

Minutes of Meeting
Rivers Edge
Community Development District

The regular meeting of the Board of Supervisors of the Rivers Edge Community Development District was held Wednesday, May 20, 2020 at 11:00 a.m. using Zoom communications media technology pursuant to Executive Orders 20-52, 20-69 and 20-123 issued by Governor DeSantis pursuant to Section 120.54(5)(b)2., Florida Statutes.

Present and constituting a quorum were:

Jason Sessions	Chairman
Mac McIntyre	Vice Chairman
Judy Long	Supervisor
Randy Schaublin	Supervisor

Also present were:

Jim Perry	District Manager
Jennifer Kilinski	District Counsel
Lauren Gentry	Hopping Green & Sams
Ryan Stillwell	District Engineer
Dan Fagen	Vesta/Amenity Services
Zach Davidson	Vesta/Amenity Services
Jason Davidson	Vesta/Amenity Services
Marcy Pollicino	Vesta/Amenity Services
Ernesto Torres	GMS, LLC

The following is a summary of the discussions and actions taken at the May 20, 2020 meeting. An audio copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Perry called the meeting to order at 11:00 a.m. via Zoom and called the roll.

The next item was taken out of order.

FIFTH ORDER OF BUSINESS

**Discussion and Ratification of District
Facilities Plan for Opening of Amenities**

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Mr. Perry stated staff has been working through this Coronavirus opening plan for all the district facilities. District counsel has been working through the state and federal guidelines, along with our insurance carrier and with the staffing that Vesta provides in order to do a phased approach for opening the facilities.

Ms. Kilinski stated I have been partnering with Vesta on this presentation as well. From a high level so that the board understands the process we have gone through, our office has worked with FIA, which is your insurance carrier, as well as tracking the executive orders and the press conferences as they have come down for the districts that we represent along with other private industries that also have some interests in how facility roll outs are being handled. Well in advance of the executive order coming out, Vesta has been and continues to be a great partner in working with members of staff to develop a reopening plan that they feel they can handle from an operational perspective, and also making sure we have the sanitation supplies the CDC requires, the state requires that we have to use for staff in place, and that we have considered what local jurisdictions are doing and what the CDC recommends by way of any one of these types of facilities reopening in Phase 1. We also understood that it was very possible that Phase 1 would be supplemented by executive order of the governor and an executive order was signed supplementing Phase 1 to allow fitness centers to reopen. That fitness center reopening was a little bit more detailed this time because the executive order said that the Department of Business and Professional Regulations had the authority to make rules for state mandates on how to reopen those fitness centers. Governor DeSantis has repeatedly said that one area of his concern is a possible spread at fitness centers. Knowing that was coming in the last 10 – 14 days, we tried to work on what we anticipated happening with that executive order and DBPR and have modified some of that by working with FIA through the weekend to have a plan potentially in place if the Board wanted to consider reopening the fitness centers. Also, from a high level of what we will be talking about a little bit today, is that critical information from state and local jurisdictions have been changing rapidly. You think you have your bearings and two or three days later you have new information. We are asking the board to consider quite a bit of flexibility for staff to be able to make onsite decisions based on what we are seeing, hearing, how residents are participating, what the bathing loads may be, what Vesta needs to feel like they can be successful implementing any various numbers of plans. From staff's perspective, one of the reasons the plan is somewhat conservative is making sure that with the number of facilities reopening we have proper staffing

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in place to be able to deal with how residents were going to interact at the facilities and we can talk about each one of these categories that we sent around and get feedback from the Board on whether you like the plan as it is and want to ratify it, or if we want to make considerations for changes for any of these categories, you can do that too.

I would like Vesta to talk about how they are seeing the implementation of the plan onsite, if there are some concerns or considerations that the board may need to undertake as you look at the other amenities, and what you may want to reopen along the way.

Mr. Jason Davidson stated currently we have the pools open at both locations. Monday, we had the River Club that was opened, yesterday we had the River House that was opened, today we have both facilities that are open. Everything has been going smoothly. The residents are excited to be back as are we to have them back. A guest service member is at each location and have been directing residents to the side entry points. We have pool monitoring on the deck to ensure social distancing guidelines are being met and to address resident concerns. We provided residents with 10-minute warnings when it comes close to the time lapsing. At that point in time we ask them to exit via the normal entry gates. Following their departure, we follow a 30-minute sanitation checklist, we wipe down all high potential areas and anywhere we have any traffic. The signup genius has proven to be effective; residents have been very positive and appreciative so far as how we have been operating. It has been a pretty smooth transition so far, everything has gone very well, a great reception from the residents.

Mr. Sessions stated I want to commend you for everything you have pulled together so quickly as things are changing so quickly and working through the plans. I have gotten very little negative feedback on the way things are being run.

Ms. Long asked are we in Phase 1?

Ms. Kilinski stated yes. The difference between what is allowed, permitted in Phase 1 and what is being implemented in Phase 1 is a facility-by-facility consideration. The state is in Phase 1 but as an example, playgrounds are about 50/50 across the state as to whether cities and counties have reopened playgrounds. The CDC recommends in Phase 1 that playgrounds remain closed, but it is not prohibited. A lot of this is policy based and policy driven combined with what you have onsite. The executive order for Phase 1 says that local governments shall ensure social distancing and proper sanitation procedures are in place. What we have thought about and what I want everybody to understand is that Vesta has worked 200 to 300 hours if you combined it all on

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the Phase 1 reopening plans for the kinds of facilities that we are contemplating along with the fitness centers on what can we safely do and tell the residents we have sanitation in place, we can ensure social distancing, recognizing that there are some balances between what is allowed and what is actually plausible. It doesn't mean we can't reopen the tennis courts; it doesn't mean we can't reopen the basketball courts or the volleyball courts. The question is: what do we feel comfortable staffing, and signage, and that sort of thing for each of these different amenities.

Ms. Long stated the biggest question from the residents is a timeline. Do we have a timeline for all the different amenities?

Mr. Schaublin asked does Phase 2 statewide kick off this weekend?

Ms. Kilinski stated there is no specific timeline for Phase 2.

Mr. Schaublin asked what are the challenges that you are facing if we were to open some of those areas; the basketball courts or tennis courts?

Mr. Jason Davidson stated I can go through each one and give you the challenges and also give you a possible solution. If we were to move forward with the opening of the fitness center we would be able to monitor it, it would be during the hours of operation the pools are opened from 9 – 6 and we would be able to do the same as we are doing at the pools, with the signup genius and allotting them to come in and the 30 minutes in between for sanitation. Dog Parks is not something we can monitor. We can put out signage and they would have to cover themselves, but that is challenging. Basketball courts would be the same way. We could include it in our 30 minute walk, but for a signup genius once we leave at 6 p.m., and it is the same with the tennis courts, then there won't be a working order per se where they can sign up for those times and where it would be monitored. If we were to open those areas and we have the signage for social distancing and everything from the CDC and our insurance provider that we can place out there, it would just be controlling it and using that signup genius would not work. If you did choose that route for the tennis courts, basketball courts, fitness center we could do those within the hours of 9 – 6 if we wanted to go out and monitor. One of the challenges that comes with the basketball courts is the one that is on the north lake, it is on the other side of the property, therefore, we would have to have someone drive out there each hour to check on that to make sure social distancing is occurring there.

Mr. Schaublin asked what is our legal exposure for having them use the facilities at their own risk, the ones we can't monitor?

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Ms. Kilinski stated the thing we have been focusing on is do we have insurance coverage in the event of someone saying they contact traced back to the facility. It comes down to reasonableness of the implementation. As an example, with the basketball courts, one of our districts has a basketball court that has gates around it so they can open that one because they can monitor that, and they feel that is a reasonable opening. Whereas the basketball courts that are offsite that are much harder to monitor they have those closed and still have the rims down. That is the balance we see happening at most districts, what can we safely look at in Phase 1, knowing that Phase 2 may be just a couple weeks around the corner, and we anticipate having a little bit more flexibility to that implementation in Phase 2. It is hard to say.

Ms. Long asked we are basing all this on our liability or are we basing in on CDC rules?

Ms. Kilinski stated I would say both considerations are in play because they go part and parcel. The consideration is again, what does the CDC recommend when you take all the facts and circumstances together. What can we say is a reasonable implementation of the Phase 1 requirements? What gives us pause is the executive order puts a “shall” clause, a “must” clause on local jurisdictions on the social distancing piece so most folks are taking some of the risk, we can do what we can do, we will put proper signage that FIA (our insurance carrier) and the CDC have required, but the balance is between let’s reopen the pool we know we can monitor it, maybe fitness centers have a comprehensive plan about how that can operate, tennis a lot of folks are starting to reopen tennis with singles or doubles play where we have staff onsite that can periodically check in on those folks. If you see people who are not adhering to it routinely, I have already had a couple districts that have shut things down. It had gotten out of control, we had 15 people playing basketball pick-up games. As long as everybody is following the rules it is fine because we are insuring it, it is when we have folks abusing the recommendations and policies that we start to have a problem. That is one possible solution, and Jason and Dan can speak to this too, what they are seeing on site, but if Jason says from Vesta’s perspective we have folks there from 9 – 6 so we can reopen tennis, we can reopen the basketball court here at the amenity facility, we can maybe reopen the dog park and if folks are not adhering to the social distancing requirements that we have posted, then give staff the flexibility to shut it down and let people know that they are not following it and if folks are following it, then great. We keep rolling and when we get to Phase 2, we can have a little bit more relaxation even on what we are recommending now. Overall from what I’m hearing across the state is the vast majority of properties are really not having a

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problem. Most people understand what they need to do to keep stuff open and people are following the rules. We didn't know exactly how it was going to happen when we first proposed the plan, but by and large that is what we are seeing.

Mr. Fagen stated I agree, we have been pleasantly surprised with the majority of our communities. It sounds like RiverTown has been outstanding but as a rule most people are just happy to use the facilities again and to the extent that we can staff them safely, and it sounds like that is what we are doing at RiverTown, we have had great results on the most part. The other communities are consistent with RiverTown as far as what is open, what is closed. Your neighbors are pretty much in the same boat as far as challenges with basketball courts, volleyball courts and that kind of thing.

Ms. Kilinski stated if there is a desire from the Board to lose some restrictions in some of these areas, when you ultimately make your decision on some of those changes it may be worth going category by category of what you want to see so we can update this reopening plan and be consistent with what we are communicating to residents about the maximum capacities and what the requirements are going to be at each of those and we can talk about that. On the fitness centers, that is one scenario where we don't have a whole lot of flexibility and that is because DPBR has promulgated emergency rules that require reopening to be at certain thresholds. They can shut you down if you are not complying.

At this point the floor was opened for public comments.

Ms. Bennick stated I have been listening and to the extent that you can open the amenities I think we should consider that. I think the residents are ready to get back to normal as much as possible, and I think the adults need to be responsible for themselves and their dependents, so I think that needs to be made clear. I think there is some flexibility there, you have the option to shut it down if you see they are not abiding by the rules, but I think you need to open up what you can and give them a chance.

Ms. Aquilina stated you talked about CDC recommendations and that we should be following their recommendations. I'm a healthcare provider and I can tell you that the CDC recommends at least 115 minutes of moderate intensity activity and brisk walking currently two days of these activities with strengthening in adults. Do all adults do that? No. It is also on the CDC website that recommends to stop smoking, it harms every organ in your body. Do people

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follow that? No. Again, it is a recommendation. The same thing is an annual flu exam for everyone six months and older. It is a recommendation. I think what is happening is that recommendation is making people think a recommendation is law and that is not the same thing. We should be following the law, not just the recommendations because people don't follow all the recommendations. It is our freedom and our right as American citizens to practice our own way of doing things and deciding what is right and wrong for ourselves. There is absolutely no reason why the dog park cannot be opened. Generally, the dog park is empty anyhow. Tennis, how many people are allowed on a court at the same time? 2 – 4, that is all there is. I have never seen more than 4 people on one court. There is no reason to police people. Basketball is a bone of contention; people say the kids are hanging out there. It was the same group of 10 kids that hung out together. Would you rather they do vandalism in the community or just hang out and enjoy each other's company? Whether you police them or not they are going to be hanging out somewhere doing something. In reality we have to do what is right for us.

Mr. Hughes stated I second the suggestion for the outdoor activities, especially the tennis and basketball courts. It is tough to keep social distance especially with the basketball court, but being part of the RiverTown basketball group I know we would like to get active again and we will do our best to keep our social distance while we wait to play. Maybe 8 – 10 people max.

Mr. Perry stated I will bring it back to the Board for additional discussion.

Mr. McIntyre stated I agree with the residents. They made some valid points and I think we should open whatever we can with guidelines. Let Vesta, Mattamy and the board be responsible for what we need to be responsible for, and let the residents as adults be responsible for policing themselves as well when we are not around. Vesta can't do everything, they can't police everything. Everyone has ownership in this, and I think we should let everyone own what they own and open up what we can for the residents.

Mr. Sessions stated I want to be clear that Mattamy doesn't have any involvement in the policy setting. This has been driven by the attorney and Vesta. My opinion as a board member is that we need to let Vesta and Jennifer drive the policy as they see fit to make sure that we meet the insurance regulations and are covered. Taking insight from neighboring CDDs, I think is a dangerous proposition. We need to be crystal clear in our policy and make sure that we are covered. We have a lot of great amenities here at RiverTown, and we would hate to see some legal action taken against the Board and taken against the CDD for not following guidelines that have

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been issued. Jennifer clearly stated that we are looking at CDC recommendations, but we are also taking into consideration the insurance requirements and following the governor's actions for the different phases. If we want to open some things up, we need to let Vesta and Jennifer drive that bus for us and tell us how we can do that cohesively, properly and still maintain our liability insurance coverage.

On MOTION by Mr. Schaublin seconded by Mr. McIntyre with all in favor staff was authorized to open as many of the facilities as possible subject to CDC, state, local and federal guidelines balancing with our insurance and availability of staff, and if rules are not followed by the public, staff has the ability to adjust usage and/or close down facilities.

SECOND ORDER OF BUSINESS

Audience Comments

There being none, the next item followed.

THIRD ORDER OF BUSINESS

Organizational Matters

A. Acceptance of Resignation of Charles Oates

On MOTION by Ms. Long seconded by Mr. Schaublin with all in favor Charles Oates' resignation was accepted with regrets.

B. Declaration of Vacancy in Seat 5

On MOTION by Ms. Long seconded by Mr. Schaublin with all in favor seat 5 was declared vacant.

Mr. Perry stated I have received 7 or 8 resumes for that open position and have sent information to three or four residents about the duties of a supervisor. You will have a lot of resumes to consider for June 10th and we will put that on the next agenda.

FOURTH ORDER OF BUSINESS

Approval of the Minutes of the April 15, 2020 Meeting

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On MOTION by Mr. Schaublin seconded by Mr. McIntyre with all in favor the minutes of the April 15, 2020 meeting were approved as presented.

SIXTH ORDER OF BUSINESS

Ratification of Cost Share Request Under Interlocal Agreement

Mr. Perry stated the interlocal agreement was approved last year and if there are additional items that come on for cost sharing there is a process that is signed off by the district engineer and manager. This is related to additional landscaping for parcels 24 and 25.

On MOTION by Mr. Sessions seconded by Ms. Long with all in favor the cost share request under the interlocal agreement was ratified.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being none, the next item followed.

B. Engineer

Ms. Long asked is the new bridge you put in over the Gardens in North Lake golf cart friendly?

Mr. Stillwell responded the wooden boardwalk, no.

C. District Manager – Report on the Number of Registered Voters – 1,628

Mr. Perry stated a copy of the letter from the supervisor of elections indicating there are 1,628 registered voters residing within the district was included in the agenda package.

Qualifying for seats 1, 3 and 5, which is Jason Sessions’ seat, Judy Long’s seat, and the seat that Charles Oates had is from June 8 to June 12. Anyone interested in those seats will have to file appropriate documents with the supervisor of elections.

D. General Manager - Report

A copy of the general manager’s report was included in the agenda package.

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EIGHTH ORDER OF BUSINESS

Supervisors' Requests and Audience Comments

There being none, the next item followed.

NINTH ORDER OF BUSINESS

Other Business

Ms. Aquilina asked regarding this vote does that mean from now on when it comes to amenities as the governor and local government changes their band-aids and rules will that just automatically flow into the community or will it have to be voted again?

Mr. Perry stated it will flow into the community. It won't have to be voted on by the board.

TENTH ORDER OF BUSINESS

Financial Reports

A. Balance Sheet & Income Statement

A copy of the balance sheet and income statement were included in the agenda package.

B. Assessment Receipt Schedule

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

C. Approval of Check Register

On MOTION by Mr. Sessions seconded by Ms. Long with all in favor the check register was approved.

ELEVENTH ORDER OF BUSINESS

Next Scheduled Meeting – Wednesday, June 10, 2020 @ 11:00 a.m.

Mr. Perry stated our next scheduled meeting is going to be June 10th at 11:00 a.m. and I believe that will still be by Zoom but we will contact everyone in regard to that.

On MOTION by Ms. Long seconded by Mr. McIntyre with all in favor the meeting adjourned at 11:45 a.m.

DocuSigned by:
Jim Perry
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Secretary/Assistant Secretary

DocuSigned by:
Almed Mac MacIntyre
31D997FE6B5E4D1...
Chairman/Vice Chairman