

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, June 21, 2023 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
Robert Cameron	Supervisor
Scott Maynard	Supervisor

Also present were:

Howard McGaffney	District Manager
Lauren Gentry	District Counsel
Ryan Stillwell	District Engineer
Jay King	Vice President - Vesta
Jason Davidson	General Manager
Kevin McKendree	Field Operations Manager
Ken Council	Amenity Manager
Kim Fatuch	Lifestyle Director
Mike Scuncio	Yellowstone
Brad Poor	Yellowstone
Five Residents	

The following is a summary of the discussions and actions taken at the June 21, 2023 meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. McGaffney 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 May 17, 2023 Meeting**
- B. Financial Statements as of April 30, 2023**
- C. Check Register**

On MOTION by Mr. McIntyre seconded by Mr. Cameron with all in favor the consent agenda items were approved.

FOURTH ORDER OF BUSINESS**Staff Reports****A. District Counsel – 2023 Legislative Update**

Ms. Gentry stated I updated the board at the last meeting on the ethics training that will be required in 2024. When you are filling out this year's Form 1 financial disclosures you do not have to check the box that says, you are subject to those training requirements for this year. Next year will be a different story. We will make sure you have the information you need for that next year.

There were some bills that were of general interest to our clients such as the new golf cart bill we discussed at the last meeting. There were new E-Verify requirements for private employees that were going into effect July 1st, which impacts some of the vendors around the state, but your vendors were already required to use E-Verify for our public contracts. There were some changes to the retainage requirements for public construction contracts and we will implement those going forward to the extent you have any construction contracts with retainage.

B. District Engineer - Updates

Mr. Stillwell stated in front of each of you is a proposal from Vallencourt for the striping that was approved by the county on Orange Branch Trail from Keystone Corners to River Walk. We did present this to CDD II and CDD III and they both approved it from a cost share standpoint in the total amount of \$25,597.30.

Mr. Saks asked should we be concerned with only one proposal?

Mr. Stillwell stated Vallencourt is on site and another contractor will have a much higher mobilization charge and as you can see the bulk of the proposal is in maintenance of traffic.

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On MOTION by Mr. McIntyre seconded by Mr. Cameron with all in favor the proposal from Vallencourt in the amount of \$25,597.30 was approved.

Mr. McGaffney stated this item was not on the agenda and I do need to open it for public comment.

A resident asked aren't these public roads?

Mr. Stillwell stated these are the roads originally installed by St. Joe, the original developer, that are CDD owned roads. All the other roads in CDD II and CDD III are being dedicated to the county.

Updated Revised Rates

Mr. Stillwell stated to clarify the letter that goes out to all our CDD clients are not retroactive to June 1st. We have to get approval from the board for any change in our rate schedule. Our rate schedule hasn't been adjusted since 2021, the main thing from your perspective is my rate, I'm a vice president now as opposed to a principal and was previously \$235 an hour and that is changing to \$250 per hour. I don't anticipate adjusting the budget numbers from that perspective. With the board's permission I will leave these meetings early and Jason or Kevin work with our construction manager, Shane, who is onsite typically for developer items so there is not much travel time for him then he consults with me if that is needed.

Mr. Baron asked what is the overall increase?

Mr. Stillwell stated for my rate it is a little over 6%. Our rates are changing, and I will try to utilize less expensive people as needed.

On MOTION by Mr. Saks seconded by Mr. McIntyre with all in favor the work authorization with the updated engineering fees was approved.

The next item taken out of order.

Fence Easements

145 Oak Shadow

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Mr. Davidson stated we have two requests for encroachments into easement areas, one is for 145 Oak Shadow and the patron has asked to encroach five-feet into our easement, leaving ten-feet of the easement exposed. Five feet would allow the yard to be completely fenced in. Without allowing the encroachment the porch located in the rear at the right-hand side of the home would be exposed allowing access to the backyard. An AT&T box is present therefore inhibiting the ability to get a boat back to the pond for maintenance purposes. There is another easement adjacent to the home that could be used to perform pond maintenance. There is an underlying pipe in the easement. The patron is willing to enter into a memorandum of understanding with the district specific to if any repairs are needed to the pipe the CDD would not be responsible for damage incurred to the homeowners' property.

Ms. Gentry stated to add a little legal context, this board did adopt some procedures for processing these types of requests. Jason will work with the homeowner to get these forms filled out. Ryan can advise us on whether those are appropriate to grant or not.

Mr. McGaffney asked is there a cost associated with the legal review and recording of the easement that is adopted by this board?

Ms. Gentry stated I don't believe we have adopted any fees.

Mr. McGaffney stated we are going to incur fees and I think most districts establish a fee, but I will let district counsel weigh in on whether you can do that for these two or not. We can bring it back in the future for board discussion.

Ms. Gentry stated we couldn't impose it retroactively, but if the board wants to consider that going forward, we can bring something back to your next meeting.

Mr. Baron stated if my memory is right, we had an encroachment where they put a pool in, did some repair, they paid us back and at that time we discussed if there is a threshold that exceeded a certain amount that is when we ask for compensation.

Ms. Gentry stated I will go back and check and whatever we have done in the past and whatever this board has said is what we will apply going forward. If it is something that staff is suggesting we revisit, we will do that.

Mr. McGaffney stated we won't incorporate a fee for these two today.

Mr. McIntyre stated as far as the agreement if there is a need to get to the drainage pipe. What is the estimated average cost if that has to be done? How do we enforce it to make sure they we recover our funds? If they move is the agreement with them?

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Ms. Gentry stated this is an easement agreement so it will run with the land and that obligation will go to the next homeowner. When they do a title search for the property it is recorded in the public records so it will come up. As far as enforcement, the enforcement would be on contract so we would bring a contract action or an injunction before the court.

Mr. Stillwell stated I think the cost the district would incur from a standpoint if there is a fence in the easement we have a hold harmless agreement the cost would be removing the fence to get to the pipe. We are not putting the fence back. We are all aware that demolition cost is less than construction cost.

Mr. McGaffney stated we have the first request, which is 145 Oak Shadow Place. Ryan and Jason, do you have any other comments for the board?

Mr. Davidson stated not at this time.

Mr. McGaffney asked the district engineer, is it your opinion that what is presented could still be a sufficient area for access for staff or maintenance crews?

Mr. Stillwell stated page 133 shows a 10-foot encroachment on the easement, I do not recommend that. The following page 134 has a redline on the easement, which is no encroachment, which would be my preference. I do understand the hardship here that they would be running the fence right along their patio, to have a 2-foot or 3-foot encroachment to allow them to go around the side of their house is not the end of the world, it is just a question of precedent in what we are going to allow moving forward; that is where I defer to the board. The life cycle of these pipes of 20-30 years is a long time from now, but if we have a hold harmless and the district is not responsible for that fence then I think we can consider it a little bit differently.

Mr. Maynard asked what do you define as a little bit?

Mr. Stillwell stated I haven't looked at bushes and shrubs and what exists on the side of their house in detail. I try not to spend too much time on these requests from a cost perspective. If someone wants to walk around their house and they have landscaping on the side of their house, 2-feet is not going to allow it. You are really talking about 5-feet. If we let every one of these easements have a 5-foot encroachment we are going to have only a 10-foot access into every pond in River Town unless there is a place where it is not between the houses. It seems like we are pinching ourselves down. This is a county requirement, this is a St. Johns River Water Management District requirement to have these easements. Again, to take a fence down is not a big deal when you are talking about excavating a pipe, but it does take time and it does cost money.

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I think 5-feet is what is reasonable to a resident to be able to get around their house, but I don't know that in every case that makes sense for the district.

Ms. Gentry stated if you did have to enforce it in court if they didn't cooperate and move the fence when you asked, for context we filed an injunction in Nassau County in September and it was just granted last month. Even if you prevail you may have a significant delay and not be able to access that area.

Mr. Saks asked have we done these in the past?

Mr. Stilwell stated we did one in Homestead.

Ms. Gentry stated I see in 2022 a variance that was granted for a fence no more than 5-feet into a district easement. I don't know the circumstances of that.

Mr. McIntyre stated that had extenuating circumstances that allowed us to do that. If we have to have a standard to legally keep from looking like we are showing favoritism or not being fair across the board, three feet is probably what I would consider a go and let it be at that. The board didn't set these parameters of what the easement needs to be and how wide the access so we shouldn't be responsible for having to navigate and make these hard decisions that we didn't create. We also don't want to be a rubber stamp of saying no.

Mr. Cameron stated if you look at the houses with a shared fence there is three feet between each house.

Mr. McGaffney stated it sounds like you are agreeing to three feet. Are there any thoughts on more than three feet?

Mr. Saks stated I don't think we should adjust the easements because that opens the door. The easements were established based on guidance from the county and the water management district. If we start adjusting easements there are going to be more requests to adjust easements and we are doing something outside of our purview. They were set for a reason. The easements were there when people bought these houses.

Ms. Goubi stated that her residence is the subject of the encroachment request and asked if she could add clarification. She stated my lanai and patio are already 6 inches onto the easement according to the survey. I don't think that particular house should have been built on that property. They told us we would be able to encroach five feet, that is why they gave us a 60-foot lot instead of a 55-foot lot and that is what we were sold from Mattamy. I never thought we would have this issue. Now that we are own this we are going to be literally sitting on top of the easement as it is.

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It is more of a safety issue that we are trying make sure we can have more to screen our lanai in order to protect our four children and pets from wildlife in the preserve.

Ms. Gentry stated this is an exceptional circumstance - in order to put up a fence at all, even one that is flush with their lanai it sounds like it would need to be an encroachment into the easement at least by 5-6 inches. This board has articulated about how you feel about a five-foot encroachment, but in this case if you would like to consider a 6-inch encroachment to allow a fence to be constructed in the easement we can loop into that easement permission for the existing property encroachment as well that will protect the district if there are ever any problems with that. As an extreme example, there are some communities where pools are built in easements by the original builder without any prior permission. I have one community that has required pools to be dug up and it has caused a huge issue. The less intrusive option here is to grant an easement for the existing encroachment of this house and lanai into the easement, and if you are willing to consider a 6-inch encroachment for a fence, or even a bit more to allow access to the lanai, we can do that in the same agreement.

On MOTION by Mr. Maynard seconded by Mr. McIntyre with all in favor an encroachment not to exceed 18” into the district easement at 145 Oak Shadow Place was approved and district counsel was authorized to prepare and record the easement encroachment.
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429 Narrowleaf Drive

Mr. Davidson stated this easement is unique. The backyard fence has already encroached the easement, the fence spans behind the homes and was installed to separate the backyards of the homes they abut to. Not allowing four involved homeowners to fence the easement would result in a five-foot-wide “no man’s land” with no particular use. This is a pipe easement and not an access easement. Would the CDD allow fencing up to the existing fence, with the caveat that if the fence ever needed to be removed and replaced or any work done that the district would not be responsible for that. The fence runs behind many homes, the easement goes straight through it, but the back fence is already blocking it. The neighbor’s fence has already come out. They are asking to go from that fence to the side of their home which would close off the remainder of their property.

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Mr. McIntyre stated by default the neighbor that put up their fencing is not on an easement but the home next to it has no choice to close their fencing to meet up with that abutment. That home is actually on the easement property line. Is that it?

Mr. Stillwell stated that is not what the sketch shows on page 137, it looks like their proposed fence is going to their property line so the lot that shows as vacant to the west already has a fence and that means they have encroached on the easement.

Mr. Davidson stated I don't believe they have encroached. The other lot is where it should be, I don't think they have encroached into our easement.

Ms. Gentry stated this homeowner is saying 20-feet would be left vacant as identified in the easement.

Mr. Stillwell stated there is room between their house and the easement to install the fence and run it back to the existing fence. The 20-foot no man's land that is referenced is the intention of the drainage easement so that if there is an issue with that pipe the District can access it. They are proposing a fence on the centerline.

Mr. Saks stated this is a homeowner who wants a few extra feet into an easement.

Mr. Stillwell stated I don't see any extenuating circumstances in this case.

There was no action taken by the board and staff was directed to communicate that with the homeowner.

Mr. Stillwell stated the only other update is I'm still working on a proposal for the stop sign at Kendal Crossing and RiverTown Main Street.

Mr. Stillwell left the meeting at this time.

C. District Manager

Mr. McGaffney stated in the previous meetings with Rivers Edge II and Rivers Edge III I presented that Rivers Edge has assigned Supervisor Baron to the potential future project of pickleball and they are now aware of that.

D. General Manager

Mr. Davidson introduced the new lifestyle director, Kimberly Fatuch, who has over ten years' experience. Her first event was this past Saturday at the luau that was very well received with a lot of participation.

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1. Monthly Amenity and Field Operations Report

Mr. Davidson gave an overview of the amenity and field operations report, copy of which was included in the agenda package.

2. Pond Service Report

Mr. Davidson stated there have been concerns expressed about the condition of the ponds and I was requested to get with Charles Aquatics to convey the concerns and get an action plan to remedy the situation and to attend the next meeting to address the board on their progress.

Staff was authorized to solicit proposals for lake maintenance services.

E. Landscape and Irrigation Maintenance – Monthly Report

Mr. Scuncio gave an overview of the June landscape report, copy of which was included in the agenda package.

FIFTH ORDER OF BUSINESS

Business Items

A. Items for Board Consideration

1. Resolution 2023-12 Designating Officers

Mr. McGaffney stated there are two resolutions that are related to me being your district manager. The first resolution designates officers: the chair and vice chair and existing board members as assistant secretaries would remain the same, with the only change being I would be named as secretary as well as your treasurer for purposes of signing checks and being the administrative arm for the district versus Marilee who will be now be assistant treasurer and assistant secretary and an additional assistant treasurer and assistant secretary will be Darrin Mossing, the owner of GMS. Jim Oliver, who is my boss and managing partner at GMS, and Daniel Laughlin will be assistant secretaries and assistant treasurers.

On MOTION by Mr. Cameron seconded by Mr. Saks with all in favor Resolution 2023-12 was approved reflecting the officers named by Mr. McGaffney.

2. Resolution 2023-13 Authorizing a Change in the Registered Agent

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On MOTION by Mr. Cameron seconded by Mr. Saks with all in favor Resolution 2023-13 designating Howard McGaffney as the district's registered agent and his office, Governmental Management Services, LLC, 475 West Town Place, Suite 114, St. Augustine, Florida as the district's registered office was approved.

3. Proposal for Gate Access – Dog Park (GM)

Mr. Davidson stated we discussed at the last meeting looking at linking the current access control system at the amenity center over at the dog parks to allow gate access with a card. For the dog park on Orange Branch Trail and the dog park in the North Lake the cost would be \$16,250. They did suggest a camera on top of that and that brings the cost to \$26,000.

After board discussion of card entry, cameras, and cost share, the district manager was authorized explore options for cost sharing, signage and new lock system.

4. Discussion of Fence Easements and Stop Sign and Striping Proposal (DE)

Striping proposal taken earlier in the meeting.

5. Easement Encroachment Requests

This item taken earlier in the meeting.

6. Ratification of 2023 Mulch Application (cost Share Item)

Mr. McGaffney stated per your agreement the district representative has the authorization to approve the mulch application, however I put it on the agenda for you to ratify that amount. The amount is consistent with what was presented in their RFP There is a separate action item for additional mulch that was needed. This is your share of the cost share for the mulch and was budgeted.

On MOTION by Mr. Saks seconded by Mr. Cameron with all in favor the district manager's actions in approval of the 2023 mulch application in the amount of \$143,954.57 was ratified.

7. Additional Mulch Proposal

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Mr. McGaffney stated the next item is the Yellowstone proposal for additional mulch. The total amount for the additional mulch that was not contemplated in the agreement is \$39,985.02, the portion for Rivers Edge is \$13,298.34. Your share of the cost for removal of the old mulch is \$3,750. This is not in the budget, but it will be taken out of the landscape maintenance line.

On MOTION by Mr. Saks seconded by Mr. Cameron with all in favor the proposal for the additional mulch in the amount of \$39,985.02 was approved.

Ms. Gentry asked would the board like me to draft a contract amendment that has the updated quantities so that going forward we have those quantities to refer to?

It was the consensus of the board to have district counsel prepare an amendment to the contract with the updated quantities.

On MOTION by Mr. Saks seconded by Mr. McIntyre with all in favor the additional mulch removal in the amount of \$3,750 was approved.

Supervisor Saks left the meeting at 12:31 p.m.

8. Acceptance of the Fiscal Year 2022 Audit

Mr. McGaffney gave an overview of the audit process and stated the auditor gave the opinion that there is no material deficiencies or issues related to internal controls and it is a clean audit.

On MOTION by Mr. Baron seconded by Mr. McIntyre with four in favor the fiscal year 2022 audit was accepted.

B. Discussion Items

1. Pickleball Courts

Mr. Baron updated the board on the progress of his efforts towards utilizing future tennis court areas as pickleball courts.

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2. Holiday Lighting

Mr. McGaffney stated this item stemmed from one of the other boards within RiverTown and there was a comment that they didn't understand why the lighting stays out there for Rivers Edge and asked if we would look into it.

Mr. McIntyre stated we asked that the palm tree lighting remain because it is attractive and goes well at night with the fountain and the other lights. We don't consider them holiday lights. It is decorative lighting.

Mr. McGaffney stated to the extent you are renting the lights or have purchased them, that is a discussion for the general manager.

Mr. Davidson stated after they put them up, they didn't take them down and came back last year and replaced some of them. Now they are having some issues with them again. We need to look at replacing them with lighting that will not be affected by weather conditions. I have yet to see an invoice come my way to charge for that. We always use the same provider, and he hasn't invoiced it. We will definitely look into lights that will fare better in all weather conditions.

SIXTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

SEVENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. McIntyre stated Sternwheel Park is littered with kid's toys every day. I understand parents leave their kid's toys there because they are there every day and it is convenient, but it is not their backyard, it is not their property.

Mr. Davidson asked how would the board like me to approach that specific situation?

Mr. McGaffney stated I will help you with it.

Mr. Maynard requested that an eblast communication regarding the age limits approved by the legislature for golf carts drivers.

EIGHTH ORDER OF BUSINESS

Audience Comments

Ms. Reid stated I appreciate that you are focusing on the ponds because that has a lot of to do with our quality of life. I would like you to consider putting a few fountains in because each year they have to restock them and treat them and maybe you won't have to do that if we have

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fountains in there. Three different sections of the walkways on pond K flood after a heavy rain. Drainage on that walkway needs to be considered. I don't have a dog to go to the dog park and I agree something needs to be done. There are too many people who jump in on an open gate and I agree you are not going to be able to keep non-residents out of the dog park. I hope you don't give up on finding a solution. You also have a problem with aggressive dogs. I understand that toys left at the park doesn't look great but I don't think people are leaving them there so they can come back and play with them when they feel like it. I think they are donating them so kids can show up at the park and have something to play with.

A resident stated I want to clarify who to go to for HOA and the CDD. Who do we contact for streetlights? The one by Homestead Park has been out since I have been here.

Mr. McGaffney stated in this instance that is the CDD and you can reach out to the general management team.

A resident asked is there someone who should be checking the lights and fixing them?

Mr. McKendree stated we typically check them once a month. That one may have been missed.

Mr. McIntyre stated as a rule of thumb if it deals with the exterior around your property that would be HOA, common grounds such as the amenity centers, most of the roadways, parks the public areas is CDD.

Ms. Goubi stated I was told by the HOA that I cannot put a gate on the side where the easement is. How am I going to access that side if I only have a foot from my lanai? Can I at least put a gate on that side? Everyone is able to have at least five feet from their side of the house and I can't have that? I don't know if you would consider the ability to put a fence there. I already have bushes on one side that extend far beyond that.

Mr. Davidson stated you put the request in with the HOA and the HOA denied your request.

Ms. Goubi stated they said they do not allow the gate on the side. You can put it on the rear or the front you cannot have it on the side.

Mr. McIntyre stated I don't believe we have the authority to override the HOA decision as they would not be able to override our policies.

Ms. Goubi stated I'm asking that it be at least 18" to come out and put a gate on the front?

Ms. Gentry asked are you asking for a wider encroachment?

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Ms. Goubi stated a wider encroachment to be able to put a gate in the front that is allowed by the HOA.

Mr. Maynard stated reach out to the HOA and let them know the CDD approved an 18” encroachment on the easement and because of that 18” you would like to appeal that denial of a gate.

Mr. Goubi stated the next-door neighbor have all the room they need.

Ms. Gentry stated some lots in the community have these easements and some don’t. If there are homeowners who have installed fences or other improvements into those easements unless it has been a very rare exception that the board has granted, they have likely done that without approval and they can have an injunction brought against them.

Ms. Goubi stated the neighbor has approval by the HOA to encroach five feet.

Ms. Gentry stated if you don’t mind send us the address so Jason can follow-up on it because the HOA doesn’t have authority to grant encroachments into a CDD easement. The board has given direction to treat all these easement areas consistently and make sure if there is a pipe burst or something like that equipment can get in there quickly to a repair that pipe.

Ms. Goubi stated there is no room to put in a boat in there anyway. What I’m asking is why can’t I come out five feet versus 18” if there are already bushes and things like that?

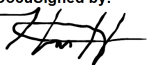
Ms. Gentry stated in this case it is not just a boat but to also getting equipment in to deal with that pipe if needed.

NINTH ORDER OF BUSINESS


Next Scheduled Meeting – July 19, 2023 at 11:00 a.m. at the RiverTown Amenity Center

Mr. McGaffney stated the next scheduled meeting is July 19, 2023 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 1:06 p.m.

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Secretary/Assistant Secretary

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Chairman/Vice Chairman