

**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 9, 2018 at 6:00 P.M. at Civic Center, 3001 17<sup>th</sup> Street, St. Cloud, Florida.

Present and constituting a quorum were:

Rebecca Fernandez	Chairman
Jason Borders	Assistant Secretary
David Meisner	Assistant Secretary
Iva Katana	Assistant Secretary

Also present were:

Bob Koncar	District Manager	
Kristen Suit		District Manager
Amber Ashton		District Counsel
Russ Simmons		Field Manager
Ariel Medina		Project Coordinator

*The following is a summary of the minutes and actions taken at the August 9, 2018 Stevens Plantation Board of Supervisors meeting.*

**FIRST ORDER OF BUSINESS**

**Call to Order**

Mr. Koncar called the meeting to order.

**SECOND ORDER OF BUSINESS**

**Roll Call**

Mr. Koncar called the roll noting they have a quorum.

**THIRD ORDER OF BUSINESS**

**Audience Comments**

None.

**FOURTH ORDER OF BUSINESS**

**District Counsel Interview**

- Mr. Koncar reminded the Board they requested to find some candidates for District Counsel services. They have two firms represented at today's meeting.

**A. Scott Clark, Clark & Albaugh, LLP**

- Mr. Clark's submitted his credentials which are in the agenda package.

- He introduced himself and provided a brief synopsis. Questions were asked and responses provided.
- Mr. Meisner questioned which Districts he represented in Osceola County and the southern central area. Mr. Clark provide the Districts in Osceola County Remington, Champions Gate, Xentury City, Stoneybrook West, and indicated he represents Districts in Winter Garden, Polk County, Grand Haven in Flagler County and his firm is District Counsel for a total of 12 Districts.
- Mr. Clark asked what were the Districts' concerns. Ms. Fernandez stated they are looking for a different path at this point prior to this, the City Attorney was their representative. They are trying to part ways from the City and become their own because they feel that sometimes the best interest of their area is not always considered over that of the City.

**B. Jan Carpenter, Latham, Shuker, Eden & Beaudine LLP**

- Ms. Carpenter introduced herself to the Board. She provided a brief synopsis of her firm and indicated her firm represents a large number of CDDs. Ms. Carpenter informed the Board Mr. Andrew D'Adesky works very closely with her and covers all the day-to-day items to keep costs down.
- Mr. Borders questioned if she had done any litigation for bond issues, she confirmed she had.
- Mr. Borders indicated after looking at both proposals both are very good. His personal preference was for Ms. Carpenter because of her firms' expertise with the bankruptcy, the process with the bonds and real estate.
- He feels both are really good firms but Latham, Shuker, Eden & Beaudine just seems to have something Clark & Albaugh did not and he would recommend they go with Latham.
- Mr. Meisner's initial thought was he would go with Clark & Albaugh, but after listening to the Latham, Shuker, Eden & Beaudine he felt they have more expertise with different issues and they have more experience in Osceola County where we do have issues.

- Ms. Fernandez indicated she did not just look at the package but went online and did some research. Ms. Fernandez stated the synopsis Ms. Carpenter provided solidified her choosing Latham, Shuker, Eden & Beaudine.

On MOTION by Mr. Borders seconded by Ms. Fernandez, with all in favor, the firm of Latham, Shuker Eden & Beaudine was selected as the first choice for attorney services and was approved.

- Mr. Koncar stated the Board unanimously selected Latham, Shuker, Eden & Beaudine as their District Counsel. The Board will work with them to draft a contract. Ms. Carpenter informed them they had a standard engagement letter which she will forward to the Board.

**FIFTH ORDER OF BUSINESS**

**Approval of the Minutes of June 7, 2018**

- Mr. Koncar requested any additions, corrections or deletions to the minutes. There being none,

On MOTION by Ms. Katana seconded by Mr. Meisner, with all in favor, the minutes of June 7, 2018 were approved as presented.

**SIXTH ORDER OF BUSINESS**

**Resident Owner Association Report**

- Mr. Borders expressed the concerns and questions which arose from the Board as it relates to the new fountain.
- At their last meeting it was discussed since the District maintains the lakes there needs to be more communication between the ROA and the District since the District is responsible for water run offs and retention lake structures. It was suggested an Interlocal agreement be prepared between the District and the ROA to cover what has already occurred.
- They have reached out to the ROA counsel but have not received a response back.
- Discussion ensued regarding the permitting.

- It was suggested to have a designated individual from the ROA come and present the report so that they can make sure they are working hand in hand.
- A written report is not necessary it is more they want to be together and not at odds with the ROA because it is all their community.
- Mr. Koncar asked if the Board wanted to put a report from the Property Manager as just a regular item of business on the agenda instead of saying Resident Owner's Association Report.

**SEVENTH ORDER OF BUSINESS**

**Public Hearing to Consider the Adoption of the Fiscal Year 2019 Budget**

- Mr. Koncar presented the budget to the Board for discussion. He informed the residents who were present there is no proposed increase in assessment for the District this year. In fact, there is a reduction based on a change with Envera. The residential areas have gone down for total assessments anywhere from 5% to about 6.4% and then the commercial properties have not had an increase at all.
- Mr. Koncar questioned whether the Board had any questions regarding the budget.

On MOTION by Mr. Borders seconded by Mr. Meisner, with all in favor, the public hearing to adopt the FY2019 budget was opened.

**A. Fiscal Year 2019 Budget**

- Mr. Koncar declared the public hearing open for discussion of the fiscal year 2019 budget. He asked if any members of the audience had any questions or comments on the budget.
- Mr. Meisner asked if they can do a quick overview of comparatively where they were last year to this years' budget to give the audience an understanding of how they came to this fiscal years' budget.

- Mr. Koncar provided an overview of the budget and indicated there were some increases in the expenditures in the categories for example, administrative budget, legal services. He also reviewed the allocation of the fund balance.
- The Board was informed that they will be reimbursed \$26,000 for the litigation expenses for Park Square.
- Discussion ensued regarding the debt services fund. Mr. Koncar stated they are funding the debt from their special assessment. This shows as a negative in the revenue because this is the way it is required by Chapter 190 of the Florida Statutes.
- Ms. Fernandez indicated these assessments are on the resident taxes and they are not collected directly.

On MOTION by Ms. Katana seconded by Mr. Borders, with all in favor, the public hearing to adopt the fiscal year 2019 budget was closed.

**B. Consideration of Resolution 2018-4, Adopting the Fiscal Year 2019 Budget**

On MOTION by Mr. Borders seconded by Mr. Meisner, with all in favor, resolution 2018-4, adopting the fiscal year 2019 budget was adopted.

**C. Consideration of Resolution 2018-5, Levying the Assessments**

On MOTION by Ms. Fernandez seconded by Mr. Meisner, with all in favor, resolution 2018-5, levying and imposing non-ad valorem assessments was adopted.

**EIGHTH ORDER OF BUSINESS**

**District Manager's Report**

**A. Financial Report, June 30, 2018**

- Mr. Koncar reviewed the financials with the Board and asked if there were any questions. There being none,

On MOTION by Mr. Borders seconded by Mr. Meisner, with all in favor, the financial report dated June 30, 2018 was accepted.

**B. Check Register and Invoices**

- Mr. Koncar stated the check register shows a summary of all the bills which have been paid on behalf of the District along with the invoices supporting those payments. He asked if there were any questions.
- Ms. Fernandez questioned the payment for irrigation inspection for which they paid \$360 for no improvement on the irrigation inspection. Items were purchased for site one which is a controlled valves and rain sensors. Ms. Fernandez was inquiring about the location of the rain sensors.
- Shannon will follow-up and provide the information to Mr. Simmons in order to provide an update to the Board.
- Mr. Meisner was informed two weeks ago by the City Manager that the City will not be assuming the cost for the electrical lighting on the street. Ms. Fernandez stated this is something she plans to pursue since they are city streets and it is a safety issue. Further discussion ensued regarding this concern.

On MOTION by Mr. Meisner seconded by Mr. Borders, with all in favor, the check registers were approved as presented.

**C. Acceptance of Financial Audit Report, FY 2017**

- Mr. Koncar indicated the annual audit report was completed by Grau and Associates. Mr. Koncar reviewed the management report of the audit report. He indicated there are some exceptions based on the bankruptcy and there are some notes and recommendations. Aside from the bankruptcy issue, there is really no exception in terms of the financial operations and accounting processes.

On MOTION by Ms. Fernandez seconded by Mr. Meisner, with all in favor, the financial audit report for fiscal year 2017 was accepted as presented.

**E. Consideration of Resolution 2018-6, Statewide Mutual Aid Agreement**

- Mr. Koncar reviewed the purpose of this agreement with the Board.
- On a Board consensus they did not feel this agreement benefitted them and chose not to participate in the program.

**D. Discussion of Website Compliance**

- Mr. Koncar informed the Board, since their last meeting there have been several law firms in the state which have sued local governments and special units such as Districts ADA non-compliance on the website.
- As the Board is aware, there are certain ADA and Chapter 190 requirements for websites. The current lawsuits deal with someone who is visually impaired who cannot read the material on the websites. There is technology which exists that can translate the PDF into an audio file.
- Mr. Koncar continued to state they have done some research for other Districts and are recommending at this point to bring on a consultant to review the website and provide recommendations. There are very few firms that do this but one of the firms they contacted can do the compliance review for \$199. They will do a complete compliance review after which they will place a seal on the website which states the website has been reviewed for ADA compliance and provide a list of recommendations on what to do next. This is a federal issue not a state issue from a litigation standpoint, but they are advising all of their clients to do at least the first step with the initial review.
- Discussion ensued regarding the current website. Mr. Borders indicated the website is very antiquated. He feels they should get the website entirely redesigned and get it up to date prior to spending the additional money.
- Discussion ensued regarding the steep cost for getting totally compliant. Mr. Koncar also discussed the required items needed on the website.
- Ms. Carpenter would like to see the scope of what they are talking about and looking for. She stated in Central Florida they have not received a lot of public records requests on this issue.
- She thinks it is something to think about on whether they want to go out for proposals to review their website. Ms. Carpenter would like to look at the proposal for the next meeting.
- Mr. Borders stated it is not in their budget for the next fiscal year to redo the website.

- Ms. Fernandez stated they can prepare and request it be put into the budget to start getting quotes as far as moving forward depending on what they are asking, it could be astronomical.
- Mr. Borders agrees with Ms. Fernandez regarding not going through the steps, but thinks we need to start innovating plans on redoing the website in general.

## **NINTH ORDER OF BUSINESS**

## **Staff Report**

### **A. Attorney**

- Ms. Ashton presented her report to the Board.
- She stated the north parcel is under contract and there are in the 180 days' due diligence period and things are proceeding and there are no undisputed issues.
- She questioned whether they had discussed the bond holders' agreements to waive the A assessments on the north parcel. Mr. Meisner indicated they had not heard of it.
- Ms. Ashton continued on to state as part of the contract the bondholders have already been approached and indicated they would agree to waive collection of the A assessments, which means they would not come to the CDD Board as they will waive the A assessments on the north parcel entirely in the event the sale goes forward.
- Ms. Fernandez asked if they can get the copy of the agreement which states they are waiving the assessments. Ms. Ashton stated they are not at that point as yet, this is just one of the points in the contract that they have requested and the bond holders have indicated they are wanting to agree to this. She is unaware if this is in writing or what the format takes, but she can find out for the Board and relate this information back at the next Board meeting.
- Park Square litigation is over, they have paid 100% of everything that is due on all 23 of their parcels. \$26,000 in attorneys' fees will be reimbursed to the CDD and they are also currently holding \$530,000 in assessment which will be transferred directly to the trustee to resolve all the Park Square properties.



Hopefully they will get the release done and the funds transferred out and there should not be any more litigation costs on Park Square from this point forward.

- The Sensing sold their property in January and paid the assessment in full at that time. The CDD was sued as they stated the CDD was slandering their title and preventing them from being able to sell their home. This litigation is still ongoing and settlements are in discussion.
- They have 25 foreclosures pending on the remaining assessments. 7 involve properties which have homes on them. There are 10 which are vacant lots and 6 have to do with condos. Everyone for the most part has responded. There are few who filed answers and they are moving forward with re-judgement on those matters but the majority have filed motions to dismiss based on the statute of limitations which they have talked about in relation to Park Square in the past.

**B. Engineer**

None.

**C. Field Manager**

**i. Field Management Report**

- Mr. Simmons informed the Board that he had received proposals for pressure washing of all the CDD sidewalks and not just the main boulevard.
- Ms. Fernandez had some questions regarding the proposals and some of the areas because based on the property appraisal the CDD does not own some of those areas. Discussion ensued regarding the areas.
- The question arose whether there was a map of ownership for the CDD. Ms. Fernandez asked that none of the power washing start until West Nolte is totally and completely done which is about two months.
- Mr. Simmons asked if Ms. Fernandez wished to receive the map they will be using for this project. Mr. Koncar would like to get the District Engineer involved to provide them with a map.
- Ms. Fernandez has noticed that on certain parts of the sidewalk, the concrete is cracking and breaking apart and she does not see the benefit to

power wash something that is chipping away. From the Walmart, from the Grove along the slope, there are four sections which are completely cracked apart and have gotten worse this last year because rain has been getting under it or the irrigation is blowing it out.

- Mr. Borders questioned whether there was funds in the budget to cover something like this. Mr. Koncar stated they have some contingency left in R & M common area, and there is some in miscellaneous.

On MOTION by Mr. Borders seconded by Ms. Fernandez, with all in favor repairing sidewalks in the amount of not to exceed \$6,000 was approved.
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- Mr. Simmons stated they are working to repair the street light which was run over five months ago. Ms. Fernandez asked for the contact so she can see about getting this done as it is a safety issue.
- Ms. Fernandez presented some other areas of concern to the Board. She indicated the Churchills Group facility report indicates the main water supply was yellow and questioned whether this was reclaimed water. Mr. Koncar will follow-up and get back to Ms. Fernandez regarding this particular concern.
- Ms. Katana indicated she had spoken with Mr. Simmons regarding the easements which are not properly draining into the retention ponds and questioned whether he had taken a look to see what can be done. He will follow-up.

**ii. Action Items**

None.

**iii. Resident Call Log**

None.

**iv. Landscape Report**

- Ms. Fernandez stated she had brought up complaints from a number of home owners that Girard is outsourcing their landscaping as there was a new company out on Nolte. Mr. Simmons confirmed Girard was sold to

Brightview. However, Ms. Fernandez confirmed they were not notified of this change.

- Ms. Fernandez indicated some areas which belong to the CDD have terrible ingrown vines and grass and needs to be cleaned up. Ms. Fernandez has offered to walk with Mr. Simmons to point out the areas of concern.
- Mr. Koncar stated after the walkthrough he would like Mr. Simmons to prepare a punch list of items to be done and provide a timeline to have this done and present this back to the Board.

**v. Aquatic Management Report**

None.

**vi. Fountain Maintenance Report**

None.

**TENTH ORDER OF BUSINESS**

**Old Business**

None.

**ELEVENTH ORDER OF BUSINESS**

**Supervisor Requests**

- Ms. Fernandez stated the property which backs up to Veranda Lakes and is part of Walmart it is actually owned by the DSD and has a retention pond in it. The pond is atrocious, overgrown and rodents are coming through there. It has not been maintained and DSD needs to maintain this.
- Mr. Meisner informed residents who were present a traffic light will be installed at Buddinger and Nolte over the next year. It is in the current budget for St. Cloud, as the District had requested they look at this. They did and performed a traffic study and agreed with the District since there are two schools there. They have put it in their budget and this should be done. They have also been pressing them to replace the road on Nolte and now they are doing it and it will inconvenience homeowners for approximately two months.

**TWELFETH ORDER OF BUSINESS**

**Adjournment**

There being no further business,

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



Secretary/Assistant Secretary



Chair/Vice-Chair