

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, August 17, 2022 at 11:00 a.m. at the RiverTown Amenity Center, 156 Landing Street, St. Johns, Florida.

Present and constituting a quorum were:

Mac McIntyre	Chairman
Erick Saks	Vice Chairman
Frederick Baron	Supervisor by telephone
Robert Cameron	Supervisor
Scott Maynard	Supervisor

Also present were:

Marilee Giles	District Manager
Jim Perry	GMS
Jennifer Kilinski	District Counsel
Marisa O'Conner	KE Law Group
Ryan Stillwell	District Engineer
Dan Fagen	Vesta/Amenity Services
Eric Olsen	Vesta/Amenity Services
Jason Davidson	Vesta/Amenity Services
Clint Waugh	Vesta/Amenity Services
Jonathan Perry	Vesta/Amenity Services
Trey Sterling	VerdeGo
Bruno Perez	VerdeGo
Billy Genovese	VerdeGo

The following is a summary of the discussions and actions taken at the August 17, 2022 meeting.

**FIRST ORDER OF BUSINESS**

**Roll Call**

Ms. Giles 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**

**Approval of the Consent Agenda**

**A. Minutes of the July 15, 2022 Special Joint Meeting and Special Board of Supervisors Meeting**

On MOTION by Mr. Maynard seconded by Mr. McIntyre with all in favor the minutes of the July 15 2022 special joint meeting and special board of supervisors meeting were approved as presented.

**B. Balance Sheet & Income Statement**

**C. Assessment Receipt Schedule**

**D. Approval of Check Register**

On MOTION by Mr. McIntyre seconded by Mr. Saks with all in favor the check register was approved.

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-11  
Declaring Vacancies in Seats 2 and 4 as of  
November 22, 2022**

Ms. Kilinski stated the qualifying period for running for the two open seats was in June and no one qualified for those two seats, which are held by Supervisor Maynard and Supervisor McIntyre. We are required by statute to declare the vacancies and those seats become available for appointment the second Tuesday following the election, November 22<sup>nd</sup>. You can solicit folks who are interested in being appointed to those two seats and have that for your consideration potentially at your November meeting with the idea that you could always appoint then assume that position after the vote. The current supervisors will hold over until you make that appointment, the statute encourages you to fill those positions within 90-days of that second Tuesday, so you have until February to finalize those seats and if the current board members are interested in filling those seats you don't have to solicit proposals.

Mr. Saks stated no residents qualified for the seats and if the board members want to continue then I don't have a problem appointing them.

Ms. Kilinski stated we can put this on subsequent agendas until you make that decision; as a reminder that it needs to be handled at some point.

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On MOTION by Mr. Saks seconded by Mr. McIntyre with all in favor Resolution 2022-11 was approved.

## **FIFTH ORDER OF BUSINESS**

### **Acceptance of Engagement Letter with Berger Toombs Elam Gaines & Frank for Fiscal Year 2022 – 2026 Audits**

Ms. Giles stated next is the engagement letter with Berger Toombs for the fiscal year 2022 through 2026 audits. The engagement letter documents and confirms the auditors' acceptance of the appointment, the objective and scope of the audit and the extent of the auditor's responsibility to the client.

On MOTION by Mr. McIntyre seconded by Mr. Saks with all in favor the engagement letter with Berger Toombs was accepted.

## **SIXTH ORDER OF BUSINESS**

### **Consideration of Facility Use Requests**

#### **A. Homeschool Enrichment Program**

Mr. Davidson stated Emily Geoghagan, a resident of RiverTown, would like to host Thursday Homeschool Enrichment Program at the RiverHouse. Ms. Geoghagan also runs the homeschool group here in RiverTown. There are well over 50 families that are homeschooled in RiverTown and the biggest thing lacking in our community is enrichment opportunities for homeschool. There are eight families that are RiverTown residents and ten families that are in surrounding areas enrolled.

Mr. Baron asked what is the amenity center rent?

Mr. Davidson stated inside the RiverHouse is \$75.

Mr. Baron stated I think this is 33 events, which is a tax on the community, it also changes the structure of what the amenity center is for. It is not for making it a home school. It is an amenity center that can be used for other purposes when it is rented out. What they are asking for is over \$2,500 worth of compensation plus cleaning it and fixing up the building on this proposal. I'm not going in that direction.

Mr. Cameron stated one of the reasons for this is you have to have the enhancement credits for the parent to homeschool the child.

Mr. Baron stated I get that but that is not the purpose of the amenity center.

Mr. Saks asked is this a violation of our policies?

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Ms. Kilinski stated it is different than the requests you have gotten before. You have resident and non-resident use and it is a routine use. Usually this would be like a club event, and they would reserve it, but now we have a provision that doesn't allow non-residents in those clubs, it is resident only clubs. It does stand on its own two feet. You can do it and we can paper it with the insurance provisions, you may want to use the club forms and the reason for that is it appoints someone responsible for clean-up and damages and all those kinds of things and as far as I know that has been working pretty well. The exception here would be that you recognize there is going to be non-resident use and they get to hold it for that set amount of time once a week.

Mr. Maynard stated First Coast Athletics charges \$210 per semester per child and they are using our facilities for free. They are a for profit organization.

Ms. Geoghagan stated I did not calculate a percentage back to RiverTown, but that is something we could easily work in for the future if that is what we have to do.

Mr. Saks stated I would like to support this, I think this facility is underutilized, but if we say yes, how do we not say yes to the next person? What differentiates this organization from all the others?

Ms. Kilinski stated that is what Jason and I were going back and forth on yesterday; it is the non-resident component that does set somewhat of a precedent.

Mr. Baron stated that is where I am.

Mr. Saks stated perhaps we can do something different because this is an educational program.

Ms. Kilinski stated one way you could do this is use it as more of a license agreement that has the provisions in place for how it is operating, who is the point of contact with the expectation of it being cleaned and if it is not working or you are getting a lot of complaints, you can always terminate it. We do have some kickback on that reindeer run. If you will remember they had to pay back a certain amount for each registrant so we do have those provisions, but you are the policy makers, and we can do it that way as license and not a club.

Mr. Maynard stated outside entities are utilizing our space for a profit. We are giving them a free athletic field to use, and they are charging a lot, \$210 per semester per child.

Ms. Kilinski stated maybe another way to explain it to residents, is we often charge different amounts for non-residents, residents are free because they are already paying an assessment and non-residents are charged some nominal fee.

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Mr. Davidson stated another thing to consider is if you do it per individual participant or knowing there are households that have multiple children, and you could potentially do it per household.

Mr. McIntyre stated a flat fee and let the families split it equally.

Mr. Saks stated \$20 per session comes out to \$600 total for 30 sessions.

Mr. Baron moved to approve a fee of \$600 for the 33 events for the Homeschool Enrichment Program. There being no second, the motion died.

On MOTION by Mr. McIntyre seconded by Mr. Cameron with four in favor and Mr. Baron opposed facility use for the Homeschool Enrichment Program for a discounted rate of \$1 total, was approved and staff was directed to prepare a license agreement to be brought back at the next meeting for ratification.

**B. Longleaf Church – Ruck St. Johns Walk**

Mr. Davidson stated Longleaf Church is requesting use of the RiverHouse soccer field for the Ruck St. Johns Walk on November 12<sup>th</sup> from 7 a.m. to 12 p.m. It will be their 3<sup>rd</sup> annual walk and all proceeds go to the ASSIST of St. Johns County SD to help homeless and displaced students in the county.

On MOTION by Mr. Maynard seconded by Mr. Saks with all in favor the request of the Longleaf Church – Ruck St. Johns Walk was approved.

**C. RiverTown Outdoors Club**

Mr. Davidson stated Mr. Clark would like to form an outdoor club to host classes regarding outdoors and sportsman pursuits. They want to meet once a month, there will be no collection of fees, all costs associated will be paid by the individual participants.

On MOTION by Mr. Maynard seconded by Mr. McIntyre with all in favor request of the RiverTown Outdoors Club was approved.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Proposals (Cost Share)**

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**A. Ponds****1. Pond 15 Watersong****2. Ponds WW, XX & CR6****3. Ponds ZZ & AAA**

Ms. Kilinski stated the difference between this and the landscape proposals is the ponds were all included within the budget and were expected to be online whereas the proposals for landscape are all enhancements that were not contemplated.

On MOTION by Mr. Maynard seconded by Mr. Saks with all in favor all three proposals for Charles Aquatics were approved.

**B. Landscaping****1. Aerate and Topdress Ruscan Drive Park**

This item was deferred.

**2. Replace Trees on Rambling Water**

Mr. Davidson stated this proposal is to remove the declining hollies and replace with four multi trunk pink crepe myrtles.

On MOTION by Mr. Maynard seconded by Mr. McIntyre with all in favor the proposal from VerdeGo in the amount of \$3,361.22 was approved.

**3 Install Plants in RiverHouse Raised Planter**

This item was completed by VerdeGo at no cost to the district.

**4. Repair Grade and Irrigate, add Sod at RiverHouse Mound**

This item was deferred.

**EIGHTH ORDER OF BUSINESS****Discussion of the Fiscal Year 2023 Budget**

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Ms. Giles stated no changes have been made to the proposed budget since you last saw it. We anticipate changes with the RFP coming in on the 31<sup>st</sup>.

Mr. Baron stated Mattamy still owns the welcome center and that should not be in our budget.

**NINTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

There being none, the next item followed.

**B. District Engineer**

There being none, the next item followed.

**C. District Manager**

**1. Consideration of Designating a Regular Meeting Schedule for Fiscal Year 2023**

This item tabled.

**2. Discussion on Date for Special Joint Meeting to Consider Landscape & Irrigation Maintenance Proposals**

It was the consensus of the board to have the joint meeting on September 7, 2022 at 9:30 a.m.

Ms. Kilinski stated the other boards had a discussion about the holiday lighting and want to have a discussion at some point as to how that gets rolled out. We suggested that since you are meeting jointly for the RFPs that may be a good time to have that discussion too.

**D. General Manager**

**1. Report**

Mr. Cameron stated I was supposed to be included in the discussion on the waterfall. Do we have any type of warning system if the water comes back in?

Mr. Jonathan Perry stated no, we have two pumps installed. They wired the pump, and it is ready to go.

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Mr. Cameron stated since we failed the first time when we repaired it to go back to the previous people who put it in because we didn't know engineering and field changes, I proposed that you, as Vesta as managing it, have some responsibility if it fails again, if it is flooded you pay for part of the cost of repair. It is into \$60,000 split between the districts. What was the warranty from these people on the walls?

Mr. Jonathan Perry stated one year.

Mr. McIntyre asked what is your proposal for Vesta?

Mr. Cameron stated they should have an updated report at least and inspection. There has to be movement there, if it failed within 2-years the first time we are going to have a one-year guarantee and we are going to have a failure. That has to be part of their weekly or monthly inspection.

Mr. Saks asked is that within the scope of your current contract?

Mr. Davidson stated we do monitor the sump pumps in all the water features. This was a separate breach. There were two different breaches, so it is two different things. We can check the sump pumps today, there can be a breach this afternoon.

Mr. Baron stated I thought the discussion was if this failed again, we were going to go back with a legal notification to the original builder and say this has been repaired more than three times.

Ms. Kilinski stated we have gone back through all the documents, requisitions, timelines, for the district's acquisition of this improvement. It was built in 2016, acquired in 2018 and then we had interim repairs and there are four entities that interacted with this waterfall during the time of construction so they are all saying, my fix would have fixed it, your fix didn't fix it so what we said ultimately was and we did send a notice to Mattamy, that if the waterfall breaks again this board is not interested in repairing it. It put them on notice it is not going to be a cost share next time. That is what we did as we papered after that board meeting, I had an opportunity to look at it before this meeting in case it came up, so that is where we landed. We do have a one-year workmanship warranty, those parts are going to be warranted for longer to the extent there is a part break within our contract now. That will be some opportunity like you said, what happened last time if we had a warning system or ability to monitor that so there is not that build up and break.

Mr. Davidson stated we do check the sump pumps.

Mr. McIntyre asked can you add that to your weekly report? How often is it done?

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Mr. Davidson stated any time there is an abundance of rain coming our way we send crews to check them.

## **2. Landscape Update**

### **a. VerdeGo Performance Report**

Mr. Davidson reviewed the VerdeGo performance report, copy of which was included in the agenda package and stated your sister boards decided to release the payment for July and continue this process again through August.

Ms. Kilinski stated we withheld July's payment and the other two boards have now voted to release it but essentially keep a deposit until we trend consistently in the 80%+ range, so we would release August in September, September in October. If you keep seeing over the next 90 days those trends positively, assuming you don't change direction with your RFP, then we get back to a normal invoicing schedule.

### **b. Consideration of Issuing Letter of Deficiency**

On MOTION by Mr. Saks seconded by Mr. McIntyre with all in favor staff was authorized to issue a letter of deficiency to VerdeGo and to release the July payment and hold the August payment.

## **3. Pond Service Report**

A copy of the pond service report was included in the agenda package.

## **E. Landscape Team - Report**

A copy of the July landscape maintenance report was included in the agenda package.

## **TENTH ORDER OF BUSINESS**

### **Supervisors' Requests and Audience Comments**

A resident stated we have lived here for four years and the ponds are not maintained on a schedule.

Mr. Jonathan Perry stated it is ornamental grasses and part of the management staff are working on all the ponds and we are working our way to you, and we are getting on that schedule

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and every other year we will have a full cutback. We are aware of this and have a process to get it taken care of.

Mr. Sterling stated we will get it done by the end of the month and put on a schedule of every other year.

Mr. Saks stated I'm at a boiling point of abuse of our roads by the contractors of our paths. Yesterday I took pictures of two different heavy vehicles going over the multi-use path, an excavator using it as a road. My guess is it is Mattamy and instead of putting it back on a flatbed to move it to another neighborhood they drove it down a multi-use path. That is going to be an incredibly expensive fix. The damage to resident property and CDD property is out of control. We have to get the situation fixed.

Ms. Kilinski stated at the last meeting we were going to try to use an informal process where we just reach out and say can you do better.

Mr. Saks stated I think we have an inadequate number of speed limit signs. I would like to look into adding signs.

Mr. Stillwell stated from a design perspective we are getting them from the county, and they typically will not add more signage. I am happy to reach out to the county and tell them it is a concern.

Mr. McIntyre asked is it possible to get the 25 MPH stenciled on the roadways?

Mr. Stillwell stated I have reached out to the county engineer on that specific question.

Mr. Saks stated we also have signs that say 15 mph and they need to come down, they are not enforceable.

Mr. Stillwell stated I work with a lot of districts in St. Johns County and we have those moveable radar signs and move them around and every month they hit 80 mph. Signs are great as long as you abide by them.

#### **ELEVENTH ORDER OF BUSINESS**

**Next Scheduled Meeting – Wednesday,  
September 14, 2022 @ 6:00 p.m. at the  
RiverTown Amenity Center**

Ms. Giles stated the next scheduled meeting is September 7<sup>th</sup> at 9:30 a.m. for the landscape and irrigation RFP and discussion of the holiday lights, and then September 14, 2022 at 6:00 p.m. in the same location.

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On MOTION by Mr. McIntyre seconded by Mr. Saks with all in favor the meeting adjourned at 12:38 p.m.

DocuSigned by:  
*Marilee Giles*  
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Secretary/Assistant Secretary

DocuSigned by:  
*CK*  
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Chairman/Vice Chairman