

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, September 20, 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 by telephone
Scott Maynard	Supervisor by telephone

Also present were:

Howard McGaffney	District Manager
Lauren Gentry	District Counsel
Corey Roberts	District Counsel
Ryan Stillwell	District Engineer
Jason Davidson	General Manager
Kevin McKendree	Field Operations
Richard Moss	Vesta/Amenity Services
Kimberly Fatuch	Lifestyle Director
Kevin Council	Amenity Manger
Cheyne Solesbee	Yellowstone
Mike Scuncio	Yellowstone

The following is a summary of the discussions and actions taken at the September 20, 2023 meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. McGaffney called the meeting to order at 11:04 a.m. and called the roll.

SECOND ORDER OF BUSINESS

Audience Comments Related to Agenda Items

Ms. Mulligan stated there is an area by the Enclaves that has been missed by Yellowstone.

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Mr. McGaffney stated if you provide your information to Kevin after the meeting, he will look at it and provide an update.

THIRD ORDER OF BUSINESS

Approval of the Consent Agenda

- A. Minutes of the August 16, 2023 Meeting**
- B. Financial Statements as of July 31, 2023**
- C. Check Register**

On MOTION by Mr. Baron seconded by Mr. Saks with all in favor the consent agenda was approved.

FOURTH ORDER OF BUSINESS

Staff Reports

A. Landscape Maintenance - Report

Mr. Scuncio gave an overview of the September 2023 landscape report, copy of which was included in the agenda package.

B. District Engineer

1. Update on Storm Inlet Repairs

Mr. Stillwell stated it is the stage of life of the storm inlets where underdrain connections and sinkholes behind the inlets and we have to dig down and repair those. We have been dealing with this for the 10-years I have been here, it is not atypical, we deal with it in other communities. Underdrain is a plastic pipe connected to a concrete structure and the tape wears out.

2. Proposals for Pickleball Courts

a. Sitework Civil Engineering & Design

b. Survey \$2,750

Mr. Stillwell stated Supervisor Baron informed us last month that he had gotten approvals with the county to proceed with pickleball courts. We provided a proposal for development of plans, details for the site civil and landscape work that would be necessary to get competitive bids.

Mr. McGaffney stated I spoke with the developer and on behalf of Rivers Edge II and III they indicated they would be in favor of supporting the project through a cost share arrangement. We can add this to their next agenda for formal approval.

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Mr. Baron stated I would like to move forward with concurrence of Rivers Edge II and III joining in the proposal.

Mr. Baron moved to authorize district staff to move forward with the RFP process subject to concurrence of Rivers Edge II and III and Mr. McIntyre seconded the motion.

Discussion ensued regarding approval from Rivers Edge II and III, timing of the engineering work, and the option of adding lighting to the designs.

Mr. Stillwell stated the second proposal in your package is for the survey work that needs to be done; I can't do site plans without a survey being in place and that survey is \$2,750. You could authorize that to move forward so we have the baseline and in October if everyone is on concurrence you can move forward.

Mr. McGaffney stated you can amend the motion to authorize staff to work with the other districts for the support and move forward with the survey in an amount not to exceed \$2,750.

Ms. Gentry stated you can just approve the survey.

On MOTION by Mr. McIntyre seconded by Mr. Baron with all in favor the proposal for the survey in the amount of \$2,750 was approved.

Ms. Gentry asked did the board want us to pause moving forward on engineering or drafting RFP documents until we know that Rivers Edge II and III is going to share the costs?

After board discussion, the following action was taken.

The motion to move forward subject to Rivers Edge II and III concurrence was rescinded.

Mr. Baron asked what was the result of the Gardens I and II curbing?

Mr. Stillwell stated there is no curbing shown on those plans for Gardens Phase 1, so it wasn't a requirement at the time. We added it in Phase 2 on the plans we designed.

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Mr. Baron asked can you ask Mattamy if they would look at curbing in Phase 1 in the Gardens?

Mr. Stillwell stated that would be better to come from the board or someone else, opposed to me asking them for anything in Phase 1.

Mr. Baron asked Howard do you want to take that on?

Mr. McGaffney stated all I can do is ask.

C. District Counsel

There being none, the next item followed.

D. District Manager

There being none, the next item followed.

E. General Manager – Monthly Amenity and Field Operations Report

A copy of the monthly operations report was included in the agenda package.

FIFTH ORDER OF BUSINESS

Business Items

A. Consideration of Liability Insurance Proposals

1. FIA Renewal

2. Brown and Brown

Mr. McGaffney gave an overview of the insurance process, the requests for quotes, deductibles, coverages, and recommended renewal with FIA.

On MOTION by Mr. Baron seconded by Mr. Saks with all in favor staff was authorized to renew coverage with FIA.

B. Ratification of Addendum to Yellowstone Agreement for Storm Clean Up Services

Ms. Gentry stated as discussed before FEMA has a lot of contract and procurement requirements for work that would potentially be reimbursed if we do have a natural disaster that qualifies for funding. This addendum simply adds those contract provisions to apply to any

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emergency storm work they do, that would be potentially eligible for FEMA funding, and it increases your chances that you would receive FEMA funding.

On MOTION by Mr. Baron seconded by Mr. Saks with all in favor the addendum to the Yellowstone Agreement for storm cleanup was ratified.

C. Ratification of Aquagenix Interim Pond Maintenance Agreement

On MOTION by Mr. Saks seconded by Mr. Baron with all in favor the interim pond maintenance agreement with Aquagenix in the amount of \$9,993 was ratified.

D. Consideration of Pond Maintenance Proposals

- 1. Aquagenix**
- 2. J&J**
- 3. Lake Doctors**
- 4. Florida Waterways**

Representatives of Aquagenix, J&J Aquatics, Lake Doctors, Solitude and Florida Waterways, gave an overview of their backgrounds, manpower and equipment.

Mr. McGaffney stated staff's recommendation is to authorize district counsel to draft an addendum to the interim pond maintenance agreement with Aquagenix to continue services for an additional month or until action of the board at the October meeting.

On MOTION by Mr. Baron seconded by Mr. McIntyre with all in favor district counsel was authorized to prepare an addendum to the interim pond maintenance agreement with Aquagenix to be month to month until a new contract is in place.

E. Public Hearing for the Purpose of Adopting Rates, Fees and Charges Related to Variance Applications for Installation of Improvements in District Easements, Resolution 2023-18

Ms. Gentry stated you discussed at a prior meeting the need to make some amendments to your policy for improvements within district easements. At that meeting you instructed staff to add a note to the beginning of the policy that as a matter of policy the district will not approve

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installation of improvements in district easements absent extenuating circumstances. We have made that change.

We are, however, required to have a public hearing for the fee proposals that the board put forth at that meeting. We advertised a two-tier structure of fees for residents who do want to make a special request for an exception to that general policy. The initial application fee, which would cover the initial review of the application, and which will require a site visit, we advertised a range of \$150 to \$300. The second-tier fees would be if their approval is granted there are additional fees that are required to record the agreement. Very minimal additional legal fees would be incurred to prepare the agreement because it is a form. The second-tier fees to cover recording fees and administrative costs we advertised a range of \$100 to \$200.

The board can either adopt the range of fees and then you have authority to evaluate and set a fee within that range without having an additional hearing, or the board can adopt a fee certain today and in order to change that you will need to come back and have a separate hearing. Before we open the public hearing are there any questions from the board on the proposed policy changes?

Mr. Saks stated the first option is to approve the range?

Ms. Gentry stated yes. The second option would be to set a certain amount. If you decide to adopt a range you will do that first and we will put the range in the policy then the second question I will ask is to direct staff for a fee within that range, but your official adopted numbers would be the range and that gives you the most flexibility.

Mr. Saks stated so we are not going to do actual costs.

Ms. Gentry stated from an administrative standpoint it is very difficult to track, it is simpler to have a set fee.

On MOTION by Mr. Saks seconded by Mr. McIntyre with all in favor the public hearing was opened.

Ms. Bower asked who would have those applications?

Ms. Gentry stated the CDD has an easement over certain lots in order reach stormwater ponds in some cases or in other cases there is a drainage pipe under the ground. It just allows the district to exercise its maintenance rights in those areas and there has been a problem with people coming to the district and asking to put up fences or other encroachments that cross over into those easements. Our engineer has advised that any encroachment into those easements could cause

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various problems for access and maintenance down the road. The board is willing to consider special extenuating circumstances, but we are going to cover staff costs evaluating these requests. Today they are considering setting a range.

On MOTION by Mr. Saks seconded by Mr. McIntyre with all in favor the public hearing was closed.

Ms. Gentry stated you need to adopt the resolution as presented with the range of fees.

On MOTION by Mr. Saks seconded by Mr. Baron with all in favor Resolution 2023-18 was approved.

Ms. Gentry stated you have adopted a range and staff needs some direction on where you want to fall in that range. The initial application fee range is \$150 - \$300, what would you like the initial fee to be?

After discussion the board took the following action.

On MOTION by Mr. McIntyre seconded by Mr. Baron with all in favor the fee for the initial review will be \$250 and the second-tier fee after approval will be \$150.

F. Consideration of Facility Use Request for River Ruck Event

Mr. Davidson stated Mr. St. Clair reached out on behalf of Longleaf Church to request use of the soccer fields at the amenity center for a 3.25 mile walk with ruck sacks, all monies raised will go to ASSIST of St. Johns County School district helping the homeless in our schools across the district. Last year they raised about \$1,000 with 100 participants. They walk the sidewalks around RiverTown and back to the soccer fields to the amenity center. The event will be held November 11, 2023 from 7:00 a.m. to 11:30 a.m.

On MOTION by Mr. McIntyre seconded by Mr. Maynard with all in favor staff was authorized to prepare a facility use agreement for use of the soccer fields for November 11, 2023.

G. Discussion of Policy for Aged Invoices

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Ms. Gentry stated I want to introduce a concept to you and see if you are interested in seeing a policy on a future agenda. This has become somewhat of a problem with vendors sending invoices well after the services were rendered and that causes a problem for the accounting department and poses a problem if invoices come in after the fiscal year has ended and after the deadline for the budget amendments has passed. Our firm has drafted an aged invoice policy for a few districts. The district is subject to prompt payment requirements under Florida Law where if you receive a valid invoice you are required to pay it within a certain period of time. The district has the ability through its policies and contracts to define terms for what constitutes a valid invoice. This aged invoice policy says that if an invoice is received more than 120 days after the work is completed and accepted by the district then the district retains the right to refuse payment for that. Each one would be evaluated to make sure there is not some other legal reason that it would need to be paid. But as a matter of policy this will put vendors on notice that they can't submit invoices more than 120 days after the service is rendered.

I'm looking for feedback from the board on any other issues that we would need to address in that policy, if you would like to see this policy come before you for adoption, and if so we would prepare a resolution for your next agenda.

Mr. Baron asked is it provided to a contractor at the time of their proposal/bid? Is it part of the contract that they get that they have to sign and bring back to us?

Ms. Gentry stated we can incorporate it into the contract terms in the contracts that we draft to refer back to that policy. For anything that is approved such as a proposal that we don't draft a contract for we can make an acknowledgement form that can go out to contractors for them to acknowledge.

Mr. Baron stated as long as we have something in writing that is what I'm looking for.

Ms. Gentry stated I can take board direction on that, and we will prepare a resolution to formally adopt that policy.

H. Discussion of Resident Deed Request – 193 Maybeck

Mr. McGaffney stated next is a request from a resident who owns a corner lot and they are requesting the common area on the corner be deeded to them so they could have a larger footprint. They are saying that their property line may have been recorded incorrectly when the plat was

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recorded. I went out to the row of hedges, and they have been maintaining that side yard leading up to the hedges but the district maintains from the hedges to the other side.

Mr. Davidson stated our common area goes through the center of their side yard and that is where the confusion lies. Half of the side yard is theirs and half of that side yard is ours. Anything that happens from that side over directly affects their yard and they want to have control for what occurs in that specific area and all they want is from where that line starts to that common bed area edge to be deeded to them so they can maintain their yard.

Ms. Gentry stated CDDs do have the ability to convey property. There are logistic considerations. One: is there any CDD infrastructure on the property they want conveyed to them?

Ms. Stillwell stated not in the portion they want conveyed to them.

Ms. Gentry stated the second question is, are you willing to give up that land and if so under what conditions. I have seen districts convey land when you can justify the conveyance as a scrivener's error and this should have been their property all along.

Mr. Saks stated I deal with this; I'm trying to subdivide lots. It is not something you can easily give them a piece of a lot. You can give them the whole thing, but it would make no sense for them. I have no issue if we could just give them that little strip, I just don't know if that is possible. It would require work from the county.

Ms. Gentry stated I recommend if you are interested in pursuing this, they would be responsible for any costs for the replatting and they would be responsible for any cost for real estate due diligence, tracking the deed, recording the deed. At a minimum they should bear all those costs. The second question is would the board want to offer to convey it to them for the administrative cost and nothing more or would the board want to require them to pay the market value.

Mr. McKendree stated there is also irrigation costs, cut off our irrigation and have theirs tied into that land. We have irrigation heads on both sides of the shrubs.

Mr. Stillwell stated this lot is probably being assessed as a 40-foot lot not a 60-foot lot and that would change for them. This one was adjusted from a 60 to a 40 and we could not find why that was the case.

Mr. McIntyre stated I think it is a bad precedent and if anything, they should pay fair market value.

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Mr. Stillwell stated I don't think this is a scrivener's error, you will probably have to do a sketch and legal on the land that needs to be deeded to them, they would own two parcels of land beside each other. The one parcel would still be considered an open tract and wouldn't be part of the lot. That is for them to figure out and to pay a surveyor and them to determine that. The difficulty is don't spend this money if the board is not open to potentially giving the land or charging a price for the land.

After further discussion the board took the following action.

On MOTION by Mr. McIntyre seconded by Mr. Baron with all in favor the request for the deed for 193 Maybeck was denied.

I. Discussion of Hallow Crawl Event

Mr. Davidson stated each year there has been a Hallow Crawl, last year we tried to draft some potential parameters around those. We worked with a member of the community who was a liaison for this event. We worked with St. Johns County Sheriff's Office and beefed up the roving patrol for this specific event as well. We worked with district counsel and our insurance provider, which was EGIS at the time and being as it was not a district sponsored event the district did not need special events policy. Residents plan to hold the event again this year. We can beef up the roving patrol and have onsite staff present to reduce the likelihood of property damage in those specific areas. I'm looking for discussion from the board and legal counsel as to how they want me to approach this.

Mr. Saks stated the first one we had no involvement whatsoever and there were issues with things done on CDD property that we couldn't let happen again. When we brought it up last year we wanted to make sure they knew the rules.

Mr. Maynard stated I suggest we take the same approach we did last year.

Mr. Saks stated a resident told me the music was blasting until 1:00 a.m.

Ms. Gentry stated one approach the board may take is it needs to be limited to private property. The CDD does not control what happens on private lots, but you already have rules in place regarding actions on CDD property.

Mr. Davidson stated that is the approach we did take last year, and we made our roving patrol aware of that and what was occurring and they did beef up their surveillance.

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Ms. Gentry stated I think what I’m hearing from the board is that we would like to proceed the same as last year and all use of CDD property for this event has to comply with our CDD rules.

Mr. Maynard left the telephone conference at this time.

The board concurred with the summary and directed staff to communicate the rules to residents before the Halloween event.

J. Discussion of Holiday Lighting

Mr. Davidson stated each year we have gone with Hulihan and this year it is \$2,300 more than last year, however I do not see where our multi-year discount is reflected and that is near \$1,000. There are some other items I would like to continue to negotiate with Hulihan. I would like to present the potential of a not to exceed of \$15,275 and I will go back to them and attempt to get the multi-year discount and have them explain the other increases.

Mr. Cameron stated let’s pull the palms in the front out of the agreement because they have problems keeping them lit.

Mr. Davidson stated they keep tripping the GFIs and that would be less on the maintenance department keeping them going and it would lower the cost as well.

Mr. McGaffney advised that the Board budgeted \$13,500 for holiday lights.

On MOTION by Mr. McIntyre seconded by Mr. Baron with all in favor the holiday lighting was approved not to exceed the 2024 budgeted amount of \$13,500 and the chair was authorized to work with Mr. Davidson on getting the bill adjusted.

SIXTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

SEVENTH ORDER OF BUSINESS

Supervisors’ Requests

There being none, the next item followed.

EIGHTH ORDER OF BUSINESS

Audience Comments

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A resident stated with regard to the Hallow Crawl you should say specifically what you decided today, not just say, CDD property is subject to use. What are the pickleball courts, new or use the tennis courts?

Mr. Baron stated it is new, dedicated and adjacent to where the current pickleball court is on the clay court with a new footprint next to it for four courts on that new footprint.

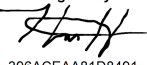
A resident stated for that, I thank you.

NINTH ORDER OF BUSINESS

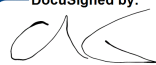
Next Scheduled Meeting – October 18, 2023 at 11:00 a.m. at the RiverTown Amenity Center

Mr. McGaffney stated the next meeting is scheduled for October 18, 2023 at 11:00 a.m. at the same location.

On MOTION by Mr. Saks seconded by Mr. McIntyre with all in favor the meeting adjourned at 1:08 p.m.

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Secretary/Assistant Secretary

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Chairman/Vice Chairman