

**MINUTES OF MEETING
TWIN CREEKS NORTH
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Twin Creeks North Community Development District held Multiple Public Hearings and a Regular Meeting on August 23, 2022 at 12:15 p.m., at the Home2 Suites by Hilton St. Augustine I-95, 270 Outlet Mall Blvd, St. Augustine, Florida 32084.

Present at the meeting, were:

John Kinsey	Chair
Zenzi Rogers	Vice Chair
Bryan Kinsey	Assistant Secretary
Jared Bouskila (via telephone)	Assistant Secretary

Also present:

Daniel Rom	District Manager
Sue Delegal (via telephone)	District Counsel
Neal Brockmeier	District Engineer
Stephanie Spencer (via telephone)	Public
John Cargill (via telephone)	Public

Residents present:

Laura Wertzberger	Neal Shact	Jennifer Farrell	Gilbert & Carlos Ruiz
Betty & Glenn Ross	Geoff Zocque	Jennifer Ripkly	Hadas & Fyal Eucara
Cecilia & Ron Faraci	Doug Critchett	Jennifer Dumas	Edwin & Cindy Bariantos

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Rom called the meeting to order at 12:18 p.m. Supervisors Rogers, John Kinsey and Bryan Kinsey were present. Supervisor Bouskila attended via telephone. One seat was vacant.

SECOND ORDER OF BUSINESS

Public Comments

Mr. Rom explained the Public Comments Decorum Policy adopted at a prior meeting.

Resident Carlos Ruiz voiced appreciation for the landscapers' work and stated, although it has been a few months since they started, they have yet to address several bare spots, dead palm trees and broken sprinklers on Albany Bay Boulevard. Mr. Rom stated he will confer with the landscaping contractor about those areas. Regarding what company is responsible for fence maintenance, Mr. John Kinsey stated the HOA is responsible for anything inside the fence.

Residents Cindy and Edwin Bariantos asked when the East Beach area will be completed. Mr. John Kinsey stated the pavers connecting the boardwalk and stairs and the irrigation and landscape lighting sleeves were completed. The landscaping items and sand were ordered and work is underway.

In response to a resident's questions regarding who was awarded the East Beach contract and who is funding the project, Mr. John Kinsey stated that Tree Amigos is doing the landscaping and irrigation and sand will be from Vulcan; the Developer is funding the project.

Resident Geoff Zocque asked about the playground and if the Tree Amigos contract was updated to include Albany Bay. Mr. Rom stated there is an amendment for ratification today and, although not a CDD matter, the update provided at the last meeting was that the playground will be completed in six to eight weeks.

Resident Jennifer Farrell asked for the process to request bike racks on Albany Bay. Mr. John Kinsey stated Lennar is responsible for bike racks; inquiries should be directed to the HOA.

THIRD ORDER OF BUSINESS

**Consideration Appointment to Fill
Unexpired Term of Seat 2 [Term Expires
November 2022]**

- A. Administration of Oath of Office to Newly Appointed Supervisor (*the following will be provided in a separate package*)**
 - I. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
 - II. Membership, Obligations and Responsibilities**
 - III. Financial Disclosure Forms**
 - a. Form 1: Statement of Financial Interests**
 - b. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - c. Form 1F: Final Statement of Financial Interests**
 - IV. Form 8B – Memorandum of Voting Conflict**
- B. Consideration of Resolution 2022-01, Designating Certain Officers of the District, and Providing for an Effective Date**

These items were deferred to the November meeting.

A. Proof/Affidavit of Publication

The affidavit of publication was included for informational purposes.

B. Consideration of Resolution 2022-05, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date

Mr. Rom reviewed the proposed Fiscal Year 2023 budget and highlighted the adjustments made from the previous meeting, including the creation of new line items under “Field Operations”, the Series 2016 and 2018 Debt Service Funds and their respective Amortization Schedules and the Assessment Comparison Tables. No fund balances were used to offset assessments.

On MOTION by Ms. Rogers and seconded by Mr. Bryan Kinsey, with all in favor, the Public Hearing was opened.

Resident Doug Critchett took issue with the \$100 assessment increase, asked if the previous landscapers had a relationship with a Board Member and if homeowners had any say in the original make-up of the Board.

Mr. John Kinsey stated the original landscape company was Developer-owned but, considering it cost \$600,000 to cover the landscaping shortfalls over time, there was no financial advantage for him, as a Developer. Regarding whether residents had a say in the original make-up of the Board, Mr. Rom stated, per Florida Statutes, CDD Boards are initially controlled by the Developer and eventually transition to being resident-controlled after meeting certain statutory criteria and in accordance with General Elections results.

Mr. Critchett felt that it is unfair that residents did not have a say in who is on the Board or how funds are administered, yet they must pay for the outcome. Mr. John Kinsey explained that there were budgets for landscape maintenance, which included extensive landscape replacement, and the Board elected not to perform the replacement during that period because installed plants and trees would die within a few years due to dust and debris from construction. For that reason, the Board opted to defer that maintenance and replacement.

Discussion ensued regarding deferred funds being used to pay for the current landscaping and replacement, the landscaping assessment, the Tree Amigos contract, reserves and the contents in the Mailed Notice to property owners, which read:

“The primary reason for the proposed assessment increase is the new vendor landscaping and irrigation maintenance contract, tree care and mulch for new and existing areas.”

A resident voiced his opinion that he and his neighbors bought into a dream of a Beachwalk but instead have damaged bushes and messy surroundings. He acknowledged the recent landscaping improvements, which are appreciated, but asked the Board to hurry the work up, to provide residents the wonderful environment that was promised.

A resident questioned why this meeting is being held at a hotel instead of the Clubhouse, which would have been free and reachable for older residents. Mr. John Kinsey stated it was partly to accommodate the District Manager, who presided over the Creekside CDD meeting that met before this meeting and the Creekside CDD does not have a Clubhouse.

On MOTION by Ms. Rogers and seconded by Mr. Bryan Kinsey, with all in favor, the Public Hearing was closed.

Mr. Rom presented Resolution 2022-05 and read the title.

On MOTION by Ms. Rogers and seconded by Mr. Bryan Kinsey, with all in favor, Resolution 2022-05, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2022/2023, Pursuant to Florida Law

- A. Proof/Affidavit of Publication**
- B. Mailed Notice(s) to Property Owners**

These items were included for informational purposes.

- C. **Consideration of Resolution 2022-06, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

On MOTION by Mr. Bryan Kinsey and seconded by Mr. John Kinsey, with all in favor, the Public Hearing was opened.

Resident Fyal Eucara asked why there was a significant difference between the assessments levied on the commercial units compared to the residential units. Mr. John Kinsey stated the assessment sharing percentages were established when the CDD was originally formed and the per acre assessment is higher for residential parcels, as opposed to commercial parcels, and it also has to do with the formula in the Assessment Methodology Report, which is based on Equivalent Residential Units (ERUs).

On MOTION by Mr. Bryan Kinsey and seconded by Mr. John Kinsey, with all in favor, the Public Hearing was closed.

Mr. Rom presented Resolution 2022-06 and read the title.

On MOTION by Mr. John Kinsey and seconded by Ms. Rogers, with all in favor, Resolution 2022-06, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Presentation of Audited Annual Financial Report for the Fiscal Year Ended September 30, 2021, Prepared by Berger, Toombs, Elam, Gaines & Frank

Mr. Rom stated that CDDs are required to engage an independent auditing firm perform an audit of governmental accounting practices that the CDD abides by, including internal controls. He read the following paragraph from Page 36 of the Audit:

“In our opinion, Twin Creeks North Community Development District complied, in all material respects, with the aforementioned requirements during the period ended September 30, 2021.”

Mr. Rom concluded that the CDD is in good financial standing and there were no findings, deficiencies, irregularities, recommendations on internal control or instances of non-compliance; it was a clean audit.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2022-07, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2021

Mr. Rom presented Resolution 2022-07 and read the title.

On MOTION by Mr. Bryan Kinsey and seconded by Mr. John Kinsey, with all in favor, Resolution 2022-07, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2021, was adopted.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2022-08, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023 and Providing for an Effective Date

Mr. Rom presented Resolution 2022-08. Mr. John Kinsey discussed holding meetings at the Beachwalk Club, if available.

On MOTION by Ms. Rogers and seconded by Mr. Bryan Kinsey, with all in favor, Resolution 2022-08, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023 and Providing for an Effective Date, as amended to hold meetings at the Beachwalk Clubhouse, 100 Beachwalk Club Drive, St. Johns, Florida 32259, if available, was adopted.

NINTH ORDER OF BUSINESS

Ratification Items

Mr. Rom presented the following ratification items:

- A. Tree Amigos Outdoor Services, Inc., Agreement for Landscape Maintenance Services**

On MOTION by Mr. Bryan Kinsey and seconded by Ms. Rogers, with all in favor, the Tree Amigos Outdoor Services, Inc., Agreement for Landscape Maintenance Services, was ratified.

- B. Tree Amigos Outdoor Services, Inc., Amendment to Agreement for Landscape Maintenance Services**

On MOTION by Mr. John Kinsey and seconded by Mr. Bryan Kinsey, with all in favor, the Tree Amigos Outdoor Services, Inc., Amendment to Agreement for Landscape Maintenance Services, was ratified.

- C. Tree Amigos Outdoor Services, Inc., Contract Invoice #17633 [Beachwalk Landscape Enhancement Deposit]**

On MOTION by Mr. John Kinsey and seconded by Ms. Rogers, with all in favor, the Tree Amigos Outdoor Services, Inc., Contract Invoice #17633 for the Beachwalk Landscape Enhancement Deposit, was ratified.

- D. Tree Amigos Outdoor Services, Inc., Invoice #18028 [Replacement of Sylvester Palm]**

On MOTION by Mr. Bryan Kinsey and seconded by Ms. Rogers, with all in favor, the Tree Amigos Outdoor Services, Inc., Invoice #18028 for Replacement of Sylvester Palm, was ratified.

- E. Tree Amigos Outdoor Services, Inc., Invoice #18150 [Replenish Annual Beds]**

On MOTION by Mr. Bryan Kinsey and seconded by Ms. Rogers, with all in favor, the Tree Amigos Outdoor Services, Inc., Invoice #18150 to Replenish the Annual Beds, was ratified.

F. Stormwater Needs Analysis Report

Mr. Rom stated the Report was completed by the District Engineer and submitted to the County by the June 30, 2022 due date.

On MOTION by Ms. Rogers and seconded by Mr. Bryan Kinsey, with all in favor, the Stormwater Management Needs Analysis Report, was ratified.

TENTH ORDER OF BUSINESS

Consent Agenda Items

- A. Acceptance of Unaudited Financial Statements as of July 31, 2022**
- B. Approval of May 16, 2022 Regular Meeting Minutes**

On MOTION by Mr. John Kinsey and seconded by Mr. Bryan Kinsey, with all in favor, the Consent Agenda Items, were accepted and approved.

ELEVENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel: *Billing, Cochran, Lyles, Mauro & Ramsey, P.A.***

There was no report.

- B. District Engineer: *Prosser, Inc.***

There was no report.

- C. Field Operations Liaison**

There was no report.

- D. District Manager: *Wrathell, Hunt and Associates, LLC***

- **NEXT MEETING DATE: September 27, 2022 at 1:00 P.M.**

- **QUORUM CHECK**

The next meeting will be on September 27, 2022, unless cancelled.

TWELFTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

THIRTEENTH ORDER OF BUSINESS

Public Comments

Resident Jennifer Dumas was concerned about a blind resident from the apartments who was stumbling on Beachwalk Boulevard and thought he was in the crosswalk. She asked if the CDD has a responsibility to post signage, under the Americans with Disabilities Act (ADA) requirements. Mr. John Kinsey stated the sidewalks are County-owned and CDD-maintained and are designed to accommodate those with disabilities. Staff will make management of the apartments aware of this and suggest they find a volunteer ambassador to help this individual.

A resident asked if the new resort hotel that is under construction in the neighborhood will have access to the lagoon and at what price point if so and if funds derived from hotel guests for access to the lagoon will flow to the CDD's operating income. Mr. John Kinsey stated there were discussions with the hotel's Developers regarding the lagoon and, if the project takes shape, they will be required to contribute to part of the lagoon maintenance costs.

Discussion ensued regarding the resort hotel project, lagoon wall, Lagoon Association, swimming access, water depth, utility lines and whether a bathhouse is required by the State.

A resident asked if fresh water showers and faucets can be installed on East Beach so residents can wash off. Mr. John Kinsey stated running new water lines is an involved process.

Asked when East Beach will likely open, Mr. John Kinsey stated it is tied to the delivery of the landscaping; as soon as the bushes and trees are delivered, everything else will follow.

Asked about widening Beachwalk Boulevard, Mr. John Kinsey stated the CDD is required, under its Development Order (DO), to widen the road from two lanes to four lanes. The CDD drafted and transmitted a proposed amended roadway agreement to the County. A road widening project will be underway by the CDD by the first quarter of next year.

Asked for the status of the Beachwalk Club transition, Mr. John Kinsey stated turnover will occur at the end of September.

Asked if each individual palm tree must be listed in an agenda item in order for it to be replaced, Mr. Rom replied no; although it is budgeted and within the Tree Amigos agreement, all items signed outside of a meeting need to be ratified by the Board. Asked who to contact to initiate the irrigation repairs in Albany Bay, Mr. Rom stated residents can contact him.

FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. John Kinsey and seconded by Ms. Rogers, with all in favor, the meeting adjourned at 1:31 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair