there on the circle across from the yellow line that has had a car parked there since September 27<sup>th</sup> and it has never been moved. A truck parked there for the last two months and it's never been moved. I've notified you a hundred times at least. It's a bad spot and my wife almost hit a kid there one day. According to what I've heard, the police came out and said he's allowed to park there because there are no laws that you can't park close to a circle. It's just annoying and you like to be a nice neighbor. The last thing I've gotten from him is he's always done it and he does it because he can. It's not because he can't put it in his driveway, it's because he likes to do it.

Mr. Taylor asked is it protruding in front of a sidewalk?

Mr. Rosia responded no, it's right after the roundabout.

Mr. Erickson stated I've checked with the Sheriff and he has it marked where the Sheriff said he can park so he knows. According to the Sheriff that I spoke to, as long as there's enough room to get around him from the roundabout it's fine.

Mr. Taylor asked do our HOA guidelines not prohibit it?

Ms. Erickson responded the problem with the HOA guidelines is they changed the parking in 2017 and the wrong words were put in. She put "paved surfaces", which includes roadways.

Mr. Taylor stated we can revisit that when we adopt the new HOA guidelines. I need to study that.

Ms. Erickson stated the issue with that is you have to post no parking signs and tow away zones.

Ms. Bock stated we have the same problem at St. Johns. Does he ever move the truck?

Ms. Erickson responded yes.

Mr. Rosia stated she'll say something and he will drive the truck for a while and then just park there again.

Ms. Erickson stated they have four drivers in the home but they don't shuffle their cars. The women park in the driveway and he parks in the road.

Ms. Bock asked we don't have in our guidelines that you can't park in the street?

Mr. Taylor stated overnight, something like that.

Ms. Erickson stated it does say you have to have your vehicles parked on a paved surface, it doesn't specify the road.

Mr. Kern stated the intent being you can't park in your yard.

Ms. Erickson stated yes that was the intent.

Mr. Kern stated I don't think the intent was ever to restrict street parking entirely but maybe the District can look at it.

Mr. Rosia stated when you're buying your home it should be made known that it's appreciated if you own a vehicle that you park it in the garage or in the driveway. Where I lived before you weren't even allowed to park it outside your driveway, you had to park in your garage.

Mr. McCranie stated I have a suggestion on the safety factor. If you would like I could look at the overall subdivision and recommend areas we could potentially paint yellow on the curbing saying no parking that way it's known and it would be based off of safety. I've looked at it and I agree, it's not a safe location for parking and FDOT has specific guidelines for where you can and cannot have street parking based on how close they are to intersection points so that's what I could look at so you have a clear line of sight. Not to pick on a specific homeowner, but to look at it as an overall process. I could do that and bring it back to you at your next meeting.

Mr. Taylor stated that would be great.

Ms. Erickson asked are you able to in that specific location because of the excessive size of the vehicle?

Mr. McCranie stated it's not based on size; it's just truly based on how close you are to the intersection.

Mr. Taylor stated we will have the District Engineer review it and will have Supervisor Bock review the HOA guidelines and report back at the next meeting.

Mr. Geiger stated you were talking about irrigation and you still have it to where if it rains it still waters.

Ms. Erickson stated there is a meter on there so it has to rain so much and the meter is only so large so it may be raining really heavy in one spot.

Mr. Geiger stated many times when you drive by it will be watering when it's raining and with as much as you guys raised the O&M, that's costing me money.

Ms. Erickson stated in speaking with Trim All we are doing a full assessment of the irrigation system. We have 21 uniques in the back part of phases one and two, which are not on the same timer systems so they will come back with a full report to review.

Mr. Geiger stated the other thing is Berryessa Way, phase three, has turned into a racetrack in the last 90 days. There are no sidewalks for people to walk on and a lot of people walk around there. With the kids and everything else around here, our concern is people walking and somebody is going to get hurt. I don't know if we can do something temporarily to slow them down until they start building houses in there because once they start building houses things will slow down but until then it's an open racetrack.

Mr. Taylor stated the builder closed on that December 31<sup>st</sup> so you should see some houses starting shortly I would assume and that will help with making it look like there's stuff going on back there. The builders build the sidewalks so until that is a totally complete neighborhood those sidewalks won't be installed. Short of calling the Sheriff, I don't know what else we can do.

Mr. Kern stated we have the agreement with the Sheriff's department so we can at least make them aware of the new phase.

Mr. Geiger stated the only other suggestion is to temporarily put a couple sand bags across the roads that are temporary in two or three places. If they hit those they won't do it again. Then when they start building you just pull the sand bags up.

Mr. McCranie stated I don't think we can do that because we would then be liable for them crashing. We cannot put anything in the roadways that would be harmful to motorists. I understand your point and I think as soon as they get some equipment out there it will take care of itself.

Mr. Geiger asked if somebody gets hit on that road, who has liability then?

Mr. McCranie responded the person that is driving and hits them.

Mr. Geiger stated if there's nothing done knowing ahead of time that there is an issue though.

Mr. Walters stated the District does not have authority over traffic. That is completely based on the County so to the extent it's a traffic issue that would fall on the County's shoulders. I do agree with the Chairman. We have to be very careful in terms of impediment and things like that.

Mr. Taylor stated I appreciate your comment but unfortunately we are limited.

A resident asked an inaudible question to which Mr. Taylor responded, those are future lots the developer retains for model homes for the back portion of the property.

**SEVENTH ORDER OF BUSINESS                      Financial Reports**

**A. Balance Sheet & Income Statement**

**B. Assessment Receipts Schedule**

**C. Approval of Check Registers**

Mr. Laughlin stated the check register is for \$47,453.61.

Mr. Taylor asked have you had any big parties lately?

Ms. Erickson responded for Christmas. We had about 65 kids.

Ms. Bock asked did you have enough cookies?

Ms. Erickson responded we actually ended up running out of food.

Mr. Taylor stated we had a seasonal flower charge. Is that \$6,700?

Ms. Erickson responded \$6,700 is their normal bill. The flowers part is \$3,000.

Mr. Taylor asked is that a valid charge?

Ms. Erickson responded all but 210 flowers, which were what we had here that they did not spray and deer ate them.

Mr. Taylor asked this is not relating to the flowers they took out?

Ms. Erickson responded no we paid that bill because the flowers were installed months ago.

Mr. Taylor asked so what are these that were installed?

Ms. Erickson responded those are the rotational flowerbeds.

Mr. Taylor stated I noticed there were some out here and now they're gone.

Ms. Erickson stated Trim All put these in temporarily.

Mr. Kern stated we are due money from Martex. Can we not withhold payment to Martex?

Ms. Erickson stated my intent is to do a spreadsheet, show the original invoice, what they pulled out, the plans and things like that and what they owe us.

Mr. Kern stated I think it would be worthwhile to hold this \$10,000 payment until you have that organized. You won't have much leverage once they're paid.

Mr. Laughlin stated the check register includes items that have been paid already.

Ms. Erickson stated there is still about \$7,000 that is outstanding.

Mr. Taylor asked how did this \$10,000 get approved?

Ms. Erickson responded these were in previous bills.

Mr. Taylor stated I think it was the Board's recommendation last month to hold any invoices due to Martex.

Ms. Erickson stated the only thing that should have been paid was the janitorial because that's a separate contract.

Mr. Taylor asked so who paid this \$10,000.

Mr. Laughlin stated that would be the accountant in our South Florida office. I'll ask them about it.

Mr. Taylor stated we need to get that back.

Ms. Erickson stated I haven't sent any invoices since all of this started.

Mr. Taylor asked Jason, I think what we're doing here is ratifying this check register that's already been processed.

Mr. Walters asked do we have an outstanding invoice that has not been paid?

Ms. Erickson responded there's about \$7,000 outstanding right now. My estimate is they're going to owe us about \$6,000 that we will be able to reduce from what we owe.

Mr. Walters asked above the \$10,000 or from the \$10,000?

Mr. Taylor responded what happened is apparently we're ratifying a check register here of which almost \$11,000 was paid to Martex. We know there is another invoice pending that GMS and Evergreen needs to hold in the amount of \$7,000, which she thinks after you do the deducts only \$1,000 will be owed.

Mr. Walters stated generally I think the way these are best handled is to come up with a detailed list of any deficiencies that are outstanding with a corresponding amount and for that last payment is processed we need to send that to Martex, let them know we will be deducting that from the final pay application and then send the appropriate amount accordingly and see

how they respond. You're right; the leverage is having the money withheld. Once it's gone, it's extremely difficult to get it back. In the accounting and staff department we need to make sure that last payment is not sent out before we have the accounting done.

Mr. Taylor stated I thought this was on the Board's slate today to approve this \$47,000 but we're just ratifying it. Are we always ratifying things in arrears and not seeing the registers before it's funded?

Mr. Laughlin stated these are in arrears. A lot of these are regular monthly payments.

Mr. Walters stated things that are paid per an approved contract are paid according to the agreement with the vendor and then the Board approves the check register. For things like this we need to catch it from a staff perspective to make sure we're not paying them if there's a disputed amount.

Mr. Taylor stated just go on record that I don't want any more payments made to Martex without Board's final approval.

Ms. Bock asked don't you think this \$7,000 is large enough to get their attention?

Ms. Erickson responded yes. They sent me an email this morning stating there was about \$16,000 outstanding and they haven't received a payment.

Ms. Bock stated so we have their attention.

Mr. Laughlin stated if they haven't received this check yet I could have them issue a stop payment on it.

Mr. Taylor stated I would hold it until we further reconcile.

Mr. Laughlin stated I'll contact the accountant.

Mr. Kern asked this \$7,000 you know of is still to come?

Ms. Erickson responded I haven't submitted the statements whatsoever; I have them in my office. I told Martex I was holding final billings until everything was gone through.

Mr. Taylor stated the last thing I want to talk about are the collection fees on pages three and four. I don't know what collection fees are but it says Nassau County property appraiser.

Mr. Laughlin stated I think Nassau County is the only County from which we get bills directly at our office; normally it comes through the taxes. I'll research that.

Ms. Bock stated but on a positive note, we are 97% collected on the assessments.

On MOTION by Mr. Taylor seconded by Ms. Bock with all in favor the check register was approved subject to review of Martex and Nassau County payments.

**EIGHTH ORDER OF BUSINESS**

**Next Scheduled Meeting for February 19, 2019 at 2:00 p.m. at the Amelia Walk Amenity Center, 85287 Majestic Walk Circle, Fernandina Beach**

**NINTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Ms. Bock seconded by Mr. Kern with all in favor the meeting was adjourned.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman