

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, January 20, 2021 at 11:00 a.m. at the RiverTown Amenity Center, 156 Landing Street, St. Johns, Florida.

Present and constituting a quorum were:

Randy Schaublin	Chairman
Mac McIntyre	Vice Chairman by telephone
Erick Saks	Supervisor
Frederick Baron	Supervisor
Robert Cameron	Supervisor

Also present were:

Jim Perry	District Manager
Jennifer Kilinski	District Counsel
Lauren Gentry	Hopping Green & Sams by telephone
Ryan Stillwell	District Engineer
Dan Fagen	Vesta/Amenity Services
Jason Davidson	Vesta/Amenity Services
Zach Davidson	Vesta/Amenity Services
Erika Budzinski	Vesta/Amenity Services
Steve Howell	Vesta/Amenity Services
Robert Beladi	VerdeGo
Jacob O'Keefe	Mattamy
Ernesto Torres	GMS

The following is a summary of the discussions and actions taken at the January 20, 2021 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. and called the roll.

**SECOND ORDER OF BUSINESS**

**Audience Comments**

There being none, the next item followed.

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**THIRD ORDER OF BUSINESS**

**Introduction to Community Development Districts**

Ms. Kilinski reviewed in detail provisions of the sunshine law and public records law.

**FOURTH ORDER OF BUSINESS**

**Approval of Minutes**

- A. December 16, 2020 Board of Supervisors Meeting**
- B. December 16, 2020 Workshop**

On MOTION by Mr. Cameron seconded by Mr. Schaublin with all in favor the minutes of the December 16, 2020 board of supervisors meeting were approved as amended.

On MOTION by Mr. Schaublin seconded by Mr. Cameron with all in favor the December 16, 2020 workshop minutes were accepted.

**FIFTH ORDER OF BUSINESS**

**Consideration of Rip Tide Swim Team Proposal**

Mr. Jason Davidson stated the proposal is similar to the proposal we presented in the past with the exception of the COVID-19 protocol.

Mr. Saks asked have there been any concerns from the community members in the past?

Mr. Davidson stated it is more excitement than anything.

Mr. Baron asked is there anything that limits the number of people that can show up at any of the events? Do we have a limit where at some point through the practices or competitions we are going to bump up against the current capacity limits?

Mr. Jason Davidson stated the practices are before the heavy usage time and in the afternoon. I don't see the practices reaching the capacity limit. When we do the event, that can stretch towards the limit and it would be up to staff to work with the swim team to ensure that everything is going smoothly and that the residents still have access.

Ms. Kilinski stated we have been writing the swim team and other similar agreements this way. USA Swimming has very stringent guidelines out about what they recommend for swim meets including not having anybody but timers on the pool deck to keep swimmers safe, that we have implemented at Julington and St. Johns Golf, those sorts of communities. We would certainly want to include those within the COVID protocols set forth in this agreement.

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Mr. Baron asked is there any additional cleaning that has to be done after events like that and is that on staff, or additional fees for that?

Ms. Kilinski stated I know Vesta has had a number of agreements for ongoing programming where we have either charged that to the vendor or Vesta charges the district some nominal fee to do an advance cleaning of the pool area. In our current agreements with swim teams for COVID is they have to arrive dressed; they cannot dress at district facilities. They can use the restrooms on an individual basis, but they are not going to dress here.

Mr. Fagen stated as far as the swim meet it is a volunteer situation and they usually have someone posted at the gate to keep track of numbers to make sure they enforce those numbers and don't exceed those numbers. As far as any additional cleaning is concerned that would go to the swim team as well and staff will oversee that and make sure they are following those protocols.

On MOTION by Mr. Schaublin seconded by Mr. Saks with all in favor the proposal from the Rip Tide Swim Team was approved and district counsel will prepare an agreement as discussed.

## **SIXTH ORDER OF BUSINESS**

### **Consideration of Conveyances**

#### **A. Form of Deed from Mattamy for Estates at Rivertown Platted Tracts**

Ms. Kilinski stated we discussed before that when plats are recorded there are often tracts that are dedicated in language to the district. That dedication is not effective until we have a deed and/or bill of sale depending on the type of improvement or real property, that this district has approved. In your package is a special warranty deed that covers tracts 0-1 through 0-4, which is open space and landscaping. Tract C-1, which is a conservation area, Tracts P-1 and P-2 that are parks and two stormwater management facilities.

