

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, March 24, 2021 at 3:00 p.m. at the Island Club, 501 Grand Reserve Drive, Bunnell, Florida.

Present and constituting a quorum were:

Robert Porter	Chairman
James Teagle	Assistant Secretary
Gail Lambert	Assistant Secretary
Bob Barnes	Assistant Secretary

Also present were:

Ernesto Torres	District Manager
Michelle Rigoni	District Counsel by telephone
Peter Amans	District Engineer by telephone
Heather Chambliss	Amenity Manager
William Viasalyers	Field Manager

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Porter called the meeting to order and called the roll.

**SECOND ORDER OF BUSINESS**

**Audience Comments**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the January 27,  
2021 Meeting**

On MOTION by Mr. Teagle seconded by Mr. Barnes with all in favor the minutes of the January 27, 2021 meeting were approved as presented.
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**FOURTH ORDER OF BUSINESS**

**Consideration Items**

**A. Aquatic Plant Management Agreement with Applied Aquatic**

On MOTION by Mr. Teagle seconded by Mr. Barnes with all in favor the agreement with Applied Aquatic was approved.

**B. Agreement with Riverside Management Services for Facility Management, Pool Maintenance and Janitorial Services**

Mr. Torres stated the reason this is on the agenda is the Board approved the proposal two years ago and we never completed the agreement. Usually, you approve a proposal and we bring an agreement back and the Board approves the agreement and it formalizes the process. It was an administrative error in not doing that and it needs to be approved and executed. In conversations with Supervisor Barnes, he may have comments about the agreement going forward.

Mr. Barnes stated we had a lot of discussion about the way the contract is written and there is a potential with a couple of companies that have been found that could reduce the cost for the pool maintenance. I would like to see us hold that contract open until the next meeting and ask GMS and Riverside to look at the cost of janitorial and pool service to see what kind of savings we can generate. It should be fairly significant and if that is the case I would like to take any money we save and direct it to capital reserves. I would like to make sure that amenity management is not part of that consideration, but I think we can move the janitorial and pool service easily.

Mr. Torres stated it was a while ago that we brought forward proposals for those two services. With consensus of the Board, I will come back to the next meeting with proposals for those two services.

Ms. Lambert asked how long is the contract for?

Mr. Torres stated it is generally three years but there is always a provision that we can terminate services with or without cause within 30 days.

**C. Resolution 2021-03 Providing for the Removal and Appointment of Assistant Treasurer**

Mr. Torres stated Ariel left the company due to health conditions and we are asking the Board to appoint Katie Costa as Assistant Treasurer.

On MOTION by Mr. Barnes seconded by Mr. Teagle with all in favor Resolution 2021-03 appointing Katie Costa an Assistant Treasurer was approved.

**D. Resolution 2021-04 Setting a Public Hearing on Amenity Policies and Rates**

Mr. Torres stated we did approve an interim policy and would like to formalize it because there are some fees for rentals; during COVID we stopped that activity. Heather has also been reviewing the policies and has some recommended changes. We would like to bring this back to the Board, set the public hearing and formalize the policies. I would like to hold this hearing at the same time as the public hearing on the budget, which is August 25, 2021.

Mr. Porter stated we will have the proposed rules on the website in advance if anyone wants to read or comment on them and on August 25<sup>th</sup> at 6:00 p.m. we will take comments and if we need to amend them we will and then adopt the rules and rates at that time.

Mr. Torres stated I think Heather wanted to work with Supervisor Barnes on some of those rules.

Ms. Lambert asked is it okay if I do that as well?

Mr. Torres stated yes, but not at the same time.

Mr. Porter stated don't share your comments with Bob.

On MOTION by Mr. Teagle seconded by Mr. Barnes with all in favor Resolution 2021-04 was approved.

**FIFTH ORDER OF BUSINESS**

**Consideration of Work Authorization 2021-1 with Dewberry for General Engineering Services**

This item was taken and approved later in the meeting.

**SIXTH ORDER OF BUSINESS**

**Consideration of Work authorization 2021-2 with Dewberry for SJRWMD Permit Compliance and Conservation Easement Release**

This item was taken and approved later in the meeting.

**SEVENTH ORDER OF BUSINESS**

**Discussion of Swale on Lakeside – Requested by Supervisor Barnes**

Mr. Barnes stated we had a lot of discussion at the last meeting about the swale and I have been walking in that area generally two to three times a week and there is a very strong odor from the grass. I have pictures going back to 2010 and there is very little change since then. The odor is a result of the grass being sprayed. Since we are involved in that I would like to see if there is anything we can do to clean the grass up to help reduce or eliminate the odor and what options are available to mitigate the odor.

Mr. Porter stated our Engineer is on the line. I think we need to task him with what we can legally do that may help.

Mr. Amans stated I think this is something I will be discussing. There is a handout relating to that specific area that was handed out during this meeting that shows some photographs of that area. Back in August it was overgrown and the goal was to try to clear it and we have been treating it for that to happen and if you have the handout you will see that has been working and is headed in the right direction. We just need to give it more time and the dead grass will eventually decompose, and it will clear out. We just have to continue the treatment that we are doing.

Mr. Porter asked do you think that will take care of the smell when this stuff is gone?

Mr. Amans responded if the smell is coming up from the grass as Mr. Barnes mentioned it will take care of it. If the smell he is referring to is the treatment itself, that is probably going to continue to be there in smaller amounts, but with the grass going away it should take care of a big part of the problem. If it continues to have odor issues after the grass is gone, then we can look at another alternative as maybe using treatment that doesn't have a smell if that is the problem. We have to wait until it clears out to determine if that is the case.

Mr. Barnes asked is this area part of the contract for Applied Aquatic?

Mr. Viasalyers stated not the swale behind there but they have been doing the CDD a favor because we give them so much business and they have been treating it for the last year.

Mr. Barnes asked is that an area we should look to have treated because there is also a note on the terms and conditions in their contract that talks specifically to some forms of vegetation, particular grasses and cattails have visible residues after chemical treatment and the customer is responsible for removing such residues. If those residues are there and causing the odor we certainly need to look at something to mitigate it. The odor is pretty strong. I had a

similar problem behind my property and it took about three years for that grass to deteriorate enough to where we had open water. I would like to get prices on what it would cost to clean that area up and see if there is any chemical mitigation that can be done to hide that odor.

Mr. Porter stated I don't think we can make it open water.

Mr. Barnes stated I don't think it is going to be open water, that was a misstatement. It has never been open water and I don't expect it to be.

Mr. Viasalyers stated we are only treating the invasives right now, to kill the cattails.

Mr. Amans stated we visited that in August 2020. How long before that did you start treatment?

Mr. Viasalyers stated right around the same period.

Mr. Amans stated then we have had maybe 6-months of treatments between the two columns of photographs in the handout. That is a good progress. Most of that dead vegetation that is being treated so it will eventually decompose and it will continue to clear out.

Mr. Barnes stated there is no open water but there are pockets of water. Another piece of the problem is we have properties along that area that are watering and if they are using chemical fertilizers that is all going into that area, which adds to the odor. I would like to explore if there are reasonable cost options.

Mr. Viasalyers stated I have reached out to our aquatics vendor to get additional costs and information and I will have that at the next meeting.

## **EIGHTH ORDER OF BUSINESS**

### **Discussion of Street Parking Signage**

Mr. Porter stated next is discussion of street parking signage. We don't own the streets; we can put parking signs on our property, but we don't have the right to put them along the streets.

Mr. Torres stated we have a policy for overnight parking in our common areas, not streets, but what we own. The reason this is coming back to the Board is because of the requirements of the street signage of so many feet in those areas. It would be a sign every 25-feet.

Mr. Barnes stated in order to enforce towing under Florida Statutes 715.

Mr. Torres stated staff had discussion between meetings and that is why it is back. Michelle is on the line and she can comment on that. Before staff puts signs every 25-feet we wanted to bring that back to the Board.

A resident asked would it be possible to have the homeowner log in their vehicle or license plate? If we can identify those vehicles that are parked on grass on CDD property I could send them an email and control it that way rather than the Board broadcasting through Facebook to try to control it.

Mr. Porter stated a lot of times if somebody knows that you see it, you object to it and you tell them about it, a lot of people will quit doing that.

