

**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, October 19, 2016 at 6:00 P.M. at Civic Center, 3001 17th Street, St. Cloud, Florida.

Present and constituting a quorum were:

Rebecca Fernandez	Chair
Larry Rabb	Vice Chairman
Daryl Greenwood	Assistant Secretary

Also present were:

Gary L. Moyer	Moyer Management Group, Inc.
Amber Ashton	De Beaubien, Knight, Simmons, Mantzaris
Brian Smith	STS Field Manager
Residents	

The following is a summary of the minutes and actions taken at the October 19, 2016 Stevens Plantation Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Call to Order

Mr. Moyer called the meeting to order.

SECOND ORDER OF BUSINESS

Roll Call

Mr. Moyer reported Supervisors Fernandez, Rabb and Greenwood are present constituting a quorum.

THIRD ORDER OF BUSINESS

Audience Comments

A resident stated the purpose of the CDD is funding; what is done with the funding?

Mr. Moyer responded we pay principal and interest on the bonds issued to build some of the infrastructure and the other part of our budget is to operate and maintain the landscaping on the major boulevards and roadways, the water management system and irrigation system. We also collect money on behalf of the ROA to pay for the internet.

Discussion followed on utility easements.

Ms. Greenwood noted as of the last association meeting they are working on eliminating CenturyLink.

Ms. Fernandez stated allowing the homeowners' to make their own choice.

Ms. Greenwood stated there are pros and cons to it. It will cost more for the homeowner if we go to multiple providers. The infrastructure was there so the question is what is going to happen to the infrastructure. Can CenturyLink say it is proprietary and new will have to be put in?

Mr. Moyer responded that is what they are doing in Celebration. Smart City put the original cable in and Comcast is now rebuilding the whole system with fiber optics.

Ms. Greenwood stated we are supposed to be fiber optic.

Ms. Fernandez stated we did find out the equipment is owned by Stevens Plantation. It is part of the fee we paid for and is part of the contract.

Ms. Greenwood asked the equipment?

Ms. Fernandez responded the equipment and the infrastructure is supposed to be ours; that is what the attorney is trying to find out and finalize.

Mr. Moyer stated that will certainly help.

FOURTH ORDER OF BUSINESS

Approval of the Minutes of the August 4, 2016 Meeting

Mr. Moyer stated each Board member received a copy of the minutes of the August 4, 2016 meeting and requested any additions, corrections or deletions.

On MOTION by Ms. Greenwood seconded by Ms. Fernandez, with all in favor, the minutes of the August 4, 2016 meeting were approved.

FIFTH ORDER OF BUSINESS

Resident Owner Association Report

There being none, the next item followed.

SIXTH ORDER OF BUSINESS

District Manager's Report

A. August 2016 Financials

Mr. Moyer stated the financials show through the end of August there are still uncollected assessments of about \$26,000. Overall, with some of the other income sources, one being that people do not always pay at the earliest time so they do not take the discounts and that has contributed \$14,000 to our revenues. As you are all aware it has been an expensive year for us

on the expenditure side with the legal services, landscaping and plant replacement but overall we have a strong fund balance and financially the District is in pretty good shape.

Ms. Greenwood stated I am afraid for us to spend any money on anything else until we figure out what the legal fees are going to amount to. Even though we have been lead to believe we will be somewhat reimbursed once they win, I do not think we can really count on that. I will bring it up under new business but I still think we need to find other representation besides Mr. Mantzaris, who I respect a great deal but we need to cut ourselves from the City and the City's attorney. Just as we have shown with new attorneys working with the association another set of fresh eyes makes a big difference. It bothers me even though, I know, there is no real wrongdoing. I do not mean to infer there is but it bothers me that Mr. Mantzaris' firm is making money on collecting bond money through the legal system. We cannot point fingers because there is nobody to point fingers at but it was an oversight that the money was not paid in the beginning when those properties were sold.

B. Check Register and Invoices

Mr. Moyer stated next I have the check register and invoices.

Ms. Greenwood stated I have one question on page 19. Why did we pay a late fee to Home Depot?

Mr. Moyer responded let me check on that. If it is something accounting did and did not timely pay we will get a credit back.

Ms. Fernandez stated there is a note on the invoice.

Mr. Smith stated if there is a note there from Severn Trent it may come back from them.

Ms. Fernandez asked can you check on that?

Mr. Moyer responded I will.

Mr. Rabb MOVED to approve the invoices for the period July 1, 2016 to August 31, 2016 in the amount of \$518,771.45 and Ms. Greenwood seconded the motion.
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Ms. Greenwood stated on page 53 there is Labor Staffing for five hours at \$20.70 per hour.

Mr. Smith stated it is an electrician; we use him to fix lights and that sort of thing.

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

C. Grau & Associates FY 2016 Audit Engagement

Mr. Moyer stated the last item I have for you is the audit engagement for FY 2016.

On MOTION by Ms. Greenwood seconded by Mr. Rabb, with all in favor, the Grau & Associates audit engagement for FY 2016 was approved.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Ashton stated I multiple things to discuss as far as litigation is concerned. I know we focused on the homeowners first and of those, we have heard from all but two. Both do not live on the properties but are under trusts or businesses, so I am unclear why we have not heard from them. We have spoken in the past about finishing the Park Square litigation to obtain the final judgments we need and moving forward with the foreclosures against them. As far as the others are concerned we have received payment in full from five of the homeowners and there is pending litigation with regard to two of the other properties and Meritage Homes or the homeowners have title claims on all the remaining properties. We would expect the majority of these will be resolved either through litigation or the title claims within the coming months.

One of the properties is in active litigation, the Roman property - Lot 60. The homeowners' filed suit against the CDD and the original builder - McNally. McNally is in default on the property which means the homeowners' are able to go forward and get a judgment against them without us having to do anything. We did have insurance counsel appear for us on that case and they filed a motion to dismiss. The title company also filed a motion to dismiss. Our thought process has been let us wait and let them get the final judgment against McNally and collect on that. McNally is still an active business concern and is still building homes and still has assets. It does not make sense for either us or insurance counsel to move forward with trying to get us out of that case when we will ultimately get paid because they are going to be successful in their litigation, assuming they get their final judgment which at this point with no one defending against it, they should be able to do.

Ms. Greenwood stated they are a very lucrative builder.

Ms. Ashton stated they are a national builder and I am very surprised no one appeared on their behalf.

Mr. Moyer asked can we get attorney's fees?

Ms. Ashton responded in the Roman litigation we will be entitled to the attorney's fees as far as the total amount we are seeking but we do not have much in attorney's fees as far as our representation; we have insurance counsel who is handling it.

Mr. Moyer stated we have a deductible is why I am asking. I would prefer if we could at least get our deductible covered.

Ms. Ashton stated under Chapter 173 we are entitled to any attorney's fees for any efforts we have to utilize in order to pursue the collection of the bond amount. I will talk to insurance counsel about that and they may have to file a motion for default final judgment to get the exact amount and they will contact both us and them to get the exact attorney fee number.

Mr. Moyer stated I can get you the exact deductible amount.

Ms. Ashton addressed Park Square and outlined the settlement offer for the two properties under contract and scheduled to close.

Extensive discussion followed on the offer.

Discussion followed on requesting attorney's fees with Ms. Ashton noting she would like to have settlement authority at the principal amount plus attorney's fees and ideally settlement authority with or without the attorney's fees.

On MOTION by Mr. Rabb seconded by Ms. Fernandez, with Mr. Rabb and Ms. Fernandez voting aye and Ms. Greenwood voting nay, to provide Park Square the release of the two lots and \$29,940 on each of the lots with attorney's fees and providing the authority to collect without attorney's fees was approved.

Ms. Ashton stated the last thing I wanted to mention is because we are doing all of the legwork now, the attorney's fees you are incurring now is the bulk of what you are going to have going forward. We are going to be able to utilize the same forms and be able to rely on the final judgment so the attorney's fees are not going to be able to increase like they have, they will plateau and then start to decrease. We do not anticipate the attorney's fees are going to continue at the rate that they have been. When we get to January and have to attend the summary

judgment hearing you will have a big bill in January but between now and then you will not have attorney's fees for November and December on the Park Square piece.

Ms. Greenwood stated I understand and I commend you on the job you are doing.

Ms. Ashton stated I understand your points. To that I will say to your concern about the attorney's fees and Mr. Mantzaris' involvement with the city; yes you are right to a certain extent there may have been back when this started some confusion but if you were to hire new attorney's to come in now you are going to spend infinitely more for them to get up to speed on this issue.

Ms. Greenwood stated it has nothing to do with how your group has handled any of it; it is nothing to do with that. I am just saying going forward when we have this done I truly think it is a conflict of interest for him in both capacities so I think we need to look for new representation.

Ms. Ashton stated I understand.

Ms. Ashton stated that was all I had.

Ms. Greenwood stated one of the north properties and several of the retail properties were in front of the City Commission last week.

Ms. Ashton stated from what I understand the sales are going forward. There are four pieces in the retail section and we believe the first closings will occur in March of next year.

Ms. Greenwood asked Mr. Joyce has how many of those?

Ms. Ashton responded I do not know who Mr. Joyce is.

Ms. Greenwood responded the developer.

Ms. Ashton stated I am not sure how many but I think at least one. The second piece is a 4 ½ acre piece in the north parcel that is under contract to Madison House; they are senior living facilities.

Ms. Greenwood asked senior living or affordable senior living?

Ms. Ashton responded Madison House is all senior living, I do not believe any of it is affordable senior living.

Ms. Greenwood stated it was listed as affordable.

Ms. Ashton stated I was not aware of that so I am not sure. I can find out exactly what type it is for you.

Ms. Greenwood stated I would also like to know what parcels they are; it was defined within the City Commission.

Ms. Ashton stated okay, what parcels and what type of senior living.

Ms. Greenwood stated the City Manager assured us it was going to be some type of industrial area that was going in and now we have affordable senior housing going in. Also, Mr. Mantzaris has promised us he will voice the opinion that we want to make sure the architectural review for the remaining buildings to be built in the retail area are a lot more aesthetically in line than the ugly Wal-Mart.

Ms. Fernandez stated that was not Mr. Mantzaris it was the City Manager.

Ms. Greenwood stated Mr. Mantzaris did too.

Ms. Fernandez stated at the ROA meeting the City Manager is the one who assured the ROA that he would.

Ms. Greenwood stated at our last meeting Mr. Mantzaris also said he would voice it. Also, I don't know who we talk to but the gas station is operating beyond the limits set for it.

Mr. Moyer stated that would probably be the city that you would need to talk to.

Ms. Ashton stated that is a code enforcement issue so I would start there.

Ms. Fernandez stated it has been reported and they pulled up the docket where the city approved it to be a 24 hour gas station.

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 stated Mr. Smith got two proposals - Servello & Son and Girard; the result of that is they are within \$480 of each other. The way I view it, we need to pick the best contractor based on Mr. Smith's experience. Even though Servello is a very good company, Girard has more capability with an arborist and tree trimming as part of their group. Given there is such a small difference in price we are going to recommend going with Girard.

Ms. Greenwood asked do they do Celebration?

Mr. Moyer responded yes.

Mr. Smith stated they also do Brighton Lakes.

Mr. Rabb asked would you give them an A+.

Mr. Smith responded I would give them a B+; there is no such thing as an A+.

Ms. Greenwood stated looking at what is left of the grass it is horrible.

Ms. Fernandez stated it is. You can ask Mr. Smith I called him and said kick them out, I don't care, I do not want them in.

On MOTION by Ms. Greenwood seconded by Mr. Rabb, with all in favor, the Girard proposal was approved.

Mr. Smith stated I have proposal from Sitex Aquatics. Their proposal is for \$11,220 which is \$200 below our existing contractor.

On MOTION by Ms. Fernandez seconded by Ms. Greenwood, with all in favor, the Sitex Aquatics proposal was approved.

Mr. Smith stated my report is in the agenda package.

Ms. Fernandez asked how quick will Girard start and clean up behind the Estates?

Mr. Smith responded we will get it all done and see if there are any extra costs associated with that.

Ms. Fernandez stated Mr. Cantrell mentioned he would be willing to walk and I am willing to walk with them to let them know what is expected of them.

Mr. Smith stated they know what is expected, I walked with them. Let us get them settled in and then we will walk. I am not sure of the timing yet, I think Landscapes USA is leaving November 1. However, we have not given them a formal 30 day notice.

Mr. Moyer stated the contract is expired; you don't have to give them any notice.

Ms. Greenwood stated I do not think they lived up to what they said they would do until the end of September. The weeds are a mess.

EIGHTH ORDER OF BUSINESS

Other Business

There not being any, the next item followed.

NINTH ORDER OF BUSINESS

Supervisor Requests

Ms. Greenwood stated there is still a tree leaning in The Grove where they put in the new trees.

Mr. Rabb stated the fence at the backside of Magnolia Green is getting very black.

Mr. Smith stated that is not our fence; it belongs to the community behind us. One of my guys started cleaning it and is going to work on it as he can.

Ms. Greenwood asked can we send a letter to their HOA?

Mr. Smith responded yes.

Ms. Ashton stated you can call code enforcement.

Ms. Greenwood stated we can send them a friendly letter as a neighbor. At our next meeting we will have a new member. You appointed one to replace Mr. Connors and the other gentleman ran unopposed.

Mr. Rabb asked where is he?


Mr. Moyer responded we invited him but he could not make it. We should have a full Board next meeting.

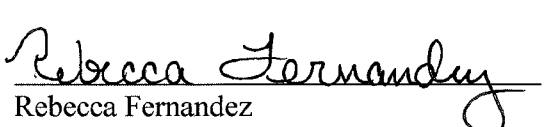
TENTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Mr. Rabb seconded by Ms. Greenwood, with all in favor, the meeting was adjourned.


Gary L. Moyer
Secretary


Rebecca Fernandez
Chair