Mr. Stillwell pointed out on a map the location of the tracts being dedicated to the district.

On MOTION by Mr. Schaublin seconded by Mr. Saks with all in favor the form of deed from Mattamy for Estates at Rivertown platted tracts as outlined above was approved.

#### **B. Consideration of Acquisition of Stormwater Pond Improvements and Work Product from Rivers Edge III CDD**

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Ms. Kilinski stated the deed is for real property and the bill of sale is for improvements; the acquisition package for the improvements is limited to the two stormwater systems, those are the only improvements those parcels. Two of the ponds on the plat are clearly in the Rivers Edge CDD boundary and it is appropriate for this district to own those, because they are within your boundary. It will become part of the cost-share agreement that is in existence between the districts and doesn't change costs one way or the other but from an ownership perspective, we wanted to make clear that it is within the District 1 boundary.

Mr. Baron asked who owns the piping structure underneath for sewage that goes across town to a pumping station in CDD III? Who owns the structures underneath the ground?

Mr. Stillwell stated when we are talking about stormwater piping, which is the rainwater that falls on the roadways and things of that nature, that is owned by the CDD and it depends on the boundary lines as to which CDD. The CDD has no responsibility for sanitary sewage, the potable water system or reuse water.

Mr. Baron asked: anything that falls on the CDD property for that CDD is responsible for that?

Ms. Kilinski stated that part of the cost share is a reserve requirement that would be funded by all the districts because all of the infrastructure that is part of that cost share is considered master infrastructure, and it is very difficult to segment one stormwater pond to another since they are a system of improvements. Part of the contemplation is a reserve that would be shared by all three districts to fund repairs.

On MOTION by Mr. Saks seconded by Mr. Schaublin with all in favor the acquisition of stormwater pond improvements and work product from Rivers Edge III CDD was accepted.

## **SEVENTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. District Counsel – Consideration of Hopping Green & Sams 2021 Rate Increase Letter**

Ms. Kilinski stated I have a fee letter included in the agenda package. Essentially, this outlines an increase in legal fees for paralegal, associate and shareholder level rates. We have been here since the district was established in 2006 and have not increased fees but once in 2012. We are looking to get back closer to market rates. The fees that are proposed in here are 2019 client rates with the idea that over the next few years I would like to get to 2020 existing client

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rates, which would be another \$15 or \$10 over the next five years. Having said that, in talking to one of your board members beforehand I am perfectly comfortable if it makes the board more comfortable to say that the up to 2.5% increase per year would be upon client consent. I hope you know that I understand that fees are very important and running up a bill is not in anybody's best interest. We can be terminated with or without cause immediately upon your direction, so I have no interest in running up costs. I am absolutely fine bringing it back every year just to give you notice and ask for the 2.5% or so over the next five years. Our firm is structured somewhat uniquely in that we are not paid on how much we bill. There is no financial incentive for me to run up bills because that is not the way I'm compensated. I'm compensated only on my years with the firm. Lauren and I have shared this district for the last couple years, she has been with the firm for about 2 ½ years and my goal and hers is too is for her to be more front and center. She has a lower billing rate than I do and as matters will allow, she and I trade off positions. If you have looked at your bills, we try very hard to have paralegals do most of your routine transactional work. Most of our paralegals have been with the firm between 8 and 20 years, they have done nothing but CDD work. We have been representing special districts for about four decades now and the benefit to you is you are getting \$155 hour rate for routine transactional documents rather than having a partner do that work for you. Also, the fact that we represent about 250 special districts so most the work we do we have done before and when we ask questions or have routine contracts we can "pull them off the shelf" and model them off of your particular issue, but there are very few issues that come across our desk that we haven't seen or dealt with before.

Mr. Baron stated when I got the letter, I looked into other CDDs and I looked into Nassau County at the various CDDs there and paralegals are at \$125 and their lawyer fee was a little bit less. Jennifer clarified they are trying to grow; that was not their standard fee. I also looked at Nocatee as to their structure and Hopping Green supports Nocatee and their rates were adjusted a little bit lower than these rates. You are trying to bring the rates up and I had a discussion a couple sessions back, it seems like CDD 1, CDD II and CDD III have different legal rates and it was at the time of the contract that the rates were set and this is one that you are bringing it up closer to the rate but I wasn't in agreement to just amend a 2.5% that the board is approving continuous per year. That is when I asked if it could be amended that if the board agrees with the increase rate structure to come back yearly for what that increase would be rather than automatic approval today for a 2.5% thereafter.

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Mr. Saks asked is that the standard structure? What he is talking about is that something you have done elsewhere, or would this be unique?

Ms. Kilinski stated no, that is the structure that we have moved to the last probably ten years or so and we are not looking at increasing it every year. We would get fired if we did that every year to no cap. There is a market rate that we true up every year and every year our firm goes through the process. Keep in mind we have 16 special district lawyers, but we also have 40 other lawyers that do nothing related to what we do. We analyze our fees to the market, luckily in our practice everything we see is public, so we know what other folks are presenting. I presented against five firms last night, so I have a good idea of what other firms are charging and that we are not out of line. 2.5% is generally in line with CPI, usually a little less than recent CPI, but by using that as a guide it doesn't become a political tool, which we have had happen at some districts. I'm happy to say it is completely contingent on client consent and if you want to raise it 2.5% in a couple years I can come back and discuss what that looks like and make sure you are still happy with our service we are providing.

On MOTION by Mr. Baron seconded by Mr. Schaublin with all in favor the rates were set to the 2019 rate and additional rate increases of up to 2.5% will come before the board in subsequent years.
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**B. District Engineer**

There being none, the next item followed.

**C. District Manager**

There being none, the next item followed.

**D. General Manager**

**1. Report**

Mr. Jason Davidson stated unfortunately we will not be able to do the Wild Wonders Animal Show due to the weather; it is not healthy for the animals and we will revisit that when it gets warmer. We would like to do trivia for up to 30 participants in the River House and movies by the pool and we would utilize the grass area by the competition pool.

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On MOTION by Mr. Schaublin seconded by Mr. Saks with all in favor staff was authorized to hold the two events as outlined above.

## **2. Consideration of Proposal for Disinfectant Service**

This item was discussed, and the board chose not to move forward with it.

### **E. Landscape – Report**

Mr. Beladi stated there are a few items that did not get in the packet. We have gotten through 11 more meters throughout the property and we will keep on until we get through all of them. On the IQ system we were able to bring online seven out of eight. I will do a little troubleshooting to bring that one online. Everything else is right where it needs to be.

## **EIGHTH ORDER OF BUSINESS                      Supervisors' Requests and Audience Comments**

Mr. Baron stated we talked in the past about firepits, the firepits are being revamped or reworked.

Mr. Jason Davidson stated that is CDD II and it is the control modules that have gone bad in both of them. In one we got it back online, but we still have to order additional parts for that. On the bottom one we are going to send the valve back to the manufacturer. We have been in heavy debate with the manufacturer, it came outside its warranty time. They will redo it to get it back online and send it over to us and at that point JB with Wally's will be able to put that back in. What we are doing different now than we did in the past is we will have one individual that acquires the part and puts the part in.

Mr. Baron asked what target date are you working towards getting it repaired?

Mr. Jason Davidson stated I don't have a target date that I can provide to you that everything will be back online.

Mr. Baron stated I'm noticing some of the bike/walking paths are starting to deteriorate and I don't know if they need patching or sealant or if there are other options. I asked Jim for our 3-year/5-year plan and that is not on the plan. I would like each of the supervisors on the board to look at the communities they are in and do a look see for the next meeting with the status of what the various communities have so far as the paths so we can figure out what we might have to do as a planning effort. We have community members parking on different parcels of property and I

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sent a picture to Jim with the addresses. Let's work with the community members to see whether we come to some agreement rather than having a bunch of cars parking on the lawn, which stops the maintenance.

Mr. Perry stated we do have a policy and one of the points of that policy is we have to be consistent with our application throughout the community and I have gotten with Zach and Jason with regard to this. They will be monitoring especially that area and the policy provides that we provide notice to the vehicle owner. We will provide that notice to the windshield, probably provide it at least twice before they are towed. Again, we have to be consistent and that is the policy adopted by the board last year. Most of them are larger trucks and they don't want to take up space in their driveway. We will deal with the issue.

Mr. Baron asked has the three-to-five-year plan been distributed to the other supervisors?

Mr. Perry stated I will do that. As part of the budget process, we usually provide a lot of information and that is typically what we do. The longer plan, the fixed asset study we did provide that previously, it is a lot longer document than the spreadsheet for the next five years.

Mr. Baron stated I'm looking for community input to look at what this panel can do within the community, where our budgets allow if we recoup savings to implement some of the features that the community is looking for whether that be additional benches, additional waste receptacles, etc.

One of the things I'm looking at is you can't get a golf cart from here to the welcome center, it is restrictive on carts to get there, yet there is a splash park for kids to play in. That means you have to drive a vehicle for the safety factor rather than a nice easy cart path to get from your home to the welcome center. I'm trying to find the things that the community is going to benefit from and make sure it is addressed in our planning efforts, of three to five years.

Mr. Saks asked have the cart paths been repaired or replaced?

Mr. Perry stated there have been repairs, but they have not been replaced.

Mr. Saks asked how long are the supposed to last?

Mr. Stillwell stated the multi-use paths that are bike paths and pedestrian paths, typically an asphalt path is 15 to 20 and even 30 years. I think a lot of what Fred is alluding to is these bike/pedestrian paths that are being used by golf carts. They are not designed for golf carts so as such they are getting wear along the edges and that asphalt is failing in places. We continue to try to educate the community that they are going to cost themselves money by driving golf carts on

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sidewalks and walking paths because they will break and deteriorate; they are not designed for golf carts.

Mr. Baron asked we don't have any signage, do we?

Mr. Zach Davidson stated there is signage. I have asked community member what they believe the signage is and they are not reading it the way it is designed. I will take you from here to the welcome center, if you are looking at the map there is a common road, minor collector, which has a cart path. A cart path is a 12- to 15-foot-wide path and allows two carts to pass one another safely. Everything else in the community that is less than 12 to 15 is not a cart path and they should be using the road. The signage is there that converts you going from the 12- to 15-foot-wide path you will find a common sign on both sides that says something along the lines of, respect the roads, share the road.

Mr. Stillwell stated everywhere else where it says carts must use path, that is where the golf cart has to go on the path, it cannot be in the road. That is standard in St. Johns County.

Mr. Baron stated it would be great if we could start educating the community that, that is truly what it means and it is going to be costly for repairs that come out of the budget if we continue to use the sidewalk and what is considered a bike/pedestrian walking path, which is a black asphalt composite that is on the ground. It appears as if that is a golf cart path and that is the way it is being utilized by the community.

Mr. Perry stated in the past we have had that in the newsletter and we probably ought to run it quarterly.

Mr. Schaublin asked could you have a stencil made up with the "no cart" and spray it at the entrance for those paths, rather than signage? A stencil can be reused.

Mr. Stillwell stated the majority of people who are driving on that path today will disregard that.

Mr. Baron stated we will get the repair budget in and it is something we probably need to address with the community, a refresher of what a cart path is and how you may leave a cart path onto a road and now you are on the road, but for the majority of the community it is carts are supposed to be on the road. True cart paths are limited, and it is just the main path that gets you to the welcome center, to the amenity center and up toward the new development where the Haven and Estates are as a true cart path. Everything else, the golf cart should be in the road.

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Mr. Stillwell stated we do have a map and to simplify that map even more you can say, carts can be on these multi-use paths and everywhere else you should be in the road with your golf cart.

Mr. Perry stated if we can have the map simplified, when you are issuing the cards for the amenity, provide that to them and let them know, because you have renters here too, it is not just new homeowners.

Mr. Schaublin asked what is the strategy? Since we are a golf cart community are we putting in golf cart paths or just letting them use the roads?

Mr. Stillwell stated it is a code requirement of St. Johns County, so you need a road that is considered a minor collector road, which are the major roadways within Rivertown, so that is Keystone Corners, Orange Branch Trail up to a point, Rivertown Main Street and Kendall Crossing that we just put in, up to a point. Once there are enough homes utilizing those roads the number of trips, the number of cars going on that road on a daily basis trips a threshold that will require a 12-foot multi-use path to allow golf carts and golf carts are not allowed in the travel lane of the road. That is why those paths are only being provided on those roads that they are required, all other roads the carts can operate in the roadway.

Mr. Schaublin stated people don't understand that.

Mr. Baron asked is there a way to do a highlighted PDF of the roadways internally and put it on the website that these roads have access to and perhaps that goes out with all new cards?

Mr. Stillwater stated that is what we were talking about.

Mr. Perry stated the major issue here obviously, is cost. Nocatee has the same issue that you are discussing. They have certain pathways that are 12-feet or 15-feet wide and most of the roadways there you have golf carts on them.

Mr. Stillwell stated I can speak to Nocatee, I can speak to a number of CDDs, the county is constantly updating their requirements for golf carts too. It used to be that the path had to be 15-feet if it was going to have golf carts on it. It is now 12-feet because of pushback from communities that they didn't want to spend the additional money. From that standpoint the best thing we can do is communicate to the residents where to have carts and where not to have carts. You have a traffic enforcement agreement that outlines that, there is a map associated with that. That map is very complicated when you look at a big community like this, a lot of people can't look at that map and understand. We have four specific roads within Rivertown that you have to

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be on the cart path, everything else you should be on the roadway. I will create a simple map that just has highlighted, if you are on one of these roads in this area, you should be on the cart path, otherwise you should be in the roadway. We will also look at signage to put on the pedestrian/bike paths that says, no golf carts.

Mr. Cameron asked with the new landscaping is going in on Long Leaf Pine, are we still responsible for the maintenance?

Ms. Kilinski stated this is the first we heard of it and whoever pulled the permit is responsible for the maintenance of the enhanced landscaping. We will make sure that we are not paying for somebody else's water and pull the permit to see who has claimed that responsibility to make sure the district is no longer responsible for operation and maintenance of that landscaping.

Mr. Cameron stated the path by the lake is rough because of tree roots.

Mr. Stillwell stated if there is a concern of tree roots and a trip hazard, on an existing path Jason and I can go look at it.

Mr. Saks stated currently there is a double solid line on Orange Branch Trail. Is there any chance to get the line broken up?

Mr. Stillwell stated I think we can work with the county and get that done.

Mr. Saks stated the Preserve doesn't show up on any of the signs. I assume as new neighborhoods go in somebody will update the signs but I'm not sure who that is.

Mr. Stillwell stated I can look into that for you. I don't know what the process is either.

Mr. McIntyre stated at the rear entrance on 13 as you leave the development in front of the River House the lights that line the trees at night, someone needs to readjust those because they are shining into windshields of drivers leaving the community. I don't know if that is Vesta or VerdeGo, but they need to be realigned properly.

Mr. Jason Davidson stated I noticed two yesterday that were down, I will be putting them back up and I will do a drive tomorrow evening to check all the lighting and at that point I will be able to identify any that need to be adjusted and we will get that taken care of.

Mr. Cameron stated the condition of the maintenance truck.

Mr. Perry stated we just did some major repairs to the maintenance truck. It has low mileage and hopefully, it is not the end of the line.

**NINTH ORDER OF BUSINESS**

**Other Business**

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Mr. Perry stated evidently there are some impacts to our conservation areas where residents have been extending their lots with sod and maybe other structures. We will be coordinating with staff to bring those to the board probably at the next meeting. This is something that happens in a lot of districts where people encroach on conservation areas that the district has.

**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. Saks seconded by Mr. Cameron with all in favor the check register was approved.

**ELEVENTH ORDER OF BUSINESS**

**Next Scheduled Meeting – Wednesday, February 17, 2021 @ 11:00 a.m. at the RiverTown Amenity Center**

Mr. Perry stated the next scheduled meeting is going to be February 17, 2021 at 11:00 a.m. at this location.

On MOTION by Mr. Saks seconded by Mr. Schaublin with all in favor the meeting adjourned at 12:45 p.m.

DocuSigned by:  
*Ernesto Torres*  
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Secretary/Assistant Secretary

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*[Signature]*  
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Chairman/Vice Chairman