

**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, April 6, 2017 at 6:00 P.M. at Community Center, 3101 17<sup>th</sup> Street, St. Cloud, Florida.

Present and constituting a quorum were:

Rebecca Fernandez	Chair
Larry Rabb	Vice Chairman
Daryl Greenwood	Assistant Secretary
Evan Cantrall	Assistant Secretary
Jason Borders	Assistant Secretary

Also present were:

Brian Smith	STS Field Manager
Denise	Property Manager
Tom Murphy	Girard Environmental
Residents	

*The following is a summary of the minutes and actions taken at April 6, 2017 Stevens Plantation Board of Supervisors meeting.*

**FIRST ORDER OF BUSINESS**

**Call to Order**

Mr. Smith called the meeting to order.

**SECOND ORDER OF BUSINESS**

**Roll Call**

Mr. Smith reported all supervisors are present.

**THIRD ORDER OF BUSINESS**

**Audience Comments**

There being none, the next item followed.

**FOURTH ORDER OF BUSINESS**

**Approval of the Minutes of the February 2, 2017 Meeting**

Mr. Smith stated each Board member received a copy of the minutes of the February 2, 2017 meeting and requested any additions, corrections or deletions.

On MOTION by Ms. Greenwood seconded by Mr. Cantrall, with all in favor, the minutes of the February 2, 2017 meeting were approved.

**FIFTH ORDER OF BUSINESS**

**Resident Owner Association Report**

Denise reported she has received compliments on the job Girard is doing.

Ms. Fernandez stated when mowing behind the houses use care for the sprinkler heads.

The homeowners replaced them and gave Denise an invoice.

**SIXTH ORDER OF BUSINESS**

**Presentation of Fiscal Year 2018**

Mr. Smith stated this is the beginning of the budget cycle. Today we will look to approve the budget and as time goes on we can make changes if the Board chooses.

On MOTION by Mr. Cantrall seconded by Ms. Greenwood, with all in favor, the Fiscal Year 2018 budget was approved.

**SEVENTH ORDER OF BUSINESS**

**District Manager's Report**

**A. February 2016 Financials**

**B. Check Register and Invoices**

Ms. Greenwood stated there are no bills for CenturyLink.

Ms. Fernandez stated they are being held because of the mediation and before it is paid we want to make sure there are no late fees.

Ms. Greenwood asked shouldn't they be in here?

Mr. Mantzaris responded this is the check register and only shows the bills paid. If the ROA did not submit them to the CDD you would not see them in your package.

Ms. Greenwood asked has the mediation ended?

Denise responded the ROA Board has decided not to pursue it any further.

Mr. Smith stated I did not follow-up on the \$35 charge from Home Depot but she continues not to pay it.

Ms. Greenwood asked who is Goldberg Segalla?

Mr. Mantzaris responded the Roman case was the case where they were advised the CDD B Bonds were paid. There was a payment from Severn Trent that went back to address that issue but I will look at it.

Mr. Smith stated the other thing that came up at our last meeting was the water meters and doing an audit. We located every meter and what we found was there are a couple of meters that are reuse meters but are not active. We are paying the base facility fee for that. We want to find out if they are necessary and if we can close those accounts to cap those services off. The rest of the meters seem to be legitimate. There are two waters they are calling irrigation meters at the fountains, there are smaller irrigation meters to each individual neighborhood and there are two for the large connections for New Nolte.

Ms. Fernandez requested Mr. Smith email to the Board.

Mr. Smith noted he will as soon as the match all the meters to the locations. The city installed new water meters so the numbers do not match the District record.

On MOTION by Mr. Cantrall seconded by Mr. Rabb, with all in favor, the invoices for the period January 1 to February 28, 2017 in the amount of \$599,664.66 were approved.
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**C. Acceptance of the Audit for Fiscal Year 2016**

Mr. Smith reported you have a copy of the audit and a copy of Mr. Moyer's email explaining the status.

Mr. Borders stated we have two series of bonds - the A Bonds are the ones paid based on the assessments, is that accurate?

Mr. Mantzaris responded yes.

Mr. Borders stated the B Bonds are paid based on sales of property; is that also accurate.

Mr. Mantzaris responded yes.

Mr. Borders stated both are in default based on the issues with the Trustee. I wanted to make sure I am clear on where the monies are coming from for each one of the bonds. We still have a property that needs to be sold for the B Bonds.

Mr. Mantzaris stated there is a significant amount of property within the CDD that needs to be sold that would pay off the B Bond obligations that came due in 2013. There is also a significant number of property owners that for a variety of reasons the B Bond assessments were not paid during transactions that happened when the properties were sold. Those are the two buckets from which the B Bond dollars will come. The only thing I would add to that is for the purposes of the CDD the financial situation which you see in your audit and will always see until

this situation is resolved because it is technically a default of the Trust Indentures. The A Bonds are not in default for non-payment because they are collected through the annual assessments and those who do not pay are sold off as tax certificates and eventually collected. The CDD through the annual assessment collections is collecting all the dollars to pay the A Bonds. The situation we have gotten into with the Trustee is because the A Bonds and B Bonds are part of the same Trust Indenture and the B Bonds are in default they have basically put the whole into to default and have not applied our payment. The money has been collected and is there and the A Bonds are not in default. What that means is as long as the A Bonds continue to be collected through the annual assessment process until 2033 then there is no additional financial risk to the CDD.

Ms. Greenwood asked where is the A Bonds monies physically sitting and is it accruing interest?

Mr. Mantzaris responded when it gets collected through the assessments it goes to Severn Trent Services and Severn Trent Services transfers it to the Trustee, US Bank. US Bank has it and is holding it.

Ms. Greenwood asked is it accruing interest?

Mr. Mantzaris responded it is accruing interest.

Ms. Greenwood asked is it accruing interest that offsets the interest they are charging us for being in default?

Mr. Mantzaris responded it accrues interest for the benefit of the bondholders so at the end of the day it should be an offset against the accrued interest. The way the bondholders are looking at it is everything that comes into the account is under our control for our benefit so we get to collect the interest on it, we get to apply the interest on it, and we get to set aside money to pay for attorneys.

Ms. Greenwood asked if they are not recognizing it as being paid how can they take the interest?

Mr. Mantzaris responded they should not get the benefit of both; they should not be able to collect the interest and charge the interest and that is part of the issue we have been to trying to get with the Trustee and bondholders.

Mr. Borders stated as of the last meeting there was still a question of whether the Trustee was responding or had not responded to anything with regard to what is going to change. We were trying to get that squared away and we had not heard back from the Trustee and had been

emailing since December and before that there was some discussion as to whether the Trustee had responded on any of the questions we had asked or if it was just the one question regarding them distributing the monies for the A Bonds while the B Bonds were in default. Have we received any communication from the Trustee?

Mr. Mantzaris responded no.

Discussion continued on the bonds, bondholders and Trustee.

Mr. Borders stated in the audit there is verbiage stating as the bonds go into default there are some other requirements or other things that go into effect. Does it benefit the Trustee or bondholders for the bonds to be in default?

Mr. Mantzaris responded it likely benefits them from an operational perspective because they can claim they control the pots of money now.

Mr. Borders asked can that cause us any legal concerns later?

Mr. Mantzaris responded I do not think so. There is no obligation for the CDD to do any reassessment to address the situation. The CDD is doing everything it can do with collecting the assessments and continues to include it as part of the annual budget process. You are working toward foreclosing on the outstanding B Bond obligations. The real financial risk is the cost to go through the process. The way the bond covenants read and the documents are set up the CDD is the collecting agency at the CDD's expense.

Mr. Mantzaris addressed the hearing that was moved from February 14<sup>th</sup> to March 21<sup>st</sup> noting he has no news to report as the judge reserved ruling and asked for additional memorandums of law. He further noted prior to the hearing they received communication from the Park Square attorneys essentially offering to pay all the assessments and wanting a payment arrangement. We elected to go through with the hearing to see what happened. We want to set up a closed session with the Board so we can talk about it.

On MOTION by Mr. Borders seconded by Mr. Rabb, with all in favor, the audit for fiscal year ended September 30, 2016 was accepted.
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**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Discussion followed on setting the closed session with potential dates being April 26, 2017 at 6:00 p.m. if a ruling is received with the alternate date being May 4, 2017 at 6:00 p.m.

Mr. Mantzaris reported the DSD is having a meeting on April 20<sup>th</sup> and has requested a complete overview of the Stevens Plantation project including sales issues. The DSD meeting will be in the Council Chambers at City Hall at 6:00 p.m.

Ms. Greenwood asked is there any movement.

Mr. Mantzaris responded in the retail piece they are completing the redevelopment of about nine acres that are not part of the Wal-Mart parcel. This includes a driveway through there, a retention pond area and some water and sewer utilities to redevelop to seven retail lots. Five of the lots are currently under contract and part of the closings on those was tied to the infrastructure completion and replatting. Once that is done we are hopeful they will close.

The 4 ½ acre piece in the undeveloped section is under contract with Madison Crossing for a senior living apartment facility.

Ms. Greenwood stated there is another parcel off of Canoe Creek that is for sale and says commercial. Is that part of north Stevens?

Mr. Mantzaris responded that is property the city acquired from the church to build the fire station and a parks and recreations facility and I think the city is looking to try to market that piece.

Ms. Fernandez stated I would like to reiterate what Ms. Greenwood has brought up time and time again; that when you do sale the commercial property that they remember to keep the aesthetics as far as what the original development was.

Ms. Greenwood stated not based on the Wal-Mart design.

Mr. Mantzaris stated for the item under the check register Goldberg Segalla is the firm hired by the insurance carrier for the CDD to defend the Roman case. As part of the District's insurance policy is a claims attorney fee and there is a deductible that you have to meet and is why it is being paid at this point.

**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. Smith stated I approved the proposals for the clearing of the buffer areas that we wanted to get cleaned. The one in The Grove, which was the biggest concern, is pretty much completed. I asked Girard's to put together proposals for plant enhancements.

Mr. Murphy reviewed the planting proposals noting some of them are exorbitant due to the lack of materials in the beds and other are very minor. The Board can look through it and decide which wants they want to move forward on and which they may want to review and reduce the scope.

Mr. Smith stated we are in no hurry to do this work so it is something the Board can review and comment on. It is so dry and our irrigation system here is questionable at times. As we get closer to the rainy season would be a better time to start the plantings as it definitely needs to be done. The total price is \$15,000 and currently in plant replacements we have \$16,000. We also have a miscellaneous contingency of about \$17,000 which we may want to hold through the summer as we look at doing the banners and holiday decorations.

Mr. Borders asked besides this do we anticipate having to replace too many other plants over the course of the year?

Mr. Murphy responded it is hard to say; we are coming through our worst time right now and are in an extreme drought and the irrigation is designed to supplement. We are still struggling in some areas. Other than drought situations according to what we provide to you as a service as far as insect and disease control anything that dies because of that we would cover under our warranty as the provider for you.

Mr. Borders stated if we were to approve this it would not be installed until after the drought.

Mr. Murphy stated we would not do anything until closer to May.

Ms. Fernandez stated Corporate Campus does not pay anything to the CDD but are reaping the benefits of any enhancements we do in those areas. I would like to see that slowly decrease and if the landscape dies or needs to be replaced for it to be replaced with sod. We do not receive reimbursement for anything I noticed you put in a lot of mulch going in on Buddinger

in the center area. I am still concerned that closer to Wal-Mart because the heads in the median are constantly being replaced. Is there anything that can be done to hold Wal-Mart accountable?

Mr. Mantzaris asked the semis are running over it?

Ms. Fernandez responded there are deep ruts.

Mr. Smith stated they are running up on the curb.

Mr. Murphy stated you have the option of moving the heads so they spray towards the road but then you run the risk of getting cars wet.

Mr. Cantrall asked how much has it cost so far?

Mr. Murphy responded probably \$1,200.

Mr. Mantzaris stated send me the invoice and I will send it to Wal-Mart to let them know their delivery guys damaged the heads. We can tell them we are going to keep charging them every time.

Mr. Smith addressed the area in question as to who is responsible to maintain it noting it is DOT grade Bahia put down temporarily for the commercial project to come in. Between their shrubs area and our sidewalk it is Bahia and you would think it would be the responsibility of Wal-Mart to make those improvements as part of their project. I do not know if the city would want to make them do that.

Mr. Mantzaris stated we can get the landscaping plan for the development of the Wal-Mart and see whether it was part of the site plans.

Mr. Smith stated the planting proposal is within budget and it is just do you want us to go ahead with it taking off the Corporate Campus entrance and doing just a basic cleanup there.

Mr. Murphy stated I am happy to meet with anybody who wants to look at our ideas for what we are doing and maybe come up with some other ideas to see if we can cut costs or expand if we need to.

Mr. Smith stated most of the plants he has on here are a hardy plant material and drought tolerant. The only ones are the Azaleas - they do not do well here. Try to clean the beds up; they have some weird shapes. Try to make them more rounded and symmetrical. In walking the plan this is probably only about 75% of the beds that need to be done.

Mr. Murphy stated we concentrated on entryways and medians. There are some beds on the backside of sidewalks that need some work. This was to give you a good appearance as you are coming through the property; there is more that can be done.



Mr. Cantrall asked can we sod in along the backside of the beds?

Mr. Murphy responded that would be my suggestion but some like to steer away from too much sod and want the plant materials. The more you can sod in cuts down on a cascade of different things.

Ms. Fernandez stated the same thing along West New Nolte behind the Corporate Campus where there is the concrete wall. A lot of that bedding is overgrown and too high.

Mr. Smith stated if you want to give us an informal approval to start moving ahead with this once we start getting some rains and our contractor thinks his plant material will last.

Ms. Fernandez stated I do have a concern since we have already replaced the Holly's under the Crape Myrtle at the Verandah Lakes entrance; this will be the third time they have been replaced. They get continual disease in there for some reason so I do not know if they are the best choice.

Mr. Murphy stated I am not a fan of Holly's but it was the less expensive way of redoing it.

Mr. Border stated if we are looking at scaling back some of the other pieces there would possibly some additional monies towards upgrading and getting rid of the Holly's.

Ms. Fernandez stated I have no problem holding off on the Holly's and doing that as the last section. Are some of the Knock Out Roses at The Estates dead?

Mr. Murphy responded missing; there are some gaps in them. Toward the end of summer last year Knock Out Roses throughout southern Florida were infested with thrips and is probably what happened with them.

Ms. Fernandez asked what is a Flax Lily?

Mr. Murphy responded it is a variegated grass.

Mr. Cantrall stated I am not a fan of that but we have to see what we can work with.

Mr. Murphy stated I was working with the palette you have there.

Ms. Fernandez asked are you cleaning up the exit side of The Estates? A lot of the Azaleas have been overtaken by the Jasmine.

Mr. Murphy responded as we go through we are trying to cut out as much of the Jasmine as possible; it is a painstaking task. We are working on it.

Mr. Smith asked do you want us to reconsider the Holly's and Flax Lily or do you want us just to fill-in.

Discussion continued on the Holly's.

Ms. Fernandez stated with TruGreen coming out I have not seen any improvement in the grass; I have seen additional weeds and dollar weed.

Mr. Murphy stated I had TruGreen come out to do a re-treat and after the re-treat I noticed a lot of the dollar weed starting to yellow. Some of the grassy weeds are a separate treatment and I have them following up on that also. Since February I have seen a vast improvement since there and now. The biggest issue we are having now is not necessarily the TruGreen application because towards the front on the left side of the property the grass is greener than towards the Wal-Mart because we are having more irrigation issues on that side of the property. Where we have the proper coverage and proper irrigation the grass is recovering quite well. I was not pleased with TruGreen and we made them come out to do a service call.

Mr. Cantrall asked is TruGreen treating the ant mounds?

Mr. Murphy responded that is something separate and something we treat with a bait. The baits kill the mounds but do not remove the mounds. We are treating them we just have to go through to inspect them and make sure they are dead, then we will start leveling them out.

Ms. Fernandez stated the Palms are really growing.

Mr. Smith stated that is the nature of this time of year. The contractor is aware of them.

Ms. Fernandez asked are they spraying for mosquitoes and midges?

Mr. Smith responded we do not spray for midges or mosquitoes; that would be the city or county. The county's budget is very tight on mosquito control.

Ms. Fernandez asked what can be done?

Mr. Smith responded to limit the midges the best thing to do is put aerators or fountains, you can do larvaciding, or a contractor to do ULV sprayings when there is a hatch. There will be some lingering but the majority will be knocked down.

Ms. Fernandez asked do you have a company?

Mr. Smith responded yes.

Ms. Fernandez stated give them to Denise.

Mr. Smith stated they can give you a price for a whole program or a price for a spray of a midge hatch.

Mr. Smith stated the other item is the Cypress trees and maintenance of the homeowners property.

Mr. Murphy stated the trees have been flush cut and they have had one treatment so far. Unfortunately, I have not been able to take a look at it but it is on my list to look at next week.

Mr. Smith asked are you somewhat satisfied with what you are seeing?

The resident responded I am but I have another question. There were five Cypress trees and when you have the irrigation problem the knees have crept down into my property and there are knees everywhere including the common areas. I do not know if anybody is worried about a liability for you that will be passed on to all the homeowners should somebody fall.

Mr. Mantzaris stated the question is - is it a known danger.

The resident stated it is; I notified you in writing.

Mr. Smith stated there is an identified walking area which is a sidewalk; the turf is not an intended walking area. Trees have roots and the Cypress trees have knees and roots so you are going to have uneven grading and things underneath the grass because you have trees there. You would expect a person walking in the grass to take that into consideration when they leave the trail; if they are worried about trip hazards they should stay on the trail.

The resident stated not when it is school children walking around to get to their house.

Mr. Smith stated then you would have to take every tree you have out to eliminate the hazards. Most trees have roots; Oak trees have huge roots so it makes it difficult. If you put it in area not intended for pedestrian traffic it is like swimming in a pool without a lifeguard - swim at your own risk, you are walking in the grass at your own risk.

Mr. Mantzaris stated I have not seen the site but there are intended paths and unintended paths; if you choose an unintended path you do so at your own risk.

Mr. Smith stated but as far as what you are seeing there so far.

The resident stated I am digging them out of my yard. There is a Cypress tree not far from my neighbors property line but I do not know if you want to take it because it is doing the same thing.

Mr. Borders asked has that property owner made a complaint?

Mr. Smith responded no.

The resident stated through me. I am speaking as a representative of the three or four homeowners there.

Mr. Smith stated we can take a look to see what the impact is to his property and then we will contact him if it is becoming an issue.

Mr. Borders stated we have removed the trees and the resident is taking care of the property for his side. Are there any other issues you see that need to be addressed now?

The resident stated just continually treating the grass. I have a separate issue but I can address it privately with the Board later.

Mr. Mantzaris stated now is the time to address it because you cannot talk privately with the Board.

The resident asked has the HOA been turned over to the residents?

Ms. Fernandez responded since 2008.

Discussion followed on changing HOA rules for paint colors with Denise noting they are not written in the declarations.

Ms. Fernandez noted the HOA meets every other month on the first Tuesday of the month and they met this past Tuesday.

Mr. Smith stated you have my written report in your agenda package.

**NINTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**TENTH ORDER OF BUSINESS**

**Supervisor Requests**

Mr. Borders stated the website has email addresses posted for Board members. Do you have email addresses specific to the CDD?

Ms. Fernandez responded we did at one time but it kept crashing.

Mr. Borders stated before being on the Board I tried to reach out to certain people and it is something I think we need to get resolved if there are no longer email addresses. I have an issue with there not being a specific District address since we are subject to the Sunshine Law and anything that is sent to my personal email address now becomes public.

Mr. Mantzaris stated we will get with Ms. Burgess and see what is going on with it. The Board can decide if you want to post your email addresses on the website; whatever email address you use. A lot of Districts do not post individual Supervisors; they have a contact District Manager with a contact button on their website so people can submit requests. If the Board wants to decide how you want to deal with that. I do not have a problem with that except for the issue that the Board just raised and should probably still have a CDD based email. When they send out agendas to your personal email that is a public record.

April 6, 2017

Stevens Plantation CDD

Mr. Borders stated I think it is something that needs to be resolved as far as email addresses go. Those new to the Board need to have email addresses issued. While I do not have an issue with them being public it does make sense for there to be a single point of contact or at very least a contact form we would receive instead of it going to one member.


Mr. Mantzaris stated you can rely on your District Manager to sort through those and decide what he can handle.

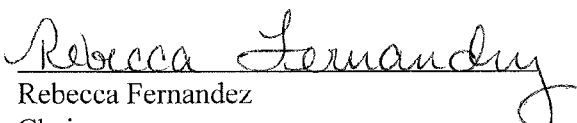
**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

There being no further business,

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

  
Gary L. Moyer  
Secretary

  
Rebecca Fernandez  
Chair