

**MINUTES OF MEETING
STEVENS PLANTATION
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Stevens Plantation Community Development District was held on Thursday, August 7, 2014 at 6:00 P.M. at City Hall, 1300 Ninth Street, St. Cloud, Florida.

Present and constituting a quorum were:

Rebecca Borders	Chair
Rebecca Fernandez	Vice Chair
Gary W. Clegg	Assistant Secretary
Daryl D. Greenwood	Assistant Secretary

Also present were:

Gary L. Moyer	Moyer Management Group, Inc.
Daniel Mantzaris	De Beaubien, Knight, Simmons, Mantzaris
Jim Endicott	Landcare Specialists
Residents	

The following is a summary of the minutes and actions taken at the August 7, 2014 Stevens Plantation Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Call to Order

Mr. Moyer called the meeting to order at 6:00 P.M.

SECOND ORDER OF BUSINESS

Roll Call

Mr. Moyer called the roll.

THIRD ORDER OF BUSINESS

Audience Comments

There being none, the next item followed.

FOURTH ORDER OF BUSINESS

Approval of the Minutes of the June 5, 2014 Meeting

Mr. Moyer stated each Board member received a copy of the minutes of the June 5, 2014 meeting and requested any additions, corrections or deletions.

There not being any,

On MOTION by Ms. Greenwood seconded by Mr. Clegg with all in favor the minutes of the June 5, 2014 meeting were approved.

FIFTH ORDER OF BUSINESS

Resident Owner Association Report

Mr. Clegg stated there was a small turnout at the meeting and I only heard one thing I thought was relevant which was the Association talking about the community entry ways and the CDD taking care of them. The ROW management services told us they were canceling the insurance shortly.

Mr. Moyer stated we will add it to our policy. We update our policies every year and are in the process right now so we will make sure all the signs are included.

Ms. Fernandez stated the ponds are an ongoing issue; there is a lot of algae. What is the status of the Verandah Lakes sign?

Mr. Moyer responded at the last meeting Mr. Smith said it would probably be 90-days. The contract was signed, the sign is in for permitting and he expects the contractor to start work within the next two weeks.

Ms. Fernandez asked is the city still doing the permits?

Mr. Mantzaris responded there is an acting building official.

Mr. Moyer stated by the next meeting the sign should be done.

Ms. Fernandez stated The Grove has two different lights; the side to Vermont must have a short because it comes on sometimes and then goes off.

Mr. Moyer stated we will have Mr. Smith check it.

Ms. Greenwood stated the other issue was the annuals. We had annuals planted in May which were petunias and probably not the best choice for hot Florida summers. Some of them have been gone for weeks and we have dirt.

Mr. Moyer stated I think the fall rotation is to be planted soon.

Mr. Endicott stated the petunias planted are called a supertunia which will last in warmer weather than normal petunias but would not last through the July/August 95 degree heat. They were removed because they were looking stressed. I submitted a proposal and received approval Friday. They were scheduled to go in yesterday but we had a mower accident and lost most of yesterday. I believe we are planting terania which will take us to late September / early October and then we will do the plantings for the holiday season.

Ms. Greenwood asked can we request we not try the supertunia again next year?

Mr. Endicott responded yes.

Mr. Moyer stated for the ponds, summer is very difficult. It is not just Stevens Plantation but every district we have has the same problem.

SIXTH ORDER OF BUSINESS

Public Hearing to Consider the Adoption of the Budget for Fiscal Year 2015

A. Fiscal Year 2015 Budget

Mr. Moyer stated as I mentioned at our June 5 meeting, the proposed budget does not anticipate an increase in the assessments the District levies; it is exactly the same as last year. The work program is pretty much the same and administrative expenditures are within about \$80 of what it was last year. The field activity is exactly the same and the ROA went up a couple thousand dollars to reflect anticipated usage of the internet services. The balance is the same as last year. Generally, you are looking at a continuation of the same level of service we are currently operating under.

Ms. Borders opened the public hearing.

B. Consideration of Resolution 2014-03 Adopting the Final Budget

➤ Mr. Moyer read the following Resolution into the record:

“A RESOLUTION OF THE STEVENS PLANTATION COMMUNITY DEVELOPMENT DISTRICT RELATING TO THE ANNUAL APPROPRIATIONS OF THE DISTRICT AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015 AND REFERENCING THE MAINTENANCE AND BENEFIT SPECIAL ASSESSMENTS TO BE LEVIED BY THE DISTRICT FOR SAID FISCAL YEAR.”

Ms. Fernandez requested the numbers for the blanks.

Mr. Moyer responded for the General Fund it is \$618,300 and the Debt Service Fund is \$586,405.

On MOTION by Ms. Greenwood seconded by Ms. Fernandez with all in favor Resolution 2014-03 as stated above was adopted.

C. Consideration of Resolution 2014-04 Levying the Assessments

➤ Mr. Moyer read the following Resolution into the record:

“A RESOLUTION LEVYING AND IMPOSING A NON-AD VALOREM MAINTENANCE SPECIAL ASSESSMENT FOR THE STEVENS PLANTATION COMMUNITY DEVELOPMENT DISTRICT FOR FISCAL YEAR 2015.”

Mr. Moyer stated the purpose of this resolution is this is the document we send to the Tax Collector along with the assessment roll we prepare and certify. It is merged with the county tax roll and will be on the real estate tax bills.

Ms. Fernandez requested the dollar amounts.

Mr. Moyer responded they are the same as the other resolution and for Debt Service Fund it will be \$586,405 and for the O&M it will be \$618,300.

On MOTION by Ms. Fernandez seconded by Mr. Clegg with all in favor Resolution 2014-04 as stated above was adopted.

SEVENTH ORDER OF BUSINESS

District Manager's Report

A. Approval of Financials

Mr. Moyer reviewed the June financials, which were included in the agenda package and are available for public review.

Mr. Moyer reported we levied \$458,000 and collected \$451,000 through June. The \$7,000 will most likely be picked up through the sale of tax certificates.

Ms. Greenwood stated at the last meeting you said in April or May the tax collector would sell the certificates. Has that not happened?

Mr. Moyer responded it has. The financials are through June and distribution is usually made in July. I can send you an email.

With the capital project to install the trees at this point, we are only \$5,291 over budget. We were all aware we were probably going to exceed budget because of the project. Hopefully it will come in line with the remainder of this fiscal year and we will bring the expenditures in on budget.

B. Check Registers and Invoices

Mr. Moyer reviewed the invoices for the period the May 1, 2014 to June 30, 2014, which were included in the agenda package and available for public review.

Ms. Fernandez MOVED to approve the invoices for the period the May 1, 2014 to June 30, 2014 in the amount of \$451,587.05 and Mr. Clegg seconded the motion.

Ms. Greenwood stated on page 37 the CDD is being billed for all of the phone calls between KB Homes because they paid Remington CDD instead of our CDD. Why is that our problem and not KB Homes problem to solve?

Mr. Moyer responded I would be glad to send them an invoice on our behalf.

Ms. Greenwood stated they paid Remington by mistake so why did we not send KB Homes the invoice and say it is your problem to get it back from Remington and paid us.

Mr. Mantzaris stated we have and they have not, as of yet, turned the money over to us. They made an offer to us to resolve it by paying half of the differential amount; it is about \$4,000 on two lots and they told us they would pay \$2,000 per lot. We have communicated this to the bondholders and asked if they would accept it and the bondholders have not responded.

Ms. Greenwood stated I thought we discussed at the last meeting we do not want any deals cut with the builders.

Mr. Mantzaris stated this with KB Homes is a little unusual but our office has approached it that you owe the money and have to pay it. There are seven lots KB Homes was involved in where the assessments were not paid and they essentially offered to write a check for five of them and the last two are the ones which have a shortfall where they paid a portion of it and a portion of it was apparently sent to Remington. We told them you have to pay it and they responded with this offer. We communicated it to the bondholders because it is essentially their money and we felt we were obligated to communicate the offer to them. We had two other settlement offers from private property owners and communicated those to the bondholders also and asked them to respond to it.

All we did was receive the information from KB Homes saying we will pay on the five units in full and we want to split the difference on the \$4,000 on the remaining two lots and we sent it to the bondholders. Our goal is to try to make KB Home pay the whole thing assuming the bondholders will come back to say no, show us where you sent us a check.

Ms. Greenwood stated it should not be our job to chase it from Remington; it is KB Homes job.

Mr. Mantzaris stated part of the situation we are in here is the CDD is, under the bond covenants, the responsible entity for collecting these assessments. We did not start out with KB Homes chasing the two lots; we started out chasing seven of the lots. The other issue came up as we contacted KB Homes and they said we already sent you a check. We asked who did you send

it to and they tracked it back and told us they sent it to Remington. They contacted Remington and Remington said they do not have any record of this.

Ms. Greenwood stated in any other business, you get a collection agency calling if you are not paying your bills. So why are we being so nice?

Mr. Mantzaris responded we can be more aggressive with regard to these issues but part of the problem with being more aggressive is we would have to be more aggressive on all the lots owing including some of your neighbors. There maybe a time where this Board is placed in the unenviable position of having to take some hard action to address these and we hope that does not happen.

Ms. Greenwood asked how many lots are we down to not counting any of the commercial?

Mr. Mantzaris responded I believe it is in the low 60s.

Ms. Greenwood asked can you get me the information please?

Mr. Mantzaris responded I will get you that. Since the last meeting we have not had a lot of payments. We are happy to handle this any way the Board wants us to handle it but we do not think the Board should spend exorbitant amounts of money on attorney's fees to chase \$4,000. We would like to get KB Homes to write the check to deal with all the issues. They have said they would and we are trying our best to get them to do that.

Ms. Greenwood stated I do not see any reason why we have to be contacting Remington.

Mr. Mantzaris stated we contacted Remington's District Manager and asked if they have the money and they could not answer that question.

Ms. Greenwood stated I asked for the ledger at the last meeting.

Mr. Moyer stated we sent the assessment roll.

Ms. Greenwood stated I think you are sending it to the wrong email; I did not get it.

Mr. Moyer stated I sent it right after the last meeting.

Ms. Fernandez stated I received it and we were all included.

Mr. Moyer stated I will send it out again.

Ms. Greenwood stated the reason being is of the names on that list, there are very few that are actual homeowners living in a house on the lot. Most of them are investment properties. I think it is time for us to take a harder look at the investment properties and have them ante up.

I understand that many of them thought they would not have to pay that until the lots were sold; still in all they knew when the bond was due.

On VOICE vote with all in favor, the prior motion was approved.

C. Meeting Dates for Fiscal Year 2015

Mr. Moyer stated the last item I have for the Board is for you to consider and approve the meeting schedule. It is the same schedule we are operating on now of every other month with this schedule starting October 2 and then December 4, February 5, April 2, June 4 and August 6.

On MOTION by Ms. Greenwood seconded by Ms. Fernandez with all in favor, the meeting schedule for fiscal year 2015 was approved.

Ms. Fernandez stated the Century Link bill is getting so microscopic over the last six months it is hard to read. Can we get a better printout?

Ms. Greenwood stated also I think the members would like to go back to the actual copy of the agenda package being mailed to them.

Mr. Moyer stated we can do that.

Ms. Fernandez stated at the last meeting Ms. Greenwood brought up the lights and you were going to check if the city would pay for the main street.

Mr. Mantzaris asked for the street light electricity?

Ms. Fernandez responded yes.

Mr. Mantzaris stated the city is apparently not paying for that.

Ms. Fernandez stated the main road, Nolte, is what we are asking for.

Mr. Mantzaris stated I spoke with Mr. Mike Turner about those.

Ms. Greenwood asked is Nolte a city or county road?

Mr. Mantzaris responded it is a county road where the city has a portion of the maintenance responsibility for. The improved area that runs around Stevens, the city is responsible for the maintenance portion of that.

According to Mr. Turner similar lights like this are paid for by the city; however, when the CDD was set up, the billing was not set up for the city to do so. I can ask the city to do so and bring it back.

Ms. Greenwood stated that would be great.

Mr. Mantzaris stated Mr. Turner's email does not specifically refer to the lights on Nolte Road. His email notes there might be some other things tied to the electrical service there such as the irrigation systems.

Ms. Greenwood stated they should not be.

Mr. Mantzaris stated what we are talking about is getting the electricity for the lights along the Nolte Road portion in front of Stevens Plantation.

Ms. Greenwood stated yes.

Ms. Fernandez stated also with the electric bills for the reclaimed water. We are in the rainy season; is there anyway we can get the sprinklers shut down somewhat? I do not see the purpose of watering every day or every other day in this time of year especially when we are getting as much rain as we are.

Mr. Endicott stated the city had the water off for our area for a little over a week and when I did get it back on at the end of last week, we increased the water for this week. It has been shut off on the west end due to the digging for the school wall. Tonight it will be turned off on the east end as well.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Mantzaris stated at the July DSD meeting, the DSD approved the sale of a portion of what is referred to as the Stevens retail piece to an entity out of Jacksonville called Joyce Development Group. They have agreed to purchase a little over ten acres of the 16+ acre site. As part of the agreement, they will develop it as master site with master stormwater to serve the entire piece. It will leave four developable lots to sell off to future non-commercial users. They have not specifically told anybody who the tenant is but they are negotiating with what was described as a major retailer.

Ms. Greenwood stated similar to Publix, so we know it is not Publix.

Ms. Borders stated similar in size to Publix.

Mr. Mantzaris stated I do know it is some type of grocery store concept. The DSD staff was excited with the development; they feel it is a good development and has some nice projects around the country. Their website will show you some of the projects they have done. The neighbors were concerned about the development of the whole site and it being consistent with

the area; they have agreed as part of the development to create a design standard for their building as well as the other four lots to be built. The DSD will have to sign off on the design standards so the District will have an opportunity to review them. The idea is for the project to be integrated not just within the retail piece but as it relates to the balance of the development. It will have an integrated stormwater system so all the development will be self-contained on their area. The closing is set a ways out; in these types of deals, the key to the deal is signing on the national retailer and as soon as that is done, we anticipate it is going to move fairly quickly. They told us we would be told as soon as they have a long-term retail property. The contract provides that they have four months so we should know in about three months at the latest. They did talk about other concepts associated with it in terms of the other four lots and there could be possibly one or two restaurant sites which could be on those lots.

For the B Bonds we continue to work on that.

The DSD is set to close on August 15 on the sale of the 144 acres undeveloped in what is known as Stevens North.

We have approached the bondholders on the issue with the bond assessments sometime ago the Board and the DSD authorized the hiring of the Sandra Dempsey Firm. We have approached the bondholders about allowing us to pay her fees out of the sale proceeds from this larger piece of property. It is an amount the DSD and CDD agreed to split. Her firm has not billed the CDD or the DSD; we approached her to say if we can get the bondholders to pay you out of those proceeds would you agree and she said yes and they would just hold off to see if we can do that. So hopefully the CDD will not have to come up with some additional dollars.

Ms. Greenwood asked why is it being paid out of the CDD as opposed to the DSD?

Mr. Mantzaris responded the CDD bonds are the responsibility of the CDD to collect. When we got to the point the bonds were going to be in default, we knew we had to work toward renegotiating it, so the DSD and CDD agreed they would hire joint bond counsel to deal with it. We think they are going to be able to do that and basically what will happen is it will come off the money that would be dispersed to the bondholders and the DSD or CDD will not have to pay it.

Ms. Greenwood stated once they close in three months or so we are going to have a lump sum payment for the commercial property. How much are we still going to be in arrears? Owing the bonds?

Mr. Mantzaris responded the B Bond assessments that would be in arrears would be those tied to the remaining properties owned by the DSD at the corporate campus and the remaining in the retail piece as well as all the other properties where the assessments were not paid by the private property owners in the residential portion. I cannot tell you the dollar amount off the top of my head.

Ms. Greenwood asked are we still looking at \$2 million in arrears?

Mr. Mantzaris responded it is going to be a large amount of money. It is not the CDD Board in arrears; it is whoever owns the property that is responsible for the B Bond assessments. It is not a debt or obligation of the CDD; it is a DSD issue because the DSD is the owner of the properties.

Ms. Greenwood stated they are still holding back our part of the payment.

Mr. Mantzaris stated the interest payment.

Ms. Greenwood stated the CDD is accruing interest as a result of all of this and we will end up having to pay more.

Mr. Mantzaris stated the way the Trustee is currently applying the debt service, they are working hard to get the bondholders to do that short of basically filing a lawsuit against the Trustee to make the Trustee act in accordance with the bond covenants. We are not sure what else we can do about that; we are monitoring it and keeping track so that when you look on the ledger sheets, there is an accounting of how much of the accrued interest in sitting in an account and not released. The ultimate the goal is to get them to say we can take the interest and apply it to the principal amount, therefore reducing the principal and interest charges.

Ms. Greenwood stated I would like some discussion with the Board members as to whether or not we take a harder stance now on the outstanding.

Ms. Fernandez stated we do not know how many homeowners, who are our neighbors, it is affecting.

Ms. Greenwood stated my understanding is the homeowners we know are being affected already have legal counsel. I think it is just pushing it now. I think it is time to get the majority of them who are developers and investors and not our neighbors to start anteing up.

Ms. Borders asked would everyone feel better if we had something that said there are this many investors and this many are residents?

Ms. Fernandez responded I would.

Ms. Borders stated I know it is hard to decipher.

Ms. Greenwood stated what they gave us at the last meeting we can decipher pretty well.

Mr. Mantzaris stated you probably can better because you know most of your neighbors.

Ms. Borders stated if you want to put it together and make sure everybody gets it.

Mr. Mantzaris stated there are several lots in the Estates section which were acquired through tax certificate sales. You can tell by the name of the record owner that it is probably an investor.

Ms. Greenwood stated I know we have to treat everyone equally but we can prioritize.

Mr. Mantzaris stated I will work through the identified properties by name.

Ms. Fernandez stated I agree with Ms. Greenwood in the sense that the homeowners were notified in December and maybe it has gotten to the time where we need to be more aggressive.

Mr. Mantzaris stated let me work on it a little bit more and give you a report on where we are. We have had contact with some attorneys and title companies that have been working on deciding what they are going to do. A couple of attorneys have made settlement offers to resolve the issues and some of them have said they are just not going to pay. I would be surprised if we have heard from half of the individual property owners.

Ms. Greenwood stated but the investors are a part of that.

Mr. Mantzaris stated we can send follow-up letters initially.

Discussion continued on the outstanding B Bond assessments, attorneys' fees, litigation and liens.

Discussion returned to the Trustee and the accrued interest payments. Mr. Mantzaris will contact the bondholders to let them know the CDD is not happy with the way the Trustee is handling it and wants it resolved and resolved quickly.

B. Engineer

There not being any, the next item followed.

C. Field Manager

i. Field Maintenance Report

ii. Action Items

iii Resident Call Log

iv. Landscape Report

v. Applied Aquatic Report

Mr. Moyer reported the Field Management Report was included in the agenda package.

NINTH ORDER OF BUSINESS

Updates & Discussion Items - Landscape Maintenance Contract

Mr. Moyer noted at the last meeting they discussed the extension of the landscape contract for an additional year. Staff would be in favor of doing so.

Mr. Clegg stated I have looked through and am fine with it. I had not gotten all the way through it when it was brought up at the last meeting.

On MOTION by Ms. Greenwood seconded by Ms. Fernandez with all in favor, extending the Landscape Maintenance Agreement for one year was approved.

Ms. Fernandez noted they requested at the last meeting a web email address to provide to the HOA rather than trying to contact the HOA property manager for issues dealing with the CDD.

Mr. Moyer stated we will get that to you.

Ms. Fernandez addressed an issue with some trees that were cut down and removed.

Mr. Endicott stated there were some hollies that were diseased along the bridge area and Verandah. They had a disease called witches' broom and once they get this disease they never recover. For aesthetics purposes we took them down and are waiting for guidance from Mr. Smith and the Board on whether to replace them or grind the stump and cover it up.

There are a significant number of that species of holly with the witches' broom; we tried to trim them up to try to keep them looking good but the end is near. We just need to make a decision on what we would like to do with those.

Mr. Moyer asked what is a good replacement?

Mr. Endicott responded if you want to stay in the holly species, I would recommend Eagleston holly which can either be full to the ground or have a clear trunk. It is a much hardier plant.

Mr. Moyer stated can you get us a number.

Mr. Endicott responded I can give you a per-tree price.

Ms. Fernandez stated I am not seeing preventative maintenance as far as trimming the hedges down. They keep growing and then you say they are overgrown and need to be replaced, which costs the community additional funds.

Mr. Endicott stated we have not changed this in the hedges. In July we went through and began separating the species where there is juniper next to a shilling and they were intertwined. We went through and cut about a 12-inch space between those to try to start separating them. I can adjust heights based on my eye; I am happy to do that. If you would like to have your eyes on it and say to go to this height, we are happy to do that as well.

Mr. Clegg stated I think the contract talks about a schedule for the upkeep of hedges and so forth. You might want to review that with Mr. Smith.

Mr. Endicott stated there are statements as to what is horticulturally proper for that species and to trim at a certain time. I do not know that it says how high or how short we would like to have that plant.

Ms. Borders stated we can pick a height everybody would be happy with and make it uniform throughout the community.

Ms. Fernandez stated if you drive through, it is not consistent anywhere.

Mr. Clegg addressed the maintenance as outlined in the contract.

Ms. Fernandez stated the bushes on each side of The Grove sign need to be trimmed down.

Ms. Greenwood stated they are hollies and they do not look healthy.

Mr. Endicott stated they have come along way from when we first removed some of the plant material. To get them to continue to grow, we are feeding them but what we can do is an aggressive trim and then grow them back up which could take a couple of years.

Ms. Greenwood stated once they are established, they take off and grow.

Mr. Endicott stated there was plant material in front of them that was shading them and harming some of the water to it; now that it is gone, they have matured quite a bit but they have a ways to go.

Ms. Greenwood stated I would be for the aggressive pruning to get them growing.

Mr. Endicott stated send me something that says take them down to this height and I will be happy to do it. On annuals if there is a type of plant you would like for this season, let me know. I do not have to put in what I have reserved at the nursery.

Ms. Greenwood asked how would coleus do there?

Mr. Endicott responded coleus would do fine. The challenge with them is, they are a rapidly growing plant. It will go to October but will require some pruning and has the potential

to look a little sticky in the pruning process. Pentas are a great product as well and depending on the weather could go all the way to Christmas. There are a number of species we could select.

Ms. Greenwood stated I just think since we are going into fall, we should have something that looks “fall-ish.”

Mr. Endicott stated we can get marigolds in about two weeks depending on the availability.

Ms. Greenwood stated that sounds great.

Mr. Endicott stated going back to the height.

Mr. Clegg stated there is another section on trees and in the contract, it gives time frequency. The specifics of when and how much is in the contract. I would suggest you might want to review it and talk with Mr. Smith about how to keep up with it and when.

Mr. Endicott asked is it specific about a height?

Mr. Clegg responded you want to establish a maximum height.

Discussion continued on trimming.

TENTH ORDER OF BUSINESS

Other Business

There not being any, the next item followed.

ELEVENTH ORDER OF BUSINESS

Supervisor Requests

There being none, the next item followed.

TWELFTH ORDER OF BUSINESS

Audience Comments

There being none, the next item followed.

THIRTEENTH ORDER OF BUSINESS

Adjournment

There being no further business, the meeting was adjourned.

Gary L. Moyer
Secretary

Rebecca Borders
Chair