

MINUTES OF MEETING
ABERDEEN
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Aberdeen Community Development District was held Tuesday, May 24, 2022 at 4:04 p.m. at the Aberdeen Amenity Center, 110 Flower of Scotland Avenue, St. Johns, Florida.

Present and constituting a quorum were:

Lauren Egleston	Vice Chairperson
Hillary (Beth) Fore	Supervisor
Thomas Marmo	Supervisor

Also present were:

Jim Oliver	District Manager
Wes Haber	District Counsel
George Katsaras	District Engineer
Lucy Acevedo	FirstService Residential
Belynda Tharpe	FirstService Residential
Jay Parker	First Service Residential

The following is a summary of the actions taken at the May 24, 2022 meeting. An audio copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Oliver called the meeting to order.

SECOND ORDER OF BUSINESS

Public Comments

There being none, the next item followed.

The next item taken out of order.

Discussion of Drainage Issues

Mr. Oliver stated a couple weeks ago we got a call from St. Johns County engineering department to talk about some drainage issues behind some people's homes. They contacted me

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and we set up a conference call with the engineer. Jay was on the call also then George and Jay did a site visit last week. George will outline the issue and make some recommendations.

Mr. Katsaras stated the issue is off Rustlewood Lane and Prince Albert. I believe the issue was at Lot 937, these lots are supposed to drain to an inlet that goes out to the street and into the pond. Lot 933 is fine they have a nice swale, 937 their yard is filled up and it has a fence so they filled to the fence, there is no swale and then 941 their lot is nice and clean and they have a nice swale. 937 is the problem lot. In talking with this resident she mentioned that there is a little drain that was installed by D.R. Horton and right now the little drain just pops out to the well, which technically is not right, all this needs to go to the pond.

Mr. Parker stated she said she had permission to fill up her yard because her yard was wasting away so they put the fence in to keep the yard or something to that effect and she actually went over the swale. 945 is the next house.

Mr. Katsaras stated I don't know who filled her yard at 937, if she did it if Horton did it, I will defer to Wes if there are legal implications on that. Jay and I talked about this, the fix would be to put a better drain in than the small one that is on lot 937 and I think we can pipe around. There is a little berm in the back behind the 937 fence and we can probably pipe a little 12" pipe past this lot, otherwise the solution is going to 937, dig the swale out like it should be, we would have to take her fence down, do that work, she probably won't be very happy. I don't know if she did it or D.R. Horton.

Mr. Oliver stated it is a CDD drainage easement and it is not draining and it is a district problem at this point.

Ms. Fore asked would it be draining if they hadn't filled in the swale?

Mr. Katsaras stated if 937 had the swale and didn't have the fence blocking it, we wouldn't have a problem, 933's water would go right off where it is supposed to go. 937's filled up, their fence is blocking it and the water can't get there. We got there before the rain but the rain this weekend has eroded out 933's lot where the inlet is.

Mr. Marmo asked is there any way to definitively get D.R. Horton to help?

Mr. Katsaras stated I don't know.

Ms. Egleston stated we could approach the HOA because they have to have had notice to put a fence. What I'm seeing on the property appraiser's website, it looks like in 2019 they have

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the fence in the swale. It looks like it was there to begin with. I don't know what year the home was constructed but she has since moved it back.

Mr. Marmo stated if we can prove she caused it by whoever filled in her backyard then she should pay for it.

Mr. Haber stated it is the water management district not the county who oversees the CDD's permit for the stormwater system, which would include swales and the lakes and the whole system. If the system is not functioning properly then the water management district would have the ability to penalize whether it is through a fine or a letter requiring us to fix this issue. The rights the CDD has if that is an easement to the benefit of the CDD and the easement is to remain a certain way for the functionality of the stormwater system and they filled it in then the CDD would have the right to say to them, you filled in the lot, you put up a fence, which is adversely impacting the functionality of the stormwater system, the CDD is now being forced either by the water management district and/or the county to fix this issue, our engineer has identified two ways to deal with this, either you re-dig the swale on your lot and lift your fence or dig the swale underneath the fence or the piping system you mentioned. Assuming we have the easement rights, we can say you need to do it and give them a certain number of days to do it or the CDD is going to do it and we are going to charge you the cost to do it because it was your actions that put us in this position to begin with.

Mr. Marmo stated I am in favor of that.

Ms. Egleston asked how do your districts typically deal with this?

Mr. Oliver stated sometimes when you are dealing with something less urgent like a fence or other improvement we give them a certain amount of time and sometimes we will enter into an agreement and they advance the money upfront. In a case like this where you never know when we are going to get a hurricane, we probably need to have some sense of urgency with this. I think we make them aware of it, do it and bill them.

Ms. Fore stated if you can prove it.

Mr. Katsaras stated the fact that DR Horton put the drain in the neighbor's yard is suspect to me. Why would DR Horton get involved? I don't know the rationale behind that.

Ms. Fore stated if that is the case then DR Horton should be the one technically. It is all about how we find out who filled it in. From pictures it looks like it was filled in.

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Mr. Haber stated sometimes stuff like this happens on CDD owned property, because CDD property borders a lot, residents will sometimes work their way into CDD owned property and the matter of proof as to who impacted CDD owned property becomes more important. In this case if all we have is an easement and this is the actual lot I think we could take the position that whether it was DR Horton or the lot owner, you are responsible for your lot. It is your lot causing this problem, you either purchased the lot this way, you authorized DR Horton to do it or you did it but it is now your responsibility. This is the position the CDD should take. If D.R. Horton did it then the resident needs to deal with DR Horton, not the CDD.

Mr. Katsaras stated a similar issue as this house, 945 is for sale. It looks like they just built a pool and they did the same thing, they filled in the swale in the back of their yard. 949 the swale is there and when Jay and I looked at it I said there is no way that water can get across other than building up high enough and popping over the berm. I don't think 949 was part of the complaint from the county.

Mr. Parker stated I guess it was 933 complained, 937 found out that 933 complained and then told the other five houses on the block that did it and there are a few of them that have filled in their swales in that area. It came from one house and now it is becoming an issue and that is how the county got involved because it is not just one house.

Mr. Marmo asked are all the filled in swales adversely affecting the functionality of the drainage?

Mr. Oliver responded yes.

Mr. Katsaras stated pretty much every drain that is in the road, there is a pipe that extends back to the swale so it is probably every third or fourth lot and the swale goes to the drains, the high point drains to that and then it drains to this one. If someone in the middle fills it up, it can't get to that inlet.

Ms. Egleston stated they had to go to the county to get that permitted if there is something in the drainage easement.

Mr. Katsaras stated I don't think the pool is in the easement, I think they just filled it in.

Ms. Egleston stated the house is for sale, but it would have been the responsibility of the pool builder and homeowner to have that fixed. When you have a drainage easement they are requiring you to have your elevations on the building permits when you go in so you don't have issues like this.

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Mr. Marmo stated I don't think the district should be responsible for paying for fixing this problem.

Ms. Egleston asked to fix the whole area could you put an estimate on that?

Mr. Parker stated not the whole area, but to put a pipe 933 to go around 937, it is going to be a 12" drain with a pipe going through it, which is \$4,000.

Mr. Katsaras stated alternatively we could go in at 937 take the fence panels down, scoop out the swale.

Mr. Oliver stated we could develop some options if you will allow staff to work on this and bring it back to the board. If we are going to be getting into people's back yards there is a lot of legal hurdles that we need to make sure we handle too.

Mr. Haber stated when we talk about plans, are you talking about plans on how to deal with the drainage issue because if so I think we can if the board is comfortable subject to review of the plat and easement to see if it is in favor of the CDD, we can at a minimum authorize an initial communication that says it has been brought to the district's attention that modifications were made to your lot that are adversely affecting the stormwater. The district is researching the best way to address this issue, please be aware the district intends on holding you responsible for the cost of addressing the issue. At the next meeting we can provide the options.

Mr. Oliver stated we will put them on notice and we can demonstrate to the county that we are taking some type of action.

Ms. Egleston asked can we also reach out to the HOA because there will be paperwork on the pool and/or fence.

On MOTION by Ms. Egleston seconded by Ms. Fore with all in favor staff was authorized to put the homeowners at 937 and 945 Rustlewood Lane on notice and to explore options to remedy the drainage issue to be brought to the next board meeting for consideration.

THIRD ORDER OF BUSINESS

Presentation of Proposed Fiscal Year 2023 Budget

Mr. Oliver stated the proposed budget includes the revenue section where the board used \$77,000 of carry forward surplus from the prior year to subsidize the budget with a projection of \$28,000 of carry forward surplus available this year. The expenditures start with the administrative

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section with an increase of \$3,000, amenity center has an increase of \$174,000, grounds maintenance went from \$412,000 to \$474,000 or a net increase of \$62,000, most of that is the \$58,000 increase as we transition from Trimac to Tree Amigos. The proposed increased assessment if the budget were adopted today is 26% and that is the worst-case scenario. Over the next few months you may be able to get that down.

The board discussed increases in credit card machine fees, lifeguards and pool attendants and the addition of the resident services coordinator.

FOURTH ORDER OF BUSINESS

Discussion of Drainage Issues

This item taken earlier in the meeting.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2022-05 Approving the Proposed Budget for Fiscal Year 2023 and Setting a Public Hearing Date for Adoption

On MOTION by Ms. Egleston seconded by Ms. Fore with all in favor Resolution 2022-05 approving the proposed fiscal year 2023 budget and setting the public hearing for August 23, 2022 was approved.

SIXTH ORDER OF BUSINESS

Discussion of Proposed Amenity Center Rates

Ms. Tharpe stated this room is the only fee structure when people want to rent pool cabanas. This room is \$75 rental fee for a four-hour time period. The cabanas they leave a deposit and there is no charge for taking up that space. We found in the last two months those cabanas are being rented non-stop, people are basically camping out at the door wanting to get in. We have had altercations at the door. Our proposal is to start charging a rental fee for the cabanas. In that cabana fee they get use of the gas grills. Right now you are giving away propane, the grill tools, all that stuff. We propose a four-hour time period. Now through when I did this report last week, we had 34 rentals, 15 completed and 19 scheduled in the future. If we were to charge \$75, that is \$2,550 additional revenue. It may not sound like a whole lot, but it covers the cost of staff getting propane, cleaning the grills, replacing the grill tools and it also gives them that set time. Now if someone rents the cabana, one of you could say I want to use your grill during your party and they

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have altercations because these people have interfered with their party. By charging this \$75 rental fee to book, they are taking up four hours of space that other residents could be using.

Ms. Fore stated four hours is a long time.

Ms. Egleston stated it should go down to three.

Ms. Tharpe stated our recommendation is to start charging for the cabanas and bump the social hall up as well. I'm proposing \$125 for the social hall. We want to start it with the beginning of the new budget.

Mr. Marmo stated I'm not in favor.

Ms. Tharpe stated the main reason we started looking at it was because so many people want them and we tell them first come first served, whoever gets the deposit to us first. We had two people show up with a deposit at the same time wanting the same cabana at the same time. Cabana rental for 3 hours and \$50 is fair, 9-12, 12-3 and 3-6.

Mr. Oliver stated the board can direct us to issue a notice of a rate hearing and that likely will be your July meeting. You may want to look at the rules at the same time and the non-resident fee hasn't been changed since 2005. Take a look at all of them and schedule a hearing for July. The policy can be changed at any time but the rates h

Mr. Haber stated it is a public hearing, the notice for the public hearing goes in the newspaper and most people don't see those notices. We need to do the notice by law and adopt it at a public hearing, but if you truly want to get the word out then you may want to do an eblast.

SEVENTH ORDER OF BUSINESS

Update Regarding Future Improvements to Common Area Greenspace and other CDD Owned Facilities and Assets

Ms. Tharpe stated I made all the changes to the survey provided to me and I can get this out tomorrow. I'm asking that people get it back to me by June 8th

It was the consensus of the board that the survey was ready to be sent out to the residents.

EIGHTH ORDER OF BUSINESS

Consideration of Committee Rankings of Proposals to Perform the Audit for Fiscal Year 2022

Mr. Oliver stated the audit committee met just prior to this meeting and ranked the two proposals and the ranking they recommended is Berger Toombs no. 1 and Grau & Associates no. 2.

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On MOTION by Ms. Egleston seconded by Mr. Marmo with all in favor the recommendation of the audit committee of Berger Toombs as the number one ranked firm and Grau & Associates as the number two ranked firm was accepted.

NINTH ORDER OF BUSINESS

Consideration of Proposals

A. Pond Fountain

This item tabled

B. Monument Repair

This item tabled.

C. Basketball Fence

Mr. Parker stated at the last meeting you approved a proposal for the fence by the basketball court and since that time the price jumped 20% to \$19,739.51. I found a company to do it for \$17,000 and I was told to hold off because it was a different company and you had voted on Fencescape. I got the new proposal from Posey that came in at \$17,989.45, Fencescape is \$18,824 and their proposal is only good for 30 days and the Duval Fence proposal is only good for 10 days and at the time their proposal was \$19,739.51.

On MOTION by Ms. Egleston seconded by Ms. Fore with all in favor the proposal from Posey in the amount of \$17,989.45 was approved.

TENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being none, the next item followed.

B. Engineer

This item taken earlier in the meeting.

C. Manager – Report on the Number of Registered Voters 3,636

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A copy of the letter from the supervisor of elections indicating there are 3,636 registered voters residing within the district was included in the agenda package.

D. Operation Manager

Mr. Parker stated we have spent a lot of time on the area off Prince Albert. We have been going over there and there has been a lot of extensive damage, more so than last time. Our posts have been chopped into, our tree was cut down, they are tearing up this area. I don't know if you want me to put the fence back up and call it a day, but that would stop everybody from coming through. I have called JEA but they have not yet gotten back to me.

Mr. Marmo stated if you put something up they will destroy it.

Ms. Egleston stated I will reach out to JEA. The motorcycle traffic is still an issue, but they are getting access from another area.

Mr. Marmo stated if we are not required to put up no trespassing signs, maybe we need to think why we are doing it in the first place. Are we liable if they access it from another area?

Mr. Haber stated the more we do to make it less attractive and I think we are doing that by virtue of the cable, the signs, the better the position we will be if somebody gets injured on our property.

Ms. Egleston asked can we put up a no trespassing sign at the property line?

Mr. Haber stated yes.

Ms. Fore asked can we see if Julington Creek will put up a sign since it is their people coming through?

Mr. Haber stated if you make the legislative decision that it is not enough traffic nuisance and nothing needs to be done that may be beneficial because you are making that as a legislative determination, we don't believe that is an attractive nuisance, we don't believe all the measures are necessary to prevent people from going on it. If someone tried to sue you, you would have a stronger claim for sovereign immunity to say it wasn't a failure to maintain, which is actionable it was our legislative determination that nothing needed to be done.

Ms. Egleston stated I agree but I feel bad about the homeowners who have motorcycles driving behind their houses at night

Mr. Marmo stated they need to keep calling the sheriff.

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E. Amenity Center Manager - Report

Ms. Tharpe stated the cinch bug preventative treatment was \$2,500 and I approved that. It was critical that they get it sprayed in May. They were out here the next day, they have been working and their contract hasn't even started. I emailed you two quotes today, one is an official startup cleanup to get the property looking nice and maintained, especially Longleaf Pine. The post and pre-emergent weed control was not put down by Trimac. There are dead limbs and Jay worked with them three or four hours last week to come up with this list and it is more extensive than what he has listed in his quote. To do that it is \$8,500. The contract starts June 2nd and it will take a while to get the property where it needs to be.

The next quote I sent was for playground mulch. Trimac was supposed to give us quotes to freshen up the playground mulch for the three playgrounds in the neighborhood plus this one. We never received and got a quote today for \$12,317. This plays into that whole greenspace project as well. I don't know the timeline on the project, I just know the playgrounds currently as they are, are tired and need some freshening.

On MOTION by Ms. Egleston seconded by Mr. Marmo with all in favor the two proposals from Tree Amigos were approved.

Ms. Tharpe stated the Aberdeen HOA is sponsoring the five lifestyle events, Memorial Day, kids school's out party, family dive in movie, July 4th and back to school party in the amount of about \$7,000. We will pay the invoices and the Aberdeen HOA will reimburse us. Our vendor will donate 300 cups of ice cream and we will have a grab and go cooler that someone will man on Memorial Day.

ELEVENTH ORDER OF BUSINESS**Supervisors Requests and Public Comments**

Ms. Fore stated this will be my last meeting.

Ms. Fore announced resignation.

Mr. Oliver stated you can fill the vacancy until the November election. We can send an email blast out to get letters of interest from potential candidates and you can consider those at your next meeting. It is your choice.

It was the consensus of the board to solicit letters of interest from residents to serve on the board.

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TWELFTH ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of the Minutes of the April 26, 2022 Meeting**
- B. Balance Sheet as of April 30, 2022 and Statement of Revenues and Expenses for the Period Ending April 30, 2022**
- C. Assessment Receipt Schedule**
- D. Approval of Check Register**

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

THIRTEENTH ORDER OF BUSINESS

Next Scheduled Meeting – 06/28/22 @ 4:00 p.m. @ Aberdeen Amenity Center

Mr. Oliver stated the next meeting will be June 28, 2022 at 5:00 p.m. in the same location.

On MOTION by Ms. Egleston seconded by Ms. Fore with all in favor the meeting adjourned at 5:43 p.m.

DocuSigned by:

Jim Oliver

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Secretary/Assistant Secretary

DocuSigned by:

Dennis Clarke

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Chairman/Vice Chairman