

**MINUTES OF MEETING
EDEN HILLS
COMMUNITY DEVELOPMENT DISTRICT**

The Regular meeting of the Board of Supervisors of the Eden Hills Community Development District was held Wednesday, **May 13, 2020** at 3:00 p.m. via Zoom Teleconference.

Present and constituting a quorum:

Rennie Heath <i>via Zoom</i>	Chairman
Lauren Schwenk <i>via Zoom</i>	Vice Chairman
Jack Berry <i>via Zoom</i>	Assistant Secretary
Andrew Rhinehart <i>via Zoom</i>	Assistant Secretary

Also present were:

Jill Burns <i>via Zoom</i>	District Manager, GMS
Roy Van Wyk <i>via Zoom</i>	District Counsel, Hopping Green & Sams
Patrick Marone <i>via Zoom</i>	Developer's Office
April Payeur <i>via Zoom</i>	Developer's Office

FIRST ORDER OF BUSINESS

Roll Call

Ms. Burns called the meeting to order and called the roll. Four supervisors were present constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment Period

There were no members of the public on the conference call line or joining via Zoom.

THIRD ORDER OF BUSINESS

**Approval of the Minutes of the April 8,
2020 Board of Supervisors Meeting**

Ms. Burns asked for any comments, corrections, or changes to the April 8, 2020 Board of Supervisors meeting minutes. The board had no changes.

On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, the Minutes of the April 8, 2020 Board of Supervisors Meeting, were approved.

FOURTH ORDER OF BUSINESS

**Consideration of Resolution 2020-39
Setting the Public Hearing and Approving
the Proposed Fiscal Year 2021 Budget
(suggested date August 12, 2020)**

Ms. Burns noted the budget and resolution were included in the agenda package. The District will be developer funded for the upcoming year. The total budget amount is \$171,475. The field expenses included landscaping turnover but nothing for amenities as they were told the amenity should not come online in fiscal year 2021, it would be after that in a future phase.

Ms. Burns asked for any questions. Mr. Heath questioned when the amenity would come online. Ms. Burns stated they were told it would not be online before September 30, 2021. She noted that the projected landscaping turnover was June 2021.

Ms. Burns suggested setting the public hearing for the regular meeting on August 12, 2020 at 5:00 p.m. at the library.

On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, Resolution 2020-39 Setting the Public Hearing for August 12, 2020 at 5:00 p.m. at the Lake Alfred Public Library, and Approving the Proposed Fiscal Year 2021 Budget, was approved.

FIFTH ORDER OF BUSINESS

**Consideration of Revised Construction
Funding Agreement**

Ms. Burns stated at the last meeting the Board approved a construction funding agreement with JMBI Real Estate, LLC and it was not executed. They spoke to Jack and Lauren after the meeting, and they were told that the contract should have been with Highland Sumner, so the previous agreement was not executed. Ms. Burns instead put this revised agreement in front of the Board for consideration. It is the same agreement that was approved at the last meeting, the only change is switching the agreement being with JMBI Real Estate, LLC to Highland Sumner.

On MOTION by Mr. Heath, seconded by Mr. Rhinehart, with all in favor, the Revised Construction Funding Agreement with Highland Sumner, was approved.

SIXTH ORDER OF BUSINESS

**Assignment of Developer Funding
Agreement**

Ms. Burns noted that the current agreement is with JMBI Real Estate, LLC to fund the operations and maintenance expenses with the District for the current year. This agreement would assign that to the other entity Highland Sumner.

On MOTION by Mr. Berry, seconded by Mr. Rhinehart, with all in favor, the Assignment of Developer Funding Agreement with Highland Sumner, was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Memorandum of Understanding with Tucker Paving

Ms. Burns noted that the District entered into a contract with Tucker Paving and due to the emergency declaration regarding COVID19, the District and Tucker would agree that the time limitations can't be met given the current state of emergency and would extend that 90 days.

Mr. Van Wyk was asked if this was discussed with Tucker and he replied no, but this would be part of the letter. He referred to having to document the delay in timing, it was considered, that in fact, we already had a construction agreement in place that provided for certain start times and dates. Mr. Van Wyk stated he felt the best way to make a change in the contract was to add additional time for commencement, as this would be the best way to move forward given that they would need to have something in writing showing that they dissented to the continuation of the project, and to the extension of the times. This memorandum of understanding is basically an amendment to the contract saying that they are going to extend the start times in the contract out 90 days as, well as hold the costs that were quoted in the bid for an additional 90 days. They usually say their prices are only good for 60 days or something, this would extend everything out 90 days. Mr. Van Wyk noted that would give them the materials that they need for their record to show it was done.

Mr. Heath asked what would happen if it went past 90 days. Mr. Van Wyk replied that they would be in a position to authorize the notice to proceed or they could automatically proceed under the contract. The contract provides a notice will be issued within 30 days or it automatically starts, usually. Mr. Van Wyk noted that Tucker is amenable to this, and the best thing for them to do is put it in writing. Mr. Van Wyk asked if the Board felt like they should go out longer. He noted that they can change those time frames to 120 days or whatever the Board thought Tucker would agree to. Discussion ensued regarding the time frame. After discussing the time frame of 90 days to 120 days, the Board stated they wished to try for 120 days and see what Tucker said.

On MOTION by Mr. Heath, seconded by Mr. Berry, with all in favor, the Memorandum of Understanding, as Amended to 120 days, with Tucker Paving, was approved.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Van Wyk stated that hopefully things would start easing up and getting back to normal. They have a lot of executive orders that they are following, and he is not sure how long of a delay they are going to see. He stated that many builders were slowing down and not issuing bonds and not forming new districts.

Mr. Berry asked if Zoom meetings would be allowed to continue, and Mr. Van Wyk replied he hoped so. He felt they would have better opportunity and a better argument in the future to have meetings like this. It's very cost effective and saves a lot of time and money.

Mr. Heath asked if it would cause a problem with the general public not being able to make comment. Mr. Van Wyk stated that right now the public was able to make comment, they can join the meetings telephonically, and they can submit written questions to the manager in advance. Mr. Van Wyk noted it may be easier for them to attend, and this gives them more public participation, and also helped limit time.

B. Engineer

There being none, the next item followed.

C. District Manager's Report

i. Approval of the Check Register

Ms. Burns noted the total was \$18,919.74. The board had no questions on the check register.

On MOTION by Mr. Berry, seconded by Mr. Rhinehart, with all in favor, the Check Register totaling \$18,919.74, was approved.

ii. Balance Sheet and Income Statement

Ms. Burns presented the financials and asked for any questions. The board had no questions.

iii. Presentation of Number of Registered Voters – 0

May 13, 2020

Eden Hills CDD

Ms. Burns noted that there is a requirement to present the number of registered voters within the District. As of April 15th the number of registered voters in Eden Hills CDD is zero.

NINTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

TENTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

There being none, the next item followed.

ELEVENTH ORDER OF BUSINESS

Adjournment

Ms. Burns adjourned the meeting at 3:15 p.m.

On MOTION by Mr. Heath, seconded by Mr. Berry, with all in favor,
the meeting was adjourned at 3:15 p.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman