

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, September 15, 2020 at 2:00 p.m. using Zoom communications media technology pursuant to Executive Orders 20-52, 20-69 and 20-193, including any extensions or supplements thereof, issued by Governor DeSantis and pursuant to Section 120.54(5)(b)2., *Florida Statutes*.

Present and constituting a quorum were:

Gregg Kern	Chairman
Mike Taylor	Vice Chairman
Rose Bock	Supervisor
Mike Harbison	Supervisor
Jeffrey Robinson	Supervisor

Also present were:

Daniel Laughlin	District Manager
Jason Walters	District Counsel
Michael Molineaux	Evergreen Lifestyles Management

FIRST ORDER OF BUSINESS

Roll Call

Mr. Laughlin called the meeting to order at 2:02 p.m. and called the roll.

SECOND ORDER OF BUSINESS

Audience Comments

There being no comments, the next item followed.

THIRD ORDER OF BUSINESS

Approval of Minutes of the August 18, 2020

There were no comments on the minutes.

On MOTION by Mr. Kern seconded by Mr. Taylor with all in favor the Minutes of the August 18, 2020 meeting were approved.

FOURTH ORDER OF BUSINESS

Ratification of Proposals

A. Phase 5 Final Development Plan Minor Modification by ETM

Mr. Robinson joined the meeting at this time.

Mr. Kern stated this was for some consulting work done regarding the final development plan.

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On MOTION by Mr. Kern seconded by Ms. Bock with all in favor ETM’s proposal for the phase 5 final development plan minor modification was ratified.

B. Landscape and Irrigation Installation in Phase 4B by Trim All

Mr. Kern stated this is the landscape and irrigation install in phase 4B by Trim All. That is mainly the entry that we talked about into phase 4 and around the lift station.

Mr. Robinson asked those are four different landscape proposals for different areas, or all in the same area?

Mr. Kern responded they’re all within phase four.

On MOTION by Mr. Kern seconded by Mr. Taylor with all in favor the proposals for landscape and irrigation installation provided by Trim All for phase 4B were ratified.

C. Installation of Phase 4 Street Signs by OnSight Industries

Mr. Laughlin asked all of these proposals are funded by bond money, correct?

Mr. Kern responded yes; this is all construction fund capital projects. This is a proposal for a few additional signs that needed to be changed. The county identified some issues with some street naming, so we’re correcting those items, but the effort is also to upgrade all of the signage standards to meet our decorative signage within the community.

On MOTION by Mr. Kern seconded by Ms. Bock with all in favor the proposal from OnSight Industries for installation of street signs in phase 4 was ratified.

FIFTH ORDER OF BUSINESS

Discussion of Lake Maintenance

Mr. Laughlin stated we’ve been having some issues with our current lake maintenance company, so Michael has obtained some proposals for new companies.

Mr. Molineaux stated the current company Lake Doctors is not performing as they should be, so I would like for a proposal to be approved and I would like the Board to select a new company.

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Mr. Laughlin stated we have two proposals; one from Florida Lake Management Inc. They're proposing a sum of \$2,100 per month. There's not a whole lot of specifics, just monthly visits to all eleven ponds. The other proposal we have is from Lake & Wetland Management. They are proposing \$937 a month.

Mr. Taylor asked what is the difference in your review of these, Michael?

Mr. Molineaux responded they've given the same specifications. Lake & Wetland's also includes maintenance of six fountains. Although we only have four, there are two more proposed to be going into phase 4 and that rate includes the maintenance of those new fountains also.

Mr. Kern asked how does this compare with our budget?

Mr. Molineaux stated Lake & Wetland's proposal is for the exact same amount as our budgeted numbers.

Mr. Robinson asked what are we doing about the four lakes in phases 4 and 5 when they come on, and the one lake in phase 3 that isn't currently covered under this agreement?

Mr. Laughlin stated we would just add it into their contract.

Mr. Robinson asked are phase 4 and 5 under some sort of warranty since it's a new build, or do they need to be maintained? If we're going for proposals, we should see what the cost is going to be for the two new phases, plus the one lake in phase 3.

Mr. Molineaux stated currently the pond that is not managed is on Fallen Leaf and there are just two homes backing up to that pond. The new company proposes an extra \$90 a month when we decide to take that pond on. Phases 4 and 5 will increase another \$1,300 per month because of the size of them.

Mr. Taylor asked have you used either of these companies before?

Mr. Molineaux stated yes, we've used them quite significantly. In fact, I manage another property and they are on that property and do a good job for us.

Mr. Laughlin stated I have Lake & Wetland in a couple of districts.

Mr. Taylor asked so them being headquartered in Gainesville is not an issue, or do they have a local office?

Mr. Laughlin stated I believe they do. I've had more districts where they're getting more work recently within the past year, so I believe they've made that move up here. They've

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been fine in the other districts I have. I haven't worked personally with Florida Lake Management at all.

Mr. Kern stated I can answer the question on the warranty. As soon as the lakes are built, and even more so as residents reside around them, the scope of work is more intended for the water quality and cleanliness kind of thing, which is not a contractor type of warranty. I think there is some urgency here to get some work corrected that the current contractor was deficient on, so I think it would be a good idea to consider proceeding with the scope of work that is proposed and then adding on those additional lakes. Certainly, with the timing of phase 3 and 4 even, we should go ahead and get a proposal to add those two to the agreement. I think in the interest of getting somebody in there to take care of the lakes today, I would support this and secondarily I want to clarify that the scope of services, although in the proposal, will ultimately be outlined in the form of agreement that the district counsel is going to provide. The award of the contract would be subject to their acceptance of the terms within that agreement. It will ultimately be apples to apples because we basically tell them what we need in those agreements. It sounds like the recommendation is for the Lake & Wetland Management proposal.

On MOTION by Mr. Kern seconded by Ms. Bock with all in favor Lake & Wetland's proposal for lake maintenance services was approved subject to entering into a formal agreement with the vendor.
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SIXTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Walters stated we continue to monitor all of the directives and guidance from state, local and federal governments regarding anything that could affect our operations and keeping everyone in the loop. I think Michael did a really good job there of keeping things operating to the best of his ability given the circumstances. The executive order allowing the virtual meetings does expire at the end of the month. There have been several extensions granted, so we will keep our eyes peeled to see if that occurs again and if so, we will make sure staff and board members are in the loop on that.

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B. District Engineer

1. Ratification of Requisition Nos. 64 & 65

Mr. Laughlin stated requisition number 64 is to Earthworks for pay application 12 in the amount of \$166,744.46. Requisition 65 is to Trim All and looks like it's for the work we were just talking about earlier.

On MOTION by Mr. Kern seconded by Mr. Taylor with all in favor requisition numbers 64 and 65 were ratified.

2. Consideration of Requisition No. 66

Mr. Laughlin stated number 66 is to Hopping Green & Sams for attorney fees in the amount of \$161.

On MOTION by Mr. Kern seconded by Ms. Bock with all in favor requisition 66 was approved.

C. District Manager

There being nothing to report, the next item followed.

D. Community Manager - Report

Mr. Molineaux stated we've mowed vacant lots eight feet back from the sidewalk. The amenity front entrance door was a bit of a problem. We had to shave some of the wood off of that and we also had a problem with the maglock on the front door, so that was replaced. We had a leak in the amenity center roof, which is being repaired. We've continued to enforce the CDD guidelines for the use of the pool and the gym. The maintenance items listed as in process have actually been completed. We've installed 25 pallets of sod all around Majestic Walk Boulevard close to the roundabout, and also a significant amount down Berryessa Way and this was just caused by irrigation and we had a significant infestation of chinch bugs. The bids and proposals we've already discussed.

Mr. Harbison asked the lap swimming issue has ceased, right?

Mr. Molineaux stated it has.

Mr. Harbison stated too many people didn't see it as fair of why they get to have exclusive use.

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SEVENTH ORDER OF BUSINESS Supervisors' Requests and Audience Comments

There were no audience members present.

Mr. Harbison stated I have two items. One was the issue of when the two supervisor seats are filled. I've had two meetings with the Supervisor of Elections, and they've confirmed that the new supervisors' terms start November 17th and that we could vote on them anytime we want with that as an effective date. So what I propose is Michael solicits resumes and applicants and that they then come on Zoom for the October meeting and that we elect people for their position to be effective November 17th.

Mr. Laughlin stated I believe we can just appoint at the November 17th meeting as they start their term at 12:01 a.m. on the 17th.

Mr. Harbison stated yes, they've missed part of their office for half of a day.

Mr. Laughlin stated the first item on the agenda would be to review the resumes at the November meeting, we would appoint them and then they would take over from that point on.

Mr. Robinson stated I support Mike. I'd like to see all of the resumes at the October meeting. We definitely want to vote no later than the November 17th meeting.

Mr. Laughlin stated yes, we can collect resumes no problem.

Mr. Harbison stated if you do November 17th and let's say that it's on Zoom, it's in person, does that mean Mike and Rose will have to drive all the way up here to spend 30 seconds in a meeting.

Mr. Walters stated they wouldn't have to. We need three in person to have a quorum so just the remaining three supervisors would be needed if physical quorum is required and that seems to be the most logical thing to do is to have those three present and to fill the vacancy.

Mr. Robinson asked when do you think we will know if it's Zoom or in person?

Mr. Walters stated it's really hard to tell. Each extension is 30 to 45 days unfortunately. I think most of the cities and counties are certainly in favor of extending it, and I think they're letting the Governor's office know that. I would hope that we would get some word within the next week so we can plan accordingly because we have to advertise out and within that first week it can cause problems. Whether we will be in that position mid-November is anyone's guess at this point.

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Mr. Robinson stated even if we're doing in-person meetings with the minimum quorum, it doesn't prevent us from also doing Zoom as a participant option.

Mr. Walters stated yes, the question is really going to be is there a physical quorum requirement or not. Others can participate by phone still; the question is do we have to have three bodies in the room.

Mr. Harbison asked given all of these issues why wouldn't we want to do it at the October meeting?

Mr. Kern stated I have the opposite question. Why would we?

Mr. Harbison stated to make sure it gets done, and if we're waiting until November and we only have three people and someone is sick, then we don't have quorum and we miss a month.

Mr. Kern stated we could have the same issue in October.

Mr. Walters stated after the last meeting I did look into a few things and there are two things to think about. One is all five members are still active through November and even for the first part of that meeting they would carry over as supervisors and I appreciate whatever the Supervisor of Elections may have stated regarding our elections. I can say they don't run our elections because these are landowner elections, and then they transition to Board appointments, so they don't deal with a lot of district issues and it's not really within their purview. Looking back through Chapter 190, I think it's pretty clear that we don't have the ability to appoint anyone until November 17th. Whether we made a motion to say we're going to do it in the future, I suppose we could. I would still say we would have to have another action item on that November 17th meeting. The good thing is our meeting is on that exact day that the seats transition, but when you look at Chapter 190, it addresses our exact situation, which is if no elector qualifies for the seat to be filled by an election then it says a vacancy for that seat shall be declared by the board effective on the second Tuesday following the election. Then within 90 days thereafter, and I think thereafter is key here, the board shall appoint a qualified elector to fill the vacancy. So I think by the plain language of Chapter 190, which is our guiding statute, the sequence is we have to declare those vacancies, which we will do on the 17th, and then we fill those vacancies by appointment, which is what we will also do on the 17th, so it doesn't save us any time to do anything prior to that and I don't think we have the authority to make an appointment. To me, I think it's a pretty straightforward operation to

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solicit the resumes, get those in place, declare those vacancies on November 17th, and then the three remaining board members who are not in the seats, which are being created vacant, those three board members will appoint the fourth, and then those four board members with the new appointee will appoint the fifth.

Mr. Harbison stated I don't agree with that and the Supervisor of Elections doesn't agree with that. They were very clear we're not appointing them at that moment, we're electing them for a future date to become effective.

Mr. Walters stated if the Supervisor of Elections is willing to give you a legal opinion to that fact, I suppose, but I don't think we can appoint for the 2040 vacancies that are going to come up in 2040 either and I don't know why it would be different for the 2020 vacancies. I don't think either of those satisfies the requirements of Chapter 190. I understand they may feel that way, I just don't believe that is a legal opinion from them and I would still advise you as your attorney on the 17th to make those appointments because that is when you can make an appointment is once there is a vacancy.

Mr. Robinson asked how many people have submitted resumes? I'm aware of one.

Mr. Laughlin stated we've gotten two so far but we haven't really solicited them yet so we should get more once we do.

Mr. Robinson stated let's solicit them for the October meeting. I think that's important.

Mr. Laughlin stated we can start soliciting them and collecting them through the next couple of months. I don't see that being an issue. We can have them on the October agenda just to look at and move forward in November, or we can just look at them all at the November meeting.

Mr. Harbison stated if we do it that way, in November people are going to have to really commit to being here so Mike and Rose don't have to come up.

Mr. Laughlin stated in October we can have the resumes and have them attend and ask them questions, that way if November does come and they can't make the meeting they were able to speak at the October meeting so we know their position and they can still be appointed in November, even if they're not at the meeting.

Mr. Harbison stated that seems like a good compromise.

Mr. Robinson stated that works for me.

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Mr. Laughlin stated we will review them in October and if they are there, we can ask them some questions and let them know we will get back to them in November once we make the appointment.

Mr. Harbison stated obviously encourage them to be there.

Mr. Kern stated assuming Jason is going to monitor the climate of virtual versus in person and all of those kinds of requirements. I think it's perfectly fine to start soliciting resumes and to the extent we have any to start an early review. I do want to be clear that I don't personally have an interest to vote early. To me it seems like we might as well give the District enough time to collect as many qualified resumes as possible and have as much time as possible without delaying that appointment. I do tend to agree with soliciting for qualifications and we can start reviewing now but to the extent we want to try to do any sort of vote early, I think Jason has made it fairly clear that we can't appoint anybody early. I would reserve until the time we need to make that appointment to cast my vote.

Mr. Laughlin stated Michael (Molineaux) we can talk offline about having an eblast sent out letting residents know about the seat. They can send me their resumes and we will have them added to the October meeting.

Mr. Molineaux stated if you could send me some verbiage, I'd be happy to do it.

Mr. Harbison stated I had one other minor item. What ever happened with the beaver issue?

Mr. Laughlin stated I haven't heard about that since.

Mr. Harbison stated no news is good news.

Mr. Robinson asked for those that have already submitted resumes, they're not going to have to resubmit them?

Mr. Laughlin stated yes, we already have them. I will reach back out to them to ask if they can be there in October to answer any questions.

Mr. Robinson stated I have one thing that's really just a question for Mike and Gregg and the developers. I was talking to somebody last week and I double checked today; there are no streetlights in phase 4. Is that because it's not complete? There's a streetlight by the lift station but not out in the development.

Mr. Kern stated they are planned to be there. The infrastructure is there for them. FPL typically will delay the install of those streetlights until there is some number of homes that

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they find acceptable in the area, so they don't all get run over by the concrete trucks building the houses. They will be there for phases 4 and 5.

EIGHTH ORDER OF BUSINESS Other Business

There being none, the next item followed.

NINTH ORDER OF BUSINESS Financial Reports

- A. Balance Sheet & Income Statement**
- B. Assessment Receipts Schedule**
- C. Approval of Check Register**

Mr. Laughlin stated the check register totals \$49,643.11.

On MOTION by Ms. Bock seconded by Mr. Taylor with all in favor the check register was approved.

TENTH ORDER OF BUSINESS Next Scheduled Meeting

Mr. Laughlin stated our next scheduled meeting is scheduled for October 20, 2020 at 2:00. We will keep you up to date on whether it's virtual or in person.

ELEVENTH ORDER OF BUSINESS Adjournment

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

DocuSigned by:

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 Secretary/Assistant Secretary

DocuSigned by:

D120ABE88ECE441...
 Chairman/Vice Chairman