

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, October 19, 2022 at 11:04 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

Also present were:

Marilee Giles	District Manager
Jennifer Kilinski	District Counsel
Ryan Stillwell	District Engineer
Dan Fagen	Vesta/Amenity Services
Kevin McKendree	Vesta/Amenity Services
Jason Davidson	Vesta/Amenity Services
Clint Waugh	Vesta/Amenity Services
Jonathan Perry	Vesta/Amenity Services
Brad Poor	Yellowstone
Blake Dougherty	Yellowstone

The following is a summary of the discussions and actions taken at the October 19, 2022 meeting.

FIRST ORDER OF BUSINESS

Roll Call

Ms. Giles called the meeting to order at 11:04 a.m. and called the roll.

SECOND ORDER OF BUSINESS

Audience Comments

Mr. Curtis stated I'm trying to put my fence into the easement. I have a letter from the county, and it seems that the easement is oversized; you have 30-feet. It is listed as an access

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point, but you cannot use it as an access point. The person who services the lake goes through lot 26 or 27. My neighbor has a fence already and mine should not present a problem.

Ms. Giles stated staff has corresponded about this topic and if you want staff to weigh in, Ryan is prepared to do that.

Mr. McIntyre asked what are you trying to get done?

Mr. Curtis stated I don't currently have a fence, I'm in the process of working with Stirling through Mattamy. They requested a certain amount of space, but it was denied, it was pushed back against the house, and he said we have dealt with this in the past. I talked to a few people in the county, and they pulled up the information and they said per the survey there were a couple issues but I'm trying to get more space for the fence.

Mr. McIntyre stated you intend to install a fence and based on the easement lines and survey your installers were told they couldn't put it in the easement. You are asking for consideration from the board to allow you to put your fence further from the house. There is a 30-foot easement. How far out do you want to bring your fence?

Mr. Curtis stated they had that 10-feet out and that would put me 5-feet over the code and if I could get 7 ½ that would keep me under code and if I could do 10 that would be great. Charles Aquatic was told he couldn't use that area and I was told by the county that the post indicates it is not a drivable area. It is an easement, but you can't drive over it. I believe there are four other access points.

Mr. Stillwell stated this was a 30-foot drainage easement that was designed when the pond was designed, there is a 30" reinforced concrete pipe that is an outfall for this pond that goes to the wetland. Based on the depth and sizes it could be a 20-foot drainage easement, but the county made us increase the easement, that being said that 30-foot drainage easement goes up to the side setback of his house and his neighbor's house. You literally couldn't put a fence it would be off the corner of the houses. What we don't like to do is set a precedent by saying you can put a fence in drainage easements because it results in everyone requests their fences be put in drainage easements, then we have no drainage easements. This is a little unique in that there are a couple parks around this pond so there are access ways that are owned by the district for the boat to access. It doesn't change the fact that there is a pipe here. If there is ever an issue with the pipe we would need access. I don't like to tell boards yes you can set a precedent and put fences in easements because it is a slippery slope for everyone in the community would use all our access. This is a

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unique situation where there is a park that the CDD owns a tract, so we have access and his property line is to the middle of the easement. I would not ever advise a board to allow a fence to be put on top of a pipe. We have basically 15-feet, your half of the easement. I'm not opposed to some leeway there, but I think you would want to maintain a minimum of a 10-foot easement where that pipe is and also from a legal perspective the district wouldn't be liable if we do have to get in there and remove the pipe. The pipe is 7 or 8-feet in the ground. We don't want to put a trench box in there to get to it, the reason we have 30-feet is so that we can dig a ditch and not have added expense. If you allow anything in that easement I recommend there be language put in that the district is not responsible for removing and replacing a fence in the event you have to dig up the pipe. It is unusual in that this is a grass strip that is the full width between these two houses. We have another access point for the lake maintenance contractor. I would not ever recommend putting it all the way to the property line.

Mr. McIntyre asked is there any leeway we can provide?

Mr. Stillwell stated I don't know if any fences in drainage easements existed prior to my involvement at the district.

Ms. Kilinski stated not approved by this district.

Mr. Stillwell stated my recommendation would be to stay at the 20 that you heard from the county as well. Once you vote on one location there could be numerous other residents that come to you.

Mr. Curtis stated I looked at the other surveys and I'm comfortable that there is not another lot similar to my lot that you will have this issue with.

Ms. Kilinski stated this has been an issue in a lot of districts recently. I have one in Nassau County where we had to file mandatory injunctions against individual homeowners for removal of the fences because the district was put in a position of people whose access was overly burdened. There were two access points they construct a fence to block one now the boats are constantly coming in the other so they were threatening a suit against the district, remove this fence or let us all them. On the other hand we had people who said we are not removing our fence, sue us, so we had to. The crux of the situation is if it is really not an access point meaning there is not access there I think we can make at least an argument there are two reasons this is unique, one is you can't access it so it is not really an access point and two, because it is a wider strip so having some five foot or so access on either side we can differentiate it from other requests. What we typically

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do when we grant these is we record on the property a variance access agreement and what it says is what Ryan indicated, it says we are agreeing but everybody who takes title to the property thereafter understands that if we need to remove it because health/safety/pipe issues you agree that you are going to do that at your expense.

Mr. Curtis stated my neighbor has a fence that is 7 ½ feet into the easement.

Ms. Kilinski stated it wasn't approved through the district. That is the problem we had at all these other communities, the HOA approves things then we have gone to court over this issue and I'm confident of the outcome, which is too bad for the homeowner.

The district has an access easement, the district has had an access easement since people took the property, so we have one homeowner for example whose title did not show an easement, they are now suing their title insurance company. In every other situation when you have a title that says you are subject to an access easement you have to get permission to encroach upon that and if you didn't get the permission from the district, the HOA's are getting sued.

Mr. Cameron stated the house is up against the easement there should have been a setback.

Mr. McIntyre asked could he at least match his neighbor's?

Mr. Stillwell stated if we were to give him 7 ½ foot it sounds like he would be willing to sign whatever agreement is necessary, but we immediately need to have the same thing with the person who has illegally put a fence in. From an engineering perspective 15-feet doesn't meet the code, even if we were a little bigger than the code if we meet the code that the county said 20 I would feel a lot more comfortable because then we have basis for when we have 20-foot easement that does meet the code and somebody wants to encroach on that, I don't want to keep encroaching more and more on what county standards are. The county has standards for reasons, we as the CDD and as the engineer follow those standards so that we don't set precedents and rules for ourselves.

Mr. Cameron asked why doesn't he have a 7 ½ foot set back between his house and the easement?

Mr. Stillwell stated it is not required. The setback for his house is at the easement, that is how these easements are set up and is the reason we have 30-feet instead of 20-feet. In RiverTown the eaves are allowed to encroach into the setback. If you take a foot and a half off the 30 on each side now we are at 27. I'm not going to put a 27-foot easement on the plan it is going to 20 or 30. You can have that encroachment, the reality is if you need to get a full size excavator to take a 30"

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RCP out that is 7 feet in the ground can it fit in 20, yes, will it be a pain and cost the district more money, yes. If you have 30 it would be a lot easier for somebody to swing that bucket around. Again, will we ever have to touch this pipe? I hope not. The right number is probably 20, which is 5-feet on each side if we were going to allow an encroachment to allow them to have a side yard that is in their fence. We have 20-foot easements in RiverTown that we can't allow any encroachment into.

Mr. McIntyre stated the problem I see now is that someone has already done it, not someone in the neighborhood but someone that correlates directly with his piece of property. I think if we tell him no, we have to go back and tell the other people they have to get rid of that. Then we have a whole new can of worms to deal with.

Ms. Kilinski stated we are going to want to go back regardless and get something recorded.

Mr. McIntyre stated my recommendation is to find a happy medium. Then put something in place so that we are not bumping up against this in other areas. It has to be a very specific exception with background to back it up as to why we were able to do it here and why we can't do it elsewhere. If we find this happy medium the homeowner could be on the hook for things down the line should something go wrong that you cannot hold the board responsible for.

Mr. Curtis asked if we kept it within the 20, wouldn't that be the easiest solution, then it would be per county code?

Ms. Kilinski stated we would still need the agreement. There is also a lot of turnover at the HOA level and we want to do a heavy reminder about those applications that have to come to this board if it encroaches on an access easement. We have been notifying as issues have come up in other districts the HOA so if you are on notice that if something happens, we may come to you and say you are responsible for this.

Mr. Cameron stated I would like the HOA to go through all the fence plans with Mattamy so their sales is not different from what the HOA says.

Mr. Saks stated Mattamy runs the HOA, it is their own organization.

Mr. Curtis stated my fence company is slated to install the fence tomorrow because I originally was scheduled to meet you and something happened.

Mr. McIntyre asked is 20-feet good?

Mr. Stillwell stated yes, but know that is going to require the other landowner to move their fence.

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Ms. Kilinski stated if you can give me your contact information, I can get a variance agreement to you this afternoon. I assume you are comfortable with us reaching out to the neighbor. I will have Marilee’s office send them a letter so that it is not coming from the attorney.

Public comments were closed and item nine taken out of order.

NINTH ORDER OF BUSINESS

Consideration of Request for Fence Installation Encroaching into a CDD Easement

On MOTION by Mr. McIntyre seconded by Mr. Saks with all in favor a five-foot encroachment into the access easement for the installation of a fence at 597 Kendall Crossing Drive was approved and district counsel was authorized to prepare and record a variance agreement in the public records for this encroachment.

Mr. Curtis asked should I cancel the installation for tomorrow or move it?

Ms. Kilinski stated as long as I can get that agreement executed today, we will be good to go.

THIRD ORDER OF BUSINESS

Approval of the Consent Agenda

A. Minutes of the September 7, 2022 Special Joint Meeting and September 14, 2022 Regular Board of Supervisors Meeting

On MOTION by Mr. Cameron seconded by Mr. McIntyre with all in favor the minutes of the September 7, 2022 joint meeting were approved as amended and the September 14, 2022 board meeting were approved as presented.

B. Balance Sheet & Income Statement

C. Assessment Receipt Schedule

D. Approval of Check Register

Mr. Baron stated this doesn’t address the question about the landscaping being missing for two months and whether or not that is going to be paid or not paid. The landscaper has no pay out for August or September. I’m wondering why.

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Ms. Giles stated August for VerdeGo was released last week and we can address the September payment. The September invoice for VerdeGo, the question on the table is if you are satisfied and willing to release the September payment.

Mr. Cameron asked can we do the same as boards 2 and 3 did?

Ms. Giles responded yes. They approved to release smaller invoices, but to only pay half of the September invoice until Jason has worked with VerdeGo to make sure they met all their final requirements.

Mr. Baron stated I'm good with that.

On MOTION by Mr. Cameron seconded by Mr. McIntyre with all in favor the check register was approved with payment to VerdeGo as outlined above.

FOURTH ORDER OF BUSINESS

Ratification of Agreement with Yellowstone Landscape, Inc, for Landscape and Irrigation Maintenance Services

Ms. Giles stated this is ratification of the agreement with Yellowstone. Nothing has changed in the agreement it was signed between meetings and I am looking for ratification.

On MOTION by Mr. Saks seconded by Mr. Cameron with all in favor the agreement with Yellowstone Landscape, Inc. for landscape and irrigation services was ratified.

FIFTH ORDER OF BUSINESS

Consideration of Proposals for Updating the Capital Reserve Study

This item was tabled.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2023-01 Amending the Fiscal Year 2023 Budget General Fund Budget

Ms. Giles stated Resolution 2023-01 amends the fiscal year 2023 general fund budget. At your last meeting there was a line item identified as requiring reallocation of \$45,000 and that is the Vesta hospitality line item. That line item is being reduced by \$45,000 and reallocated to the capital reserves.

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On MOTION by Mr. Saks seconded by Mr. McIntyre with all in favor Resolution 2023-01 was approved subject to a correction to the window cleaning description.

SEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2023-02
Amending the Fiscal Year Budget to Include
the Capital Reserve Fund Budget**

Ms. Giles stated Resolution 2023-02 amends the fiscal year 2023 budget to include a capital reserve fund budget page. The district has always had capital reserve fund budget, this resolution is to amend the adopted budget as presented at the last meeting to include this page.

Mr. Baron asked the numbers we have for the budget for the gym Jason mentioned that the numbers wouldn't be as high as they were because of lease versus purchase of gym equipment. Have you adjusted the numbers for the capital budget based on his plan versus what was put in the actual report?

Ms. Giles stated we did. We worked with Vesta between the approved budget and the adopted budget to make those changes.

On MOTION by Mr. McIntyre seconded by Mr. Saks with all in favor Resolution 2023-02 was approved.

EIGHTH ORDER OF BUSINESS

**Consideration of Resolution 2023-03
Authorizing Investment of Funds in the Local
Government Surplus Funds Trust Fund**

Ms. Giles stated Resolution 2023-03 authorizes investment of funds in the local government surplus funds trust fund account. The purpose of the local government surplus funds trust is to help maximize earnings with competitive returns with minimization of risk of those invested funds. These are your O&M funds and is done by transferring the funds to the State Board of Administration to be invested according to Florida Statute.

On MOTION by Mr. Saks seconded by Mr. Cameron with all in favor Resolution 2023-03 was approved.

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**Consideration of Request for Fence
Installation Encroaching into a CDD
Easement**

This item was taken earlier in the meeting.

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TENTH ORDER OF BUSINESS**Consideration of Cost Share Items****A. Waterside Repair**

Mr. Davidson stated the repair is to remove and replace the check valve, remove the “y-pipe” and unclog the pipe and replace all piping. Your sister districts went with Epic Pools.

On MOTION by Mr. Saks seconded by Mr. Cameron with all in favor the proposal from Epic Pools in the amount of \$4,000 was approved.

B. RiverFront Park Septic System Repair

Mr. Davidson stated next is the RiverFront park septic system repair. The control panel for the septic tank consistently goes into a fault mode due to damaged equipment. While in that state some pumps do not work causing sewage to back up into the drains. Your sister districts did go with Barney’s Pumps.

On MOTION by Mr. Cameron seconded by Mr. Saks with all in favor the proposal from Barney’s Pumps, Inc. in the amount of \$2,363.00 was approved.

C. Reupholstering of Outdoor Cushions

Mr. Davidson stated next is reupholstering of the outdoor cushions at the RiverClub at CDD II.

On MOTION by Mr. Cameron seconded by Mr. Saks with all in favor the proposal from Vincent & Sons in the amount of \$1,715.82 was approved.

D. Holiday Décor (RE and RE2 Only)

Mr. Davidson stated next is holiday décor consideration for Rivers Edge CDD I and II only. Each year we team up with Hulihan to do the holiday lighting and décor, they are very responsive with concerns and very knowledgeable with the lay of the land and we would like to continue the partnership with Hulihan this season.

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On MOTION by Mr. Cameron seconded by Mr. McIntyre with all in favor the proposal for holiday lighting in the amount of \$12,887 and \$20,485 for CDD II was approved.

ELEVENTH ORDER OF BUSINESS **Consideration of Facility and Property Use Requests**

A. Request for use of the RiverHouse for a RiverTown Wine Tasters Club

Mr. Davidson stated next is a request from Nancy Roeder, a resident, for a wine tasting club that would meet monthly.

Ms. Kilinski stated we have that alcohol matrix you adopted and so long as it is resident only and there is no charge you are covered by your current insurance policy.

Mr. Baron left the telephone conference at this time.

On MOTION by Mr. Saks seconded by Mr. McIntyre with four in favor the request for a wine tasting club was approved.

B. Request to Install a Little Free Library

Mr. Davidson stated we have two requests for the installation of a little free library, Ms. Kriel on Twin Flower Place and Ms. Deramon on Rycroft Place. They have given descriptions and included all the information in the packet.

Mr. Saks asked are they going to look like the first one?

Mr. McIntyre stated something like that needs to be consistent and you need to lay out that is the only way it can be built. Once it is done, they need to notify you so you can verify that it is installed properly, no safety issue and it is consistent with the other ones.

Mr. Saks stated also they can put a plaque on there that says it was donated by whomever.

On MOTION by Mr. Cameron seconded by Mr. McIntyre with four in favor the two requests for the installation of little free libraries were approved.

C. Request from Soccer Shots for Winter Session

Mr. Davidson stated Soccer Shots submitted their winter schedule for your consideration.

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On MOTION by Mr. McIntyre seconded by Mr. Saks with four in favor the winter schedule for the Soccer Shots was approved.

D. Request from UPS to Place a POD at the RiverHouse

Mr. Davidson stated we have a request from UPS to place a POD at the RiverHouse. We have done this the five years I have been here at RiverTown. They would like permission to do it again this year to allow for easier deliveries. They have offered \$700 this year; in the past it has been \$1,000.

Mr. Baron rejoined the conference call during this item.

On MOTION by Mr. McIntyre seconded by Mr. Saks with all in favor staff was authorized to enter into an agreement with UPS to place a POD at the RiverHouse to assist with holiday deliveries under the same terms as last year.

TWELFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. McIntyre stated the insurance, we are protected currently under what we have so we don't need to purchase.

Ms. Kilinski stated you saw the correspondence and I believe that is the case. We asked your insurance carrier after the last meeting about the provision of a special event policy for Hallow Crawl. Essentially, what the lead agent said is we think based on the factors that we gave them, you are already covered, you don't need a special event policy.

B. District Engineer

Mr. Stillwell stated you may have noticed the North Lake pond has come down quite a bit in elevation thanks to Jason and his team. We will continue to monitor that. We are working on maps for each of the districts that have the outfall locations labeled on a map in one location with the pond number or letters so that any lay person can find these outfall structures.

Mr. Saks stated residents are saying that the area behind Rambling Water Run didn't get its second lift.

Mr. Davidson stated it is an alley.

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Mr. Stillwell stated alleys typically don't get a second lift of asphalt. Those are CDD property in the old Main Street district and that predates Mattamy.

Mr. Saks asked is there any need for maintenance by the CDD or is that built in the capital reserves?

Mr. Stillwell stated it should be addressed in the capital reserves. I don't know if it is in there now. That is only 16 years old and typically we would say a minimum of 20 years but potentially after 30 on asphalt roadways but if it is an alley with 1" of asphalt it is not a standard road. We can pull those plans.

Mr. Saks stated I'm not saying it is needed, I wanted to go back to the residents and let them know. It is good to know alleys don't get a second lift of asphalt because it is utilized significantly less.

C. District Manager

Ms. Giles stated I have Fred's questions and I will respond to those in writing.

D. General Manager - Report

1. Report

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

2. Landscape Update

Mr. Davidson stated we have been working diligently with Yellowstone to ensure a smooth transition. They have done a wonderful job thus far getting to know the lay of the land and I have received several compliments from the community. We are very appreciative of that and will continue to work with them with their 30,60,90-day transition plan.

3. Pond Service Report

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

E. Landscape Team - Report

Mr. Poor gave an overview of the landscape update, copy of which was included in the agenda package.

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Mr. Baron left the telephone conference during this item.

**THIRTEENTH ORDER OF BUSINESS Supervisors' Requests and Audience
Comments**

Mr. Saks asked are we seeing issues with people camping on the trails and at RiverFront Park?

Mr. Davidson stated we have had two incidents where we have removed tents.

Mr. McIntyre stated one of my friends was on the trail with his daughter and in the middle of the trail was a big tent and they turned around and left because they didn't know what was there. If it is residents that is a no go, that is what your backyard is for or go to a place that authorizes it. If it is homeless that brings a completely different element because if you have one then you have five and we already have issues with residents and their friends doing things in the neighborhood that they shouldn't be doing. On top of that you may have cars broken into or residents being scared to death. I think we are going to have to stay abreast of and when you come across these let every board member know. I'm concerned about the safety of residents.

Mr. Saks stated we need to have a speaker set up for our big meetings.

Mr. McIntyre stated I will get with Jason on this and we will figure out what we can do. Also, we need to get with Fred and see what could potentially be allocated. My vision for this was to have a minimum of two speakers and a screen in the event we have slides and to have people follow along the agenda and that may eliminate the need to print these out for every meeting.

Mr. Saks stated the invoice we get from the security patrols are impressive. One of the deputies was called in to assist in a medical emergency and having someone here made a quicker response time and he was on scene until the paramedics showed up. Having someone in the community has proved to be beneficial.

Mr. Davidson stated I have been working on security issues with Erik and with Fred on fund allocations and will bring back suggestions to the November meeting.

Mr. Saks stated CDD I still does not own the trail system. Are we ever going to? Are they going to turn it over because Mattamy still owns it.

Ms. Kilinski stated we are working on a comprehensive due diligence documentation. Hopefully, at the next meeting we will have a list of all of what you should own and what you don't currently own. There has been a disconnect about which documentation was prepared and reviewed by the district and what has actually been signed because it just didn't get followed-up

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on. Also, there is a RiverTown wide construction and maintenance easement that was recorded at the beginning of time for some of these transitional items so it is not as though you don't have the right at the end of the day, the question is how hard you push. We are trying to get it all cleaned up.

Mr. Davidson stated I want to be sure I have clear directive on what is being requested security-wise. I'm working with Erik on all security options, working with Fred on fund allocations and bringing back suggestions to the November meeting.

Mr. McIntyre stated yes, November/December I would like things to be ready to go so that in January it becomes an official item we can thoroughly discuss and bring it to a vote or have a combined meeting and bring it to a vote at the beginning of the year so we can let things flow throughout the year, finding vendors, finding the allocated funds and incrementally put these things in place.

FOURTEENTH ORDER OF BUSINESS Next Scheduled Meeting – Wednesday, November 16, 2022 @ 11:00 a.m. at the RiverTown Amenity Center

Ms. Giles stated the next meeting will be held November 16, 2022 at 11:00 a.m. in the same location.

On MOTION by Mr. McIntyre seconded by Mr. Cameron with four in favor the meeting adjourned at 12:47 p.m.

DocuSigned by:
Marilee Giles
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Secretary/Assistant Secretary

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[Signature]
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Chairman/Vice Chairman