

MINUTES OF MEETING
CANOPY
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Canopy Community Development District was held Tuesday, April 3, 2018 at 11:00 a.m. at Dorothy B. Oven Park, 3205 Thomasville Road, Tallahassee, Florida.

Present and constituting a quorum were:

Tom Asbury	Chairman
Gregg Patterson	Vice Chairman
John "Al" Russell	Assistant Secretary
Colleen Castille	Assistant Secretary

Also present were:

Darrin Mossing	District Manager by phone
Jennifer Kilinski	District Counsel
Alan Wise	District Engineer
Jill Burns	GMS by phone

FIRST ORDER OF BUSINESS

Roll Call

The meeting was called to order at 11:00 a.m. the roll was called but due to a technical difficulty with the recording equipment the recording picked up under the third order of business.

SECOND ORDER OF BUSINESS

Public Comment Period

Public comment was taken under this item.

THIRD ORDER OF BUSINESS

Organizational Matters

A. Acceptance of Resignation of Timothy Edmond and Appointment of Individual to Fill the Board Vacancy with a Term Ending November 2019

Ms. Kilinski stated we received an email from Timothy Edmond resigning from the board and the way we process that is we need the board to accept his resignation.

On MOTION by Mr. Russell seconded by Ms. Castille with all in favor Timothy Edmond's resignation was accepted.
--

Ms. Kilinski stated if we don't have anyone here for appointment to the board that is something we will continue to put on subsequent agendas.

- B. Administration of Oath of Office to Newly Appointed Board Member**
- C. Consideration of Resolution 2018-06 Electing Assistant Secretary**

FOURTH ORDER OF BUSINESS

Approval of the Minutes of the February 6, 2018 Meeting

Ms. Kilinski stated next is approval of the minutes of the February 6, 2018 meeting. Are there any comments on the minutes?

There being none,

On MOTION by Mr. Russell seconded by Ms. Castille with all in favor the minutes of the February 6, 2018 meeting were approved as presented.

FIFTH ORDER OF BUSINESS

Consideration of Financing Related Documents

- A. Resolution 2018-07 Delegated Award Resolution**

Ms. Kilinski stated item five is consideration of financing related documents. We are going to ask at the end of this meeting that it be continued to until April 12, 2018 at 10:00 a.m. We are not quite ready, but we anticipate being ready on April 12th.

- B. Collateral Assignment Agreement**
- C. Completion Agreement**
- D. True-Up Agreement**
- E. Other Documents**

SIXTH ORDER OF BUSINESS

Consideration of Consent to Representation and Conflict of Interest Waiver

Ms. Kilinski stated we have, in our original fee agreement, provided certain representation disclosures but I want to be absolutely clear with the board about our representation of Ox Bottom Mortgage Holdings on some of their development approvals with the city. My law partners have undertaken that work while our firm also represents the district. We don't believe there is a conflict

of interest but if there was a conflict of interest I would come to you and we would consider special counsel outside of our firm if a conflict arises.

On MOTION by Ms. Castille seconded by Mr. Asbury with all in favor the consent to representation and conflict of interest waiver was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2018-08

This item was pulled from the agenda.

EIGHTH ORDER OF BUSINESS

Consideration of Acquisition of Public Infrastructure

Ms. Kilinski stated you will see in your agenda package there is a fairly large package of documentation that is our typical acquisition package for improvements that have been constructed prior to the district having bond proceeds and that are public improvements under the district's adopted capital improvement plan. These documents are not in final form yet, as you go through the list the memorandum details the types of documents we will be looking for and we are putting together the package that will come before you for final approval. There are a couple improvements that we have on a faster timeline so I'm looking for two separate motions. One is to approve the documents in substantial form with authorization for staff to finalize the documents and continue working on those acquisition packages and we will bring those back to you for final approval before we actually acquire anything. The second is, there are certain infrastructure improvements in Unit 1 Phases 2 – 5 that need to go to the city relatively soon that they want to finally accept those improvements but the district needs to own those for some snapshot in time in order for the acquisition reimbursement to happen so those improvements I'm asking you for approval for us to go ahead so long as the documentation is in order. It is part of our capital improvement plan, you are going to have an engineer's certificate that they were built to the specifications, we have all the backup for the warranties, the releases, etc. to acquire those improvements and we would bring back the final packages to you for ratification. It may be that we have the time and can bring those to you prior to that but just in case I don't want to miss the opportunity for the district to acquire prior to conveyance to the City.

