

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, November 30, 2022 at 6:00 p.m. at the Island Club, 501 Grand Reserve Drive, Bunnell, Florida.

Present and constituting a quorum were:

David St. Pierre	Chairman
Gail Lambert	Vice Chairperson
Darrell Broom	Supervisor
Andre Poulin	Supervisor
Greg Dean	Supervisor

Also present were:

Jim Oliver	District Manager
Katie Buchanan	District Counsel
Peter Amans	District Engineer by telephone
Chris Hall	Operational Manager
Gwen Diaz	Facility Manager
Alison Mossing	RMS
Tony Perez	Yellowstone
Several Residents	

FIRST ORDER OF BUSINESS

Roll Call

Mr. Oliver called the meeting to order at 6:00 p.m. and called the roll.

Mr. Oliver being a notary public of the State of Florida administered the oath of office to Darrell Broom and Andre Poulin.

SECOND ORDER OF BUSINESS

Public Comments

A resident stated I see that the August minutes are on the agenda for approval and just checked the Deer Run website to look at the minutes and they have not been posted for the last two meetings. I don't know how anyone can approve minutes that haven't been posted.

Mr. Oliver stated the minutes are in the agenda packets that are posted to the website.

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Ms. Buchanan stated it looks to me that the July minutes should have been uploaded because I expect they were approved in August. That is an oversight. Typically, the last meeting minutes will be included in the agenda package then posted on the website after it is approved.

A resident stated another item is an update on CDD owned road in the community. For your information I go to every Bunnell city commission meeting and I don't know if the city manager is here or not, I have asked the mayor during public comments would the City of Bunnell even discuss with us taking over control of the roads and for some reason both times I was completely ignored.

Ms. Lambert stated I have been taking this matter under consideration and started by contacting D.R. Horton and included Katie and Jim on all my emails. Going back I believe Bob Porter was the chairman of the CDD at the time had a conversation with the city manager and between them they decided that it was going to remain CDD and the city was not going to take over the road because it wasn't in a satisfactory condition. It was not Mr. Porter's position to make a blanket determination for the CDD on that matter. I also heard that should the road be in a satisfactory condition then the City of Bunnell may take it over. A large part of the reason that road is in disrepair is all the construction traffic. I also spoke at a city commission meeting and I have taken it up with D.R. Horton and their stance is they don't know the state of the road before they started, they don't know how the road was built, the code it was built to, etc. I'm back and forth with D.R. Horton and the City of Bunnell but what I'm saying to them is as a new community I don't see why as residents we have to bear the brunt of a road that isn't in good repair. I feel that D.R. Horton should repair the road to a satisfactory condition, and I feel that the City of Bunnell should take on the road as stated in the PUD. This email was sent but I have not had a response from anyone. I will pursue it, but I'm fighting two entities to get them to come together and work for our benefit.

A resident stated the road is going to deteriorate more because of the three phases.

A resident stated I understand why the city would not take the road until this project is completed. I don't understand why D.R. Horton wouldn't be responsible for roads until the final home is built and the construction traffic is gone.

Ms. Lambert stated I believe the road was already owned by the CDD before D.R. Horton came in.

Mr. St. Pierre stated we will continue to give you updates on this issue.

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A resident asked as they build the new roads will they belong to Horton or to us?

Ms. Lambert stated I believe they will go to the City of Bunnell.

A resident stated not this specific road but coming in where they cut down all the trees in what was supposed to be the park, we were promised when the trees were cut down that, that would be closed off again and now we just have more gravel.

Ms. Lambert stated they notified us that they are beginning the process of creating a lake to remove the dirt and take it to Phase 3.

Mr. St. Pierre stated we have asked D.R. Horton to give a monthly report to the board so we know what is going on in the community. It seems that we are getting a little better communication from them now.

A resident the construction trucks run stop signs and everything else.

Ms. Lambert stated I have sent an email and asked that they use the 100 entrance and not the U.S. 1 and they said they will continue to do that.

A resident stated you need to fix the speed bumps before all the trucks go through so they are not dropping dirt all over the place.

A resident stated they are 15 mph speed over the bumps but I don't know how you can go 15 mph. You can go 5 mph.

A resident stated I see the landscaping contract is here and I did review the contract and it looked like it was a little less than what we budgeted.

Ms. Lambert stated it is a little bit less because we are not doing the annuals and we don't maintain Birdie Way anymore. The budget is always a little bit higher because of the add-ons like trimming palm trees, mulch and things like that.

A resident stated I believe yesterday they cut the grass over here and part of their responsibilities is debris pickup. I understand if they miss some debris and go over it with the mower, but it should be picked up after it is shredded.

Mr. St. Pierre stated if it is right after mowing it should be that way.

Mr. Perez stated yes.

A resident asked do we fertilize any of the gardens?

Mr. Perez stated there is shrub fertilization.

A resident stated I have never seen such poor looking liripe in my life and the flowers don't bloom.

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Mr. Perez stated we can't control the environment, sometimes it blooms more than another year.

A resident asked does the contract call for Yellowstone to treat for fire ants? They are terrible.

Mr. St. Pierre stated I had a complaint from someone in my community and I emailed it immediately and Monday they sprayed every anthill on this property.

THIRD ORDER OF BUSINESS

Organizational Items

A. Oath of Office for Newly Elected Supervisors

This item taken earlier in the meeting.

B. Information for Newly Elected Supervisors

Mr. Oliver stated the two biggest things we like to talk about are the sunshine law and the public records law. The sunshine law comes down to one thing and that is a supervisor on the board can only talk to other supervisors on the same board about CDD matters at a publicly noticed meeting. You can talk about anything else under the sun just not CDD matters. You can talk about CDD matters with anyone else outside of a public meeting. One thing we need to be careful about is it is not just discussions face to face, but phone calls, emails, texts. Be careful of posting on social media if you see another supervisor posting on there, don't be on the string, try to avoid that. I can't serve as an intermediary or conduit between two supervisors. Once you learn how to navigate it is not too complicated.

The other thing is public records law. Florida has a pretty broad public records law and most of the documents that are generated by CDD meetings and CDD business are subject to public records law. If someone made a request of you for some public records, contact me or Katie and we will fulfill that request. We will determine if it is one of the few things that are exempt from public records.

Supervisors set up separate email accounts so they don't have CDD business emails integrated with their personal business records. Keep you records separate from your personal business records.

Ms. Buchanan stated this is the general ethics restrictions that were in the package that you have, but at the end of the day you can't do something on the board that benefits you are

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your family or someone you are close to, your employee or employer, more than it benefits the normal person in the community. Have that in the back of your mind and if something comes up such as my brother-in-law does a great job cutting grass, but I don't know if that is a problem, reach out to me or Jim and we will help you with that.

C. Election of Officers, Resolution 2023-01

Mr. Oliver stated next is election of officers and on pdf page 7 you will see a lot of names in the resolution and those are people to serve in staff positions such as secretary, treasurer, assistant treasurers and assistant secretaries. We left the chair and vice chair blank because both Bob Porter and Mark Dearing are gone. The board by majority vote will determine who your chair and vice chair will be and the remaining supervisors will be appointed as assistant secretaries so they can execute documents on behalf of the district. You can have board discussion on who the chair and vice chair is going to be and we will wrap that up in the resolution.

Ms. Lambert stated I will nominate David for that and Mr. St. Pierre stated I will serve as long as Gail is vice chair.

On MOTION by Mr. Broom seconded by Ms. Lambert with all in favor Resolution 2023-01 was approved reflecting the following officers: David St. Pierre chair, Gail Lambert vice chair, Jim Oliver secretary and treasurer, Marilee Giles, Darrin Mossing, Daniel Laughlin and Howard McGaffney assistant treasurers, Marilee Giles, Daniel Laughlin, Darrin Mossing, Howard McGaffney, Darrell Broom and Andre Poulin assistant secretaries.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2023-02 Amending Records Retention Policy

Ms. Buchanan stated this is an administrative change that staff is requesting. You had previously adopted a records retention policy that essentially indicates the district is going to keep everything forever. The reason for that is that you don't have sufficient staff and manpower to go through and read through all the district's records on an annual basis to discard it. This policy authorizes the district manager to keep the records in electronic form as compared to paper form so that helps eliminate the bulk of their files and it gives us the ability to delete what we call transitory messages, the emails that lose value very quickly such as confirming

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quorum, here is the meeting schedule; things that are not substantive in nature, you no longer had to keep them. You can delete them retroactively, but I don't know that anyone has the time to go through the files and do that. If you have a public records request there are less emails to go through to see if you have any responsive documents.

On MOTION by Mr. St. Pierre seconded by Ms. Lambert with all in favor Resolution 2023-02 was approved

FIFTH ORDER OF BUSINESS

Ratification of Audit Engagement Letter for Fiscal Year 2022 with Berger Toombs Elam Gaines & Frank

Mr. Oliver stated next is ratification of the audit engagement letter for fiscal year 2022 with Berger Toombs Elam Gaines & Frank. Each year the district as unit of government in Florida is required to have an audit performed by an independent CPA firm. This particular firm was chosen by the board through the RFP process. The fee you will see is for \$3,535, you budgeted \$4,000 for the audit so that meets your budget requirement. The audit will get underway immediately and we will have it before the June deadline.

On MOTION by Mr. St. Pierre seconded by Mr. Poulin with all in favor execution of the engagement letter with Berger Toombs to perform the fiscal year 2022 audit in the amount of \$3,535 was ratified.

SIXTH ORDER OF BUSINESS

Consideration of Proposals from Terracon for Wetland/Upland Buffer Restoration

Mr. Oliver stated item eleven is consideration of proposals from Terracon for wetland/upland buffer restoration. We have our engineer on the phone, Peter Armans who will explain this item.

Mr. Armans stated in January 2021 the CDD received a warning letter from the water management district, basically they were using GIS maps to overlay the aerial photos, satellite images are captured, they use these images to line them up with areas that are designated as conservation areas. Where the conservation area is does not seem to line up with the aerial photos. They started sending out letters to the owner or the entity responsible for maintenance telling them that you have a compliance issue and you need to address it. I was asked to put

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together a proposal to work with the water management district to come up with a plan to address their concerns. We had several: one is to basically plant everything that is shown to be not planted or replant areas that were previously planted and they just did not develop enough vegetation, the other option is to redraw all the conservation areas basically do an edit of all the lot lines for the conservation areas but that means overall if you deduct a part from one lot you have to add it somewhere else. The overall conservation area would have to remain the same and that process is a lot more extensive process and it may or may not work. It would cost a lot of money to resurvey and redo all these conservation areas. Part of what we were tasked to do by the CDD is to come up with an alternative plan and during that process unfortunately the contact person with the water management district left the district.

We reached out to their superior and proposed a plan. Basically, they sent us a map that has 14 areas, little slivers of land throughout the district. When we reached out to them we categorized those areas as areas that are basically abutting the golf course and areas that are abutting private property. Areas abutting the golf course we proposed that we would basically work with the golf course maintenance and explain to them that they need to stop mowing and removing vegetation from these areas. The areas abutting private property would have to be replaced. From our perspective that would be the least expensive option. Formerly, the person in charge was okay with that plan, however, we submitted that plan to the board to review before we officially submitted it to the district. We were asked to provide a proposal for the cost of that plan and that cost of the plan is what is before you today.

Ms. Lambert asked where is area 4, 10 and 11? We don't have a map to see the location. I remember in the past this was the responsibility of the golf course or so I understood and they would be billed for any cost and it wasn't really a CDD or resident issue. Now you are saying there are some areas on private land.

Mr. Armans stated correct. Areas 4, 10 and 11 are all next to private property, not to the CDD. The remaining of the other areas are next to the golf course.

Ms. Lambert asked who cleared that land? Surely, D.R. Horton cleared that land.

Mr. Armans stated I can't answer that question. Some of them are next to private property so it could have been a homeowner that did it to extend their yard, but we can't tell for sure because we weren't there to see it. It could have been done by D.R. Horton or by the landscaper.

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Mr. St. Pierre asked can you send us a detailed map of exactly what you are talking about? We don't have one in front of us so it is hard to discuss it without looking at a map. Has anybody been in contact with the golf course with consideration to this project?

Ms. Lambert stated I understand that they were. Bob Porter did say they were working with the golf course, in fact, it was all supposed to be a golf course issue, not ours.

Mr. Armans stated there are 14 areas that the water management district was concerned about and they wanted it to be addressed. 11 of those are golf course and before we officially engage the golf course to start making changes we want to make sure that plan is approved by the water management district. If the water management district does not approve this plan and they say you have to replant everything, that is going to be a bigger issue. We had formerly proposed this to the district, they seemed agreeable, but we don't have a formal answer unless we submit that plan. I can submit to you the letter that was submitted that showed the 14 areas and also show you the area 4, 11 and 10 that are basically on that proposal.

Mr. St. Pierre asked once we plant all these trees and grass, is there an annual maintenance cost?

Mr. Armans responded absolutely. There would be a maintenance cost and maintenance report. If the district approves it we will retain probably the same company or another company to provide an annual report to the district to show the planted plan is working. That could be 3 to 6 years.

Mr. St. Pierre asked what would you estimate that maintenance cost to be?

Mr. Armans stated probably \$4,000 to \$5,000 a year.

Ms. Buchanan stated Peter, I found the original encroachment map you had provided so the board is trying to see where it is located. When we are looking at it, it doesn't seem that it is adjacent to houses. 11 looks like it probably is.

Mr. St. Pierre stated let's table this to the next meeting and we need to contact the golf course directly, whoever that contact person might be and one of us talk to the golf course directly.

Ms. Buchanan stated I heard four areas, but I'm only seeing three areas 4, 10 and 11.

Mr. Armans stated there are three areas.

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SEVENTH ORDER OF BUSINESS

Consideration of Renewal Proposals for Fiscal Year 2023 Services

A. Applied Aquatic

1. Ponds Associated with Deer Run CDD

Mr. Oliver stated next is renewal of proposal for fiscal year 2023 services and the first two are from Applied Aquatics they maintain the ponds within the CDD as well as the entrance pond. The fees to maintain the ponds is \$25,000 annually and you budgeted \$30,000 for that line item. The second one is the entry pond at U.S. 1

On MOTION by Mr. Poulin seconded by Mr. Broom with all in favor the proposal from Applied Aquatic for fiscal year 2023 services in the amount of \$25,000 was approved.

2 Entrance Pond at Deer Run \$1,440 annually

Mr. Oliver stated the second one is for the entrance pond at an annual cost of \$1,440. You budgeted \$8,000 in that line item.

Ms. Lambert stated the \$8,000 is for maintenance of the water feature, not just maintenance of the pond.

On MOTION by Mr. Poulin seconded by Ms. Lambert with all in favor the proposal from Applied Aquatic for the entry pond in the amount of \$1,440 was approved.

B. Yellowstone Landscape

On MOTION by Ms. Lambert seconded by Mr. Poulin with all in favor the proposal from Yellowstone in the amount of \$123,834.36 was approved.

EIGHTH ORDER OF BUSINESS

Discussion of Amenity Center Landscape Renderings

Mr. St. Pierre stated later on in the process tonight I'm going to ask our residents to get involved more and have a committee for landscaping to give us more feedback. I would like to table this today and leave it up to the residents to come back to us in two months with a board

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member involved and it would be easier for us. I think it would be long term versus short term if that is okay with everybody.

Ms. Lambert stated it is not the right time to plant anyway and we would instruct what we can do when and it would be a phased in project.

Mr. Perez stated the purpose of the renderings was to give you a concept of the way you want to go with the clubhouse. I didn't provide pricing because I was not sure if you were going to like the plant material. We can make changes to the rendering after you come back and then we can have pricing and do it in stages.

Ms. Buchanan stated we don't call them committees, just interested residents. If we name a committee, then we have to treat it more formally and publish notice in the paper and take meeting minutes and I don't think you want to do that.

NINTH ORDER OF BUSINESS

Update on CDD Owned Road in Community

This item taken earlier in the meeting.

TENTH ORDER OF BUSINESS

Update for New Supervisors on Past and Current Issues

Mr. Oliver stated we may want to hold a CDD 101 workshop which anyone could attend but they would focus on the new supervisors if you would like to do that.

Ms. Lambert stated I did a cheat sheet on what has gone on in the past; a history of the irrigation, the streetlights, landscaping and some of the ongoing issues at the amenity center. I sent it to Andre and Darrell prior to their assuming office. It was to bring them up to speed.

Mr. St. Pierre asked what general categories do you think we should have interested residents? I have the amenity center, lawncare, irrigation, contracts and D.R. Horton. We have to have a working relationship with them for the next five to six years because they have to build this out and it would be nice if we had interested residents along with a board member to communicate our issues, rather than go through Jim and then D.R. Horton to cut the middleman out. I'm sure he has plenty of work.

Can we talk about what we found out today?

Mr. Oliver stated I was going to ask Katie to address this under her report. 190 is very vague on filling that vacancy.

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Ms. Buchanan stated 190 is very vague. At this point when there is a vacancy on the board it is filled by appointment. This board has the ability to dictate the process and the ultimate choice as to who fills the vacant board seat. We have seen other places solicit resumes or statements of interest, you could make a nomination this evening, it is very much your preference on how you want to approach it.

Mr. St. Pierre stated I was very excited to have three people volunteer to run for the CDD board this past election. One ran unopposed and the other ran against someone else. I would love to fill that seat tonight with Greg Dean.

On MOTION by Mr. St. Pierre seconded by Mr. Poulin with all in favor Greg Dean was appointed to fill the vacancy on the board.

Mr. Oliver being a notary public of the State of Florida administered the oath of office to Mr. Dean.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being none, the next item followed.

B. Engineer -Consulting Engineer Report

A copy of the engineer's report for 2022 was included in the agenda package.

C. District Manager

There being none, the next item followed.

D. Operations Manager – Report5

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

E. Amenity Manager - Report

Ms. Diaz stated when I first came I did an observation of the facility and I will give you a brief recap of what I found and what I'm proposing for the board's consideration. First is windows, the windows in the facility are very dirty and need to be cleaned and I recommend

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annual cleaning to be in the colder months when there is less foot traffic on the deck. Also I recommend in the future that the amenity center to be deep cleaned annually. Camera 14 is going to be replaced on Monday. The main gate has been broken for three weeks and we expect parts to arrive Saturday and scheduled to be installed on Monday, December 5th. The pickleball courts have substantial mold substance and an accumulation of dirt and I recommend these areas be pressure washed. I have two proposals to do that and the first one is from Coleman's Pressure Washing in the amount of \$1,000 and the other one is from Integrity Pressure Washing for \$1,800. I recommend we have these done in the next month or two when it is not as busy.

Ms. Diaz gave an overview of the recent and upcoming community events.

TWELFTH ORDER OF BUSINESS

Supervisor's Requests

Ms. Lambert stated I would ask that supervisors are informed of events as they happen. For example, the new amenity manager. I found out by Facebook our previous one resigned. I was a little taken aback by the fact that I was not made aware of that. An email or update on a regular basis if anything major happens.

Mr. Oliver stated we will do that.

Ms. Lambert stated going forward when we start working on the budget, I would like to have a workshop rather than getting the budget in front of us before a meeting and having to approve it. I would like to work on that because looking at the balance sheet I see a surplus for last year of over \$60,000 and yet the fees increased by 11%.

Mr. St. Pierre asked wouldn't it be nice to take the \$60,000 and \$50,000 and not have an increase next year at all?

Ms. Lambert stated I am working for that.

Ms. Buchanan stated we have talked about this before, but it is always good to remind everyone. The way your assessments work is you receive them starting in December and that money has to last you through the next December so your fiscal year ends September 30, the assessments you collected are going to carry forward to fund the first quarter of your next fiscal year. It may look like we have extra money but you really have a pretty tight budget.

Ms. Lambert stated I'm just referring to the budget and what the actual figures were at the end of November.

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Ms. Buchanan stated if we came in under budget that is good but we are reluctant to feel like we have extra money because we don't.

Ms. Lambert stated according to the balance sheet, from the budget to actual there was overall \$60,000.

Mr. St. Pierre stated we did find money for the irrigation from part of that surplus.

THIRTEENTH ORDER OF BUSINESS Public Comments

A resident stated the Grand Reserve HOA meeting is December 15th at 6:00 p.m.

A resident stated the sun really shines through these windows and it would help with heating and cooling to have shades on the windows. I noticed during the hurricane some trees came down on Grand Reserve Boulevard and they are laying inside the wood line. They are not dead yet but I assume at some point they will die. I can send pictures and there is one down over the fence just past that area where they are going to dig out. I believe the fence guards the environmentally protected area and there is a tree down over that fence as well.

Mr. St. Pierre stated we will direct that to Chris and he will look at that.

A resident asked will there be a pool heater?

Mr. St. Pierre stated there will be a discussion on that.

A resident asked did FP&L fix the lamp that got hit by lightning?

Ms. Lambert stated I think they are in the process. I asked Chris if it could be replaced with an LED light.

A resident stated there are lights down the boulevard that remain on during the day.

Ms. Lambert stated we are not paying any more for that. We pay a fixed price. You can report that online to FP&L.

FOURTEENTH ORDER OF BUSINESS Approval of Consent Agenda

- A. Approval of the Minutes of the August 24, 2022 Meeting**
- B. Balance Sheet as of October 31, 2022 and Statement of Revenues and Expenses for the Period Ending October 31, 2022**
- C. Assessment Receipt Schedule**
- D. Approval of Check Register**

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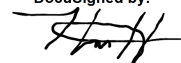
On MOTION by Ms. Lambert seconded by Mr. Poulin with all in favor the consent agenda items were approved.

FIFTEENTH ORDER OF BUSINESS

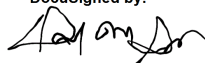
Next Scheduled Meeting – 01/25/23 at 6:00 p.m. at the Island Club

Mr. St. Pierre stated our next scheduled meeting is January 25, 2023 at 6:00 p.m.

On MOTION by Mr. Broom seconded by Mr. Poulin with all in favor the meeting adjourned at 7:27 p.m.

DocuSigned by:


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Secretary/Assistant Secretary

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Chairman/Vice Chairman