

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 17, 2024 at 2:00 p.m. at the Amelia Walk Amenity Center, 85287 Majestic Walk Boulevard, Fernandina Beach, Florida.

Present and constituting a quorum were:

Jeff Robinson	Chairman
Red Jentz	Vice Chairman
David Swan	Supervisor
Lynne Murphy	Supervisor

Also present were:

Daniel Laughlin	District Manager
Lauren Gentry	District Counsel
Mary Grace Henley	District Counsel
Mike Yuro	District Engineer
Kelly Mullins	Amenity & Operations Manager
Terry Glynn <i>by phone</i>	GMS
Chip Dellinger	GMS
Jen Mabus	Brightview Landscape

The following is a summary of the discussions and actions taken at the September 17, 2024 meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Laughlin called the meeting to order at 2:00 p.m. and called the roll.

SECOND ORDER OF BUSINESS

Public Comment

Mike O'Larte stated that a significant amount of water came within a half an inch of entering his home. In 2018 after Hurricane Alberto caused a significant amount of rain in Nassau County, the developer was told to stop work until the flooding issue could be resolved. The result was the haul road being raised and the ditch being dug behind the houses along Champlain. The road directly behind their home is lower than the rest of the haul road, likely due to erosion, so the

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haul road needs to be built back up in that area and the drainage ditch needs to be deepened and maintained.

Don DeCanio expressed concern regarding there being no definitive reports from professionals in the agenda regarding Majestic Walk being destroyed and solutions for the ground water problems, as well as the lack of progress on those items. He also stated that he sent emails to the board members asking them to replace the district management and the general manager. Next, he added that pumping the groundwater is the most expensive solution. Natural drainage is far less expensive and does not fail. Lastly, he stated that he could not find where the bike rack was approved to be purchased in the minutes.

Mr. Laughlin responded that pumping is the best solution at this time.

Jennifer Hatten asked what is being done to ensure the Bahia grass will not overtake the St. Augustine grass with the landscaping project behind her home.

Mr. Laughlin responded that Bahia had to be installed as there is no irrigation in that area, and the nearby residents were not agreeable to paying to irrigate if St. Augustine were installed.

THIRD ORDER OF BUSINESS Consent Agenda

A. Approval of Minutes of the August 20, 2024 Meeting

B. Financial Statements as of August 31, 2024

C. Check Register

Copies of the minutes, financial statements and check register totaling \$130,077.15 were included in the agenda package for the Board's review.

Mr. Robinson addressed previous comments on spending stating that there is about \$41,000 in spending approvals going back to August 2023, but yet to be spent. There were over \$164,000 in proposals this fiscal year that were put on hold for further review, or outright rejected. For other projects, there was \$183,000 that is coming up, but there have been no approvals. There were also comments on money not being spent to improve Phase IV and V. There was \$238,000 spent or approved to be spent. About \$130,000 has been spent in Phases IV and V compared to \$79,000 in the first two phases.

On MOTION by Mr. Robinson seconded by Mr. Jentz with all in favor the consent agenda was approved.

FOURTH ORDER OF BUSINESS

Consideration of Proposals

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A. No Trespassing Signs for Haul Road / Trail Road

Ms. Mullins presented a proposal totaling \$7,898.30 to install 40 ‘No Trespassing’ signs along the haul road.

Mr. Robinson recommended deferring this until the next fiscal year, but consider installing about a dozen signs in strategic locations in the future.

Ms. Gentry stated that if the signs are not installed at the intervals specified in the statute, the State Attorney likely will not be able to prosecute anyone for trespassing in that area.

This item was tabled.

B. Amenity Center Roof Leak

Ms. Mullins presented a proposal to repair a roof leak at the amenity center for a total of \$3,616.57, as well as a proposal to replace the entire roof for a total of \$34,612.50 so that the Board knows what to expect when the time comes to replace the roof.

Mr. Laughlin stated that he could reach out to the insurance company to inquire about submitting a claim to replace the roof.

On MOTION by Mr. Robinson seconded by Mr. Jentz with all in favor the proposal totaling \$3,616.57 to repair an area of the roof that is leaking was approved.
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C. Amenity Center Landscaping Improvements

Ms. Mabus presented quotes from BrightView for various landscape improvements, noting the quotes were submitted for informational purposes.

Mr. Robinson stated that he can include the improvements in the capital improvements plan.

There was no action taken on this item.

D. Clean Pond Outflow Structures

Ms. Mullins stated that the proposal from Critter Pro totaling \$4,500 for removing debris, and trimming around devices to improve water flow in nine ponds was approved between meetings due to the water drainage issues in the community.

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E. Storm Catch Basins

Ms. Mullins presented two proposals to clean out the storm catch basins totaling \$3,140 and \$3,895. Shenandoah provided a quote last year totaling \$9,650.

Mr. Yuro stated that he would wait to TV the pipes until there's evidence there is an issue. He is not aware of there being an issue at this time.

No action was taken on this item.

F. Pond Irrigation Pump System

Mr. Glynn presented a proposal to install a pump system into the ponds for irrigation to replace the JEA meter totaling \$28,115. An electrician would also be needed, which would cost around \$10,000.

Mr. Robinson added that \$25,000 to \$50,000 could be saved annually with this approach. More information is needed to determine if the pond would provide enough water.

This item was tabled.

FIFTH ORDER OF BUSINESS

Discussion of Irrigation Water Source to Replace JEA Meters for Majestic Walk Boulevard and Unused JEA Commercial Water Meter

This item was discussed under the proposal for the pond irrigation pump system.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Landscape

Ms. Mabus reported that the mulch has been installed, and pine straw is in the process of being installed.

Mr. Robinson recommended replacing pine straw with pine bark prior to the next installation.

Ms. Murphy stated that would be preferable.

B. District Counsel

Ms. Gentry reported that a letter has been sent to the postmaster regarding the CBU mailboxes being rekeyed and distribution of the keys. She has asked that something be sent in

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writing stating that the CDD is responsible for the mailboxes now. No response has been received, so she will continue to follow up. Next, she reported that a letter has been sent to the one address that is required to move their shrubs out of the CDD's easement. Her firm will follow up until that is done. For the easement variances that were granted, letters are being prepped for mailing this week. Agreements will be recorded in the public records so that they are binding on future property owners. If anyone refuses to sign the agreements, they would be required to remove the improvements installed in the easements. Lastly, at the last meeting the Board asked her to look into what it would look like to bring any professional liability claims against the prior engineer. The statute of limitations that applies to design defect claims is four years. The statute of repose acknowledges that sometimes there may be hidden defects that aren't discovered right away that extends that timeframe to seven years, so anything regarding the initial design of the community is well past the statute of limitations. Anything more recent is based on whether the engineer followed the general standard of care applicable to this work. It is not enough that another engineer may have done it differently, and expert opinions are required to determine if there is really a claim. That process always involves hiring expert engineers to testify about what the proper standard would be, which is very expensive. If the Board is interested, they would need to pinpoint what exactly they felt was deficient, and would want a construction design defect firm to do an initial evaluation of the claim to determine whether it's worth pursuing. She asked the Board if they would like her to bring back proposals from firms willing to do an initial evaluation of the claims.

Mr. Robinson suggested revisiting the discussion at the end of the meeting.

C. District Engineer

Mr. Yuro stated that looking at the road and the potholes forming at the exit, it appears to be due to groundwater issues and the road getting soft. He recommended investigating groundwater issues. He also looked a depression in the road right after Champlain on Majestic. It could have just been an area of poor compaction initially, or it's possible that there is a conduit going under the road that didn't get compacted around. He recommended just keeping an eye on that area. Next, he stated that he is working on the public facilities report that was authorized at the last meeting. Lastly, at the last meeting he provided a sketch of a proposal for the underdrain near ponds 7 and 9. In his opinion, gravity will not be the solution because the normal water is at

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17, and the road is at 19, and the elevation would need to be more at 15 or 16. He recommended hiring a Geotech firm to do some core samples to confirm the groundwater issues. A proposal totaling \$6,400 was presented. Cost estimates for the entire project come to \$229,425 for both areas.

No action was taken on the geotechnical proposal at this time.

D. District Manager

Mr. Laughlin asked if the Board would be amenable to allowing the Heron Isles CDD board to rent the Amelia Walk amenity center for their quarterly meetings.

Ms. Gentry stated that a license agreement could be drafted for this purpose.

There were no objections from the Board.

E. Amenity / Field Operations Manager – Report

A copy of the amenity and field operations report was included in the agenda package for the Board’s review. Ms. Mullins reported that the bus stop working group is still working on gathering potential bus stop locations to present to the Board at a future meeting. She also stated that BrightView would like to begin the landscape improvement projects on Champlain and Fallen Leaf.

SEVENTH ORDER OF BUSINESS Update on Landscape Projects

This item was covered under the amenity/field operations manager’s report.

EIGHTH ORDER OF BUSINESS Discussion of Phase 4 and 5 Common Areas

Ms. Mullins stated that the landscape improvements in phases 4 and 5 have been put on hold while the drainage issues are being resolved in the area.

Ms. Murphy asked if the bare areas are going to be hydroseeded.

Mr. Robinson requested that Ms. Mullins and Ms. Mabus hydroseed all the areas at one time.

NINTH ORDER OF BUSINESS Discussion of Water Drainage Issues: Majestic Walk Boulevard, Fall River, Sagamore and Poplar Breeze – Inflow/Outflow Drainage Cleaning

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Mr. Robinson provided an overview of areas that need to be addressed including a pothole forming in the grass area between the sidewalk and the road between 85184 and 85190 Majestic Walk. He asked Ms. Mullins to investigate having someone dig it out and inspect it.

Mr. Yuro stated that if the groundwater could be controlled, it would stabilize the road, and there would also be an improvement with the front yards of the homeowners.

Mr. Robinson recommended fixing a berm that is being knocked down as water is coming over it during heavy rains. He asked Mr. Yuro to inspect it with him.

Mr. Jentz stated that around 2018 the developer was supposed to have done some work in the area along Apopka and Majestic Walk, and that is within the seven-year statute of limitations.

Mr. Robinson also stated that the vegetation in the wetland buffer needs to be cleaned out again to allow for better water flow.

Ms. Gentry stated that the CDD can only control its portion of the system, so if homeowner lots were not graded correctly, or the home builder should have put something else on the private lots, that cannot be controlled by the CDD.

Mr. Yuro recommended moving forward with the geotechnical survey proposal from UES Professional Solutions, LLC to get good data on what is going on with the road section.

On MOTION by Mr. Robinson seconded by Mr. Swan with all in favor the proposal from UES Professional Solutions totaling \$6,400 was approved.

The Board then reviewed a proposal from BrightView to dredge the culvert area out on Poplar Breeze.

On MOTION by Mr. Jentz seconded by Ms. Murphy with all in favor authorizing the Chair to approve a proposal to clean out the culvert on Poplar Breeze and dig a swale was approved.

TENTH ORDER OF BUSINESS

**Discussion of Champlain / Haul Road
Adjacent Water Breach**

This item was discussed as part of the previous item.

ELEVENTH ORDER OF BUSINESS

**Discussion of CDD / HOA Roles and Shared
Responsibility Document**

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Mr. Robinson stated that there are a number of things that come up regarding what is the HOA’s responsibility and what is the CDD’s responsibility, so he presented a document that would hopefully be adopted by both the CDD and HOA boards that explains the roles and responsibilities of both entities. Ms. Gentry explained that this document would not be legally binding, it would just be a summary of information and responsibilities from other legally binding documents.

TWELFTH ORDER OF BUSINESS

Audience Comments

Don DeCanio stated that he hopes when the geotechnical engineer comes out there is water on Majestic Walk in four different places, that he’d be happy to show the board. He asked that the geotechnical engineer look at all four locations. He also asked for an update on having Lennar fix the broken curb and gutters in the streets.

Mr. Laughlin stated that the curb and gutters issue is between the home builder and developer. The developer has a private agreement with the home builder and the developer retains money until the developer signs off on the property.

Mike O’Larte asked if the CDD rules are imbedded in the CC&Rs, or if it’s a separate document.

Mr. Laughlin responded that it is a separate document, and the amenity policies are available on the CDD’s website.

Mike O’Larte stated that the water that flows down the Hidden Lake swale goes back into the Hidden Lake wetland and flows across the haul road into the drainage ditch.

Mr. Robinson stated that he and Mr. Yuro are going to look at it.

THIRTEENTH ORDER OF BUSINESS

Supervisor Requests

There being none, the next item followed.

FOURTEENTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

FIFTEENTH ORDER OF BUSINESS

Next Scheduled Meeting – October 15, 2024 at 6:00 p.m. at the Amelia Walk Amenity Center

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SIXTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Swan seconded by Mr. Jentz with all in favor the meeting was adjourned.

Signed by:

Daniel Laughlin

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Secretary/Assistant Secretary

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Jeffrey Robinson

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Chairman/Vice Chairman