

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, January 24, 2024 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
Andre Poulin	Vice Chairman
Greg Dean	Assistant Secretary
Gary Garner	Assistant Secretary
Shannon Martin	Assistant Secretary

Also present were:

Howard McGaffney	District Manager
Katie Buchanan	District Counsel
Darrin Mossing	GMS/RMS
Kayla Rinker	RMS
Rich Gray	RMS
Alison Mossing	RMS/GMS
Natalie Clem	
Several Residents	

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. St. Pierre called the meeting to order and called the roll.

**SECOND ORDER OF BUSINESS**

**Public Comments**

Mr. Dennison stated D.R. Horton pays the same fees we do for the empty lots. When the houses are added to the sprinkler system that is inadequate, what is going to happen when the pumps, etc. fails? What is the solution?

Mr. Poulin stated we have not yet reached a solution. We have different professional opinions that we have to work through. This was originally designed for the development and it is adequate and some empirical data as well as the study saying it is not adequate for the

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completed development. Some of the agenda is going through some guidelines to limit who is watering when to help that situation for the interim.

Mr. Dennison stated D.R. Horton needs to cover the irrigation usage when they do a walk through with a new homeowner.

**THIRD ORDER OF BUSINESS**

**Engineer’s Report - Remediation of Areas 4 and 11**

This item tabled.

**FOURTH ORDER OF BUSINESS**

**Public Hearing Adopting User Rates and Fees for Amenity Rental and Security Deposit, Resolution 2024-03**

Mr. St. Pierre opened the public hearing on user rates and fees for amenity center rental and security deposit, Resolution 2024-03.

Residents questions the following: the non-resident user fee, access behind the gates of these non-resident users, is there a limit of the number of memberships, ability to increase the non-resident membership fee, rentals on holiday weekends, purpose of the rental fee, liability insurance, rentals will not pre-empt normal meeting usage, capacity of the room, parking availability.

On MOTION by Mr. Garner seconded by Mr. Dean with all in favor the public hearing was closed.

On MOTION by Mr. Poulin seconded by Ms. Martin with all in favor Resolution 2024-03 was approved.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2024-04 Amending Amenity Policies**

Ms. Buchanan stated there are two other items that we have modified in the text of the amenity policy. The first is to clarify the overnight parking policies. We previously had a policy that was a little complicated to enforce. We added clarifications; only private passenger automobiles, which is defined as standard two-door or four-door pick-up, mini-van, things you drive on a normal basis. Permits will be assigned by the amenity staff, they can only be reserved for three days prior to use and our intent is that each lot shall have a total of 14 days available

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annually for overnight parking at the amenity center. Permits shall be issued for no more than four days per permit in order to capture long events. Community members shall be able to reserve one-parking pass per household at a time. Permits are limited to the overnight hours between 9 p.m. and 8 a.m. They would need to be somewhere else during the working hours to allow for normal use of the parking lot of the amenity. There is a limitation of only five spaces available for this parking policy and they will be assigned by the amenity center staff and there is no fee associated with these parking permits. District staff has put together some paperwork, there will be a small form you can put on your dashboard so staff can identify and make sure the vehicles here overnight are appropriately permitted. There is a log-in form where they capture the vehicle type, color and tag number.

In previous policies we listed certain holidays when the amenity center could not be rented. If you want to include that I will ask that the resolution be approved as amended and I will list those holidays.

On MOTION by Mr. Poulin seconded by Mr. Dean with all in favor Resolution 2024-04 was approved as amended.

**SIXTH ORDER OF BUSINESS**

**Consideration of Fence Proposals**

Mr. Gray stated this fence is going to go around the irrigation pump located on Grand Reserve Drive then presented the for proposals after which the board took the following action.

On MOTION by Mr. Dean seconded by Mr. Garner with all in favor the proposal from Florida Southern Fence in the amount of \$3,650 was approved.

**SEVENTH ORDER OF BUSINESS**

**Discussion of Irrigation Guidelines**

Mr. Dean gave an overview of the irrigation guidelines to come in line with St. Johns River Water Management District’s regulations and to help keep our irrigation system efficient and less taxed than it has been in the past.

**EIGHTH ORDER OF BUSINESS**

**Discussion of Plantings**

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Mr. Gray stated this deals with the mitigation plantings we discussed earlier. We are going to three landscape companies, Yellowstone, the Greenery and Verdigo. It is a substantial amount of plantings and the proposals will take a little bit of time. My goal is to have all these proposals within the next three weeks, review and finalize them to bring to the board in March.

Mr. McGaffney stated St. Johns River Water Management District understands this is not the optimal time to be planting and they are fine if we do it late spring/early summer.

#### **NINTH ORDER OF BUSINESS**

#### **Discussion Regarding Flagler County School District – Bus Stop Locations for New Phases**

Mr. McGaffney stated upon direction of this board and the chairman, communications have been sent to D.R. Horton requesting in the new phases that there is concrete for those and maybe some consideration of cover for the kids. They have it, but I have not yet heard back from them.

#### **TENTH ORDER OF BUSINESS**

#### **Discussion of Solicitations for Contractual Services for District Vendors**

Mr. Dean stated as the whole budget process was new to me last year I'm trying to get ahead of it this year. One thing that looked funny to me was a lot of our agreements and contracts are in perpetuity, which means they automatically renew without any discussion. When we go out for bid we try to get a couple bids such as with the fence so why don't we do that with everything. I'm suggesting that in preparation for this budget process that we put together requests for proposals and call them bid specs and send them out and get some different companies to give us some quotes. I'm use to putting everything out to bid.

Mr. Garner stated I agree with Greg. I have been reviewing all the contracts since I was put on the board and we are not reaching out to other vendors to give them an opportunity. We don't know what is out there until you reach out,

Mr. Poulin stated the group we have right now, the amenity center group Rich and Mac and his group, we finally got to a point where things are working really well. Especially, in the amenity center. If we change companies all of a sudden we have to rebuild this whole team again, because they work for GMS. Do we have any complaints or problems with GMS? When I have asked questions, they have been very receptive and answered my questions, tell me what's going on and let me know you can do something or not do something. Everybody knows their

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price, it is public knowledge and what scares me the most is we will go out to bid, ask for two, three, four or five proposals and get a low bidder in here and who knows what we have bought. I think they are doing a very good job and I think the team is finally working with us, which is different because the board wasn't us it was D.R. Horton. Now we have a great working relationship with this group and our board. The amenity center is firing on all cylinders now, the pool is being taken care of, Rich has been working on filters and doing all that kind of thing. We only pay for 8 hours a week with Rich and we get a lot more and the communication is very good. I'm not in favor of going out to bid. You will look at different pricing and different proposals, maybe postpone it for a year maybe work through this one more time and if the team they have anything they need to see us about or we need to talk to them about let's go down that road.

Mr. Dean stated looking at the contracts a lot of them are very non-specific. Yellowstone we are spending over \$100,000 and there is a lot of things in the contract that are non-specific. They are coming back and saying they are doing a lot of things at no cost but some of those things are included in the contract.

Mr. Garner stated we could build a proposal and give it to GMS and say can you work with us on this.

Mr. Dean stated one other thing we get 8 hours a week with Rich but we are paying for more than 8 hours a week. Because when he is here doing maintenance we are paying extra for that, which is more than the thing said. I was very surprised to see because I thought when he does minor maintenance we are not getting billed at \$35 an hour, but we are.

Ms. Martin stated there is no guarantee that if you went somewhere else they wouldn't charge you that as well.

Mr. Dean right, but we don't know unless we ask.

Mr. St. Pierre stated I don't have any problems putting everything back out to bid, whether we accept or not or who we accept is how they come in and present. I'm not going to give an opinion on GMS and RMS and Yellowstone and the lawyer. I will say my biggest concern right now is that D.R. Horton is supposed to have a board member on this board this year and they elected to give away their position and they have not participated in this community nor the CDD meetings since they left. No matter how much I go to them and ask, I do not get responses so we have this little gap and the gap is I go through GMS to talk to D.R.

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Horton and I'm not happy with the results. The communication with D.R. Horton is terrible. I don't have a problem accepting proposals for everything we do. We can always look at them and throw them in the trashcan. I hear what you are saying about GMS and if you appreciate them, that is fine. That is not what we are looking into contractual things for. Some contracts haven't been touched in seven years. It is time for us to do our job which is to bring forth a budget, which is palatable for every resident here. If that means we have to reach out to other management companies and landscapers or other attorneys, if it is not going to cost us anything to put it out for bid or to discuss it why should we walk blindly into the budget hearings. No disrespect to you Mac, but we didn't have many other contracts coming in to look at. We only had what was presented to us. I am of the belief that there is nothing wrong with going out and looking. We will have to make a decision to say yes or no and that is up to us. I want the O&M to go down this year; I'm tired of increases but I'm also part of the increase. I don't have a problem putting everything out to bid.

Mr. Dean stated we are not obligated to accept low bid. We have the ability to compare and take the best fit whether it be more expenses or not.

Mr. Poulin stated I would like to hear from GMS.

Mr. Mossing stated our contract is not perpetual, it can be terminated for any reason upon 60-days notice. You board members can terminate our contract right now, it is perpetual because if you are happy with the services then you don't want to keep going out to bid just to change the personnel. I'm upset about the way this came about. The supervisors interviewed one of our main competitors.

Mr. St. Pierre stated we are going to stop right here, you are not a resident and I allowed you to speak but I'm not going to get a lecture from you. We are going to stop right there. I have been very transparent and will continue to be transparent.

Ms. Buchanan stated unless there is further conversation from the board I do think we should have a formal motion so that staff understands what actions need to happen before your next meeting.

Ms. Martin asked he said there was an interview with a competitor company. Is that true?

Mr. Dean stated I spoke with another company along the lines of what I said, getting ready for the budget, what's out there. I saw another company, local and spoke with them and

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they came and asked what are you looking for. So, I got with them and said what I'm looking for.

Ms. Martin asked what is the process for considering another company? If I have lunch tomorrow with another management company, is that on the up and up?

Mr. St. Pierre stated as long as you are not paying for your lunch, you can have an RFP from any company for anything we do. Whatever we have under contract you can request an RFP from anybody.

Ms. Martin asked what constitutes that? Is it a meeting somewhere or is it more formal?

Ms. Buchanan stated a supervisor can call someone and make inquiries about how something works or about their company. My recommendation is generally if you are going to go out for bid on something I prefer to have a board motion so there is a vote, a direction from the board and staff understands what you need to bring it back, the audience members have an opportunity to provide public comment on it.

Ms. Martin stated if that company submitted a bid you would have to disclose that you had a conversation or communication with them beforehand? I can call a company and way we want this, this and this in the bid and they can come back and say all those things you guys want we are laying them all out we are the best thing you got, how much do you want to pay. That is the magic number we have come up with.

Ms. Buchanan stated that is generally why I suggest the board make this decision in advance so you can agree on the terms of the request for proposals. Some boards don't mind if individual board members do due diligence and others prefer that it is an all in; everybody gets the same information process. At this point none of your contracts exceed the legal limit to require a formal bid, they are all under the statutory thresholds so you are able to do a less formal process if you want, but that is a conversation you would have between yourselves. I have been trying to direct you back to the process, what is our next step.

Mr. St. Pierre asked what is our next step?

Ms. Buchanan stated you need to decide what solicitations you are looking for if any and then what I'm hearing is concerns about a lot of the scope of work attached to the contracts and I think that probably there needs to be a designated board member to refresh the scope of work to make sure that you have something that you are tailoring to your community. What I mean by that is bid specs.

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Mr. Dean stated I will make a motion to adopt bid specs for our major contracts.

Ms. Buchanan stated I'm going to run through your contracts, district management, amenity management, landscape maintenance, legal services, and lake maintenance. If you have someone on point to prepare the bid specs per se, that doesn't mean we can't circulate them, you provide comments back if they need to be incorporated but there needs to be one person who ultimately signs off on the bid specs. Then if it were district management or amenity management our office would be the entity to receive the bids and if it were for legal services Mac's office would be the one to receive the bid. Mas's office would also be responsible for the landscape maintenance and lake maintenance. We just try to keep it separate.

Mr. St. Pierre asked do you need a point person from the board?

Ms. Buchanan stated on bid specs.

Mr. Dean stated I will take landscape and leave everything else up to Gary.

Ms. Buchanan stated just for clarity I want to make sure I understand the motion. The motion was to authorize a request for proposals for district management, amenity management, landscape maintenance, legal services and lake maintenance for all those services with delegation to Greg for landscaping and Gary for everything else on the bid specs.

Mr. Dean stated that will take the ambiguity out of a lot of our contracts

Mr. McGaffney stated, District Engineer.

Ms. Buchanan stated I forgot the engineer. You can take it or leave it, you are in the middle of construction. Of all the people you don't want to lose it is your engineer. That's just my recommendation. Mr. St. Pierre stated, that is fine, add it in there. Ms. Buchanan stated when we are talking about proposals is my general direction to do an informal request for proposal that does not involve advertising in the paper? These are some industry players, do you have anyone you would like to add, we will email them and they will respond.

Mr. St. Pierre stated yes.

Ms. Buchanan asked did you want any restrictions on communications or are you comfortable that everyone can do individual due diligence?

Mr. St. Pierre stated individual due diligence is fine.

Ms. Buchanan stated typically there would be an evaluation criteria that I am going to tie out to the bid specs potentially, but you would generally recommend that pricing is only somewhere in the range of 20% to 40% of the total scoring. You would have other qualifications

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that you would consider like expertise, proximity, staffing, that is part of what you will review during the request for proposal process.

Mr. St. Pierre stated yes.

Ms. Buchanan asked are there any questions on the process?

Mr. Garner asked can we ask that the bid be sealed?

Ms. Buchanan responded no. They are going to be public records.

Mr. Garner stated they are sealed before they come before the board and the board makes them public who bid what.

Ms. Buchanan stated they are sealed until the agenda package is circulated generally, but they are all due at the same time so if the scenario is that you are worried that contractor A would see contractor B's pricing, we don't open them until the set period so everyone has the same opportunity.

On MOTION by Mr. Dean seconded by Mr. Garner with three in favor and Ms. Martin and Mr. Poulin opposed district counsel was directed to use informal bid process to solicit proposals for district management and amenity and field management services, the district manager was directed to use the RFQ process for district engineer, and the informal bid process for district counsel services, and district staff was directed to use informal bid process to solicit proposals for all other district contractual services including pond maintenance, landscape maintenance and pest control.

## **ELEVENTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. Attorney**

Ms. Buchanan stated one thing to follow-up on is in connection with the email that was circulated from our firm about your ethics requirements. The legislature passed an update that requires board members to now complete four hours of ethics training every calendar year. That starts in January and completes in December and you are obligated to report that training on the form 1 that you file in the summer. You will file a form 1 this summer, there is a box on it that says did you complete your ethics training. You do not have to do that for your 2024 form 1. You complete your 2024 training cycle then you report it on your 2025 form 1.

Starting this year the form 1 will only be completed electronically. Previously, you had to print it out on paper and deliver it to the supervisor of elections. There will be an electronic

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process now going forward. I do not believe any board members have started receiving those yet, it will come from the Department of State but starting in March/April if you don't have anything yet then we will be following up on when you get them, because every board member is going through the same thing. They start sending them to district managers and other officers so I know they are working on it but I think it is a slower roll out.

## **B. District Manager**

There being none, the next item followed.

## **C. Operations Manager**

### **1. Report**

Mr. Gray stated I was able to negotiate with Yellowstone no increase for the contract for 2024. They are going to honor last year's price, and on Phase 4 that I was able to negotiate down from \$30,000 to \$18,000 when they take that over should you decide to stay with them. They just finished all their cutbacks around the amenity center they will be fertilizing and chem treating the first week of February. I did see some root rot starting to develop in some of the St. Augustine areas and some concerns on some of the bushes and I got in touch with Antonio who is going to work on that. J&J Aquatics will be onsite two times a week now going into October 24<sup>th</sup>. I have scheduled a mosquito application treatment for the first week of March at the amenity center following up in the first week of June to try to get ahead of the mosquitos. This will come at no cost to the district. Applied Aquatics started three times a week in April, I can request that they come one month earlier that will come at a cost if you want them here on that Monday, Wednesday, Friday during that March season if not it will be Monday Friday until April 15<sup>th</sup>.

M&M Pumps is still about 12-weeks out on the installation, keep in mind after the process of installation the full install will be 8 – 10 days. Realistically we are looking at possibly mid-May or start of June. That can change based on parts, that is a rough timeframe.

I speak with Joe at D.R. Horton two or three times a week. I try to get as many updates as I can. In a previous meeting it was brought up by Supervisor Dean on the stormwater updates of our active issues from the district engineer. When I first took over the development there were 15 active issues, I have completed about 73% of those issues leaving about four active

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issues,, D.R. Horton is going to absorb the cost to fix those our issues, A1, B1, E1 and F1 located on Grand Reserve Boulevard. The reason for that is they are redeveloping the stormwater system from the new district permit with the city. While putting in Phase 6 they had to reconstruct the stormwater system.

Mr. St. Pierre asked is that why the stakes were there? That is not for a sidewalk.

Mr. Gray stated they are going to start Phase 6 land clearing in about 30-days and the trees on that side of the road will start to come down. They are estimating 30-45 days completion on the mailbox.

The intersection paving has been completed, Poolsure was onsite two weeks ago and I had them replace all the probes to get everything in shape going into the season. I also had new chem lines installed again, at no cost to the district.

## **2. Yellowstone Report**

### **TWELFTH ORDER OF BUSINESS**

#### **Supervisor's Requests**

Additional comments: request for weekly updates on all issues from staff and D.R. Horton, status of Phase 4 turnover, Phase 6 recreational pond.

### **THIRTEENTH ORDER OF BUSINESS**

#### **Public Comments**

Additional comments: purpose of painted areas on the pavement is for problem areas, new resident orientation, D.R. Horton paid for repaving two intersections, potholes, D.R. Horton is not responsible to put in all new roads after construction is done, speed humps, cattail removal methods, cut down speed bumps, trucks hit the speed humps and drop debris on the roads, after construction speed hump height will be revisited, objection to way agenda item to bid management services was presented, need for additional parking.

### **FOURTEENTH ORDER OF BUSINESS**

#### **Approval of Consent Agenda**

- A. Approval of the Minutes of the November 29, 2023 Meeting**
- B. Balance Sheet as of December 31, 2023 and Statement of Revenues and Expenses for the Period Ending December 31, 2023**
- C. Assessment Receipt Schedule**

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**D. Approval of Check Register**

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

**FIFTEENTH ORDER OF BUSINESS**

**Next Scheduled Meeting – March 27, 2024 at 6:00 p.m. at the Island Club**

Mr. St. Pierre stated the next meeting is scheduled for March 27, 2024 at 6:00 p.m. in the same location.

The meeting adjourned at 7:48 p.m.

DocuSigned by:  
*Darrin Mossing*  
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Secretary/Assistant Secretary

DocuSigned by:  
*Andre Poulin*  
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Chairman/Vice Chairman