

ABERDEEN
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Aberdeen Community Development District was held Tuesday, October 26, 2021 at 6:00 p.m. at the Aberdeen Amenity Center, 110 Flower of Scotland Avenue, St. Johns, Florida.

Present and constituting a quorum were:

Dennis M. Clarke	Chairman
Lauren Egleston	Vice Chairperson
Thomas Marmo	Supervisor

Also present were:

Ernesto Torres	District Manager
Wes Haber	District Counsel
George Katsaras	District Engineer by telephone
Lucy Acevedo	FirstService Residential
Belynda Tharpe	FirstService Residential
Jay Parker	First Service Residential

The following is a summary of the actions taken at the October 26, 2021 meeting. An audio 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 6:00 p.m. and called the roll.

SECOND ORDER OF BUSINESS

Public Comments

There being none, the next item followed.

THIRD ORDER OF BUSINESS

Discussion of Retention Drainage (the Meadows of JCP – 440 Tortoise Trace)

Mr. Katsaras stated my understanding is that the residents of Julington Creek have complained that water from the D.R. Horton phase is draining onto their property. There is a 35-foot development edge so the CDD owns a strip of land between the back of the Aberdeen lots and the side and back of the Julington Creek lots. What I think is happening is that water is coming

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off the D.R. Horton lots (the Aberdeen lots) goes into this development edge area that the CDD actually owns and sits in there and the Julington Creek people think that is their property, but it is not, it is CDD land. I'm trying to pull up some old plans, but my understanding is there is a rear yard swale behind the Aberdeen lots that should collect that water.

Mr. Clark stated my concern is that if it is just draining and settling there that it is not stagnant, there should be some provision for it to drain into the wetland.

Mr. Katsaras stated I wouldn't recommend filling in there because then you have to take down vegetation and stuff. I believe that the existing grade of the development edge land moves towards the wetlands so there should be a natural slope to the lands. It may not be perfect because it is natural, there may be little indentations that the water gets in but if there is a big enough rain the water will find a way out. We can go out and take a look and maybe there might be pine straw that has developed in the years that may be blocking the flow. I will investigate it a little bit more; this just came up.

Mr. Torres stated I will contact the residents. I think the intent of the board is for the engineer to inspect this area and determine the cause. I will get with George on that and we will bring that back to the November meeting.

FOURTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Haber stated following up from your last meeting Ernesto and I communicated with the Assistant State Attorney regarding the arrangement we made with the parents at the last meeting. The Assistant State Attorney took a pretty hard stance on not allowing the district to request that the claim be withdrawn from the child. We understand that the parents and child have worked with the Assistant State Attorney to enter into an agreement whereby the child would provide certain restitution activities. They look to us (the CDD) to say how much you want to collect in your restitution amount. We gave them the amount that was approved by this board at the last meeting and indicated they would have credit for the payment that was made at that meeting. That amount was identified in that agreement. To the extent that the amount is fully paid and the other actions, whatever they may be such as community service are completed, then the child will have an opportunity to have this particular action against him expunged and he will have a clean record, which I think was the goal. Ultimately, I think we are getting to where we wanted

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to be but there is the extra step of having them go through that process with the Assistant State Attorney.

My practice group at my law firm, there are ten of us that remain are moving to a new law firm called Kutak Rock. We will be their first Florida office, but it is a national firm. I will continue to work on the district and I am still in touch with Carl so if any historical issues come up I will continue to be in touch with Carl. We will have all the files, all the forms, all our staff and paralegals are coming with us. It is just a change from Hopping Green & Sams to this new firm.

The Florida Bar requires when a lawyer leaves a law firm to give their client the option of choosing to go with them, which we hope you choose to do or stay with the firm they are currently with. Presently, that is not an option for you because we are the last ten attorneys at the firm so when we leave, Hopping Green & Sams will cease to exist for purposes of practicing law. There will be people there, employees winding up Hopping Green affairs but no lawyers. Your options are to move with us as a group and we will continue to represent you; there would be a new fee agreement with the new firm, the rates would remain the same. You always have the opportunity to seek counsel elsewhere.

If you are agreeable to moving with the group to the new firm, there is a transition letter that was provided that can be signed by your manager or by your chair. Ultimately, we will need a new agreement between the district and the new firm. We would be looking for a motion to authorize your chair to sign both the transition letter and the new agreement with the new firm.

Mr. Marmo asked what is the contractual time if we were to agree to continue?

Mr. Haber stated the existing agreement doesn't have a term, nor would the new one, we work on an hourly basis, and you can terminate at any time you want. Unlike many of your agreements there is no specified term in the agreement.

Ms. Egleston asked is Hopping Green & Sams dissolving at this point?

Mr. Haber stated yes, our last day at Hopping Green & Sams will be Friday November 12th and our first day with the new firm will be that Monday.

Mr. Clarke stated I appreciate you reaching out and contacting me explaining what is going on. It was unexpected and we didn't have much opportunity to look for a lawyer. There is an item on the agenda about ratification of the transition letter, but I think it may be incumbent upon us as

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stewards of the Aberdeen CDD to request proposals from your firm and from other firms before we enter into a contract. I want to get input from the other board members.

Mr. Marmo asked how long as Wes been with us?

Mr. Haber stated my law firm has been with the district since the beginning. We have all the historical files and history. One of the lawyers who is still with the firm represented the district a while ago. I don't know when your November meeting is, my guess is it may be after the November 15th timeframe. You are certainly welcome to get competitive proposals. As I mentioned the agreement has no term so if you want to continue to have representation it may make sense for you to sign then if you want you can go out for proposals and at your November meeting choose a new lawyer and terminate that agreement, just so you don't have a break in representation. It is up to you.

Mr. Clarke stated I would give it much more time, I would give it two or three months before we make an effective date, but we would evaluate your proposal on a formal basis and there may be other firms out there that may be interested.

Ms. Egleston asked can we make a motion to agree to this and a second motion to take a look at some other options?

Mr. Torres stated we have the letter to be ratified on the consent agenda and you can ratify approval of the letter and then perhaps make a note that in January's meeting you would like me to bring RFQs for legal services.

Mr. Clarke asked do you have all the physical files as well as the electronic files?

Mr. Haber responded in an effort to reduce paper we have been scanning everything so they will become electronic. We will have either the physical paper or they will be scanned and saved on our system.

B. Engineer

There being none, the next item followed.

C. Manager

There being none, the next item followed.

D. Operation Manager - Report

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Mr. Parker stated Red Rhino Pool Leak Company found a leak inside the rec pool and as they started digging it up they found a 4" pipe that was broken on both sides. They sent in a new bid, the pipe has been repaired and we haven't had a leak issue since.

The filters inside the rec pool have been replaced. We have issues with one of the pumps inside the pool and we have one proposal and are looking for more bids.

We had a rocky start with the landscaping crew. I am meeting with them tomorrow. Ernesto came by last week and showed me the contract.

E. Amenity Center Manager - Report

1. Report

Ms. Tharpe stated I think our biggest obstacle is communication with the residents and we have three ways to do that, through the website, Constant Contact and Facebook. Constant Contact is how we send out the newsletter and when folks come in to get their key fob we add them into Constant Contact. First Service Residential has our Connect System but because we are not managing the HOA we are not utilizing that. We are constantly getting comments that they missed a notice, where was it posted.

One of the complaints we get is about kids in the lap pool and it is my understanding that it is not deemed an adult lap pool, therefore, staff cannot force kids out of it. If the board wanted to vote to make it an adult lap pool that would be up to you.

Mr. Clarke asked what time to they use the lap pool?

Ms. Tharpe stated they prefer mornings. You can make lap swim only times.

Mr. Clarke stated that seems reasonable.

Ms. Tharpe stated I would say up to 2:00 p.m. adults only and this time of year it is really not an issue, but it will be an issue next year, but there is the recreation pool, the family pool. Just to keep it clean I would go one way or the other.

Ms. Egleston stated we have policies set up for that specifically stating for the lap pool. Does that have to be a public meeting?

Mr. Haber stated not necessarily, your policies with respect to the types of changes you are discussing can be done at a meeting. To the extent you are changing a rate or suspension policy, that needs to be done in a noticed public hearing. If you wanted to you could change it today by motion.

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Mr. Marmo stated I don't agree with changing a policy because of one complaint.

Mr. Clarke stated the lanes are for lap swimming regardless of how old you are.

Ms. Tharpe stated it is for lap swimming it doesn't specify age.

2. Weekly Update

3. Pool Pass Brochure

Ms. Tharpe stated we are aware of the guest policy and how it is managed is not easy, we have now put a clipboard on the desk so anybody who comes in the office person is asking them to sign their guest in. Our issue is they can bring that same guest over and over again. We don't have a way to track it and that is why I included the software with the agenda packet if somewhere down the road you want to look at that, I don't think it is necessary right now. There are no guest passes that are mentioned in the policies and procedures.

Ms. Egleston stated we had one in 2020 and it was not implemented due to COVID.

Ms. Tharpe asked does the board want to continue with the guest passes in the upcoming season?

Mr. Clarke asked what about the pool pass? Would this replace that? Everything I read about it I like.

Ms. Tharpe stated there is a cost that depends on the level we go. The policy now is you can bring up to 18 guests, six at a time and after that you can buy a pool pass.

Mr. Marmo asked is that a monthly cost?

Ms. Tharpe responded yearly. We would have to make sure it works with the current gate system and there are a few things to be worked out before we sign off on it.

Mr. Clarke stated based on your experience and your company's knowledge if you have other ideas on how we should manage this, bring it to us.

Ms. Tharpe stated on the side gate there is a big sign that says, exit only please go to the front. A kid got up and let her friend in and I have seen adults do it too and people are not bringing their cards and asking us to buzz them in. In the spring we will need to increase staff and have a dedicated front office person 7-days a week when the pool is open because right now I'm the office person until the two-part time kids come in. I don't think you want me to be a dedicated gatekeeper.

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Mr. Clarke asked why don't you work on a plan and by the time spring rolls around we can have something in place.

Ms. Tharpe stated the gentleman who owned the vending machines recently passed away and his wife has taken that over for now, but she wants out of that business. She is asking \$1,800 for both and she may come down on the price because she wants them gone. I did some research and each unit is \$1,600 and I have a check for the third-quarter earnings. The first quarter income is a profit sharing was \$814 to the district, second was \$2,066, the third was \$2,532 and she gave me another check today. My staff would stock it, but all the money would come to the district.

Ms. Egleston stated I think the issue is finding someone to service them.

Mr. Clarke asked do we want to buy them? Offer her \$600 and see what she says.

Ms. Tharpe stated before I do that I will see if I can find a vending machine repair people.

Mr. Haber stated you are legally able to buy them. My guess is that you have a written agreement with the vendor. You will want to terminate that agreement if we are going to buy them. It is a small enough purchase that you have the ability to purchase them and there is no need to get competitive proposals.

Ms. Tharpe stated with the time change it will start getting dark at 5:00 p.m. Is there anything preventing us from changing the office hours from 6:00 p.m. to 5:00 p.m. on the weekends except when this room is reserved for a party?

Mr. Clarke stated change the hours.

4. Constant Contact Report

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

FIFTH ORDER OF BUSINESS

Supervisors Requests and Public Comments

Mr. Clarke stated I'm going to meet with Belynda and we are going to undertake updating our capital planning study that was last updated by me. We will have a report for the December meeting and once we get this launched we will update it every year. We will look at recurring expenses that are mandatory versus discretionary.

Ms. Egleston stated on your drive through with landscaping look at the mailboxes on Shetland where the grass is completely gone. There was a request to put gravel or something in place of the grass.

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A resident asked why do we need vending machines when we rent out that service, they pay you, you don't pay them?

SIXTH ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of the Minutes of the September 28, 2021 Meeting**
- B. Balance Sheet as of September 30, 2021 and Statement of Revenues and Expenses for the Period Ending September 30, 2021**
- C. Assessment Receipt Schedule**
- D. Approval of Check Register**
- E. Ratification of Audit Engagement Letter with Berger Toombs Elam Gaines & Frank**
- F. Ratification of Transition Letter for Legal Services**

On MOTION by Ms. Egleston seconded by Mr. Marmo with all in favor the consent agenda items were approved.

SEVENTH ORDER OF BUSINESS

Next Scheduled Meeting – 11/23/21 @ 4:00 p.m. @ Aberdeen Amenity Center

Mr. Torres stated the next scheduled meeting is November 23, 2021 at 4:00 p.m.

On MOTION by Ms. Egleston seconded by Mr. Clarke with all in favor the meeting adjourned at 6:55 p.m.

DocuSigned by:

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 Secretary/Assistant Secretary

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 Chairman/Vice Chairman