Mr. Wise stated before you vote on that I would like for full disclosure, on the items that are most pressing the infrastructure Unit 1 Phase 2 – 5 there is no real estate transaction and a few

of the documents in your package are related to real estate metes and bounds, sketch and legals and that kind of stuff for this first one those will be not applicable. The description of the improvements will be things like water, wastewater, drainage, roadway improvements along roadway from station to station so it will be a description that can be tied back to the permitted construction plans and as-builts as well as quantified enumerated described in the construction contract units and quantities and types of work items in the construction contract. They will be very clearly defined but it won't be as you may expect from metes and bounds legal description type of real estate. I have already received all that information, I am going through it now making sure that all the testing reports are up to snuff and things like that. Quite honestly when improvements are dedicated straight to the city the city's inspector is on top of things, they are receiving the testing reports weekly, bi-weekly and this is something I am getting caught up on since the district is accepting it before the city so I'm reviewing all of those testing reports and things like that.

Ms. Castille stated real estate remains with the district but the actual infrastructure get conveyed to the city.

Mr. Wise responded no, both the real estate and infrastructure will get conveyed to the city with the exception of the only thing that is going to remain with the district are a couple of stormwater management facilities and some alleyways that don't meet the city's roadway design criteria.

Mr. Asbury stated you are talking mainly about water and sewer.

Mr. Wise stated yes, water, sewer, the primary roadways, landscaping, drainage, inlets. I'm going to try to have it in time for the continued meeting so it can be included.

On MOTION by Mr. Patterson seconded by Ms. Castille with all in favor the documents for acquisition of public infrastructure were approved in substantial form and staff was authorized to finalize the documents and bring those back to a future meeting for approval and the acquisition of certain infrastructure in Unit 1 Phase 2-5 was approved.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being none, the next item followed.

B. Engineer

Mr. Wise stated progress is going well on the dam and I'm going to try to get with the CEI, RS&H, this week, there is the potential that we will need some extra time. There are a few items we have had to go back to the engineer of record, the designer of the dam, to get some clarification and additional information on. Those items have been the source of delay outside anyone's control and for the record there is a concrete mix design that has been floating out there that hasn't yet been approved. There is a weep hole system underneath the spillway to let any groundwater spill out from underneath and also if you remember one of the things we tried to do from the beginning was remove the concrete collars on some of the pipes. We have been able to work through that it just has been time consuming. Again, I'm going to get with the CEI and try to figure out if there is any needed time extension, which my gut is telling me there is, but I will try to bring that back as soon as we can as well as appropriate documentation justification. The dam is built out with the exception of the spillway, which has been the source of the majority of our delays since we haven't been able to get started on the spillway because the additional information and clarification needed from the engineer of record has been related to that spillway.

Ms. Castille asked what is the length of the dam?

Mr. Wise responded about 1,500 feet.

Mr. Russell asked when do you think the spillway will be completed?

Mr. Wise responded within 2 months depending on what information I get from the CEI this week.

C. Manager**i. Balance Sheet and Income Statement**

A copy of the balance sheet and income statement were included in the agenda package.

ii. Ratification of Funding Request No. 5

On MOTION by Ms. Castille seconded by Mr. Russell with all in favor funding request no. 5 in the amount of \$4,664.45 was ratified.

iii. Consideration of Funding Request No. 6

On MOTION by Mr. Russell seconded by Ms. Castille with all in favor funding request no. 6 in the amount of \$9,335.85 was approved.

Mr. Mossing stated I'm sorry we were not able to attend the meeting today, but we are working diligently on the various bond documents related to the district manager and with the continuation of the meeting we thought it would be best to continue the efforts for this meeting.

TENTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

ELEVENTH ORDER OF BUSINESS

Supervisors Requests

Mr. Asbury stated the Easter egg hunt was really well done and the community really appreciated it.

On MOTION by Ms. Castille seconded by Mr. Patterson with all in favor the meeting was continued to April 12, 2018 at 10:00 a.m. in the same location.

Secretary/Assistant Secretary

Chairman/Vice Chairman