

ABERDEEN
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Aberdeen Community Development District was held Tuesday, July 28, 2020 at 4:00 p.m. via Zoom.

Present and constituting a quorum were:

Angela Andrews	Chairperson
Gary Davis	Vice Chairman
Dennis M. Clarke	Supervisor
Hillary (Beth) Fore	Supervisor
Rhonda Lovett	Supervisor

Also present were:

Ernesto Torres	District Manager
Carl Eldred	District Counsel
George Katsaras	District Engineer
Brian Stephens	Riverside Management
Denise Powers	Vesta/Amenity Services Group
Dan Fagen	Vesta/Amenity Services Group

The following is a summary of the actions taken at the July 28, 2020 meeting. A copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Torres called the meeting to order at 4:00 p.m. and called the roll.

SECOND ORDER OF BUSINESS

Audience Comments

Dr. Aguilar stated I want to thank you all for the great leadership in Aberdeen. Remember there are upcoming elections.

THIRD ORDER OF BUSINESS

Affidavit of Publication

A copy of the affidavit of publication of the notice of the public hearing was included in the agenda package.

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FOURTH ORDER OF BUSINESS

Approval of the Minutes of the June 23, 2020 Meeting

On MOTION by Mr. Clarke seconded by Ms. Fore with all in favor the minutes of the June 23, 2020 meeting were approved as presented.

FIFTH ORDER OF BUSINESS

Public Hearing to Adopt the Budget for Fiscal Year 2021

Mr. Torres stated this is the public hearing to adopt the budget for fiscal year 2021. There were minor adjustments made to the capital reserve contribution to avoid an increase in assessments. There is no increase in assessments.

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

There were no comments or questions from the public.

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

A. Consideration of Resolution 2020-12 Relating to the Annual Appropriations and Adopting the budget for Fiscal Year 2021

On MOTION by Ms. Andrews seconded by Mr. Davis with all in favor Resolution 2020-12 was approved.

B. Consideration of Resolution 2020-13 Imposing Special Assessments and Certifying an Assessment Roll for fiscal Year 2021

On MOTION by Mr. Clarke seconded by Ms. Fore with all in favor Resolution 2020-13 was approved.

SIXTH ORDER OF BUSINESS

Consideration of SJRWMD Permit Transfer (Application No. 47 Phase 6)

This item tabled.

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SEVENTH ORDER OF BUSINESS**Ratification of Agreement with Scherer Construction**

Mr. Eldred stated the board awarded the contract to construct the fitness center to Scherer Construction. As part of the project manual there was included the form of agreement and upon award they did execute the agreement and that has been signed and you have that document in front of you. The notice to proceed was issued and substantial completion is required within 190 days of the issuance of the notice to proceed and we should have substantial completion of the fitness center by January 30, 2021.

On MOTION by Ms. Andrews seconded by Mr. Davis with all in favor the agreement with Scherer Construction was approved.

EIGHTH ORDER OF BUSINESS**Staff Reports****A. Attorney – Update of Scherer Construction Contract**

Mr. Eldred stated this session senate bill 1446 passed and came into effect July 1 and that bill reduces some of the requirements applicable to district websites. We now have to maintain fewer documents on the website, which is beneficial in the sense that there were costs of complying with ADA requirements and cost of converting documents such that they were in a readable format. We will work with George and his office to ensure that we have the necessary documents on the website.

Encroachment Request

Mr. Eldred stated there is a request from a resident regarding a release of a CDD easement so that they can build a pool at the back of their yard at 804 Montague Drive the construction of the pool will require them to encroach on a CDD maintenance easement we have around the pond at the back of that property. It is a three-foot section of the easement on the western side of the property line. George and Brian have taken a look at it and they have no concerns from their perspective to allow this release of easement. The board will have to agree to release a section of the easement so they can move forward with their construction activities. This has happened in other districts and in those cases we require the property owner to execute a partial release of the easement, which basically says yes, we are okay with you building your pool encroaching into the easement, however, you will indemnify us, etc. and you will ensure that you will still maintain that

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easement, etc. If the board approves the partial release of this easement then we can talk about the process moving forward as we get similar requests in the future.

Mr. Davis stated we have made exceptions like this in the past it has set a precedent and has put us in a tough spot to say it worked for this person because of the way their yard was laid out but it doesn't work for this person. While I don't have a problem with this I want to put this out there because now we are setting a precedent and we are going to have a problem in the future.

Mr. Eldred stated it is a valid concern and the only guidance I can give the board is to look at these on a case by case basis. We have had issues with the access easements that usually run between two houses and those have created problems because of fences and fences are a slightly different issue in that they are more common and you can remove a fence. This is a little more complicated because it is the construction of something physical that is not subject to being moved easily. When these types of requests come along it requires a little more review and thought and can only be evaluated on a case by case basis. The options available to the board is to say no and say no to all or evaluate these on a case by case basis. You can try to establish a policy and procedure, but that gets difficult because we can't anticipate all the scenarios that would come before us to draft what would be helpful and constructive guidelines.

Ms. Andrews stated the deck looks like it is going over the hump of where it starts going down. The concern is the lawnmowers go back there and cut.

Mr. Eldred stated the point of the partial release of an easement, the formal documentation that we would have recorded is to establish that we are making this limited exception and the homeowner is to indemnify the district for any damage or anything else that may be related to the presence of that pool. Concerns of damages that we may cause or damages that may result from the construction of the deck, for example if they construct the deck and it causes an issue with washouts on the pond bank that is something they would be responsible for addressing and that is why we record the document so that they are aware of it and any future purchaser is aware of it.

Ms. Andrews stated I'm assuming they can't put a fence up because they are already encroaching.

Mr. Stephens stated they already have a fence up and the homeowner assured me that the encroachment would still be within their fence so the fence is not going to move. D.R. Horton when they built the house put the fence up and the fence is just beyond top of bank. They will be encroaching a couple feet into the easement they are still going to be within their existing fence.

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Mr. Eldred stated if the board is willing to approve the request then I would prepare a partial release of easement and indemnification agreement and we would have the homeowners execute that, the district would execute it then it would be recorded in the chain of title for that property.

Ms. Andrews asked are there other fences back there that are past the easement as well?

Mr. Stephens stated yes. The pond is not fenced but the fences that are there are just beyond the easement.

Mr. Clarke asked does the proximity of the fence to the pond inhibit the mower?

Mr. Stephens responded no, they still have ample room.

Ms. Lovett joined the meeting during this agenda item.

Ms. Andrews asked can we hold off on this until we find out about the fence because I'm concerned about the fence. If more residents have the fences past the easement line I have a concern with that. I would like to know who approved it.

Mr. Torres stated we can come back to the board at the next meeting with that information.

Mr. Eldred stated the resident will not be able to move forward with their plans for constructing the pool until we give approval.

Mr. Davis stated I don't want to delay it a month. I understand Ms. Andrew's concern and I would like to hear about that too.

Ms. Fore asked have we ever had a problem with their fence before? If we haven't had a problem before now why would we delay it a month?

Mr. Davis stated I think Montague was completed close to a year ago and I'm thinking this is a D.R. Horton issue.

Ms. Fore asked did the fences look uniform?

Mr. Stephens stated yes.

Ms. Fore asked did most of the fences go out to this line?

Mr. Stephens stated they do, they are very close and when we allow a fence on a pond we allow them to fence to top of bank so anything flat can be fenced and anything sloped has to be left open for the drainage access and this is right on top of bank.

Mr. Clarke stated I'm concerned that this came to us late and time to consider it is inadequate. I favor holding off until we get more information. Anyone putting in a pool is going to be waiting for a contractor because they are hard to come by.

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Mr. Stephen stated she said they already picked a contractor and they are just waiting on approval to get the permit process started.

Ms. Fore stated the email says Aqua Pools.

Mr. Torres stated it looks like we have two board members who want to delay it.

Ms. Lovett stated I don't know that knowing more about the fence is going to impact it. The fence is already built and I'm not sure what decision would be changed. What additional information that we learn that we don't already know? Are we going to pull the fence back or what is the option? I don't see how the fence plays into it.

Mr. Eldred stated to your point Brian said this fence is consistent with those around it and is constructed at top of bank. My sense is if this came before you if D.R. Horton or the homeowner presented this to you there would be no objection to constructing the fence where it is today because there are no access issues unlike some of the issues we have experienced where we have an access easement or fence being built into an access easement going between two houses and we need to preserve that so we have access to the lake. We don't have that situation here with this fence.

Ms. Lovett stated I would be in favor as long as it is written that any erosion issues that are created by the pool we are not liable for that.

Mr. Eldred stated the language we would include would be that the homeowners agree to hold harmless and indemnify the district against any and all lost damage, etc. related to construction or maintenance of the pool and remaining easement.

Ms. Lovett stated not only for the construction but in the future if there is a 100 year flood and it undermines the pool that it is not our problem.

Mr. Eldred stated that would be covered in that language.

On MOTION by Ms. Lovett seconded by Ms. Fore with four in favor and Ms. Andrews opposed the request for a partial release of easement located at the rear property line at 804 Montague Drive was approved subject to a hold harmless clause and that the partial release of easement be recorded.

Mr. Eldred stated we will prepare the documents and coordinate with the property owner to get that executed and recorded.

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B. Engineer – Consideration of Requisitions 17 & -19

On MOTION by Ms. Lovett seconded by Mr. Davis with all in favor requisitions 17 in the amount of \$1,210.36, # 18 in the amount of \$200 and #19 in the amount of \$2,411 were approved.

C. Manager – Discussion of Fiscal Year 2021 Meeting Schedule

On MOTION by Ms. Fore seconded by Ms. Lovett with all in favor the fiscal year 2021 meeting schedule was approved.

D. Operation Manager - Report

Mr. Stephens reviewed the items outlined in the monthly memorandum, which was included in the agenda package.

Mr. Clarke stated about 50 yards to the east of the Sutherland entryway off of Long Leaf Pine a car left the road and it was pulled out of there but there is debris left.

Mr. Stephens stated I talked to Yellowstone and they will be removing that and do the best they can to level everything back out.

Ms. Andrews stated the big pond with the fountain, the sidewalk is uneven on the condo side and it looks like a trip hazard.

Mr. Stephens stated I will look at that and if it is on the condo side it is a strong possibility it is the condo sidewalk, but I will verify it.

E. Amenity Center Manager - Report

Ms. Powers stated tomorrow we have the equipment workshop from 10:00 a.m. to 3:00 p.m. We have five vendors who are going to present, I have ten resident volunteers and I worked on a scoring matrix to provide them so they could give helpful feedback that I can compile and send to all of you to have as much information as possible.

I wanted to see if the board would approve limited room rentals for the social hall only.

Mr. Fagen stated in the communities in which we allow room rentals, people really haven't bit on that and seems to be a non-issue.

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Ms. Fore stated why not if they are keeping a social distance and doing 50% capacity as they do in restaurants.

Ms. Lovett stated I don't know that I would like 25 people in there for an event, maybe 15.

Ms. Powers stated with the indoor and outdoor combined that gave a 75 person maximum capacity between the two spaces that is all considered part of that rental. If you were just looking at the indoor space 50% would have been 25.

Ms. Andrews stated I think we need to wait and see if the governor is doing anything different. We are still not meeting, we are having Zoom meetings, I think we need to wait.

Ms. Powers asked do we want to keep room rentals suspended on hold for now and wait until the August meeting to revisit this?

Ms. Lovett stated I would be okay with a smaller number of people; I would not exceed 15 at this time.

Mr. Davis stated I would be fine with that.

Mr. Eldred stated it is my understanding that the other communities that have allowed the social hall to be open have required masks to be worn. Is that the case and would you recommend that here?

Mr. Fagen stated masks are required in Duval County but not in St. Johns County; the other community in St. Johns does not require masks.

Mr. Clarke stated I'm in favor of opening it to 25 people provided we require them to use both the inside and outside and keep the doors open for circulation and distancing.

On MOTION by Ms. Lovett seconded by Ms. Fore with all in favor rental of the social hall will be allowed with a maximum number of 20 people.

Ms. Powers stated I have had quite a few residents ask that when the fitness center is complete is there an option to put a sign up that says slow for children to help people be more observant of their speed as they come around that corner.

Mr. Torres stated I'm sure we can put signage on CDD property.

Ms. Powers stated right now the amenity cards are still turned off, we are just here Tuesday through Sunday from 7 – 7 so when we are staffed are the only hours that residents have access to the pool. I would like to activate the cards and changing where staff isn't here at 7:00 a.m. so we

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are not paying someone to be here at 7:00 a.m. I was hoping to go back to normal office hours of 9 – 5 Tuesday through Friday and to 6 on Saturday and Sunday and have a pool monitor come in for a short shift in the evening until dusk to make sure of capacity and to sanitize the furniture and restrooms at the end of the day, instead of using those staffing hours at the beginning of the day when we are not that busy and there is not as much going on. We will continue to stay closed on Mondays because we don't have the funding for staffing.

Ms. Lovett stated I'm okay with staffing later in the day.

Mr. Davis asked do we need a motion on that?

Mr. Torres responded no, the board has given Denise some latitude to make adjustments based on the resident's needs.

Ms. Powers stated thank you very much, I will get an email out to the community.

NINTH ORDER OF BUSINESS

Financial Reports

A. Balance Sheet as of June 30, 2020 and Statement of Revenues and Expenses for the Period Ending June 30, 2020

A copy of the financials was included in the agenda package.

B. Assessment Receipt Schedule

A copy of the assessment receipt schedule was included in the agenda package.

C. Approval of Check Register

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

TENTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

A resident stated I have been asked to try to do a voter's registration and there is a lady who does it and I would be helping her and she sets up a little tent to register people to vote. It is non-partisan and we just get people to register. I was wondering if we could do that on Friday night when you are having the food truck.

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Mr. Torres stated Claire brought this to my attention and I talked to Carl about it and I asked her to make the request of the board. It is not affiliated with anything and I wanted the board to weigh in on it.

It was the consensus of the board that a table could be set up at the food truck event to register voters.

Mr. Davis stated there is a book club that wants to meet after hours when things are closed down at the amenity center and they want to use the breezeway area. Are we allowing that?

Ms. Powers stated the breezeway is not a rentable area or reservable area so I don't know what precedent you have set in the past for residents to be able to use that area. If we are open to dusk and they are all residents and are here they can come up here like anyone else and use the facility. If they want to use it after dusk after the deck is closed I don't know how you want me to proceed with requests like that going forward.

Mr. Davis stated I don't have an issue with it.

Mr. Lovett stated I think we have had staff there in the past after hours to reclose the facility. It would be completely unstaffed and are we okay with that?

Mr. Fagen stated that would be a slippery slope. We would love to say yes, I understand the intent and asking people to be adults and most of them will but it would be a challenge if staff is not there to ask others to leave it would be difficult to assume others will. If the book club is allowed to be there then some residents would say, what about me.

Mr. Clarke stated I don't think we want to give them special access to the facility.

Ms. Lovett stated I agree, it is a tough call right now.

Mr. Davis stated I wanted to get everyone's thoughts and I understand both sides. Thanks.

Ms. Lovett stated maybe for the next meeting if we can understand that closed caption and if that is something we can make available for our residents.

Mr. Torres stated let me do some research on that. I know on the Zoom it allows someone to type while we speak and the other part is a third party app that can also be provided. I can bring that back to the meeting next month and see how you want to proceed. I don't yet know the costs related to that.

ELEVENTH ORDER OF BUSINESS

Next Scheduled Meeting – 08/25/20 @ 6:00 p.m. @ Aberdeen Amenity Center

Mr. Torres stated the next meeting is scheduled for August 25, 2020 at 6:00 p.m.

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On MOTION by Mr. Davis seconded by Ms. Fore with all in favor
the meeting adjourned at 5:30 p.m.

DocuSigned by:

Ernesto Torres

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Secretary/Assistant Secretary

DocuSigned by:

Angela Andrews

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Chairman/Vice Chairman