

MINUTES OF MEETING
CAPITAL REGION COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Capital Region Community Development District was held Thursday, December 10, 2020 at 6:30 p.m. at the Southwood Information & Sales Center/The Naumann Group, 3196 Merchants Row Boulevard, Suite 120, Tallahassee, Florida.

Present and constituting a quorum were:

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|----------------|------------------|
| Kyle Rojas | Chairman |
| April Johnston | Vice Chairperson |
| Brian Kelley | Supervisor |
| Corbin deNagy | Supervisor |
| Andrew Wiggins | Supervisor |

Also present were:

| | |
|----------------|------------------------------------|
| James Oliver | District Manager |
| Sarah Sandy | District Counsel (by telephone) |
| Robert Berlin | Operations Manager - GMS |
| Rhonda Mossing | MBS Capital Markets (by telephone) |
| John Ray | Resident (by telephone) |

The following is a summary of the actions taken at the December 10, 2020 meeting. A copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Rojas called the meeting to order and called the roll.

SECOND ORDER OF BUSINESS

Audience Comments

Mr. Ray asked can I update you on the golf course rezoning at this time because I have to be somewhere in 15 minutes?

Mr. Rojas stated we are going to finish this quickly and then skip to item five and that is when you can give your report.

THIRD ORDER OF BUSINESS

Organizational Matters

A. Oath of Office for Newly Elected Supervisor

Mr. Oliver being a notary public of the State of Florida administered the oath of office to Mr. Wiggins.

B. General Information for Newly Elected Supervisor

Mr. Oliver stated I had phone call with Andrew and we went over supervisor responsibilities. We discussed Florida’s Sunshine Law and tjaht board members may only have communicate with other supervisors regarding district matters at a noticed meeting. Florida has a very broad public records law and district documents are considered public records except for some noted exemptions. To that extent, it would be good to keep district records segregated from personal and business records so they can be easily accessed if needed for a records request. If there is a records request is made directly to a supervisor, please contact the attorney or me for assistance. Likely we would have the records in my office, the attorney’s office or the engineer’s office. Your CDD emails are public records also and you may want to establish a separate email account for district business.

C. Recognition of Outgoing Supervisor John Ray

Mr. Oliver stated we do have a plaque for outgoing Supervisor Ray who couldn’t be here tonight. It can be presented that at the next meeting.

D. Election of Officers, Resolution 2021-01

On MOTION by Mr. Kelley seconded by Mr. deNagy with all in favor Resolution 2021-01 was approved reflecting the following officers: Mr. Rojas chairman, Ms. Johnston vice chairperson, the remainder of the supervisors will serve as assistant secretaries and members of GMS staff will serve as secretary, treasurer and assistant secretaries and assistant treasurers.

FOURTH ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of the Minutes of the October 8, 2020 Meeting**
- B. Balance Sheet as of October 31, 2020 and Statement of Revenues & Expenditures for the Period Ending October 31, 2020**
- C. Allocation of Assessments**

D. Check Register

On MOTION by Mr. Kelley seconded by Ms. Johnston with all in favor the consent agenda items were approved.

FIFTH ORDER OF BUSINESS

**Update Regarding Southwood Golf Course
DRI/PUD Amendment LDR 17 Matter**

Mr. Ray stated at the last meeting we provided an update on the status of the rezoning application to convert about ½ acres of land within the golf course property to low density residential and the board authorized up to \$12,000 to commission some research and legal analysis document from Hopping Green & Sams. We proceeded with that direction; however, the city decided not to waive conflict of interest for Hopping Green & Sams. We ultimately hired David Weiss of the Ausley McMullen firm who developed a legal argument that the interconnectivity of our PUD and development order, which required 45 acres and the out of bounds area of the golf course to be preserved for habitat and open space. This document went to the planning commission, county commission and city commission and was used by the county commission, particularly Commissioner Kristin Dozier to basically create a very compelling justification to deny this rezoning application and altering the development order. We won that vote last month 7 – 0, but without that document, the legal stuff they needed to deny it, they couldn’t have done it.

We went over budget \$5,130; we felt it was worth the risk absent the vote of this board and the lawyer knew he was taking some risk. He was present at not only the planning commission meeting in person, county commission meeting via zoom, and the city commission meeting last night to present this. I’m asking the board to make this attorney whole. It is a small price to pay for the long-term benefit and longevity of the ruling we achieved last night.

Mr. Rojas stated I did vote for it at the October meeting, although I was actively against it during discussion at that meeting. I saw the votes on the board, the board seemed to want it, and I voted for it. I didn’t think it was a CDD issue that we needed to go into. I called Mr. Oliver the next day and said I know I voted yes, but I would like to change my vote if I’m allowed to. He said I cannot change a vote except at a publicly noticed meeting. He phoned me in November saying we hit the \$12,000 limit and we discussed the funding request for additional legal work

on the matter. I pointed out we wouldn't have another Board meeting until December, and since the board approved a \$12,000 limit, and I would not authorize exceeding the approved amount.

After board discussion and resident input the board took the following action.

On MOTION by Mr. Kelley seconded by Ms. Johnston with three in favor and Mr. Rojas and Mr. deNagy opposed the additional amount of \$5,130 requested by Ausley McMullen was approved.

SIXTH ORDER OF BUSINESS

Discussion of Refunding of Series 2011A-1 Bonds and Consideration of Supplemental to Investment Banking Agreement with MBS Capital Markets, LLC

Ms. Mossing stated we constantly monitor your financing situation and the bonds outstanding and these bonds are call protected until May 1, 2021, which means under tax law they can be refunded as early as February 1. If the board approves our agreement that is in front of you today, we can begin work on that and try to bring something back to you at your next meeting to lower that interest rate.

Mr. Kelley asked can you state the amount the bond is currently at?

Ms. Mossing stated it is currently outstanding at \$3,040,000 with an average coupon rate of about 5 ½% and we think we can get that refinanced and lower that rate to the neighborhood of 2 ½%, which is what we are seeing in the market today.

On MOTION by Mr. Wiggins seconded by Mr. Kelley with all in favor the engagement letter with MBS Capital Markets, LLC was approved.

Ms. Sandy stated our next meeting isn't until February. Is that an issue in terms of bringing things back to the board?

Ms. Mossing responded no, the earliest you can refund the bonds would be February 1st and that is 90 days before the call date so between now and then I will be working to get a credit package out to banks and possibly a rating agency to get the bonds rated and bring that back to you. If I get it back sooner than later, I will contact Jim to see if we could have a special meeting and if not then we will take it up at your February meeting.

Continuation of public comments

Mr. Homedani stated I would like to thank the efforts for the outgoing board members and we appreciate all that time and effort. I would like to welcome the new supervisors to the board and I look forward to working with all of you in the coming years. I have been working with the board on Unit I7 parking and would like to continue with that.

Mr. Kelley stated what Dan is referring to that he has brought up a couple different times is the roundabout there is no parking on the side where the homes are at, they all front the sidewalk there. It was not designed to have parking there.

Mr. Berlin stated the bottom line is the city will not let you put parking in the roundabout section of the road.

SEVENTH ORDER OF BUSINESS

Consideration of Natural Gas Utility Easement with The City of Tallahassee

Ms. Sandy stated at the last meeting I reported that the city would be requesting from the district a utility easement that would go over a common area parcel in LSF-7 in order to provide some utilities to a residential house. The city did grant and approve all the changes we requested.

On MOTION by Mr. Kelley seconded by Ms. Johnston with all in favor the grant of the utility easement in LSF-7 to the City of Tallahassee was approved as amended.

EIGHTH ORDER OF BUSINESS

Consideration of Master Easement Release for MDR 11

Ms. Sandy stated St. Joe has sold an undeveloped piece of property in MDR-11, the buyer is Lakeside Grand, LLC. Currently the district has a temporary construction and maintenance easement over much of the undeveloped property that allows the district to do construction that is needed but also to allow access to items that we might need. When certain areas are being sold off or developed we release those areas from the easement. In this particular area there are stormwater improvements that the district needs access to in order to maintain those and while we are okay with releasing it from the overall master easement we do need to get a specific easement that will allow access to maintain those stormwater improvements, which is

the access and maintenance easement you see before you. There is a pipe that will eventually have to be relocated once the buyer develops and they have agreed that at that time the buyer will relocate it at their own expense and then give us an easement over that new area where the pipe is located.

On MOTION by Mr. Kelley seconded by Mr. Wiggins with all in favor the access and maintenance easement in MDR 11 was approved.

NINTH ORDER OF BUSINESS

Update Regarding DRI Matters

There being none, the next item followed.

TENTH ORDER OF BUSINESS

Update Regarding Recreational Improvements

A. Dog Park

Ms. Sandy stated I provided the board with a short memo summarizing what we found in terms of the district’s potential liability if it were to construct and own a dog park.

After discussion Mr. Rojas was authorized to work with Mr. Berlin to find an acceptable area to locate a dog park and Ms. Sandy regarding any potential arrangement with residents who may want to participate and report back to the next meeting.

B. Volleyball Courts

C. Swings (Eagle Scout Project)

Mr. Berlin stated the swing came in two days ago for the Eagle Scout project and I contacted the scout. He is in the process of having another fundraising sale and I told him with the holidays so close it might be better to complete his funding and do whatever he has to do and delay this project to the first of the year. All Pro is getting ready to shut down for two weeks and we don’t want to get started then let it hang out there. Once that starts, I will do the layout and start prepping the ground for that and the volleyball court.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being none, the next item followed.

B. Dantin Consulting

There being none, the next item followed.

C. Property Management Report

1. All Pro Reports

A copy of the All Pro reports was included in the agenda package.

2. Operations Memorandum

A copy of the operations memorandum was included in the agenda package.

3. Variance Report

A copy of the variance report was included in the agenda package.

D. Manager

There being none, the next item followed.

TWELFTH ORDER OF BUSINESS Supervisor’s Requests

Mr. Kelley stated they are moving on the park and I think they will be done in the summer. They may open some sections earlier than others, there is a drawing of the new layout that I will send to Mr. Oliver to distribute to the supervisors.

THIRTEENTH ORDER OF BUSINESS Audience Comments

A resident asked whenever something is mentioned about location is it possible to show it on the map? The volleyball court you are talking about where is it located?

Mr. Berlin responded it is next to the tot lot.

**FOURTEENTH ORDER OF BUSINESS Next Scheduled Meeting – February 11, 2021
at 6:30 p.m. at the Southwood Community
Center**

Mr. Rojas stated the next meeting is scheduled for February 11, 2021 at 6:30 p.m. Does anyone want to sign up for any of the vacancies in community interests?

Mr. Kelley stated I want the parks and rec, bike trails.

Mr. deNagy stated I will take budget and bonds.

Mr. Wiggins stated I would like city/county coordination.

Mr. Rojas stated I will take roadways.

The meeting adjourned at 8:06 p.m.



Secretary/~~Assistant Secretary~~



Chairman/~~Vice Chairperson~~