

**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 4, 2018 at 6:00 P.M. at Civic Center, 3001 17th Street, St. Cloud, Florida.

Present and constituting a quorum were:

Rebecca Fernandez	Chairman
Daryl Greenwood	Vice Chairman
Jason Borders	Secretary
David Meisner	Assistant Secretary

Also present were:

Bob Koncar	District Manager
Kristen Suit	District Manager
Jan Carpenter	District Counsel
Andrew d'Adesky	District Counsel
Shawn Hindle	District Engineer
Amber Ashton	DSK Attorney
Russ Simmons	Field Manager

The following is a summary of the minutes and actions taken at the October 4, 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 we have a quorum.

THIRD ORDER OF BUSINESS

Closed Litigation Session

- Ms. Ashton indicated they were going to discuss five cases which are pending and we have offers on. These five settlements are going to be discussed privately thus the purpose for the closed session.

On MOTION by Ms. Fernandez seconded by Mr. Meisner, with all in favor, closing the regular meeting to initiate the closed litigation session was approved. 4-0
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FOURTH ORDER OF BUSINESS

Reconvene Meeting

- Mr. Koncar reconvened the regular meeting.

FIFTH ORDER OF BUSINESS

Audience Comment

- None

SIXTH ORDER OF BUSINESS

Approval of the Minutes of August 9, 2018

- Mr. Koncar asked if there were any changes, corrections or deletions to the minutes. There being none,

On MOTION by Mr. Borders seconded by Mr. Meisner, with all in favor, the minutes of August 9, 2018 were approved as presented.

SEVENTH ORDER OF BUSINESS

Organizational Matters

A. Acceptance of Resignation of Iva Katana

- Mr. Koncar indicated an email was received from Ms. Katana tendering her resignation from the Board.

On MOTION by Ms. Fernandez seconded by Mr. Meisner, with all in favor, the resignation of Ms. Iva Katana from the Board of Supervisor of Stevens Plantation was accepted.

B. Consideration of Filling Vacancy for Seat #2

- Mr. Koncar stated currently three seats are up for consideration on this election, Ms. Katana, Ms. Fernandez, and Mr. Meisner. Mr. Koncar asked how the Board wants to fill seat #2. Would they be interested in having resumes submitted for consideration at their next meeting?
- Mr. Borders suggested they wait until after the election cycle to fill this seat. In the meantime, to announce the seat vacancy and post it to the District website.

On MOTION by Mr. Borders seconded by Ms. Fernandez, with all in favor, to place a notice of the vacant seat #2 to the District's and ROA's website was approved.

- Mr. Borders questioned whether the ROA has a newsletter and asked if they could have this noticed in the ROAs' newsletter. Mr. Meisner asked if this notice could also be placed on the ROA website.

EIGHTH ORDER OF BUSINESS

District Manager's Report

A. Financial Report, August 31, 2018

- Mr. Koncar reviewed the financials with the Board. He informed them these are the August financials and they will receive their end of year financials at their next meeting.
- Currently they are looking at a projected year to date fund balance of \$775,000.
- Mr. Koncar pointed out some overages in the budget line items to the Board.

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

B. Check Register and Invoices

- Mr. Meisner commented the City of St. Cloud has declined to pay for the street lighting for Stevens Plantation.
- This was originally considered, but the City Manager made a decision not to pay any of their electrical street lighting even though the District is paying ad valorem taxes which most cities cover and there being an agreement signed with OUC since 2003. Mr. Meisner has brought this issue up at least two or three times at the City Council meetings, but still they have declined to pay.
- Mr. Borders questioned the reason for OUC declining and was told because OUC indicated they could not afford it after reviewing their budget.
- Mr. Meisner made a presentation and has asked OUC for a decision because they had increased their revenue and spending on street lightings for about 25,000 approved units will be paying for those street lightings but still will not pay for street lights for Stevens Plantation.
- Mr. Meisner stated there is a contract which was signed by the City when they controlled everything in Stevens Plantation back in 2003. He believes it

is a 20-year contract and hopes counsel can review this. Mr. Koncar indicated he will have Ms. Carpenter review and follow-up on this for the next meeting.

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

C. Ratification of District Counsel Services Agreement

- Mr. Koncar indicated this agreement was discussed at the previous meeting at which time the new District Counsel was selected.

On MOTION by Ms. Greenwood seconded by Mr. Borders, with all in favor, the district counsel services agreement was ratified as presented.

- Ms. Carpenter informed Mr. Koncar generally they don't charge the District for two attorneys but for the first couple of meetings they will, as they want to make sure they know everyone and some of the issues of this District.

D. Website Compliance Check List

- Mr. Koncar stated this is a follow-up item from the last meeting. This is a presentation on the website compliance check list. This is just a follow-up to the Board on what is required.
- Ms. Carpenter suggested it is a good thing to review the website annually to ensure all the required documentation has been uploaded onto the website.
- Discussion ensued regarding annual review of the website to ensure compliance. Mr. Borders questioned what time frame does District Counsel recommend having a website compliance report completed by. Ms. Carpenter suggested this be done sometime after the budget.
- Mr. Borders is comfortable with the District doing an annual website review in the fall months since they have meetings in October and December of every year. This would allow for the website to be up-to-date and compliant, as well allowing enough time to have a report completed to present to the Board at the December meetings.

NINTH ORDER OF BUSINESS

Staff Report

A. Attorney

- Mr. d’Adesky presented and reviewed the ROA maintenance and easement agreement for the ponds with the CDD. Permits have been obtained and paid for.
- Mr. Borders questioned whether the agreement has a stipulation for rehabilitation of the property in place should the ROA separate from the CDD on this agreement.

On MOTION by Mr. Borders seconded by Ms. Fernandez, with all in favor, the ROA maintenance and easement agreement was approved. 4-0

- Ms. Carpenter presented a letter received from the US Bank, Bond Trustee to the District requesting an estoppel letter on some parcels of land which are going to be sold. They wish the estoppel letter to reflect the 2003A Bond being waived by the District and not collected. Mr. d’Adesky has some of the bond documents, but there are still some missing. Ms. Carpenter has spoken to Bond Counsel who was very helpful and will be forwarding a disc with the bond documents.
- Ms. Carpenter went over some of the audits, but there were some notes which did not have any corresponding agreements.
- Discussion ensued regarding the estoppel letter which will be prepared to be sent to the Trustee’s Counsel.
- Documentation was requested and it appears that they were unable to get anything from the bond holders within the requested time period. There is an escrow document which they have not reviewed. They are going through the same process with the Trustee to see where the money came in and where it came out.
- Ms. Carpenter thinks the District should start getting the estoppel letter together but not until they can put something protecting the District.

- Mr. Koncar stated he would like the Board to instruct counsel to make sure those payments are run through the District Management and not just paid by the Trustee without being reviewed.
- Ms. Carpenter suggested all the foreclosure invoices get submitted. The District Counsel will review them and provide a summary and then the Board can approve them, then the invoices are sent to the Trustee to be paid. This way they do not have to front the money, but the Trustee has some way of saying yes the District has looked at it and the Board says yes this has happened on foreclosures related to the Bonds and these are costs that can be paid.
- Mr. Koncar agreed and stated it was good to have some formal action in place as this can become an issue.

On MOTION by Ms. Fernandez seconded by Ms. Greenwood, with all in favor, directing District Counsel to seek an agreement with the Trustee regarding the payment of legal fees and it will not be paid until the District has approved the invoices for payment by the Trustee was approved. 4-0

- Ms. Carpenter stated there is a purchase and sale agreement which she received the other day but has not read. The galleria folks are purchasing the four parcels and the deal is they will not have to pay the assessments. Mr. Borders questioned whether this was done with the DSD and the response was yes.
- Further discussion ensued regarding this.
- Mr. Meisner questioned whether the previous counsel, Mr. Mantzaris had provided documentation from the bond holders as he was having conversations with them, but they never saw anything coming back to the CDD of what was being discussed.
- Ms. Carpenter stated she went on to EMMA which is the securities reporting bureau and there was very little information on there. Bond counsel had very little information as she spoke with them quite a bit.

- Mr. Meisner stated previous counsel and the City Manager were doing these negotiations on behalf of the DSD and Mr. Mantzaris was also supposed to be representing the CDD at the same time. They never saw anything come back in writing on the discussions and how it will affect the CDD since the CDD is the one legally liable. Ms. Carpenter indicated this is the issue.
- Mr. Meisner asked if they can contact Mr. Mantzaris and request all documentation relating to this. Ms. Carpenter indicated she will make this request.
- Further discussion ensued regarding this.
- The City did not maintain the records as they anticipated the CDD to, even though it is the same Counsel which served on the CDD Board. Discussion ensued regarding looking at the balance which protects the District and complies with the letter they received from the bondholders.

On MOTION by Mr. Borders seconded by Mr. Meisner, with all in favor, for the District to deliver the estoppel letter with the caveats which Ms. Carpenter has presented and discussed with the District was approved.

- Mr. Koncar stated they have to coordinate with District Counsel so that the bondholders do not try to go directly to our team for an estoppel letter.
- Ms. Carpenter stated they have handled quite a few restructurings. She mentioned she had one case, which started back in 2011 and only this week the final workout for the bonds was completed. She indicated this is not atypical to have a 7 to 10-year period to try to get things fixed.

B. Engineer

- i. Hanson Engineering Report
 - Ownership Map
 - Ownership of Entrance Ponds
 - Easements – Retention Ponds
- Mr. Hindle indicated that he has been working closely with attorney providing information that they need.

- Mr. Hindle presented a number of items to the Board.
- An issue on Cedar Hammock. Some residents have put fences across the easement which have obstructed legal access to the pond. He had to ask a property owner if he could go in through their property and he went there and checked everything.
- The grading plan which was set and approved by the City has the property of interest draining back to the pond on the south side of the house and on the north side of the house is supposed to drain to the road and the next property to the north is also supposed to drain to the road. It does not, it drains back to the easement area. They have water coming down the property lines in the back of the homes in this area.
- Discussion ensued regarding the sod, soil in the area. The pond tract has nothing but wetland vegetation on the surface no grass. There is nothing but muck and clay for the most part and silty sand so the pond water is probably six feet below the triangle strip and there is positive drainage to the pond but it is soaking in all the bad material.
- These three lots their backyards went above his ankles just walking through the grass. There is not a solution for them as far as their yards. The triangle portion which is the Districts concern there are two ways this issue can be addressed but it is not going to resolve the problems with the homeowners' properties because it is on their land.
- Ms. Fernandez stated that a number of lots within Stevens Plantation were not graded correctly and this is a problem throughout the Grove.
- Discussion ensued regarding the ownership maps which Mr. Hindle is working with Steven Wood from the IT department in Osceola County.
- They will have this finished up tomorrow and he should get a digital and a hard copy. Mr. Hindle has created a spread sheet with all the parcels owned by the District and the areas. He will provide a plat book which references all the plats and should be able to provide all of these items to the Board by Monday.

- Discussion ensued regarding the medians into the small subdivision which Mr. Hindle believes fall under the ROA but he will confirm this. He will get three maps, he will keep one at his office, one to the property manager and one to the attorneys and a book with all the Districts documents so if there are any questions about the parcel they can go directly to the plat. A digital copy will be made available to post on the website.
- Mr. Meisner stated since this is in the 2008 agreement between the CDD and the ROA and now ROA wants to take this over, can the CDD abdicate this agreement with a 60-day notice and let the ROA handle everything and those median strips. Ms. Carpenter stated as soon as they establish the ownership, yes.
- Mr. Koncar stated that this is a significant issue that needs to be dealt with.
- Discussion ensued regarding Nolte Road being too low. Mr. Meisner questioned whether it had been resurfaced with the correct asphalt. Mr. Hindle stated what occurred is that they milled off top layers of asphalt and they left a thin layer of asphalt on surface then grinded about 4 to 5 inches into the base. They grind the material into a powder and added an emulsion to it, a binder made up of silicone and binded the material back together and lay it down and compact and put asphalt over. He indicated most of the road was base failure not asphalt failure. This rebuilt the entire base and the cost was next to nothing. They worked off a county contract and they used that contract to issue this award and when the District looks at the cost per square feet, it was nothing.

C. Field Manager

i. Field Management Report

- Mr. Simmons presented a number of proposals. He asked about putting some hollies at the Groove entrance for \$180 but it is probably HOA property, so it was suggested to hold off until this is confirmed.
- Another proposal was presented for the end of Tybee Road.

- A proposal for cutting down a few trees, removing a stump and filling up a few holes on Nolte Road in a number of places he suggested they go ahead and get this done.
- Ms. Greenwood indicated she had been out of the country for almost a month so she only walked it one time, but from the drive in side it looks a lot better.
- Mr. Simmons indicated this proposal was last minute. The electrician was out looking at the lights and the fountains as they have four lights out which need to be replaced at a cost of \$500 apiece.
- Mr. Borders stated it would be a good thing to know how many lights are in each fountain and how many lights are bad are in each fountain so in that way, if it is possible, for them to move them around in such a way that they still get the right amount of illumination.
- Mr. Koncar suggested to bring a plan back and address this at the next meeting.
- Mr. Simmons stated they did a sidewalk review.
- Discussion ensued regarding the sidewalk issues.

On MOTION by Mr. Meisner seconded by Ms. Greenwood, with all in favor, proposal for grinding (45) sidewalk panels in the amount of \$2,500 was approved. 4-0

- Ms. Fernandez and Mr. Meisner indicated at the previous meeting they had discussed sidewalk replacement and concrete installation and they had approved the amount not to exceed \$6,000. This project had not been started as they placed a hold until West Nolte was completed.

On MOTION by Ms. Fernandez seconded by Mr. Borders, with all in favor, sidewalk replacement and concrete installation amount increased in an amount of not to exceed from \$6,000 to \$10,000 was approved. 4-0

- Now that the roads are completed, Mr. Simmons asked about pressure washing, if the Board wishes to have this done. He indicated they had

proposals at the last meeting. There were a number of questions on sidewalks and which ones belong to the CDD, so this item was placed on hold for further discussion at the next meeting until all the questions can be answered.

- Mr. Simmons presented a proposal from Girard Landscape for flush cutting of eight trees and removal of one stump and backfilling the holes.

On MOTION by Ms. Fernandez seconded by Mr. Meisner, with all in favor, the proposal from Girard Landscaping to flush cut eight trees and removal of one stump on Nolte Road and backfilling the holes in the amount of \$3,080 was approved. 4-0

- Ms. Fernandez questioned about the beds with the annuals. She was informed that this will be done the last week of October as they are waiting for cooler weather so they will last a little bit longer. She questioned what was going to be put in and he indicated marigold as that is all that he could get at this time. Ms. Fernandez stated she would prefer to see petunias. He tried but all his nurseries stated it was too early and could not do it.
- Ms. Greenwood stated he would need to readjust the schedule so that they can get the plants they wish as this had been done in the past. She stated she has no issue with them cutting back the coleus that is there right now and leaving that until November. He asked if they can add additional coleus to fill in, he was told to leave it until they put in the petunias in mid-November.
- Ms. Greenwood reminded Mr. Simmons that the flags get put on November 15, 2018.
- Ms. Fernandez questioned who is in charge of Christmas decorations this year. It was discussed to have the Christmas lights and the flags put up the week before Thanksgiving.
- The ROA was present and indicated most of their items they wanted to bring up were already discussed. Discussion ensued regarding the maintenance of ponds.

ii. Action Items

None.

iii. Resident Call Log

None.

iv. Landscape Report

None.

TENTH ORDER OF BUSINESS

Old Business

None.

ELEVENTH ORDER OF BUSINESS

Supervisor Requests

- Ms. Fernandez indicated that she is happy that they have new legal representation.

TWELFTH ORDER OF BUSINESS

Adjournment

There being no further business,

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


 Secretary/Assistant Secretary


 Chair/Vice-Chair