

Minutes of Meeting
Canopy
Community Development District

The regular meeting of the Board of Supervisors of the Canopy Community Development District was held Tuesday, August 6, 2019 at 11:00 a.m. at Dorothy B. Owen 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
Lauren Gentry	District Counsel
Darrin Mossing, Jr.	GMS
Abraham Prado	GPI
Six Residents	

FIRST ORDER OF BUSINESS

Roll Call

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

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Marsinac stated the people in the neighborhood have some concerns; one is landscaping that seems to be done on occasion not on a regular basis, especially near the mailboxes, which is overgrown. There is trash everywhere from the contractors in the surrounding area. My backyard is a big contract now; that is where they are building Dave and Busters. Along with that the pond behind my home got a great start where they fixed part of my backyard concerning the slope, but it stopped, they got so far then stopped. The other concern is the clubhouse, we were originally promised it by this summer, and it doesn't look like it is close. Also, we addressed Jason Ghazvini concerning the possible use of the pool of the rental apartments next door. They have access to our Crestline Road as a racetrack to their back entrance, and we would love someone to

tell them to close that gate because that is an issue. Is there any way we can have access to their pool area?

Mr. Asbury stated we agree with you on the overgrown landscaping. We have now asked Persica to start doing that more often and have entered into a more formal agreement with them to get that done. I think for the summer if it is not every week it is every two weeks they will be out there, and they will be mulching and weeding and keeping it up. I didn't realize we hadn't gotten Persica on a steady schedule.

The clubhouse has been a struggle mainly because of permitting. When we had the issue with pond no. 2, the pond behind your house, it was in the paper and everyone paid a lot more attention to it and they got extremely conservative, meaning Northwest Florida Water Management District and the City of Tallahassee. We redid a lot of the calculations when they did that and they determined we didn't have the volume for the clubhouse in that pond, which we disagreed with. I still disagree, we are monitoring the pond today and I think we are going to find that there is plenty of volume in that pond but that didn't help me because I couldn't prove it. There are gauges out there now and we are trying to prove it. I said let's take it to Dove Pond. We had permitting for the dam and we thought when they permitted the dam that they had gotten the Environmental Management Permit for it, it was part of it, the city disagreed, they said no, it is not part of that. We then had to hire another engineer that did the original design of it to get them to come in and do the MP that took months. I don't know if anyone has walked down the gas line there is a hole down there at the end of Education Lane and we got Northwest Florida and the City of Tallahassee to agree that we could use that area for storage for the drainage of the clubhouse area. We just submitted last week for the clubhouse, we asked for a clearing permit so that we can at least start clearing and grading and we think the city will give us that relatively quickly. We also have to get an ERP from Northwest Florida, but they have agreed to also accept that area. We think that will go fairly quick. The engineer doing that is sitting here. It gets one step ahead and then knocked back. I would have expected that we would have started already, I actually borrowed the money to build it in November and have been paying interest since then and I haven't had a permit so that I could build it.

We are a CDD we have to bid it and they advertised it last week, the bid documents went out Monday, we expect to have the permit and bids and award the bid at the end of this month and mid-September they will start clearing it. The design of the clubhouse kept changing because of

what the city was doing so that got held up, but we think we have that done, the pool is designed. My goal in the very near future is to have a homeowners meeting with everyone and let them know the design of the pool, the design of the clubhouse, where the tennis courts are, everything about it. I hope within the next 30 days to have that put together so that everybody can see that. We should start clearing by mid-September. Hopefully, we will have a complete permit about the same time so that we not only can clear we can put the underground in and get the parking lot in.

You asked about the apartments, we are very friendly with them and we hope by tomorrow to actually hear whether they are going to allow us to do that and how we would actually do it. They would give us a fob and how we would go about doing that. We will have to be careful that we don't overwhelm the pool with all our people and get them upset. We just need to be sensitive to that. Assuming they allow us to do it we are going to try to create some parking where the church site is across from them so you can park there and walk into the pool because there is no parking there.

The raceway, do they leave that gate open all the time?

Ms. Marsinac responded all the time.

A resident stated I live across from it and they are still working on it. They have been working for the past two weeks, they poured concrete for the median and they are trying to get it up and running. Also, people don't look both ways when they come out of there.

Mr. Asbury stated I will talk to them and maybe they will put in a sign saying to look in both directions, people live here, there are children, whatever, to try to get them to slow down. The folks who run that are pretty good and care about what they are doing, and the owner lives in Tallahassee and he cares about what he does.

Ms. Marinac stated maybe we can put a speed limit sign of 15 mph so people will slow down.

Ms. Gentry stated the engineer just clarified that the city owns the roads through the district so we would have to get in touch with them about putting up signs. Also, there are a few different players involved in the development of the CDD, the developer, the contractors performing work and the CDD itself. The developer is separate from the CDD, but they work closely together under different contracts and trying to make sure everything runs seamlessly and Tom is speaking from both.

Mr. Asbury stated I am on the CDD board but most of what I said here is from the developer's standpoint.

Ms. Gentry stated the CDD works closely with the developer to make sure that things are running seamlessly, and everything works well together. Since the development is still being built the developer is heavily involved at this point. The CDD will have a contract with the builder of the clubhouse itself. That is why it has to be publicly bid and that causes a little bit of a delay while we get all the responses, evaluate those at a public meeting and then formally award a contract probably at the September meeting.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the July 9, 2019 Meeting

On MOTION by Mr. Russell seconded by Ms. Castille with all in favor the minutes of the July 9, 2019 meeting were approved as presented.

FOURTH ORDER OF BUSINESS

Public Hearing

A. Consideration of Resolution 2019-11 Adopting the Fiscal Year 2020 Budget and Relating to the Annual Appropriations

On MOTION by Mr. Asbury seconded by Mr. Patterson with all in favor the public hearing was opened.

Ms. Gentry stated we are required by statute to have a public hearing to adopt the budget each year. The district in accordance with Florida Statute before June 15th approved a proposed budget that has been posted online and today, we will have the public hearing to consider any comments to that budget, discuss any revisions that might need to be made and formally adopt it. The district manager will walk us through the budget and any amendments that might need to be made, the board will hear all objections to the budget as proposed and make any changes the board deems necessary, this will be an opportunity for the public to comment and at the end of the budget hearing the board will by resolution adopt the budget.

Mr. Mossing stated the budget was enclosed in the agenda package and it is very similar to your fiscal year 2019 budget. The first part of the budget is the general operating budget and the only difference between 2019 and 2020 is there is an additional 54 platted lots that will receive

their \$344 operating and maintenance assessment on their November 1, property tax bill. Last year the 93 lots that were platted and developed received the operating and maintenance assessment on their tax bill.

Mr. Asbury stated you are saying there is no change from last year to this year.

Mr. Mossing stated not for the assessments; \$344 is what the property owners paid this year and that is what we are proposing for next year. The budget anticipates the amenity center being open the last quarter of the fiscal year, which is July, August and September and that may be optimistic at this point. All the line items are basically the same, the assessment is the same for the general fund. The narrative section explains the various line items that went into the budget. Beginning on page 12 are the various debt service fund budgets. The district has four separate bond issues and the difference in the proposed 2020 budget is last year we adopted a debt service fund budget prior to actually issuing the bonds. If you look at the budget that was adopted the numbers don't match up very well because the bonds weren't actually issued at that time but were issued November 8, 2018, now these numbers are the actual principal and interest payments included in this budget and the assessments that secure the repayment of those bonds.

We will open it up for board discussion then the public in attendance.

Ms. Castille asked if we have 93 lots in the first budget plus the additional 54 lots in the second plat and there is no change, did we anticipate all the lots when we calculated the budget?

Mr. Mossing stated the way that operates is there is a developer contribution line item and when we put together the budget whatever is not covered under assessments placed on the platted lots is the responsibility of the developer. We will be asking the board to approve a developer deficit funding agreement so whatever expenses are not covered by the assessments we collect from the tax collector and the direct assessment for the undeveloped property we will send a funding request to the developer.

Mr. Russell stated I don't see anything that alarms me. The money won't be spent on pool attendants until there is a pool.

Ms. Marinac asked will the assessment change greatly after the clubhouse and pool are built?

Mr. Mossing stated yes, it is anticipated that the operating assessment would go up in the future once the amenity center gets up and running because the costs will increase significantly.

Ms. Marinac stated as the clubhouse and amenities get built more lots will be developed.

Mr. Mossing stated the assessment placed on each individual home will be proportionate to their responsibility of the overall operating cost.

Ms. Marinac stated it is done on a yearly basis based on how many lots are occupied. We have 147 lots and by the time the pool is done we may have 250 lots that are done.

Mr. Mossing stated I believe the developer has been disclosing to buyers that their annual assessment would not exceed \$1,600 per year. Right now a smaller lot would be \$344 plus the \$450 and if you have a larger lot you are at \$1,200. It is anticipated there is a potential \$400 increase at some point in the future. It is an operating assessment and is considered every year based on an updated budget each year.

Mr. Asbury stated as more houses get built the amount of money the developer has to contribute to keep everything up goes down. The homeowners don't change it is the developer's side that slides. Somewhere in the future that assessment could go up some more depending on what is going on and if people ask for more amenities or you want to maintain things differently then we sit down and figure it out and make a decision to spend another \$50 each to do whatever, but that is in the future.

Mr. Russell stated we work with the developer, but we also take very seriously that we also represent everyone who lives out here and we want to be transparent with anything we do. I take this fiduciary responsibility very seriously.

Mr. Mossing read Resolution 2019-11 by heading: The annual appropriation resolution of the Canopy Community Development District (District) relating to the annual appropriations and adopting the budget for the fiscal year beginning October 1, 2019 and ending September 30, 2020, authorizing budget amendments; and providing an effective date.

On MOTION by Mr. Patterson seconded by Ms. Castille with all in favor Resolution 2019-11 was approved.
--

B. Consideration of Resolution 2019-12 Imposing Special Assessments and Certifying an Assessment Roll

Mr. Mossing stated the next item is consideration of Resolution 2019-12 imposing special assessments and certifying an assessment roll. This resolution is what levies your operating and maintenance assessment that has been set at \$344 per platted lot.

Ms. Gentry stated even though there is no increase you are still required to do this levying process. You are also certifying the collection roll to the tax collector so they can collect on the tax bill. There was one modification to the assessment resolution. There was one sentence in the direct bill assessment section that was left over from last year. In section 2B there was a line that said, so long as assessments are made pursuant to the direct bill collection schedule the district hereby waives any penalties and interest associated with delinquent direct bill assessments. This was a procedural line that was added last year that no longer applies this year, we want to preserve the district's ability to use all the legal tools available to it. If there is no further discussion on that the board would make a motion to adopt the resolution as revised.

On MOTION by Mr. Patterson seconded by Ms. Castille with all in favor Resolution 2019-12 was approved as revised.

On MOTION by Ms. Castille seconded by Mr. Patterson with all in favor the public hearing was closed.

FIFTH ORDER OF BUSINESS

Consideration of Direct Collection Agreement for Fiscal Year 2019-2020 with Ox Bottom Mortgage Holdings, LLC

Mr. Mossing stated the next item is the direct collection agreement for fiscal year 2019//2020 with Ox Bottom Mortgage Holdings, LLC. As part of the funding of the budget is a direct assessment that is basically the undeveloped property paying their portion of the administrative budget from which they benefit, and we enter into a collection agreement between the district and the developer.

Ms. Gentry stated the lots that have not been platted and sold to homeowners that can pay on the tax bill, the undeveloped land has assessments on it they still have to pay their share but that is done by sending them a direct bill and they pay directly to the district. The developer is agreeing to use that process to pay its share of assessments on the land that hasn't been developed yet.

On MOTION by Ms. Castille seconded by Mr. Russell with all in favor the fiscal year 2020 direct collection agreement with Ox Bottom Mortgage Holdings, LLC was approved.

SIXTH ORDER OF BUSINESS**Consideration of Landowner Funding Agreement for Fiscal Year 2019-2020 with Ox Bottom Mortgage Holdings, LLC**

Mr. Mossing stated next is consideration of landowner funding agreement for fiscal year 2019/2020 with Ox Bottom Mortgage Holdings, LLC. We discussed this briefly as part of the budget process and this is the deficit funding agreement for any of the district's operating expenditures that are not covered by assessments will fall on the responsibility of the developer who has agreed to fund those shortfalls. This is the same agreement we entered in for this fiscal year.

On MOTION by Mr. Patterson seconded by Ms. Castille with all in favor the landowner funding agreement for fiscal year 2020 with Ox Bottom Mortgage Holdings, LLC was approved.

SEVENTH ORDER OF BUSINESS**Staff Reports****A. Attorney**

Ms. Gentry stated you heard earlier that we did publish the amenity center site work RFP and expect to have proposals back from that for the board to consider at their next meeting.

Now that the legislative session is completed all the laws that were going to be adopted have been adopted. Our office has been working on revised rules of procedure for the district and we will have a public hearing to adopt them, but they will incorporate any changes that were made so we can stay up to date with the most current law. There were laws passed about internal controls to prevent fraud and abuse and we will be working with the district manager and auditor to develop those for you. There were rules about the auditor selection committee composition, and we will just change the rules to reflect those changes. I hope to have the draft rules for you to see at the next meeting.

A resident asked could the CDD have their next meeting be put on the Canopy of Dates page?

Ms. Gentry stated our meetings are all noticed in the newspaper and on the CDD website. As far as posting that to another website we don't prevent that but as a practice it isn't possible for us to know everywhere someone might want to access the information. If a resident wants to put it on a website that is fine.

Mr. Mossing stated one of the items we are going to consider at this meeting is the annual meeting notice for the next fiscal year. This district meets on the first Tuesday at 11:00 a.m. at this location.

B. Engineer

Mr. Prado stated the exception to the meetings is next month we meet on September 10th, which is when we will bring the bids to the board for consideration of the amenity center site work; the underground infrastructure. That was advertised, plans are ready for pickup and bids will be received on the 30th and brought to the board for consideration on September 10th.

We will be doing the baseline monitoring for the Dove Pond Wetland restoration, your environmental consultant, Florida Environmental Services, will be doing the baseline monitoring to DEP as part of your permit compliance. I anticipate in the next couple of weeks they will be out there doing that work and submitting that to DEP.

Mr. Russell asked are we pretty much complete with Dove Pond as far as the dam?

Mr. Prado stated I think there are still some as-builts, you are still missing a final change order to be brought to the board to close out that contract, but you don't have your certifications to the city or water management is my understanding. From a functional perspective it is done.

Mr. Asbury stated I think Moore Bass is doing the as-built on the pond. I talked to them last week and they are out there doing it. I'm hoping in the next week or so it will be done and once complete that pretty much closes it out. There were some minor things about the finishing the top of the pond but there will be a trail that will go all the way around the pond and in order to build that trail on the east side of the pond we are going to have to cross the dam to do it and there was no sense in sodding the top of the dam when you know you are going to be putting that across it.

C. Manager

i. Approval of Check Register Summary

On MOTION by Mr. Patterson seconded by Mr. Russell with all in favor the check run summary was approved.
--

ii. Balance Sheet and Income Statement

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

iii. Consideration of Capital Funding Request no. 10

On MOTION by Ms. Castille seconded by Mr. Russell with all in favor capital funding request no. 10 in the amount of \$10,688.79 was approved.

iv. Approval of Fiscal Year 2020 Meeting Schedule

On MOTION by Mr. Patterson seconded by Mr. Russell with all in favor the notice for the fiscal year 2020 meetings to be held on the first Tuesday of the month was approved.

EIGHTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

NINTH ORDER OF BUSINESS

Supervisors Requests

There being none,

On MOTION by Mr. Russell seconded by Ms. Castille with all in favor the meeting adjourned at 11:49 a.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman