

MINUTES OF MEETING
ABERDEEN
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Aberdeen Community Development District was held Tuesday, July 25, 2023 at 4:02 p.m. at the Aberdeen Amenity Center, 110 Flower of Scotland Avenue, St. Johns, Florida.

Present and constituting a quorum were:

Lauren Egleston	Chairperson
Paul Fogel	Vice Chairman
Thomas Marmo	Supervisor
Susie Clarke	Supervisor

Also present were:

Howard McGaffney	District Manager
Wes Haber	District Counsel by telephone
George Katsaras	District Engineer by telephone
Kate Trivelpiece	FirstService Residential
Jay Parker	First Service Residential
Several Residents	

The following is a summary of the actions taken at the July 25, 2023 meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. McGaffney called the meeting to order at 4:02 p.m. and called the roll.

SECOND ORDER OF BUSINESS

Public Comments

A resident stated I'm trying to get the community together and get the lights put out. They are \$4 million left over and they are simply needed for emergencies.

THIRD ORDER OF BUSINESS

Review of Fiscal Year 2024 Budget and Preparation for the August 22, 2023 Budget Hearing

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The following budget items were discussed: increase in insurance, repairs and maintenance, onsite consulting services, pool maintenance/chemicals/supplies, special events and fitness center staffing.

FOURTH ORDER OF BUSINESS

Discussion Regarding Encroachment Matters

Mr. McGaffney stated going back a few months Jay brought up encroachment issues and a resident mentioned an encroachment concern. We got together with St. Johns River Water Management District for the onsite inspection. The addresses are 713, 717 and 721 West Kings College Drive. One is significant and the other two mowed and trimmed to keep it from encroaching on their fence and 713 began to do some encroachment to expand their yard. They have been sent their initial violation letters on June 26th. St. Johns sent a letter to the district on June 26th, we had the onsite inspection on July 12th and a follow-up letter on July 21. Two of the homeowners at 713 and 717 are going to need to stake their property, based off the survey and St. Johns will go back out and inspect and they will tell them the action plan for restoring the area. 721, the action plan is don't do anything else, let it grow back, he hadn't cut down trees or anything. 717 and 713 need to be determined. She is wanting to take the wait and see approach at six months and see what revegetates back. If it revegetates and they don't do anything she is happy with she won't make them rip out the sod, if the sod is impeding that vegetation going back to the natural state, she will have them rip that out and remove the additional fill dirt that is in there.

Ms. Egleston stated 713 is the one that was putting in the play structure. Did that not go in?

Mr. Parker stated I have not seen it in. It's just sod out there now.

Ms. Egleston stated the next one put sod in, they are still going to mow that.

Mr. McGaffney stated my guess is we are going to see them maintaining and mowing until they stake the property and we come back out and my guess is she is going to say rip the sod out. All the ornamentals will have to come out, the grass most likely, the lava rocks, the stones.

Before we continue with the agenda I would like to introduce Resolution 2023-05 that is not on the agenda. With me coming on board with GMS and assisting Jim with Aberdeen and other districts, we looked at the assistant treasurers and assistant secretaries. In the event someone is not around we need to make sure that the treasury department and the banks have our signatures

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so we can sign checks on behalf of the district. This resolution is adding me to Aberdeen as an assistant treasurer and assistant secretary and leaves Jim as treasurer and secretary.

On MOTION by Ms. Egleston seconded by Mr. Fogel with all in favor the agenda was amended to include Resolution 2023-05 designating officers.

Mr. McGaffney stated the remaining slate of officers will remain the same: Lauren Egleston chairperson, Paul Fogel vice chair, Jim Oliver secretary and treasurer, Marilee Giles, Darrin Mossing, Daniel Laughlin, Howard Gaffney assistant treasurers and the assistant secretaries will be the same along with the remaining board members, Thomas Marmo, Angela Andrews and Susie Clarke.

Ms. Egleston moved to approve Resolution 2023-05 and Mr. Marmo seconded the motion.

The floor was opened for public comment and there being none, the board took the following action.

On voice vote with all in favor the motion passed.

FIFTH ORDER OF BUSINESS

Consideration of Proposals

A. Fitness Center Staffing

This item tabled.

B. Cooling System for Slide Tower Restrooms

This item will be removed from the agenda.

C. Pool Deck Tree Removal

This item tables.

D. Brush Removal

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Mr. Parker stated we had a complaint about some brush growing behind someone's house and George said the property belongs to the CDD and it hasn't been maintained because everyone was under the assumption that it belonged to JEA. The brush is taller than I am. I spoke to Tree Amigos and he said it was about 11 hours of work to get his machine back in there and rip up all the brush. The quote for that is \$2,750.

On MOTION by Ms. Egleston seconded by Ms. Clarke with all in favor the proposal from Tree Amigos in the amount of \$2,750 was approved.

E. Drainage Issues

Mr. Parker stated the last item is the drainage issue behind 240 Mahogany Bay Drive, and George and I looked at it and the solution we came up with was digging a six-inch ditch that would have to go through peoples yards because the ditch back there was filled with grass and dirt and the water wasn't making it to the drainage system. It is 230 feet from where the yard is. They would put a pipe in his yard through the other two yards, all the way to the drainage system so his yard is not filling up. The cost for all of that is \$6,405. They are going to fill it with rock so we don't have the same issue. The neighbor was okay with it because when the water comes up at 240 Mahogany Bay Drive, his yard comes up.

Mr. McGaffney stated you have sufficient funds in the capital reserve left this year.

Mr. Marmo stated I would like a better breakdown on the cost. What is the breakdown on the materials and labor?

Mr. Parker stated I can ask for that, I asked him for this at the last minute. I can also get other quotes.

Mr. Egleston moved to authorize Supervisor Marmo to work with staff on the drainage issue at 240 Mahogany Drive in an amount not to exceed \$6,405.

The board and staff discussed putting in a pipe on private property to alleviate the flooding problem.

Mr. Katsaras stated I was just going to do a swale.

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Mr. Haber stated it sounds like improvements on private property. If there is an easement and it was intended that there would be a swale in there as part of the district's stormwater system, that is one thing. We have the right to do that within an easement. If this is property where there is no easement it is not contemplated for a swale by the original design if it is something we think we need for purposes of better functionality we can certainly request an easement. Absent an easement we don't have the right to do it.

Mr. Katsaras stated we can look at the plat, I'm pretty sure there is a drainage easement along this system. I was not proposing any pipe. From the looks of it, it looks like they are proposing an underdrain system.

Ms. Egleston stated it looks like we are on their property. I thought we were clearing out the back.

Mr. Parker stated I was told we would have to go to the water management district if we went in the back. The other part is the back is also part of Julington Creek.

Mr. McGaffney stated George needs to look at the plat with district counsel and determine if there is a drainage easement and that we can put a swale in there and we can bring this back.

Ms. Egleston withdrew the motion.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being none, the next item followed.

B. Engineer

There being none, the next item followed.

C. Manager

There being none, the next item followed.

D. Operation Manager - Report

There being no additional report, the next item followed.

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E. Amenity Center Manager - Report

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

Ms. Egleston stated when you turn in your reports include pictures, as an example where it says 3 tables have been moved from the amenity center pool to fitness center.

SEVENTH ORDER OF BUSINESS

Supervisors Requests and Public Comments

Ms. Egleston asked do we have a policy about Airbnb or Verbo and use of the amenities?

Mr. Haber stated not that I'm aware of that impact CDDs but I can confirm. At some districts there were issues where homes were being used for short term rentals and it was resulting in district staff having to process lots of changes of amenity cards and amenity access, which meant they didn't have time to do the stuff that they were actually hired to do. The CDDs don't have the ability to control whether short term rentals can take place or not. What some CDDs did was say regardless of whether you have a short term rental, a home can only seek to have their amenity privileges assigned twice a year to limit the number of times that staff had to deal with the issue. That is certainly something Aberdeen can consider doing if that has been a problem. I will check internally on whether there are any laws that impact Airbnb or VRBO and I will report back.

Ms. Egleston stated we had that problem with one a couple years ago and it is back operational.

Mr. Haber stated the best we can do is limit the number of times a household can transfer their amenity privileges.

Ms. Egleston stated they are not changing it; that is the problem. They are renting their property and advertising CDD access to the gym and to the pool.

Mr. Haber stated if that is what they are doing that is already prohibited by the district's policy. I need to review the policies but generally speaking on policies we prepare the right to use the facilities is for the homeowner and typically a homeowner needs to be there with a guest so you can't have someone on a short term rental use the facilities and say they are your guest nor do they have the right just because they are renting your home because you didn't do any transfer of your right to them as a tenant. Your policies can be amended to more strongly state that amenity privileges are for homeowners and their guests and the homeowner needs to be present for their guests use. My guess is they already say that and what you are describing is already a violation.

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Ms. Egleston stated I will get with Kate on it.

A resident stated they turned off one set of sprinklers by us.

Mr. Parker stated one set comes on during the day and one set comes on at night. They are on different timers.

A resident stated I live on Mahogany Drive and the cap on the right hand side is on the ground again.

Mr. Parker stated we have had issues with that cap, it has been replaced twice and for some reason it seems that gets removed. Kids like to jump on it.

EIGHTH ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of the Minutes of the June 27, 2023 Meeting**
- B. Balance Sheet as of June 30, 2023 and Statement of Revenues and Expenses for the Period Ending June 30, 2023**
- C. Assessment Receipt Schedule**
- D. Approval of Check Register**

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

NINTH ORDER OF BUSINESS

Next Scheduled Meeting – 08/22/23 @ 6:00 p.m. @ Aberdeen Amenity Center

Mr. McGaffney stated the next meeting will be held August 22, 2023 at 6:00 p.m.

On MOTION by Mr. Fogel seconded by Mr. Marmo with all in favor the meeting adjourned at 5:47 p.m.

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 Secretary/Assistant Secretary

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 Chairman/Vice Chairman