

MINUTES OF MEETING
DEER RUN
COMMUNITY DEVELOPMENT DISTRICT

The Regular meeting of the Board of Supervisors of the Deer Run Community Development District was held Wednesday, August 26, 2020 at 6:00 p.m. via Zoom Video Conferencing, pursuant to Executive Orders 20-52, 20-69, 20-112, 20-150, 20-179, 20-193 and 20-246 issued by Governor DeSantis on March 9, 2020, March 20, 2020, April 29, 2020, June 23, 2020, July 30, 2020, August 7, 2020, and September 30, 2020 respectively, and any extensions or supplements thereof, and pursuant to Section 120.54(5)(b)2., *Florida Statutes*.

Present and constituting a quorum were:

Robert Porter	Chairman
Mark Dearing	Vice Chairman
Duane Owen	Assistant Secretary
James Teagle	Assistant Secretary
Jan Doan	Assistant Secretary

Also present were:

Ernesto Torres	District Manager
Katie Buchanan	District Counsel
Peter Amans	District Engineer
Pat Szozda	Amenity Operations Manager
Heather Chambliss	Amenity Manager
William Viasalyers	Field Manager
Residents	

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 Comment Period

Mr. Barnes (Resident) stated I would like to ask that the Board consider reopening the amenity center to the greatest extent possible and as soon as possible. A number of people have expressed concerns to me; there is a lot of information that supports reopening the facility at this point. Flagler County is one of the counties with the lowest number of cases. There is data that shows the virus is not spread by contaminated surfaces or in swimming pools; masks and social

distancing are really identified as the primary means of preventing spread of the virus and we already have those in place.

Mr. Torres stated Heather is going to address that issue during her report later in the meeting.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the July 22, 2020 Meeting

On MOTION by Mr. Dearing seconded by Mr. Teagle with all in favor the minutes of the July 22, 2020 meeting were approved as presented.

FOURTH ORDER OF BUSINESS

Public Hearings

Mr. Torres stated I am putting on the screen the revised budget with the column for the variances of the items that were increased or decreased. The adopted amount in FY20 was \$866,820 the assessment column for FY21 remains the same, meaning no increase to the residents. There are some increases and decreases in some line items, but the bottom line remains the same.

On MOTION by Mr. Dearing seconded by Mr. Teagle with all in favor the public hearings were opened.

Mr. Barnes (Resident) stated I believe the contract with Yellowstone expires later this year. Is that going to be rebid and could that potentially change the numbers for landscaping?

Mr. Torres stated the contract does have an expiration date, it can be renewed and we go with Board guidance. The significant increase is because of additional areas they are covering and if the Board directs staff to request bids we will do that.

Ms. Buchanan stated even if the Board chooses to pursue a new landscape bid, the annual assessments cannot change after tonight's hearing so we would have to find another way to fund that should it cost more than you budgeted.

On MOTION by Mr. Teagle seconded by Mr. Dearing with all in favor the public hearing was closed.

A. Fiscal Year 2021 Budget

1. Consideration of Resolution 2020-07 Adopting the Fiscal Year 2021 Budget and Relating to the Annual Appropriations

On MOTION by Mr. Teagle seconded by Mr. Dearing with all in favor, Resolution 2020-07 Adopting the Fiscal Year 2021 Budget and Relating to the Annual Appropriations, was approved.

2. Consideration of Resolution 2020-08 Imposing Special Assessments and Certifying an Assessment Roll

On MOTION by Mr. Teagle seconded by Mr. Doan with all in favor, Resolution 2020-08 Imposing Special Assessments and Certifying an Assessment Roll, was approved.

B. Rule Hearing

Ms. Buchanan stated at our June meeting we discussed and authorized moving forward with a hearing tonight to consider a parking policy. The policy we discussed would prohibit overnight parking at the amenity facilities. Attached to the resolution is an outline of the proposed policy, it does include an exception if someone needs to park here they can reach out and get permission to do that. The one thing that I will point out is we will insert the exhibit that has a graphic depiction of the amenity center parking lot. As I understand it, that is the intent of the Board and the direction we discussed in June.

On MOTION by Mr. Teagle seconded by Mr. Porter with all in favor the public hearing was opened.

There being no questions or comments from the residents,

On MOTION by Mr. Teagle seconded by Mr. Doan with all in favor the public hearing was closed.

1. Consideration of Resolution 2020-09 Adopting the Rules for Overnight Parking and Parking Enforcement

On MOTION by Mr. Teagle seconded by Mr. Porter with all in favor, Resolution 2020-09 Adopting the Rules for Overnight Parking and Parking Enforcement, was approved.

FIFTH ORDER OF BUSINESS

Approval of Consent Agenda

Mr. Torres stated item five is approval of consent agenda. Consent agenda items are normally things the Board has traditionally approved proposals or things that we normally don't spend much time reviewing. These proposals have been approved at the previous meeting; the only new item that the Board hasn't seen but they saw it last year was the deficit funding agreement. That agreement is between the District and D.R. Horton for any variances in the budget as we move throughout the year.

- A. Fiscal Year 2021 Budget Deficit Funding Agreement**
- B. Second Amendment to Agreement with Yellowstone Landscape**
- C Agreement with Otis Elevator Company**

On MOTION by Mr. Porter seconded by Mr. Teagle with all in favor, the Consent Agenda Items, were approved.

SIXTH ORDER OF BUSINESS

Discussion of Phase 2 Addendum with Yellowstone Landscape

Mr. Viasalyers stated we are looking for approval of the addendum for Phase 2; this is for the areas shown on the map. We are going to have more areas coming on as the phase develops but right now we are looking for tract 2-G and tract D-3 for an increase of \$5,000 a year for a total of \$416.67 per month. We are looking for a motion to approve that and add that to the landscape budget. As you make the transition from Grand Reserve into Phase 2, it is the pond immediately on the right and the small conservation area on the left.

On MOTION by Mr. Doan seconded by Mr. Teagle with all in favor, the Phase 2 Addendum to the Yellowstone Contract in the annual amount of \$5,000, was approved.

SEVENTH ORDER OF BUSINESS

Staff Reports

- A. Attorney**

There being none, the next item followed.

B. Engineer

Mr. Amans stated as a heads-up last week I met with William and checked out three locations that have complaints, one on the corner of Golfview Court and Lakeside Court, and another one on Lakeside Court itself and the third is on Grand Reserve Drive. Of those three areas, we believe one of them has a pipe connecting a pond to a ditch on Golfview Drive Court and it looks like it is underwater and we will get a price for cleaning that and grading around the concrete metered in sections because it is covered with sediment. The other two locations we believe we just need to give it some time; they recently received some treatments and we will be monitoring that for progress.

C. Manager

I. Approval of Check Register

On MOTION by Mr. Teagle seconded by Mr. Dearing with all in favor, the Check Register was approved.

2. Balance Sheet and Income Statement

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

3. Approval of Fiscal Year 2021 Meeting Schedule

On MOTION by Mr. Teagle seconded by Mr. Dearing with all in favor, the Fiscal Year 2021 Meeting Schedule was approved Reflecting Meetings on the Following Dates: November 25, 2020, January 27, 2021, March 24, 2021, May 26, 2021, July 28, 2021 and August 25, 2021.

4. Amenity Manager's Report

Ms. Chambliss gave an overview of the report, copy of which was included in the agenda package.

Ms. Chambliss stated I have done some research on the virus and how it is spread and the virus does not live very long on surfaces and in the UV sun and with that being said and the fact that the cases in Flagler County is .2% of Florida's cases, we would like to have the pool chairs put on the deck and they are starting to deteriorate. To replace them is between \$100 and \$300 each. If we put the chairs out and bleach them and let them sit in the sun, I think that would be a

good thing and the residents would like to see those chairs also. A lot of residents would like to use the facilities earlier in the morning.

I heard rumors that a dumpster was going to be placed on our property so we could dispose of our trash; right now we have to take the trash home with us or drive around the neighborhood to find a dumpster. It would be a good idea to have a solution to dispose of our trash.

I have had inquiries about renting the facility at the end of November and December.

Mr. Torres stated the first item that Heather brought up is reopening. At this point the Board has tabled the additional hours and the pool furniture.

Ms. Buchanan stated at this point a lot of my clients response is across the Board. To the extent other Districts have chairs out they probably mostly have some cleaning protocols. I'm also confident I have one District that has said we are functioning like normal. Our advice is to follow the CDC guidelines because I'm not an expert. It is a question whether the Board feels comfortable with taking the risk. From a legal standpoint we still don't have a good sense of whether or not is going to be possible to establish liability in these cases. With community spread it seems pretty unlikely that a person would be able to point to our amenity center as the source of their infection but there is still a risk.

Ms. Chambliss stated everybody signed waiver.

Mr. Teagle asked can you put the furniture out in a way that allows for social distancing?

Ms. Chambliss stated yes and we also have a sprayer we can use with a Lysol type product and we can do that after residents leave. We really don't have that many residents who utilize our facility, at the most 20 people are on the pool deck at a time and they are keeping their distance from others.

It was the consensus of the Board that staff could put the pool furniture on the deck with social distance between them.

Ms. Chambliss stated a lot of people would like to come earlier. The more hours we are open the residents have the ability to space out their time.

Mr. Porter stated I don't see a problem opening the facilities earlier but at any time if there is a spike in cases or you have a hard time getting people to wear a mask and social distance we will very quickly shut it down, but if everybody tries to be safe I have no problem with it.

It was the consensus of the Board to open the facilities earlier as requested.

Mr. Torres stated the last item is the rental program; based on Board guidance that program was suspended.

Mr. Porter stated the fitness facility is pretty much used by one person at a time, at the pool everybody is separated, they are outside, we have chlorine to kill stuff, but I, personally am not comfortable with the idea of opening up the rooms designed for parties and that sort of thing, because social distancing is harder.

It was the consensus of the Board to not resume party rentals.

Ms. Chambliss asked what about the dumpster?

Mr. Viasalyers stated that was left in RMS' lap, Chris Hall was talking with the engineer to figure that out. You will have to revisit that with RMS.

Mr. Amans stated we did design a pad and were trying to get a price for the construction, but it was decided it may not be needed at this time and we tabled that until it becomes a necessity. If you want us to get a price on that pad we probably need to revisit the size as well to make sure it is sufficient for the operation. If the amenity center manager wants to get in touch with me we can talk about it and look at the options and cost.

5. Field Manager's Report

Mr. Viasalyers reviewed the field manager's report and stated we have three proposals we would like to get approved. The first is proposal 82185 and is next to the bocce ball court at the amenity center and when it rains all the mulch is clogging the drain and the drain no longer allows the overflow from the water to run off into the storm pond. We are looking to remove that mulch and put down river rock to prevent the drain from getting clogged. The total for that is \$1,895.

Some of the residents on Lakeside Court have concerns because behind their homes are some tall pine trees and if they were to fall in a storm or lightning strike they could potentially hit their fences. We worked with the landscape vendor to get a price to remove these trees and that is \$1,232.91.

The third proposal is behind that same area on Lakeside court there are six or seven homes and is an area we added on in the first addendum at the last meeting for Yellowstone to maintain. That area also had some grading issues we were unaware of at the time. They didn't

have sod, there were tree stumps and this proposal is to prepare the area and install some turf to allow Yellowstone to properly maintain that area.

Mr. Porter stated on the first one I like the idea of putting in river rock instead of mulch but I get sticker shock at over \$1,000 for the rock. Have we looked at that price? Would someone else do it for less? I know Yellowstone is our landscaper, but is that a fair price?

Mr. Viasalyers stated we will definitely revisit it and get more proposals. I don't think there is an urgency behind this one. We can come up with more proposals for the next meeting.

Mr. Porter stated I would like to do that. On the second one, are the pine trees healthy?

Mr. Viasalyers responded yes, they are very healthy. There was a large influx of complaints from the residents who live in that area.

Mr. Porter stated as a general rule we do not take down healthy trees because something might happen to them in the future. I am absolutely opposed to that one. The third one, will we need to regrade? Will this end up with something that is easy to maintain when it is done?

Mr. Viasalyers responded yes, once it is complete, that will be it, no additional cost for any kind of grading. They are going to go in, remove the tree stumps, add some sod and be able to maintain it.

Mr. Porter stated I would like to do the third one because these are the guys who are going to maintain it and if they put it in and it isn't right, they are going to have to fix it. The third one is fine.

It was the consensus of the Board to proceed with the third proposal, deny the request to cut the pine trees and staff to obtain other quotes for the river rock.

Mr. Viasalyers stated we are working with Yellowstone to provide a map/schedule for the District website. A lot of residents have reached out to us to have that and we are ready to upload that to the website to be available to the residents to see the mowing schedule.

EIGHTH ORDER OF BUSINESS

Audience Comments


Mr. Barnes (Resident) stated thank you to the Board for consideration of the hours at the amenity center. I know that is going to be much appreciated by everybody.

NINTH ORDER OF BUSINESS

Supervisor's Requests

Mr. Porter stated thank you Bob Barnes, I appreciate the kind words.

On MOTION by Mr. Doan seconded by Mr. Teagle with all in favor the meeting adjourned at 6:50 p.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman