

Minutes of Meeting
Canopy
Community Development District

The regular meeting of the Board of Supervisors of the Canopy Community Development District was held Tuesday, May 23, 2023 at 2:07 p.m. at the Canopy Amenity Center, 2877 Crestline Road, Tallahassee, Florida.

Present and constituting a quorum were:

Tom Asbury	Chairman
Jason Ghazvini	Vice Chairman
John "Al" Russell	Supervisor
Colleen Castille	Supervisor
David Brady	Supervisor

Also present were:

Howard McGaffney	District Manager
Roy Van Wyk	District Counsel
Darrin Mossing	GMS by telephone
Laura Kalinoski	Lifestyle Director
Joshua Martin	Resident
Gene Nelson	Resident
Rhonda Alston	Resident
Karen Bradley	Resident
Jennie Hefilfiner	Resident
Deb Minnick	Resident

FIRST ORDER OF BUSINESS

Roll Call

Mr. McGaffney called the meeting to order at 2:07 p.m. and called the roll.

SECOND ORDER OF BUSINESS

Public Comment Period

Items brought up by residents: Maintenance of lakes, rental space at amenity center, previously proposed amenity center activities by resident committee, frustration over putting in place a solid activities program, after hours contact information to report issues, security, lighting, continuing issues with pond maintenance with overgrown grasses, access through unlocked gate, insufficient streetlighting, cleanup after an event, and why are public comments not listed in minutes.

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THIRD ORDER OF BUSINESS

Approval of the Minutes of the April 13 2023 Meeting and the April 18, 2023 Continued Meeting

On MOTION by Mr. Asbury seconded by Ms. Castille with all in favor the minutes of the April 13, 2023 meeting and the April 18, 2023 continued meeting were approved as presented.

FOURTH ORDER OF BUSINESS

Acceptance of Minutes of the April 13, 2023 Audit Committee Meeting

On MOTION by Mr. Ghazvini seconded by Mr. Russell with all in favor the April 13, 2023 audit committee meeting minutes were accepted.

FIFTH ORDER OF BUSINESS

Public Hearing on Master Debt Assessments

Mr. McGaffney stated next is the public hearing on the master debt assessments. In the agenda package is the information related to the master engineer’s report, amended master assessment methodology, which is basically bringing on the apartments and a future supplemental methodology of the issue as it relates to the Series 2018 debt. Then there is Resolution 2023-04 levying the master assessment lien and equalization and determination of the master assessment.

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

A. Confirmation of Master Engineer’s Report

A resident asked what is the master engineer’s report?

Mr. McGaffney stated I’m not the engineer, but generally speaking the report details the improvements to be developed, the unit types, the amount anticipated for maximum debt to be levied for the construction of the infrastructure that would potentially be acquired by the district or other entities.

Ms. Castille stated we had this conversation last time and what they are doing is there is a new section coming on that are apartments. They have to be assessed a little differently than single-family homes do and that is part of what this is about.

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Mr. Asbury stated the master assessment was done when we were putting the subdivision together and there is a maximum that can be borrowed, which is \$110 million and that is there because we don't know what a CDD will do in the future, so you don't have to go back and raise that maximum even though there has only been \$13 million borrowed for the infrastructure.

Ms. Castille asked are we amending this to include more apartment complexes?

Mr. Ghazvini stated just the one.

Mr. McGaffney stated right now we are on the engineer's report and that is not changing, we are just confirming its use. The next item is changing and that is the methodology.

A resident stated in the five years I have been here the master plan has changed a couple times. Is there any way that we can see what is going to be in the future? Can we see a picture?

Mr. McGaffney stated what he is looking at is the engineer's report.

A resident stated let's say here is unit 1, unit 2, unit 3, and what they are going to be. Because it has changed over the years.

Mr. McGaffney stated development plans can change. As they change or get amended, I might be able to work with the developer to get the latest and greatest development plan and maybe we can figure out a way to get that to you personally or let the residents know. Leave your information and I will get back to you.

Right now we are confirming that nothing has changed on the engineer's report.

Mr. Asbury stated the engineer's report is on the website.

B. Confirmation/Review of Amended Master Assessment Methodology (Unit 8 Only)

Mr. McGaffney stated the only thing that is changing on the assessment methodology is the tables that will be updated to include the apartments coming online, a maximum of 1,275 units plus a church. It is not going to have a big impact on existing residential, there may be a small decrease, but it would be negligible. The tables will be updated to include the new unit type and count and later after we adopt this resolution at a future meeting we will bring back the supplemental methodology that will tie the ERUs and assessment allocation to those apartments for the series 2018 bond.

Mr. Asbury stated the apartments do not have access to this facility; just single-family residents have access. They have their own facility.

Mr. McGaffney stated there will be zero impact on the residents.

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A resident asked is there ever a point in time when there are enough owned homes that when you change the master plan you have to include our input?

Mr. Van Wyk stated no. The CDD board doesn't control what the development is, it just runs the infrastructure so if the developer changes the development plan that is between the developer and the city.

Mr. Asbury stated at the point where the board shifts pretty much to residents, then changes to the CDD would have to be approved by the board.

Mr. Van Wyk stated yes, but even though they sit on this board, this board does not have the authority to comment or modify any development plans that the developer has. It is not within the power of the board.

Mr. McGaffney stated the purpose of the public hearing today is to update the development plan so they can move forward as part of the administrative process. It is bringing in a new unit type to the mix and updating the appropriate reports.

Mr. McGaffney then reviewed the tables in the amended master assessment methodology report, copy of which was included as part of the agenda package.

Mr. Van Wyk asked is it your professional opinion that the benefit received by the parcels is still greater than the burden placed on the parcels by the assessments?

Mr. McGaffney responded yes.

Mr. Van Wyk asked is it still your opinion that the assessments are fairly and reasonably apportioned across the product types given the new types of the apartments?

Mr. McGaffney responded yes.

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

C. Consideration of Resolution 2023-04 Levying the Master Assessment Lien and Equalization Board Determination on Master Assessments

Mr. Van Wyk stated this is a resolution amending the master assessment methodology and confirming the engineer's report and making findings of benefit and I asked the manager officially if there was a benefit and he confirmed it. We are making findings that the improvements are all infrastructure improvements, that are public infrastructure improvements and you are adopting an amended master assessment roll, that is the roll that was attached to the methodology report that

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you have that shows which parcels of land are going to be subject to the assessment amount as determined by the new assessment methodology report and the engineer’s report. That is the basis of that resolution, amending the original resolution and confirming the assessments as approved today.

On MOTION by Mr. Russell seconded by Ms. Castille with all in favor Resolution 2023-04 was approved.

SIXTH ORDER OF BUSINESS

Consideration of Audit Committee Ranking of Proposals for Fiscal Year 2023 Audit

Mr. McGaffney stated we did have the audit committee meeting just prior to this regular meeting and the audit committee accepted the district manager’s recommendation of the evaluation criteria and Grau & Associates received 100 points and Berger Toombs received 99 points. Both firms are equally qualified it came down to price and Grau’s total price was \$23,500 for five years and Berger Toombs’s was \$24,110.

On MOTION by Mr. Asbury seconded by Mr. Ghazvini with all in favor the recommendation of the audit committee of Grau & Associates being ranked no. 1 was accepted.

Mr. Mossing left the conference call at this time.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2023-05 Approving the Proposed Budget for Fiscal Year 2024 and Setting a Public Hearing Date to Adopt

Mr. McGaffney stated Resolution 2023-05 approves the proposed budget for fiscal year 2024 and sets the public hearing. Behind the resolution is a copy of the proposed budget that has a net zero dollar increase for the residents. You can approve the budget as it stands and over the next couple of months you can make some changes. The total maintenance assessments on platted units last year was \$296,775 and the proposed budget for fiscal year 2024 is \$296,775. For FY23, expenditures were budgeted at \$577,37. The FY24 budget proposes an increase to \$645,862. Resident assessments don’t go up because the developer contribution increases. Over the coming years as development of the project continues, and improvements and infrastructure are assigned

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to the district for operations and maintenance, we are going to increased expenses to maintains common areas, facilities and other improvements. These increased costs will be spread over the increasing number of platted lots coming on line.

Ms. Castille stated over time you will have more units to spread the assessments.

Mr. Asbury stated absolutely and we should have some this year.

Mr. McGaffney stated once those are online the developer contribution will shrink. As part of the GMS agreement with the district there is an increase in management fees from \$38,588 to \$40,903. We will update this again for the public hearing at which time you will have nine months of actuals.

Mr. Asbury stated at this time we are simply approving this proposed budget that is similar to last year and we will have a budget hearing that will finalize the numbers in August and adopt it at that time. This is the maximum and hopefully, we can bring it down at the public hearing.

Mr. McGaffney stated as the district accepts improvements you will have increased costs in landscaping and that goes from \$96,000 to \$140,000 and that is not a concrete number and we are increasing the landscape contingency. The other increases are pool maintenance and utilities.

Mr. Asbury stated pool maintenance looks low. Now that we have this we can get to where we want to be.

Mr. McGaffney stated you can change these numbers, just understand that after today the assessment is going to be zero dollar increase that means the developer will pick up the difference.

The floor was opened for public comments and the following comments were made: amenity management staffing, pool attendants, remove narrative for gas, access to budget for comments/questions, post revised budget on website, recommendation of another meeting prior to the budget adoption.

Mr. McGaffney stated we are meeting the requirement to propose the budget and if you come to the next meeting you will be heard, you have the right to object to things, you have the right to ask for things, but you are not entitled to get those things, it is up to the board and the elected officials to make that determination. You are being heard, they are hearing about the amenities, they will take that back and think about it and when we come back to the public hearing in August that will be heard again, I'm certain. At that point they will make the determination. Even between now and that meeting we can get direction from the board or chair to make changes.

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Mr. Asbury stated you can send input and they will distribute it to us. At that meeting we will listen to what everybody has to say and adopt the budget.

Additional comments: What determines the wetland, what is the wetland maintenance, pond maintenance, cattails, algae, regular schedule of lake maintenance, more mowing in the summer.

Mr. McGaffney read Resolution 2023-05 by title: A resolution of the board of supervisors of the Canopy Community Development District approving a proposed budget for fiscal year 2023/3024 and setting a public hearing thereon pursuant to Florida law; addressing transmittal, posting and publication requirements; addressing severability, and providing an effective date.

On MOTION by Mr. Russell seconded by Ms. Castille with all in favor Resolution 2023-05 approving the proposed fiscal year 2024 budget and setting the public hearing for Wednesday, August 9, 2023 at 6:00 p.m. was approved.

EIGHTH ORDER OF BUSINESS

Discussion of Rental Policies for Designated CDD Facilities

Mr. Ghazvini stated under general policies it says only can have four guests. Is that the same amount if you rent?

Mr. Asbury stated I would like to have some discussion on that to get a better feel for it. This is what other communities have done and I don't know if I am prepared to actually change this document right now but I do want to hear from the residents so we can think about what we can do.

A resident stated what the residents thought we were getting when we bought here was that we would have an amenity center where we could have parties, and events, etc. at our clubhouse. The policy for the amenity center on a daily basis says that you can have four guests any time, any day, 365 days a year at the amenity center. However, if we are going to pay rent to reserve space, we are told this meeting room as well as the gazebo outside are places we could have private events, hence having the glass wall put up, now we are being told you can rent that space for \$200 and pay an attendant \$50 an hour to have four people.

Mr. Asbury asked how many people should it be?

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A resident stated we suggested steps with different numbers; rental rate dependent on the numbers, proposed rules and regulation so that rentals didn't interfere with the community wanting to use the facility.

Mr. Asbury asked what do we want to change the number to?

A resident stated the number in here wouldn't necessarily be the number outside. We need to work together to come up with the numbers.

Mr. Van Wyk stated no. 8 on our facility rental policy talks about the number of guests. As a resident of this community, you can use this facility swimming pool and bring up to four guests with you. I don't think that means you can only have four guests for an event. I don't know that it relates back to that. You are allowed to have four guests, because we don't want 100 people coming with you to use the swimming pool during the day. But if you want to rent this room to the exclusion of all the others in the community there is a fee to do that. Basically, you are paying to exclude everybody else. Then I think there is an escalation in the cost of the rental because if you have 50 guests opposed to 5 guests, there is going to be dirt, more trash, more cleanup. I don't think the four-guest policy is related to the rentals; it is to use the facilities period.

Mr. Asbury stated what they are asking is that it needs to be clarified and we need to come up with a number that is acceptable for this room and for the gazebo.

Mr. Ghazvini stated we said the gazebo can be rented, not the interior space. From my perspective this is a common area. I don't know how you rent the space where the bathroom are in the clubhouse and tell somebody if they are using the gym area they can't come through if someone has the space rented. I'm all for looking at the numbers and seeing if it needs to be more than four if someone is renting the gazebo.

Ms. Castille stated there are outdoor bathrooms that the gym people can use during an event.

Ms. Asbury stated it is not clear in the proposed policies what we can and cannot do. I want more clarity in the language.

Mr. Russell stated I'm sure there are other examples of facilities similar in size to ours that has done this before. Can you provide us with that?

Ms. Castille stated they have.

Mr. McGaffney stated there is a litany of ways to approach your amenities and there is a big difference between the developer who is trying to sell property and people coming in and

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wanting to make sure the property is accessible for them to show off, but there is also the need for residents when they are moving in to have things because their homes may not be big enough to have 25 people for a party. I recommend that I get with Jim, there are probably some short-term recommendations we could make in the interim until you finalize that policy. Maybe that interim is you agree to allow two rentals a month with 25 people max or there are no rentals for the month. I can understand the developer's need to make sure this place stays nice before everything is turned over to the residents. The residents are saying they would like to rent this and it is up to the board to make the policy on it. I will get with Jim and provide policies of a few places similar to this one.

Mr. Russell stated that would be good and we have recommendations from the residents and we can mix it together and try to figure it out.

A resident stated the policy that the committee developed and sent to you went through all these issues. You can look at experiences at other CDDs that have been around longer.

Mr. McGaffney stated the board will review that document, Jim and I will talk about what is appropriate.

Mr. Asbury stated I don't have a problem renting this space and I think we can work this out.

Ms. Castille stated I realize this is a great place to have a party, the houses are much smaller and this is a lot of wear and tear on your own home. I also want everyone to understand that as a former park director people are the most destructive things to parks. The same thing with buildings. You all come here because you want this facility to be open for bigger parties, but there are people who don't want it open because they don't want it spilling out. I think we have to balance both of those and the size of the parties is going to be important.

Mr. Asbury stated I think the gazebo is one number and if you decide to rent this space it will be a smaller number.

Ms. Castille stated there is going to be wear and tear on the furniture and a cost to replace the furniture.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being none, the next item followed.

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B. Engineer

There being none, the next item followed.

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

On MOTION by Mr. Brady seconded by Ms. Castille 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.

TENTH ORDER OF BUSINESS**Other Business**

Mr. Asbury stated we were asked for an after hours contact number. We don't have a facility manager, you have the developer and you have contact information for GMS, but if you lock your keys inside you are locked out.

Mr. McGaffney stated I don't know of any facility that has an after hours number to call. When you get built out and start staffing the facility most of those amenity managers will be responsive, but I don't know that they are going to answer anything outside of an emergency.

Mr. Ghazvini stated we have a key fob system but I'm happy to follow-up with you after the meeting to see if there is a way to set up a system for emergency services to be able to have access.

Mr. Asbury asked are there no lights in Unit 5?

A resident stated there are a bunch of them that are not operational.

Mr. Asbury stated the city is responsible for the lights and it is always a challenge to get them in and turn them on.

Mr. Ghazvini stated I will drive through tonight or tomorrow night. I need an address in close proximity to the lights that are out. If you know of one, send that to me.

Mr. Asbury stated these are city streets, these are city lights and anyone in here can call and tell them the lights are out. You have more rights as citizens to call the city than we do as the developer.

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The next comment was about the trails around the ponds.

A resident stated Unit 5 on the Forest Lawn side and the one between Sweet Ridge and 850.

A resident stated we reported the problem with the fountain many times and no one got a response or an update.

Mr. Ghazvini stated probably the reason you didn't get a response is because we couldn't get a response from the manufacturer. The contractor had me go the manufacturer because they couldn't get clarity on when the parts will come in. I got a call from Jim and I gave him a response and I got a call from Sue at property management and I gave her a response. I will talk to both of them to make sure they get a response back to the caller.

ELEVENTH ORDER OF BUSINESS Supervisors Requests

There being none, the next item followed.

**TWELFTH ORDER OF BUSINESS Next Scheduled Meeting – TBD at 2:00 p.m. at
the Canopy Amenity Center**

Mr. McGaffney stated the next meeting will be August 9, 2023.

On MOTION by Mr. Asbury seconded by Mr. Brady with all in favor
the meeting adjourned at 3:45 p.m.

DocuSigned by:
Jim Oliver
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Secretary/Assistant Secretary

DocuSigned by:
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Chairman/Vice Chairman