

ABERDEEN  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Aberdeen Community Development District was held Tuesday, May 28, 2019 at 6:35 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 |
| Hillary (Beth) Fore | Supervisor       |
| Gary Davis          | Supervisor       |

Also present were:

|                 |                              |
|-----------------|------------------------------|
| Ernesto Torres  | District Manager             |
| Katie Buchanan  | District Counsel             |
| George Katsaras | District Engineer            |
| Brian Stephens  | Riverside Management         |
| Lauren Egleston | Vesta/Amenity Services Group |

The following is a summary of the actions taken at the May 28, 2019 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 6:35 p.m.

**SECOND ORDER OF BUSINESS**

**Audience Comments**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Affidavit of Publication**

An affidavit of publication of the public hearing was included in the agenda package.

**FOURTH ORDER OF BUSINESS**

**Approval of the Minutes of the April 23, 2019 Meeting**

On MOTION by Ms. Andrews seconded by Mr. Davis with all in favor the minutes of the April 23, 2019 meeting were approved as amended.

The next item added to the agenda.

Ms. Egleston stated last week a resident of four years who had touched a lot of lives and had just moved, passed away and some of the kids would like to speak to you.

The juveniles spoke and expressed their respect to Trey Sudderth III who passed away on May 23, 2019 from complication wo MRSA. The group requested a plaque or memorial be placed near the basketball court in remembrance of Trey so when we play, we can think of him.

Mr. Torres stated in your packet is a draft of a plaque they put together for your consideration.

Ms. Egleston stated we can tweak it a little bit and I think it would something inspirational to have on the fence out there. I have people willing to fund it. We are going to have at one of the food truck events a place for people to donate blood.

It was the consensus of the board to allow a plaque to be placed in memory of Trey Sudderth III for the inspirational work he had done in the community.

**FIFTH ORDER OF BUSINESS**

**Public Hearing Regarding Rates for Guest Policies, Resolution 2019-09**

Ms. Egleston reviewed the proposed changes in the fee structure as follows: Items 1 – 5 stay the same and item 6 is being added and that is, each patron household and non-resident fee paying user may be issued one guest cart at no charge, which will provide twenty-four guest uses per calendar year. Guest cards will expire at the end of the calendar year regardless of whether they are fully utilized or not. If all twenty-four visits are used, additional guest cards may be purchased for \$50 that will provide for an additional twenty-four guest uses. Alternatively, a guest pass may be purchased for \$5 per guest per visit.

Ms. Andrews stated I had suggested we raise it to \$60.

Ms. Egleston stated it should be \$60 as you requested it is supposed to be \$5 per resident

Mr. Torres stated it was noticed at \$60.

Ms. Buchanan stated we published the notice of the rate hearing as required by law and now at this point it would be appropriate for you to open the hearing and see if there are any

comments from the public on the additional change you are proposing. We will update the resolution to reflect \$60 not \$50.

On MOTION by Mr. Davis seconded by Ms. Fore with all in favor the public hearing was opened.

A resident asked do mean guests when residents get their card?

Ms. Eggleston stated guests will be if you have people come who do not live on your property.

Ms. Andrews stated you will get 12 and if you need additional it is \$60 for 24 more.

A resident asked do we have a lot of guests that come to the pool?

Ms. Lovett stated we do and that is the reason we needed to be more diligent with the enforcement policy.

A resident stated birthday parties are still separate.

Ms. Eggleston stated yes, as long as you have a bulk rental it does not count against them.

A resident asked how are you going to regulate that when people open the gate to let other people in?

Ms. Eggleston stated we have watched that and go out there but there is no way to secure that gate. We had issues with the exit button, someone must have broken it on Saturday night and we just found out about it and I have someone coming out to service that. We try to stay on top of that but there are a lot of parents who let their kids go to the playground and then want back in.

Ms. Lovett stated I think a lot of it is just the fact that there is more awareness that we are enforcing this. We have had a policy, but it hasn't been enforced and once people understand we have this policy now there is X number of visits with card attached to that. I feel some of the misuse will start to self-correct.

On MOTION by Ms. Lovett seconded by Mr. Davis with all in favor the public hearing was closed.

Mr. Torres stated we will change paragraph 6 to reflect the \$60 per purchase of the card.

On MOTION by Ms. Andrews seconded by Mr. Davis with all in favor Resolution 2019-09 was approved.

**SIXTH ORDER OF BUSINESS**

**Ratification of Agreement with Aberdeen Rays Swim Team Regarding the Use of the District's Competition Pool**

Ms. Eggleston stated the calendar has been attached to show 2 home swim meets with smaller amounts of swimmers, the practice times have been limited as well.

On MOTION by Mr. Davis seconded by Ms. Fore with all in favor the agreement with Aberdeen Rays Swim Team was ratified.

**SEVENTH ORDER OF BUSINESS**

**Ratification of Agreement with Village Extended Day Gamma, LLC for Use of the District's Recreational Pool**

Mr. Torres stated the proposal was set forth at the last meeting and you approved the use to Extended Day and this is ratification of that agreement.

Ms. Lovett stated this is for one hour a day from 10:00 a.m. to 11:00 a.m. Tuesday through Friday.

Ms. Eggleston stated they are bringing their own lifeguard.

On MOTION by Ms. Fore seconded by Mr. Davis with three in favor and Ms. Andrews opposed the agreement with Village Extended Day Gamma, LLC was ratified.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Committee Ranking of Proposals to Perform the Audit for Fiscal Year 2019**

Mr. Torres stated the audit committee ranked Berger Toombs as the number one ranked firm.

On MOTION by Mr. Davis seconded by Ms. Fore with all in favor the recommendation of the audit committee of Berger Toombs as the number one ranked firm was accepted and staff authorized to enter into an engagement letter for the fiscal year 2019 audit.

**NINTH ORDER OF BUSINESS**

**Consideration of Resolution 2019-10  
Approving the Proposed Budget for Fiscal  
Year 2020 and Setting a Public Hearing Date  
for Adoption**

Mr. Torres stated there is an additional \$56,000 in expenditures for fiscal year 2020 and each category has a slight increase. We kept the capital reserve contribution the same and recommend that based on a discussion at a previous meeting about the coping of the pool that may be required in FY20. If there are any other adjustments you want to make to avoid a potential increase the only category you can look at are contingency lines or capital reserve contribution.

Ms. Lovett stated I'm concerned about an assessment that is proposed because we have already levied the additional bond payment this past year. For this year a slightly smaller contribution to the capital reserve fund and we will look for ways to tighten our belts a little bit.

Mr. Torres stated I want to make sure the board understands once we close on the one-acre parcel there are going to be expenditures. One expenditure is the actual grading of the one-acre parcel and I believe that can be paid out of bond proceeds. There was another expense, the outstanding debt assessment and we would have to pay that out of capital reserves. The last conversation I had with Jim Oliver at the time we were looking at the \$80,000 range with the coping issue at the pool that would take about \$180,000 out of your capital reserves. The expenditures and repairs are down for the year, however, we just don't know what is going to happen. Another point I want the board to consider is we can approve a proposed budget, study it and see if there is anything we can do regarding our carry forward surplus and at this time we have a negative variance, we have spent more year to date than was budgeted and I wouldn't want to rely on any carry forward surplus to make us whole for the year.

Ms. Buchanan stated the proposed budget does include a notice requirement.

Mr. Torres stated we have to announce that we are setting an increase and that is a mailed notice to all the residents, whereas if our proposed budget does not have an increase we can avoid the mailed notice.

Mr. Davis stated what we are voting on tonight is being able to move forward with the public hearing and at that point it can be amended.

Ms. Buchanan stated you are voting on the maximum budget that you can adopt. You can certainly drop back down and avoid the increase but if you do increase the budget as proposed we will have to do a mailed notice to every resident in the community.

Ms. Lovett stated I would not vote to approve this type of increase at one time after we have just levied the debt.

Mr. Torres stated if the board chooses we can deduct the \$56,000 tonight from the capital reserve contribution understanding that it goes against your reserve study for contributing those funds and if that is the case you can avoid the mailed notice. I want to give you both sides of what you do tonight.

Mr. Fore stated in other words if you take it out tonight you can't put it back in.

Ms. Buchanan stated that is correct.

Ms. Fore stated if we approve this tonight, we can always bring it down and remove it later.

Ms. Buchanan stated that is right.

Mr. Davis asked what are the ramifications with that study if we do that?

Ms. Buchanan stated you are the leadership in this community and you get to decide how much reserve you have. You hired an expert to give you in the long run what you need but you don't have to comply with that it is just that you paid an expert for his advice and that is what it is. You have the most flexibility if you choose the higher budget amount. You will have notice go out so you will probably have a more crowded hearing.

Ms. Fore stated I would rather keep it this way and we can say these are the projects we have to fund next year and if worse comes to worse we use the reserve.

Mr. Torres stated I'm looking at your capital reserve study and from year 2020 you are exceeding the capital reserve. Your projected repairs for the year next year are very low. We are looking at repairs that have already been done such as the family pool resurfacing, the lap pool resurfacing. We are really just looking at the one issue of the coping. I don't know if we can wait another year to resurface the slide.

Ms. Eggleston stated that can wait another year, we have been doing it ourselves.

Ms. Buchanan asked do you want to cut \$56,000 tonight or move forward with a higher number, send the notice and take some time to review it before your budget hearing?

It was the consensus of the board to leave the higher number in the budget for the present time.

On MOTION by Mr. Davis seconded by Ms. Fore with all in favor Resolution 2019-10 approving the proposed budget and setting the public hearing for August 27, 2019 was approved.

**TENTH ORDER OF BUSINESS**

**Discussion of Design and Construction  
Process with District Architect**

This item tabled.

**ELEVENTH ORDER OF BUSINESS**

**Discussion of Personal Property on  
Preserve/Wetlands**

Mr. Stephens stated there are pictures of the treehouse encroachment in the agenda package. The third floor has been removed and it is in a position now where we can safely remove this. We were going to get everything down low where the children have to basically rebuild it if they were going to utilize it again. My understanding is they are starting to rebuild already.

A resident stated in addition there is a parent helping them.

Ms. Eggleston stated I can probably give you a couple names.

Ms. Andrews stated let's make sure we know exactly who it is. We can also get the county involved, can't we?

Ms. Buchanan stated likely the water management district, but we have a form letter once we can identify them and say this is not property you can use to play on and our office can certainly send that out.

Ms. Andrews stated I do remember we had to fix whatever they stomp on.

Ms. Buchanan stated we don't want it to be damaged because it is our permit, our responsibility.

Ms. Fore asked are you saying this can't remove this safely? Can we put cameras up?

Ms. Eggleston stated yes.

Ms. Buchanan stated I will convey to Carl that he needs to prepare to draft a cease and desist letter and also note they are going to be responsible for cost of removal, both prior costs and going forward. Is that your direction?

Ms. Andrews stated also any fines.

Ms. Lovett asked should we send a general information letter to parents to give them a chance to stop on their own? I do think we need to send a cease and desist on this piece property.

Ms. Fore stated I also think we need to have cameras so whoever we need to send the letter to we have them on the camera.

Ms. Lovett stated maybe once they know they will be responsible for legal fees, removal costs and fines maybe that will prevent it from happening again.

Ms. Andrews asked do we need to put up caution tape?

Ms. Buchanan stated we don't, I don't know if you have a separate policy that deals with the conservation easement areas. If you don't then we can adopt one and you can circulate that and say see attached, this is strictly off limits you should not go back there, you should not construct things back there, you are responsible for damage.

Ms. Lovett stated I don't think we do have one for the conservation areas, just the lakes and ponds. That would be good.

**TWELFTH ORDER OF BUSINESS                      Other Business**

There being none, the next item followed.

**THIRTEENTH ORDER OF BUSINESS              Staff Reports**

**A.    Attorney**

Ms. Buchanan stated we are in a position to close on the one-acre parcel for the future amenity from D.R. Horton. This has been delayed because of D.R. Horton replatting of the area and Carl's recommendation was the payment for the grading work and debt assessment be made at time of closing. He noted that the actions were previously approved by the board but just because it has been so long he would request a motion authorizing the payment of the outstanding debt assessment on the parcel, payment to Horton for grading work and authorization for the chair to execute the necessary documents to effectuate the conveyance of the parcel.

On MOTION by Ms. Lovett seconded by Ms. Andrews with all in favor the outstanding debt assessment on the one-acre parcel and payment to D.R. Horton for the grading work was approved and chairman Lovett was authorized to execute the necessary documents to effectuate the transfer of the property.

**B.    Engineer**

There being none, the next item followed.

**C.    Manager – Report on the Number of Registered Voters, 2,603**

A copy of the letter from the supervisor of elections indicating there are 2,603 registered voters residing in the district was included in the agenda package.

**D. Operation Manager - Report**

Mr. Stephens stated as reported earlier the bottom two floors of the tree fort have been removed. We installed three no trespassing signs on the pond on Irish Tartan and next week we will go in those woods and start cleaning that out. Do we want to reach out to the homeowners and see if they will remove some of that first, now that they know they are not compliant?

Ms. Lovett stated if we know who they are.

Ms. Eggleston stated they are not part of our community, they are part of another community in Julington Creek.

Ms. Lovett stated it is not the treehouse issue.

Ms. Eggleston stated no, this is the gentleman with the patio issue. They knew when D.R. Horton was coming in and clearing all that out. They put it in after the fact so it hasn't been sitting there a long time.

Ms. Buchanan stated I misunderstood. They installed paver stones on CDD property then I think we can still send them a letter. This is more challenging because you don't have as much leverage. If it were someone here you could look at their amenity privileges and things like that and we don't have that option. It is trespassing but I don't see it as a criminal trespassing, it is a patio and they just need to take it out.

Ms. Lovett stated should we send a letter before we have staff go out?

Ms. Fore stated yes, it should be up to these people.

Mr. Stephens stated it is an opportunity for the district to save money and the no trespassing signs have the Florida Statute that makes it binding, so a police officer can actually enforce it.

**E. Amenity Center Manager - Report**

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

**Staffing for Special Event/Lifestyle Funding for summer programs:**



not giving you the right to fence up to the easement. If I understand this if their fence goes up to the easement and you fence up to the easement there would be enough room for them to get through but because their fence goes over too far it doesn't allow you to fence up to the easement.

Ms. Andrews stated they have to move it. We can't have it blocking the easement. We have some areas where they are blocking the ponds and we can't get to them.

Ms. Lovett stated I think we all agree that D.R. Horton needs to have the fence moved.

Mr. Torres asked what is the address of the easement?

Mr. Davis stated 530 Shetland Drive.

Mr. Torres asked Brian, have you verified that 530 Shetland Drive has a fence encroaching into the easement?

Mr. Stephens responded yes.

Ms. Buchanan stated there is an easement in place to the district's benefit and when the HOA is tasked with approving fencing they are supposed to review the plat, identify these easements and not take any action to approve something, which encroaches onto the district's easements.

A resident asked how do those decisions get made and you may not know because it could be an HOA question in regard to one homeowner's use of an easement versus another's. I am the second half of a party that wasn't privy to this conversation. I don't know if it took place here at the last meeting.

Ms. Andrews stated it was at last month's meeting.

A resident stated the only reason I mention that and again Brian laid out a very methodical, rational reasoning for why you made the decision. I did pay a premium for that property and in this process where does the neighboring homeowner get consideration or is that neighboring homeowner made aware of that change. Had I known that I would have been down for it as well.

Mr. Katsaras stated the easement was on the resident's land not this gentleman's land. The easement is an easement it is not the land. The land is owned by the resident and by this gentleman. The easement has rights to the district. The 8 feet was the district releasing a portion of their easement rights to allow the gentleman to fence up to that area. There would still be a gap so equipment could be taken through that easement back to the pond. It was a special case, generally easements run down the side of the house and in this particular case it was on the back.

A resident stated we are up against that neighbor as well.

Ms. Andrews stated we were not given the full story.

Mr. Davis stated we didn't have all the information and we didn't realize there was more information to be had. We definitely made a decision to do it with the homeowner's needs in mind but we did not realize it would have any affect or impact on another homeowner.

Ms. Lovett stated we tried to make it so that it would be 7 1/2 feet off each house.

Mr. Torres stated what we gave them was 5 1/2 feet so we would still have 25 feet access.

Ms. Buchanan stated in law school there is this concept of a bundle of sticks. If you only have what you have and you can give it away and you gave away 5 1/2 feet. If they haven't installed their fence yet I think you can walk it back, it was yours to give and you can say, no, I'm sorry we made an error this is the amount. That being said if he installs his fence tomorrow or if he has already ordered something he took an action based on your approval and we may be responsible to make him whole to get that change in place. That is my advice. I think you can walk it back but we may have something we have to deal with.

Mr. Katsaras stated the concern is the turn so you could grant a 5 1/2 foot release for this gentleman's side to a point that it makes sense and trucks can still make it and the reason being that you don't allow everywhere because there is a practical sense that the trucks have to access. On the straight tangent part you can do that and if the fence is already there I don't know that it makes sense to do that.

Ms. Buchanan stated you can send him a letter by certified mail telling him we are reconsidering this, stop, don't spend any money, don't make any appointments, we are looking into it and we will let you know what the easement will be but we can tell you it won't be 5 1/2 feet.

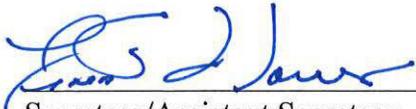
On MOTION by Mr. Davis seconded by Ms. Fore with all in favor the decision to allow an encroachment into the easement is rescinded and staff was authorized to send a letter to Mr. Barecchia of 700 Tartan Way to stop any construction, don't order anything, don't make any appointments, we are looking into it and will let you know what the easement will be but it will not be 5 1/2 feet issued May 3, 2019 for 5 1/2 feet encroachment into the drainage easement.

**SIXTEENTH ORDER OF BUSINESS**

**Next Scheduled Meeting – 06/25/19 @ 4:00 p.m. @ Aberdeen Amenity Center**

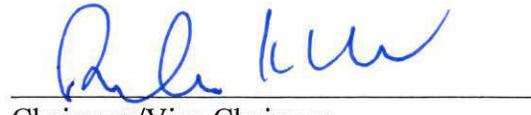
Ms. Lovett stated our next meeting is June 25, 2019 at 4:00 p.m. in the same location.

On MOTION by Mr. Davis seconded by Ms. Fore with all in favor  
the meeting adjourned at 8:45 p.m.



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Secretary/Assistant Secretary



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Chairman/Vice Chairman