Mr. Barnes stated there was a car brought up last time that parked on Lakeside and most of us knew who the car belonged to and the person was asked one time and the car was moved and has not been back. We live in a small community and we should be doing what we can to take care of each other and treat each other like neighbors. We can go into a parking program but if we have somebody's car towed and we know whose it is and don't give them the opportunity to at least tell them before their car is towed, it costs a lot of money. We don't have a parking area and we should have a guest parking area where people can put a car if they don't have room in their driveway. In the meantime, we have to start to be respectful of each other and if someone calls me and says there is a car parked, I will go to that house and ask the people to move the vehicle. If we can't identify the owner, then we should consider other options.

Mr. Porter stated keep in mind if they are parking on the street that may annoy people, but it is legal, they have the right to do that.

A resident stated my suggestion was not to tow just to have the opportunity to knock on their door and suggest that they not park there.

Mr. Porter stated most neighbors want to be respectful.

## **NINTH ORDER OF BUSINESS**

## **Staff Reports**

### **A. Attorney**

There being none, the next item followed.

**B. Engineer****1. Update on SJRWMD Correspondence**

Mr. Amans stated we had a couple meetings with the Water Management District representative. They requested an immediate letter from the District acknowledging receipt of the letters and the areas they want us to address. Also, we have a better idea of what St. Johns has in mind as far as which direction we should go to be in compliance. A lot of the areas that are in question, they have some overlap, some is CDD all of it is adjacent to the golf course and there was a letter to the golf course letting them know to stop mowing some of those conservation areas. We have a meeting scheduled at the beginning of April with St. Johns to tell them what our plan is.

There was an updated agenda that had a couple items I sent out last week, one is a work authorization 2021-1 and 2021-2. 2021-2 is for Dewberry to open a separate work authorization to track the costs of interacting with the District and coming up with a plan to come into compliance and that is in case the CDD ends up communicating with the golf course or someone else that is found to be responsible for some of the issues. That may not be the case in the future, but we would be tracking it separately anyway. That proposal is our effort to communicate with them and come up with a plan. Depending on the plan there may be additional costs to the District if for example there has to be some surveying to be done, but work authorization 2021-2 would be Dewberry's effort to research the history, there are multiple years of documentation and compliance reports that we would review basically to find out where things change from being compliant to being non-compliant and come up with a plan.

Mr. Porter asked is the work authorization on an hourly basis?

Mr. Amans responded yes. We have budgets for the different items to be tracked as time and materials at our rates in the contract.

Mr. Porter stated if nobody on the Board objects then consider that work authorization approved. We do not need to get into a fight with the Water Management District.

Ms. Lambert asked is this something that should have been addressed years ago when this District first started?

Mr. Porter stated years ago when this development started, the golf course was owned by the same developer that the property was originally, and they went sideways in a major way with the District and spent a lot of time trying to straighten that out before Horton bought most of the remaining property. The golf course has not done what they should have so some of it will be

spots that we mow that they are going to tell us we shouldn't have mowed and that kind of thing. There are a lot of rules and ultimately we are going to miss some of them. It will be remedial, but we have to deal with it and fix it at this point.

Ms. Lambert asked is the CDD totally responsible for the cost of this or are we going to be working with Horton and the golf course?

Mr. Torres stated it is the District's property, so the Water Management District notices the property owner and the District is the property owner. We have issued a cease and desist order to the golf course based on the letter that we received and we don't know how complicated this is going to be so we wanted the Engineer to track the billing separately in the event we ever have to pursue reimbursement from the guilty party.

Mr. Porter stated in general the Water Management District is pretty good about working with Districts like ours. They are not worried about trying to punish somebody, if they think there is something that is supposed to be preserved then we ought to preserve it. They are going to tell us to quit mowing it or quit putting herbicide down or whatever. Generally, not a lot of rework, there could be, but generally there is not. It is going to be primarily the golf course. We just finished talking about neighbors, let's not forget the golf course owners are our neighbors. As we are going through this and saying this is us and this is them, let's be sure we copy them because I don't want to get to the point where everybody is pointing fingers at each other.

Mr. Torres stated I met with the GM of the golf course a couple days ago and they are ready to do whatever the Water Management District comes up with and based on what Peter finds, they are willing to comply.

Mr. Porter stated I think we ought to authorize Ernesto to send a letter to the district saying we are looking into it or Peter can do it. I can sign it if you want.

Mr. Torres stated we have done that and any future letters we will have the Chair sign.

## **2021-1**

Mr. Torres stated Peter provided work authorization 2021-1 for general engineering services with Dewberry.

Mr. Amans stated we have a master agreement to provide services, but we don't have a work authorization for 2021.

Mr. Porter stated that is the same rates we discussed.



Mr. Amans responded yes. The rates are set by the master agreement and any work authorization uses the same rates.

On MOTION by Mr. Porter seconded by Mr. Teagle with all in favor work authorizations no. 2021-1 and 2021-2 were approved.

**C. Manager**

Mr. Torres stated at the next meeting we will approve the proposed budget for Fiscal Year 2022 and set the public hearing in August. My goal is to maintain the current assessments and I will work with the Chair on that. About a month before the meeting, I will send out a draft budget to the Board.

**I. Approval of Check Register**

On MOTION by Mr. Porter seconded by Mr. Teagle 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. Amenity Manager's Report**

Ms. Chambliss gave an overview of the monthly Island Club operations report, copy of which was included in the agenda package and presented a proposal to repair the pool leak in the amount of \$7,850.

Mr. Porter stated I would like to get another proposal when the amount is that much when it is possible

Ms. Lambert stated Heather is in possession of an email I sent about the pool; I complained about that joint because it didn't look right to me at the time. I was very disappointed in the workmanship of the construction of this pool. Had this been addressed while the pool was within warranty it wouldn't have been our problem.

It was the consensus of the Board to authorize staff to contract to have the pool leak repaired in the amount of the proposal from AADvance Leak Detection in the amount of \$7,850.

**4. Field Manager's Report**

There being none, the next item followed.

**TENTH ORDER OF BUSINESS**

**Audience Comments**

A resident stated you discussed replacing the water pump off of 100. Are we still moving forward with that?

Mr. Viasalyers stated the fountain has been completed. We are still working on getting that area painted.

**ELEVENTH ORDER OF BUSINESS**

**Supervisor's Requests**

Mr. Barnes stated with regard to having resident members on the Board now, I would ask if you have anything that you would like to bring up at the meetings, a good example is the photos, I would like to sit down with you at some point and go through some of the things I have been working on. A lot of what you brought up is duplicates to what I have been doing and if you would like to do it, I would be happy for you to do it. If you engage Gail or me we could probably do some of the things ahead of time. I have access to William and Ernesto and they have been very responsive and do an excellent job of dealing with these things.

Mr. Porter stated I appreciate that you take such an active role. James and I will be out of here before too long. It is great to have people involved so that you understand how the whole process works. Be really careful about going on Facebook and that kind of thing because if you and Gail are both on it and one of you says something and the other one reads it and if it has anything to do with the CDD, that is illegal.

Ms. Lambert stated I was approached by a resident walking a dog in the back of the community and a resident in there said that we weren't allowed to walk in there, that it was private. I realized it is a gated community so cars aren't allowed to drive in and out, but are walkers not allowed in there?

Mr. Porter stated the bottom line is the gated section is private streets that are maintained by the HOA so the District has nothing to do with maintaining and paying for it, so they get to have their own rules. They are accurate when they say that.

Mr. Barnes stated it is my understanding that there is CDD property in there, there are lakes and things we should have access to.

Mr. Viasalyers stated not the lakes, just the wetlands.

Mr. Porter stated as we need it we get access to go in there.

A resident asked how complete are we in the community right now?

Mr. Porter responded we have hundreds more homes to go. As you go out toward 100 there are a couple tracts. Ernesto, we should have maps at the meeting that shows everything. Then we can point to it and show you. There are a couple of neighborhoods that will be directly off of the main road now and on 100 is a little piece of commercial land that will get used some day.

**TWELTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Teagle seconded by Mr. Barnes with all in favor the meeting adjourned at 3:52 p.m.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman