

**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 4, 2020** at 11:00 a.m. via Zoom Teleconference.

Present and constituting a quorum were:

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

Also present were:

Darrin Mossing	District Manager, GMS
Jennifer Kilinski	District Counsel
Lauren Gentry	District Counsel
Darrin Mossing, Jr.	GMS

FIRST ORDER OF BUSINESS

Roll Call

Mr. Mossing called the meeting to order 11:04 a.m. and called the roll.

SECOND ORDER OF BUSINESS

Public Comment Period

There being none, the next item followed.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the July 7, 2020 Meeting

Ms. Gentry stated we sent a small revision to reflect that the meeting did not continue past the interruption point.

On MOTION by Ms. Castille seconded by Mr. Russell with all in favor, the Minutes of the July 7, 2020 Meeting, were approved as amended.

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FOURTH ORDER OF BUSINESS

Public Hearing

A. Consideration of Resolution 2020-12 Adopting the Fiscal Year 2021 Budget and Relating to Annual Appropriations

On MOTION by Ms. Castille seconded by Mr. Patterson with all in favor, the Public Hearing was Opened.

Mr. Mossing gave an overview of the budget process and the proposed fiscal year 2021 budget, which is basically the same as fiscal year 2020 with adjustments made for the landscape maintenance contract and wetland maintenance and mitigation; the assessments will remain the same with the balance of the budget being funded through a developer funding agreement.

Mr. Asbury stated we anticipated that the assessment for maintenance of the landscaping and amenity center would reach somewhere around \$750 a year and I think we are at \$344 and the reason is we don't have the amenity center open, but once we do we will need to increase the assessments from \$344 to \$700+ to cover the costs of that.

Mr. Patterson asked what is the status of the amenity center?

Mr. Asbury stated they are supposed to start preparing the foundation this week. We finally got a permit to build and we are waiting on the permit for the pool. We are probably six-months out from having it finished.

Ms. Castille asked under the administrative section is the engineering for getting the pool and amenity center up and running or stormwater ponds, etc.?

Mr. Asbury stated this is just for the engineer to come to our meetings, review what is being done in the district and it is for the board.

Mr. Patterson asked while we are waiting on the pool permit, we are doing other work on the other amenities?

Mr. Asbury stated we are building the clubhouse and the pool will be started before we finish the clubhouse and that will come together about the same time.

Ms. Castille asked what about the pickleball courts, is that the same time?

Mr. Asbury responded yes that will be done and the tennis court. We are amending the plan to put in a tennis court so we will have two pickleball courts and one tennis court.

Ms. Castille asked is that something the community asked for?

Mr. Asbury responded yes.

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Mr. Patterson stated under expenses there is supervisor’s fees and FICA and so forth and I want to clarify there are no supervisor fees.

Mr. Mossing stated you are correct. We have it in the buildout budget and once the residents control the board of supervisors it is common for them to accept the \$200 per meeting fee and that is for the buildout budget purposes. Currently, none of the supervisors have accepted the supervisor’s fee allowed, which is \$200 per meeting. The budget amount for fiscal year 2021 will be zero but the buildout budget to the far right has the full \$12,000.

There being no questions or comments from the public, the board took the following action.

On MOTION by Mr. Patterson seconded by Ms. Castille with all in favor, Resolution 2020-12 Adopting the Fiscal Year 2021 Budget and Relating to Annual Appropriations, was approved.

B. Consideration of Resolution 2020-13 Imposing Special Assessments and Certifying an Assessment Roll

Mr. Mossing stated now that the budget has been adopted, we have a resolution to levy your operating and maintenance assessments. The operating and maintenance assessment is an annual assessment that needs to be revisited each year; your debt service assessments were levied at the time when you issued the bonds and this resolution is related to the operating and maintenance assessment.

On MOTION by Ms. Castille seconded by Mr. Asbury with all in favor, Resolution 2020-13 Imposing Special Assessments and Certifying an Assessment Roll, was approved.

On MOTION by Ms. Castille seconded by Mr. Asbury with all in favor, the Public Hearing was Closed.

FIFTH ORDER OF BUSINESS

Consideration of Direct Collection Agreement for Fiscal Year 2021 with OX Bottom Mortgage Holdings, LLC

Mr. Mossing stated there is a significant portion of your operating and maintenance and debt service assessments that are directly collected by the district versus utilizing the Leon County tax collector to collect the assessments on the property tax bills. It gives more flexibility with the

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major landowner and allows them to pay their assessments in installments, which will be an attachment to that agreement.

On MOTION by Ms. Castille seconded by Mr. Patterson with all in favor, the Direct Collection Agreement for Fiscal Year 2021 with OX Bottom Mortgage Holdings, LLC, was approved in substantial form subject to staff adding all the appropriate exhibits and finalizing the agreement with the developer.

SIXTH ORDER OF BUSINESS

Consideration of Landowner Funding Agreement for Fiscal Year 2021 with OX Bottom Mortgage Holdings, LLC

Mr. Mossing stated this agreement is basically a deficit funding agreement so if our operating expenditures in the general fund exceed our operating and maintenance assessments and our direct collect assessments, the developer is agreeing to fund all those additional costs.

Ms. Castille asked did that happen last year?

Mr. Mossing responded I don't think so. I believe the assessments covered the operating and maintenance expenses and the developer was directly paying the maintenance costs of the landscaping. That landscape maintenance contract is now with the district.

On MOTION by Mr. Russell seconded by Ms. Castille with all in favor, the Fiscal Year 2021 Funding Agreement with OX Bottom Mortgage Holdings, LLC was approved.

SEVENTH ORDER OF BUSINESS

Update on Welaunee Boulevard Interlocal Agreement

Ms. Gentry stated this is on the agenda for a placeholder so we can give the board updates as they come up. There are no significant updates at this point other than the RFP for Segment 3B was advertised on July 24th and GPI is running that RFP process. Bids are due August 25th and we will schedule a board meeting sometime shortly after that to evaluate those bids and look at any potential cost savings that might arise based on the bids that come in versus what was projected in the interlocal agreement. Once we have the bids in hand we will have a better picture of where we stand in relation to the interlocal agreement and negotiating with the city and Blueprint.

Mr. Asbury stated we have a meeting scheduled for September 1.

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Ms. Gentry stated we can have the board consider the bids at that meeting, a week after the due date.

Mr. Asbury stated the city and Blueprint meet mid-September.

Ms. Gentry stated if we do that at the September 1st meeting that should work nicely.

Mr. Patterson asked assuming everything goes according to schedule, when will we start construction on the boulevard and what is the length of construction?

Mr. Asbury stated if the IA meeting goes correctly, I would hope that the negotiations could happen with Blueprint to agree to fund the amount for the one that was approved earlier and I hope we can start by October 1st and it should be done in 120 days.

Ms. Gentry stated the date of the IA meeting is September 17th so we will have a quick turnaround for the board evaluating the proposals, choosing a contractor and us getting back in touch with the city and Blueprint so everything can be worked out with them on their next agenda.

EIGHTH ORDER OF BUSINESS

Consideration of Agreement with Sandco to Maintain Proposal Pricing for Welaunee Boulevard Segment 3A and Segment 2 Turn Lanes Project

Ms. Gentry stated as the board may be aware as part of our RFP process we do require bidders to certify that they will hold their pricing for 120 days following the bid opening. In this case when the board awarded the contract to Sandco for Segment 3A and Segment 2 Turn Lanes their pricing is currently held until the first half of September. To give us some more time to work out the funding issue we are proposing to request that they hold their pricing for an additional 80 days until December 1st. We are hoping to have everything worked out well in advance of that, but this will give us an additional cushion to get the funding source negotiated, get those contracts signed and have everything in place. We are looking for approval of this agreement in substantial form and authorization for staff to finalize it with Sandco.

<p>On MOTION by Mr. Patterson seconded by Mr. Asbury with all in favor, the Agreement with Sandco to Hold their Pricing for Welaunee Boulevard Segment 3A and Segment 2 Turn Lanes Project, was approved in substantial form and staff was authorized to finalize the agreement with Sandco.</p>

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NINTH ORDER OF BUSINESS

**Consideration of Resolution 2020-14
Authorizing Commencement of Boundary
Amendment Proceedings**

Mr. Asbury stated the commercial properties will be contracted out of the district; they really don't have anything to do with the recreational amenities, but we do have an agreement with the commercial association to pay money to the district for the maintenance of the front entrance and landscape maintenance. They do pay money to the district, but it is done through an agreement with the commercial association and not through the CDD.

Ms. Gentry stated basically, this resolution is authorization from the board for staff to initiate the process that it takes to do that boundary amendment, which requires filing a petition with the City of Tallahassee, since they are the entity that established the district and there is associated legal and engineering work to get the surveys. We were sent a legal description this morning, which shows the land is approximately 10 acres that is being contracted and the exhibits will be added to the resolution as well. This resolution kicks off the process, gives staff authorization to take all the actions needed to proceed with that. Under the next agenda item there is a funding agreement with the developer to cover the costs necessary to facilitate this process.

Mr. Mossing stated I think it is important to note that this property was never contemplated in our operating and maintenance assessment program or our debt service assessment program. The removal of this property would have no impact on the residents or future residents planned assessment levels.

On MOTION by Mr. Asbury seconded by Ms. Castille with all in favor, Resolution 2020-14 Authorizing Commencement of Boundary Amendment Proceedings, was approved.

TENTH ORDER OF BUSINESS

**Consideration of Boundary Amendment
Funding Agreement**

Mr. Mossing stated in this agreement in which the developer agrees to fund all the costs associated with the completion of the boundary amendment and removal of the commercial property from the boundaries of the district.

Ms. Castille asked will the City of Tallahassee and the commercial groups pay for their own landscaping?

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Ms. Asbury responded on their property, yes. The commercial association is there to manage the commercial and there is a funding mechanism because they get the benefit of the front entrance, the benefit of the flowers, and maintenance of the roadway that the city does not do. We put it in place so they would pay money to the district.

Ms. Gentry stated this funding agreement references any fees the city may charge to go through the process, it covers legal and engineering fees, all those expenses that the district would have borne to make the boundary amendment happen, the developer agrees to fund that.

Ms. Castille stated then it is the association agreement that they commit to paying for the landscaping.

Ms. Gentry stated once it is out of the district how the landscaping is funded is a separate matter. Tom mentioned it may be funded through the commercial property association agreements, but that would be a separate matter.

Ms. Gentry stated just for reference there are blanks on the first page for the acreages, we were waiting on the legal description at the time the agenda went out and those acreages will be filled out consistent with the exhibits that were sent this morning, which Darrin can circulate to the board.

On MOTION by Mr. Russell seconded by Ms. Castille with all in favor, the Boundary Amendment Funding Agreement was approved.

ELEVENTH ORDER OF BUSINESS

Consideration of Work Authorization with Conn for Clubhouse Design

Mr. Mossing stated the work authorization was enclosed in your agenda package and is for \$5,300 for the redesign of the clubhouse.

Mr. Asbury stated there were some things that had to be redone as they were doing the plan, we made some changes to it. When you make one change it affected the engineer and the plumber had to come back in and it is just reworking some of the clubhouse.

On MOTION by Mr. Asbury seconded by Ms. Castille with all in favor, Work Authorization No. 3 with Conn & Associates for the Redesign of the Clubhouse, was approved.

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

Ms. Gentry stated Governor DeSantis recently issued a new executive order extending the quorum waiver until September 1st for general meetings so we will proceed under that and update you if there are any other extensions.

Mr. Asbury stated our meeting is on September 1st. Does that mean it is expired and can't have a Zoom meeting on September 1st?

Ms. Gentry stated let me look at the executive order and see if there is a time. Sometimes they give a specific time of day when they expire, but assuming it stays in place for the full day we would be able to have a Zoom meeting. What we have been doing for your meeting notices up to this point is including language that accounts for both possibilities so we say if we are able to have it in person it will be at this location, our office is currently being used as that location because Dorothy B. Oven is not taking reservations, but we say if we are able to meet by Zoom here is the connection information. I anticipate we will do that again to cover all our bases.

B. Engineer

There being none, the next item followed.

C. Manager**i. Approval of Check Register Summary and Requisition Summary**

On MOTION by Ms. Castille seconded by Mr. Patterson with all in favor the check run summary in the amount of \$18,022.86 and requisition summary in the amount of \$1,173,526.45 were approved.

ii. Balance Sheet and Income Statement

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

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iii. Approval of FY20 Funding Requests 5 & 6

On MOTION by Mr. Russell seconded by Ms. Castille with all in favor fiscal year 2020 funding request 5 in the amount of \$27,009.13 & funding request 6 in the amount of \$7,100.00 were approved.

iv. Consideration of Resolution 2020-10 Approving the Date, time and Location of the Landowners Meeting and Election

Mr. Mossing stated the district is required to have a landowners meeting and election in the month of November. Your regularly scheduled meeting is November 3rd and we recommend you conduct the landowners meeting on that same day, just prior to your regularly scheduled meeting. There are certain attachments to that resolution that the district is required to discuss with the board at a public meeting. There is the actual notice of the meeting, information regarding the landowners meeting and election process including the instruction for members of the public on how that meeting will be conducted and there is a landowner proxy so that if an owner of property cannot be in attendance they can have a proxy completed and have someone attend that meeting and vote on their behalf at that meeting.

Ms. Gentry all the exhibits Darrin mentioned are included behind the resolution. There are three seats up for election and those three seats that will be considered are David Brady, Collen Castille and Tom Asbury's seats. We do need to set a time and place.

Mr. Asbury stated the landowner controls the board for the first six years and after that when there are at least 250 registered voters then it transitions, and two seats will be filled in the general election and one seat will be landowner elected.

Ms. Gentry stated at this time we are still in the landowner election control period of the district.

Mr. Mossing stated it is anticipated that in 2024 two board members will be elected by qualified electors of the district, which means a resident of the district who is registered to vote in Leon County. At the last count by the supervisor of elections we had 180 registered voters and there is no doubt that by 2023 you will meet both requirements to convert to a general election.

On MOTION by Ms. Castille seconded by Mr. Russell with all in favor Resolution 2020-10 designating November 3, 2020 at 11:00 a.m. as the landowners meeting and election was approved.

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v. Approval of Fiscal Year 2021 Meeting Schedule

On MOTION by Ms. Castille seconded by Mr. Asbury with all in favor the fiscal year 2021 meeting schedule reflecting meetings on the first Tuesday of the month was approved.

THIRTEENTH ORDER OF BUSINESS Other Business

There being none, the next item followed.

FOURTEENTH ORDER OF BUSINESS Supervisors Requests

There being none, the next item followed.

FOURTEENTH ORDER OF BUSINESS Adjournment

On MOTION by Ms. Castille seconded by Mr. Asbury with all in favor the meeting adjourned at 12:09 p.m.

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Darrin Mossing Jr
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Secretary/Assistant Secretary

Chairman/Vice Chairman