

Minutes of Meeting  
Tolomato  
Community Development District

The regular meeting of the Board of Supervisors of the Tolomato Community Development District was held Tuesday December 18, 2018 at 3:00 p.m. in the Nocatee Amenity Center, 245 Nocatee Center Way, Ponte Vedra, Florida

Present and constituting a quorum were:

Richard T. Ray	Chairman
William Fitzgerald	Vice Chairman
Cherya Cavanaugh	Supervisor

Also present were:

Jim Oliver	District Manager
Katie Buchanan	District Counsel (by telephone)
Scott Wild	District Engineer (by telephone)
Steve Hanson	Tolomoto
Lee Hovis	Tolomoto
Tina Burleigh	Tolomoto
David Ray	GMS, LLC
Justin Williams	Connelly & Wicker

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Oliver called the meeting to order at 3:00 p.m. and called the roll.

**SECOND ORDER OF BUSINESS**

**Affidavit of Publication**

A copy of the affidavit of publication of the notice of meeting was included in the agenda packages.

**THIRD ORDER OF BUSINESS**

**Audience Comments**

There being none, the next item followed.

**FOURTH ORDER OF BUSINESS**

**Approval of the Minutes of the November 9, 2018 Continued Meeting and November 27, 2018 Regular Meeting**

On MOTION by Mr. Ray seconded by Mr. Fitzgerald with all in favor the minutes of the November 9, 2018 continued meeting and the November 27, 2018 regular meeting were approved as revised.

**FIFTH ORDER OF BUSINESS**

**Consideration of Proposed Changes to Policies and Procedures**

Mr. David Ray stated you have proposed changes to the policies and procedures. The only difference between what is in front of you versus what was in the agenda package is we removed proposed changes relating to the fees as those must be approved by rule and we will do those next month. Every year we take what we learn and update the policies and procedures as a result of that as well as this year we are getting in for the spray park we have electronic cards versus punch cards. There is nothing significant in there other than an annual update, no major policy changes. There are a couple typos and some minor clarifications and if you approve it I would like that to be approved in substantial form and make those changes.

Mr. Ray asked what is our access control system now versus when we started with Splash?

Mr. Hovis stated we use an AVAC system, which is symmetry software that is used in several different locations throughout the Jacksonville area. The service company we use is G4S and they are part of the AVAC company so we have a direct link.

Mr. Ray stated you are getting a scan with a picture that comes up. Have we ever reissued passes in the last ten years?

Mr. Hovis responded no, not in bulk. Even when we made the switch from Honeywell to Symmetry we were able to use the existing cards, they migrated into the software.

Mr. Ray stated the only reason I asked is because we have been here a long time and there are a lot of cards in the Jacksonville community. There are a lot of cards out there from people who used to live here and don't live here any longer and I want to make sure that at some point in time we get rid of all the old cards.

Mr. Hovis stated the cards are tied to a physical address not to a name. If someone moves into a house at 440 Crosswater we are going to have a list of everybody there and once the deed comes in they take the old people out and deactivate those cards so they are no longer good and they no longer have access.

Mr. David Ray stated if that person tried to use the card at the fitness club it wouldn't work. If they presented it at the splash park it would show up as a non-valid user.

Ms. Cavanaugh stated it works. When I had new buyers purchase resale homes if for some reason a card was left for a tenant and they try to use the card Tina calls me and says they have to go in because the card is denied.

Mr. Ray stated I'm concerned about people who no longer live here and kept their cards.

Ms. Burleigh stated we changed the way the card looks about four years ago.

Mr. Fitzgerald asked what about tenants?

Mr. David Ray stated for the new apartments have a different color card. We have different colors for different reasons but that is going to put a person at the splash park more on notice that this is more likely to be something that is going to roll over and expire more. We also have a set of rules for the apartments to turn in the cards for that reason.

Mr. Fitzgerald asked are they linked by address or by name?

Mr. David Ray responded address. The apartments are on a process where every month they are going to send us a list to add these people, delete these people so we are not reliant on the same system. The system for 123 Main Street is the new person comes in and I delete the old, the apartments aren't going to work like that; the apartment complex is going to send us a listing and say delete these.

What we have are clarifications from lessons we have learned.

Mr. Ray asked do you still have the same grandparent policy?

Mr. David Ray stated we made a couple of tweaks to the grandparent policy, it is basically the same but a couple of tweaks to clarify things based on lessons we have learned.

Mr. Ray stated it really is taking the current policies and incorporating the spray park; there are no major policy changes that would relate back to the splash park.

Mr. David Ray stated the biggest clarification that we did was made the language on the lazy river stronger. We wanted to take a more drastic and noticeable step forward both with staff and residents. We want to start that policy to make that a quieter area.

Mr. Fitzgerald stated I think you also changed to acknowledge that we are now doing digital credits instead of an actual pass.

Mr. Hovis stated that was a huge success.

Mr. Ray asked what is a digital credit?

Mr. Hovis stated we used to have the guest card that we punched and now it is all electronic.

Mr. Ray stated we still need to have a discussion on cashless. Would that be part of the amenity policies?

Mr. David Ray responded no.

On MOTION by Mr. Ray seconded by Ms. Cavanaugh with all in favor the proposed changes to the policies and procedures were approved in substantial form.

**SIXTH ORDER OF BUSINESS**

**Consideration of Environmental Services Inc. Proposal for Additional Services – Credit Tree Services**

Mr. Hovis outlined the proposal from Environmental Services, Inc., which was included in the agenda package.

On MOTION by Mr. Ray seconded by Mr. Fitzgerald with all in favor the proposal from Environmental Services in the amount of \$6,000 was approved.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

There being none, the next item followed.

**B. Engineer**

**1. Construction Updates**

Mr. Williams stated the spray park is still under construction. I haven't gotten a new schedule from the contractor, but my feeling is completion is probably about five weeks out.

Mr. Hovis stated I think we are shooting for initial permitting the first or second week of January. At that point it will be substantially complete, just punch list items.

**2. Consideration of Change Orders**

Mr. Williams stated you have three change orders that are not in the packet. The first one is for \$2,279.50 and is a change order for relocation and refurbishment of the existing Nocatee Community Park sign. Change order no. 3 is for \$4,617.11 for the additional airbrushing of the

wainscoting around the buildings to match the ----- painting. Change order no. 4 is for \$11,109.15 and this is for ----- for unforeseen conflicts with the -----  
-----.

On MOTION by Mr. Ray seconded by Ms. Cavanaugh with all in favor change orders no. 2, 3, and 4 were approved.

**3. Consideration of Work Authorizations**

Mr. Williams stated this is an increase in our scope for the spray park and it is for an increase of \$9,000 and this is for permitting the playground area, we need drainage for it and submitting the applications.

On MOTION by Mr. Ray seconded by Mr. Fitzgerald with all in favor the work authorization from Connelly & Wicker, Inc. in the amount of \$9,000 was approved.

**4. Requisition Summary**

Mr. Wild stated I believe a revised requisition summary was distributed at the meeting. From the bond account we have requisitions 56 through 60 and 62 through 65 with no. 61 being voided and that is a change from what was in the agenda package. Those total \$624,720.10. Requisitions 671 through 677 from the impact fee account totaling \$35,918.65 for a total requisition amount to be approved of 660,638.75.

On MOTION by Mr. Ray seconded by Mr. Fitzgerald with all in favor the requisition summary 56-60 and 62 through 65 with no. 61 being voided from the 2018 bond account and requisitions 671-677 from the impact fee account were approved.

**C. Manager – Appointing Dave deNagy an Assistant Treasurer for Tolomato Community Development District**

Mr. Oliver stated we need to appoint Dave deNagy an assistant treasurer. When we appointed officers at our last meeting, Dave deNagy, a GMS employee, was omitted from that and we want him to be able to sign documents on behalf of the district.

On MOTION by Mr. Ray seconded by Ms. Cavanaugh with all in favor Dave deNagy was appointed an assistant treasurer.

#### **D. Community Manager Report**

Mr. David Ray stated the community manager's report is in the agenda. Another thing I want to bring up is an agreement for co2 services. A copy of the agreement is in front of you.

Mr. Hovis stated as we are progressing with the concession building getting ready to turn it over to us we have a few services that we have to have in regard to having the beer run and the soda run. co2 services is one part of that, it is needed for both soda operations as well as the beer. I need to have an agreement with a service company to fill the tank and because of the usage, soda and beer, we are going with bulk instead of a smaller tank that we would have to constantly connect with. We have gotten bids from a couple companies and we have been working with Katie to have her review different contracts and this is the one company that has agreed to knock their requirement down to two years as opposed to five. Everybody else is requiring a five year commitment.

Mr. Ray asked are they leasing us the tank?

Mr. Hovis responded yes. It is their tank and we would just purchase the gas. The cost is \$72 a month for the bulk tank, it is a 300 pound tank, and that would include unlimited fills.

Mr. David Ray stated Katie did point out a concern that we need to bring to your attention.

Ms. Buchanan stated one point of concern that I had would be the service agreement for the co2. Essentially it is just a requirement that the district indemnify the seller for claims, liabilities and damages. My proposed course of action is to request that the seller remove that language, if, however, that is not feasible then the board can always choose to accept this risk. It is just probably not something covered by your insurance. This isn't like a zipline, I think that your liability is relatively limited but I did want to point that out for you to consider as a business decision.

Mr. David Ray stated we would like it approved contingent on us going back and requesting the change in language and working with the chairman if that doesn't happen.

On MOTION by Mr. Ray seconded by Mr. Fitzgerald with all in favor the co2 service agreement with Helget Gas Products was approved in substantial form subject to requesting that the

indemnification clause be removed and the chairman was authorized to execute the final form once reviewed by counsel.

**EIGHTH ORDER OF BUSINESS                      Financial Reports**

**A. Balance Sheet as of November 30, 2018 and Statement of Revenues and Expenditures for the Period Ended November 30, 2018**

A copy of the balance sheet and statement of revenues and expenditures were included in your agenda package.

**B. Construction Schedule – November 30, 2018**

A copy of the construction schedule was included in your agenda package.

**C. Assessment Receipt Schedule**

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

**D. Check Register**

On MOTION by Mr. Ray seconded by Mr. Fitzgerald with all in favor the check register approved.

**NINTH ORDER OF BUSINESS                      Other Business**

There being none, the next item followed.

**TENTH ORDER OF BUSINESS                      Supervisor's Requests and Audience Comments**

There being none, the next item followed.

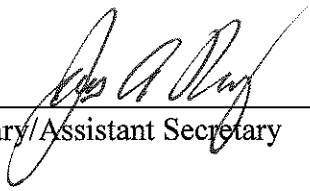
**ELEVENTH ORDER OF BUSINESS                      Next Schedule Regular Meeting – January 22, 2019 at 3:00 p.m. at the Nocatee Amenity Center**

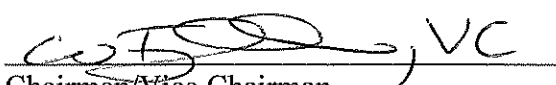
Mr. Oliver stated the next meeting is January 2, 2019 at 3:00 p.m.

Mr. Ray stated when we don't have any residents here it might be better to go in another room. It is hard to hear and it is hard to hear on the telephone.

Mr. Oliver stated okay.

On MOTION by Mr. Ray seconded by Ms. Cavanaugh with all in favor the meeting adjourned at 3:28 p.m.

  
Secretary/Assistant Secretary

 VC  
Chairman/Vice Chairman