

Minutes of Meeting  
Canopy  
Community Development District

The regular meeting of the Board of Supervisors of the Canopy Community Development District was held Wednesday, August 10, 2022 at 6:00 p.m. at the Canopy Amenity Center, 2877 Crestline Road, Tallahassee, Florida.

Present and constituting a quorum were:

Tom Asbury	Chairman
Gregg Patterson	Vice Chairman
John "Al" Russell	Supervisor
David Brady	Supervisor

Also present were:

Jim Oliver	District Manager
Jennifer Kilinski	District Counsel
Laura Kalinoski	Events Coordinator
Several Homeowners	

**FIRST ORDER OF BUSINESS**

**Roll Call**

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

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

Ms. Alston stated I believe the community made it quite clear at the last meeting that we prefer that funds not be expended to hire a lifestyle director based on numerous incidents encountered by residents at the amenity center. We believe the \$35,000 allocated to staff should be spent for an onsite amenity center manager to be at the center during its open hours. This will enhance security and safety as well as have onsite personnel to oversee the facilities for rental reservations. The community is in the process of organizing a social events committee, we already have three people on the committee who have met and are putting together a plan, cost structure and calendar of events to present to the CDD board for approval by the end of September.

Referring to Resolution 2022-08 that paragraph deals with the notification of CDD meeting dates and it clearly states notification is to be mailed to the landowners within the district. We

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have never gotten a mailing on when dates are. The ad hoc committee has taken upon itself to put signage up throughout the community when a meeting is coming up. But if it is required, you should know it is not happening.

Mr. Oliver stated when we get to that resolution, the attorney will explain it.

Ms. Alston stated regarding the incidents at the amenity center, I have statements from several homeowners including myself, of incidents that we have been privy to and been exposed to that we would like to ask be put into the record.

Mr. Oliver stated if that ever comes up, you can send that to me immediately and we can deal with it in real time.

A resident stated I come to the pool about four times a week. I think we need the rules posted better because there are clearly some folks who don't know them and don't follow them. Who is the authority if we encounter a situation?

Mr. Oliver stated as we all know it is an unstaffed facility, which is the case at many CDD and HOA communities. We will talk tonight as we go through the budget of brining on a parttime amenity manager during FY23 and hopefully, that will transition into a full-time amenity manager in FY24 and beyond as we go eventually to a 1,000 home sites. Between our policies and staffing onsite we will be able to enforce these policies. Probably one of the biggest hammers that we have to enforce policies is if people can't follow the policies this board has the right to suspend them from access to these facilities and that is common for all of our CDDs.

A resident stated there have been people with bottles, smoking, dogs and it would help if the rules were posted out front and we have a lot of problems with the gate being propped open. I emailed the HOA about the possibility of putting an alarm in so if the gate is propped open after two minutes an alarm would sound and be annoying, so people won't leave the gate propped open.

Mr. Oliver stated I think that is a good idea. Rhony did share with me earlier this week or last week some of these same issues you brought up. I had contact from residents throughout the month about glass on the pool deck. As soon as I find out about something like that, I consult with Tom who gets in touch with the appropriate people to get it cleaned up.

A resident stated I know you are not onsite, but one of my neighbors said that she questioned the people doing some of the inappropriate behavior and they yelled at her. There is no immediate recourse for that.

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Mr. Oliver stated we can talk about this for a long time and maybe outside the meeting, but if there is a matter of public safety there is nothing wrong with calling the police department non-emergency number. Unfortunately, in this society we are in now there are so many people who want to get confrontational and if you observe that it is probably better not to get into a discussion with those type of people. It will get better. Every issue that we have heard about this district, I have seen in other districts and it does get better. The more people you have living here those incidents actually reduce, because more people are aware of what the policies are and there are groups of friends that are using the pool or working out and the norms are set. Having a parttime staffer here is going to help with that, it is not going to cure everything.

Mr. Asbury stated everything is videoed and we do have a monitor as people use their fob to get in, we know who it is. If you knew somebody who was behaving poorly and if we knew approximate time that they were, if you can let us know, then maybe we will be able to figure out who it was.

**THIRD ORDER OF BUSINESS      Affidavit of Publication**

A copy of the affidavit of publication of the public hearing was included in the agenda package.

**FOURTH ORDER OF BUSINESS      Approval of the Minutes of the July 18, 2022 Meeting**

On MOTION by Mr. Patterson seconded by Mr. Russell with all in favor the minutes of the July 18, 2022 meeting were approved as presented.

Mr. Brady joined the meeting at this time.

**FIFTH ORDER OF BUSINESS      Consideration of Resolution 2022-08  
Resetting the Public Hearing Date to Adopt  
the Fiscal Year 2023 Budget**

This item taken up at a previous meeting.

**SIXTH ORDER OF BUSINESS      Fiscal Year 2023 Budget**

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Ms. Kilinski stated I want to address a comment that was made earlier. The only notices that are required is if you are doing an assessment increase and you haven't previously been provided direct mail notices. There is no direct mailed notice required for regular board meetings; you only have to do one annual publication. Most people don't look at the newspaper and mailing to you would cost about \$5,000 a mailing so you don't want to pay for that either. Usually, the best information you can get would be on the district's website. Also attending these meetings and knowing that we meet regularly, and we are going to adopt an annual meeting schedule tonight.

On MOTION by Mr. Asbury seconded by Mr. Brady with all in favor the public hearing was opened.
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#### **A. Overview of Budget**

Mr. Oliver gave an overview of the proposed fiscal year 2023 budget and stated the tax roll assessment goes from \$114,000 to \$201,000 and the maintenance assessments on those undeveloped lands goes from \$136,000 to \$95,000 and developer contribution of \$296,000. As you move toward buildout the district will need to be self-sufficient and assessments will fund all the needs of the district. With about 1,000 units looking at the assessments in today's dollars that would generate about \$800,000 in fees to run the district, which is more than we are budgeting. Inflation will be a factor and you may change the staffing levels; you may have two or three full-time people out here and you may upgrade some of the services. That is something this board and future boards will be able to control each year as you go through the budget. As you look at the financials you will see that there are a lot of costs that the developer incurs that in past years has not flowed through the district and it understates the actual expenditures by the district that are funded by the developer. We will try to get a handle on anything funded by the developer so that we can account for that and you will have full transparency on all the money you are spending and the organization is spending to maintain the district.

I spoke with the chairman last week and he gave me the authority to draft a job description as well as an advertisement so that we can bring on a part-time amenity manager. Part of that job description is for the situation we have here for example, weekend staffing and we will need to look at all the dynamics because we are looking at 20 hours spread over many hours of the week. Be patient with us as we go through this because we don't want that to be a revolving door. Also there was a comment made earlier about the special events coordinator, right now the district is

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not paying for those services, it is not included in the budget and that has been funded to date by the developer not by the CDD.

## **B. Board Discussion**

Mr. Patterson stated as in the past, this is a budget and doesn't mean we are going to spend it.

Mr. Oliver stated we will open it to public comment and this is your opportunity to comment to the board regarding the budget.

A resident stated I see \$35,000 for amenity manager and it looks like you want to get this person hired within the next few months. Is there a possibility of making this person full-time?

Mr. Oliver stated if you find a super star that could be the type of person who could transition into that and I have seen that happen. At the last meeting we talked about what was our first client in 2005 and it was an unstaffed facility then we got a part time person and a year later she transitioned into full-time. We just need to go through that timeline.

A resident stated I'm here four days a week and there is never anybody here. During the week it is not used that much. I don't want to rush into an expenditure we are not ready for. We need an authority but most of the time there is no one here. Also the sidewalks are unwalkable.

Mr. Asbury stated there is a swale in the back that has to be concreted and there are two people who can concrete it and do a good job and those two people work between here and Pensacola. There is a meeting on Monday to try to nail them down to a time in the next 30-days to do that. On top of that the sidewalk coming off of Red Sky is scheduled sometime next week depending on rain. Then they will come in and remove the crushed rock and put that in. I hope that sidewalk within the next 45 days will be working.

On MOTION by Mr. Russell seconded by Mr. Brady with all in favor the public hearing was closed.
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## **C. Public Hearing Adopting the Budget for Fiscal Year 2023**

### **1. Consideration of Resolution 2022-09 Relating to the Annual Appropriations and Adopting the Budget for Fiscal Year 2023**

Ms. Kilinski stated you have two resolutions for consideration, the first resolution 2022-09 is the appropriation resolution. This resolution adopts the budget that was just reviewed by Jim it

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will appropriate the amount of funds that are going to be within your general fund. There are also debt service fund amounts and we will update those amounts based on your actions tonight.

On MOTION by Mr. Patterson seconded by Mr. Brady with all in favor Resolution 2022-09 was approved.

A resident stated the resolution says that you can change the budget at any time with no notice. Does that mean you can take funds that are allocated to things that the community does want and spend them on something else?

Ms. Kilinski stated it is not without notice. What will happen at the end of the year you will see a budget amendment for budget adjustments so if there is a budget overrun for example at the end of the year we will true up actually what was spent. Right now, if you look at how much expenditures were in each line item you haven't gotten close to spending any one line item so right now it is not an issue, but in some years when you have a fully funded budget and chances are that is going to be when residents are on the board, that is the time you see this. You may say we thought we were doing a construction project we appropriated for that was going to cost \$150,000 and it cost \$130,000, we are going to take that \$20,000 and allocate it to landscaping. You will see that it says the district manager may authorize an increase in appropriations based on direction from the board. As Jim was talking about earlier all that has to be done at a board meeting.

**2. Consideration of Resolution 2022-10 Imposing Special Assessments and Certifying an Assessment Roll for fiscal Year 2023**

Ms. Kilinski stated essentially when a unit of government appropriates money for your next budget session, you have to identify the security for funding that budget. This resolution will essentially levy the operations and maintenance assessment lien, it adopts the tax roll and certifies for collection those lots that are on the tax roll to Leon County for collection and it will certify for collection those undeveloped properties that are subject to assessment for direct collection, which means Jim's office will be sending a direct collect bill.

On MOTION by Mr. Asbury seconded by Mr. Patterson with all in favor Resolution 2022-10 was approved.

**D. Consideration of Developer Funding Agreement for Fiscal Year 2023**

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Ms. Kilinski stated if you look at the budget there are three revenue sources for collection of funds necessary to secure funding for the budget you just adopted. One of those is the tax roll assessments, which are all the platted lots, the second one is the direct collect assessments on the undeveloped property and the third is the developer contribution. In order to secure the developer contribution, which is anticipated to be \$296,100, the district enters into a developer funding agreement. This is in substantial form to what you have seen previously and provides for the funding that will be necessary on an as needed basis for the difference between what is going to be collected through the tax collector and what will be necessary to fund the remainder of the budget.

On MOTION by Mr. Russell seconded by Mr. Brady with all in favor the fiscal year 2023 developer funding agreement with Ox Bottom Mortgage Holdings, LLC was approved.

**SEVENTH ORDER OF BUSINESS**

**Ratification of Change Order No. 2 with Sandco for Welaunee Boulevard Segment 3B**

On MOTION by Mr. Russell seconded by Mr. Patterson with all in favor Change Order no. 2 with Sandco for Welaunee Boulevard Segment 3B for 75 rain days and mobilization days was approved.

**EIGHTH ORDER OF BUSINESS**

**Ratification of Requisition No. 2 Series 2018A-3**

On MOTION by Mr. Patterson seconded by Mr. Brady with all in favor requisition no. 2 from the series 2018 A-3 bonds in the amount of \$10,415 was approved.

**NINTH ORDER OF BUSINESS**

**Discussion of Amenity Facility Handbook**

Ms. Kilinski stated we were made aware between the last board meeting and this board meeting that there may be continuous issues with short term rentals and abusing the use of the facilities. Essentially it defines renter; right now, the district’s process if you own a house and rent it to a long-term renter, a year lease, we have a form that the owner can assign their amenity access privileges to the renter. They attach the lease to that assignment form and in our system for the key fob it will essentially turn off at the end of the lease. Right now, it seems the fob is hanging

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in someone's house and whoever is renting the house on a short-term basis is using the fob, not understanding our policies and abusing the amenity center use. We have adjusted the policies to define renter as an individual exceeding 90-days in length so it has to be over a three-month lease and then there is a charge incurred for each time we have to renew the key fob for \$25. It allows us to track who has the fob. If someone is swiping you have a name for the person who is swiping. This provides a slight change in the way we define renter and we have this transfer form for that fee as well as what the transfer requires. It is going to require a signature by both the person accepting responsibility for the fob and using the facilities, it also keeps responsibility on the owner of the property to say this person is allowed to use our key fob and ultimately is responsible if something happens. That is the substantive change and especially when we get onsite people you start to recognize people who are coming with some frequency, I think that will help cut down on some of that abuse.

Mr. Asbury stated we are also looking to make changes to the homeowners' documents and making it no short-term rentals it has to be 90-days or longer. That will be a change that will be voted on by everybody and I assume most people would like to see that.

A resident asked is there a way you are going to notify the entire community of this change so that everybody knows it?

Ms. Kilinski stated we will use the eblast system to make sure that folks know and if you have social media outlets, make sure people know of the change from the district's perspective would be helpful.

A resident asked am I correct in saying you have to have a vote from all the homeowners before that can be done?

Ms. Kilinski stated that is just for the changes to the HOA not for this.

A resident asked will the current Airbnb be notified?

Mr. Asbury stated yes, I'm sure they will vote no.

A resident stated I had a run in with one of their tenants who brought their dog to the pool and I contacted the HOA and asked them to remind them of the rules and he was very ugly.

Ms. Kilinski stated if you will give us the address after the meeting to make sure we have it, we can do a special notification.

Mr. Asbury stated that is the sort of thing that helps us if there is an issue if we know about it or have an address.



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A resident stated I was curious to know about the short-term rental definition. I hate to hear this because my wife and I spent a lot of time and investment before we purchased this house and we have this for ourselves and our relatives, the short term rental is a nice addition for us to be able to do that, however, I will let everyone know I do not offer the key fob, that is not in the advertisement and is not something I promote and I have had renters who asked if they could go in and I said no, because I understand the responsibility falls on me. I’m invested in the community and they are my guests. I also want to give you my contact information.

Mr. Oliver stated from a CDD standpoint all we are talking about is access to the facilities. As long as you are not allowing your renters to access facilities it won’t impact you.

On MOTION by Mr. Russell seconded by Mr. Patterson with all in favor the revised policies were adopted.

**TENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

There being none, the next item followed.

**B. Engineer**

There being none, the next item followed.

**C. Manager**

**1. Approval of Check Register Summary**

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

**3. Balance Sheet and Income Statement**

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

**3. Special Assessment Receipts Schedule**

A copy of the assessment receipts schedule was included in the agenda package.

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#### 4. Discussion of Fiscal Year 2023 Meeting Schedule

On MOTION by Mr. Asbury seconded by Mr. Brady with all in favor with fiscal year 2023 meeting schedule reflecting meetings on the second Thursday of the month with the exception of December and March was approved.

#### **ELEVENTH ORDER OF BUSINESS                      Other Business**

There being none, the next item followed.

#### **TWELFTH ORDER OF BUSINESS                      Supervisors Requests**

A resident stated we appreciate very much the pressure washing at the dock.

Mr. Asbury stated I have set up for someone to pay attention to that to do it on a regular basis.

A resident stated I was told a few years ago that the CDD fees that we pay will drop over time.

Mr. Oliver stated there are two components to the assessment, one is the debt service and that is a fixed amount and typically at the 10-year mark we will look at options to refinance those bonds at a lower rate. Looking at today's inflation that doesn't seem possible. If we can shave off 1 ½ or 2 percentage points that is a big savings. The O&M assessment will stay fairly stable but as this transitions to a resident board that is typically when we see the most growth in the budget because there is a push/pull between more services, which cost more money versus lowering the budget and that will be dictated by the resident board.

A resident stated getting back to the permit application from 850, they are within the borders of the CDD.

Ms. Kilinski stated 850 is not within the district boundaries.

A resident stated regardless we, the residents, need the support of the CDD. We have been negatively impacted by 850 since the day they opened. We need the CDD to support inuring the city to deny their application.

Mr. Asbury stated the homeowners' association normally organizes that sort of thing. As a government that is not necessarily something we would do but a homeowners' association will.

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I will certainly talk to the folks who manage the homeowners' association and tell them to be receptive to the homeowners.

Ms. Kilinski stated our law firm represents about 200 CDDs across the State of Florida and we often get asked for the CDD to get involved in zoning or controversial issues. The problem is the CDD specifically in the statute is excluded from zoning activities, it is a special purpose unit of government. I strongly recommend the HOA and we can reach out to the HOA and see if they can help with an eblast. The best measure with the city and county commission is for you as homeowners to mobilize in mass at a hearing and say how you feel about that.

**THIRTEENTH ORDER OF BUSINESS      Next Scheduled Meeting – 09/08/22 at 11:00 a.m. at Dorothy B. Oven Park**

Mr. Oliver stated the next meeting is September 8, 2022 at 11:00 a.m. at the Dorothy B. Oven Park.

On MOTION by Mr. Russell seconded by Mr. Brady with all in favor the meeting adjourned at 7:10 p.m.

DocuSigned by:  
*Jim Oliver*  
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Secretary/Assistant Secretary

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*[Signature]*  
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Chairman/Vice Chairman