

**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, November 6, 2008 at 6:00 p.m. at City Hall, 1300 Ninth Street, St. Cloud, Florida.

Present and constituting a quorum were:

Donna Hart	Chairperson
Margaret Hopper	Vice Chairman
Jarom Fertic	Assistant Secretary
Tom Griffin	Assistant Secretary

Also present were:

Gary L. Moyer	Moyer Management Group, Inc.
Daniel Mantzaris	De Beaubien, Knight, Simmons Mantzaris & Neal
Kevin Rainey	Stantec Engineering
Tom Hurt	City Manager
John Dougherty	Servello & Sons Landscaping
Brian Smith	Field Manager
Several Residents	

**FIRST ORDER OF BUSINESS**

**Call to Order**

Ms. Hart called the meeting to order at 6:00 p.m.

**SECOND ORDER OF BUSINESS**

**Roll Call**

Mr. Moyer called the roll and stated all Supervisors were present with the exception of Mr. Polachck.

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the October 2, 2008 Meeting**

Ms. Hart stated each Board member received a copy of the minutes of the October 2, 2008 meeting and requested any additions, corrections or deletions.

There not being any,

On MOTION by Mr. Fertic seconded by Mr. Griffin with all in favor the minutes of the October 2, 2008 meeting were approved.
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**FOURTH ORDER OF BUSINESS**

**Community Manager's Report**

Mr. Moyer stated Ms. Johnson provided a copy of the Community Manager's Report in your agenda package. In the future, the Community Manager's Report will be handled by Mr. Smith.

• **Ponds**

Mr. Moyer stated the ponds and turf are looking better. Overall the project is looking better and we want to keep it going in that direction. My desire is to get this District to a point where everything looks good and the residents are happy with the service they are getting. This is what we are striving for. Six months ago, we had a long way to go, but I think we are closer now.

Ms. Hart stated Mr. Jay Kyper, a representative of the Resident Owners Association has a report to present.

Mr. Jay Kyper stated I am now the President of the Stevens Plantation HOA. We request room on the agenda every month. If we are here and have something to say, we will give our report, but if no one is here, then the Board can move on. We managed to fill the ROA Board and held two meetings. The last meeting was on Monday night and we managed to fill up all the seats. We have not scheduled the next meeting at this point in time as we can only use the library four times a year and are trying to decide what to do. We are getting the signs repaired and the replacement ones should be delivered shortly. The builder for Veranda Lakes never brought power to light the sign and the Board allocated money for this purpose. We need to communicate this to them as they are actively building in Veranda Lakes. They just built two houses near the entrance. As a matter of fact, we received an estimate of \$3,000 for the lighting of the signage, but after doing some research, we discovered an allocation of money for the sign with power for every pod. If we can get this done, we would appreciate it and the residents from Veranda Lakes would appreciate it.

Ms. Hart asked would it be helpful if we have our Attorney write a letter?

Mr. Mantzaris responded we can do this. Each builder had an allotment for their entranceway signs, but did not specifically say what they had to use it for. We can check into this.

Mr. Kyper stated that is the smallest and single sided sign out there.

Ms. Hart stated I noticed their lettering stayed intact and has not been damaged since.

Mr. Kyper stated that was the first one we fixed.

Mr. Fertic asked have you seen many signs missing?

Ms. Hart responded yes.

Mr. Fertic stated they are missing in Indian Lakes, Southern Pines, Bristol Creek and Sawgrass. Some had some obscene words sprayed on them. That is all the more reason to replace them.

Mr. Kyper asked if you told them to do this and gave them an allotment, was there any specification saying they had to be lit?

Mr. Mantzaris responded we will check into it. As I recall, there was a \$50,000 allotment for each builder to design their own entranceway the way they wanted to without specific requirements as to whether they be lit or not or what they were made out of.

Mr. Kyper stated we do not mind paying for the power once the new signage is out there. If you want to negotiate tonight for what we owe you on the Embarq invoices, we can include \$3,000 for the power. However, we do not know whether or not we know enough to say we can get it done.

Mr. Mantzaris stated regardless of what deal was worked out related to each pod, it does not hurt to ask. Mercedes is still selling homes. It is not a great deal of money, but I can contact them on behalf of the Board and say to them "The Board requests you to light the sign. You would not have to pay for the electricity."

Mr. Kyper stated we would also like to get an outlet for the Christmas lights. There were many complaints the other night regarding the tax bill everyone received. Luckily I had a copy of the new HOA budget to match with the CDD budget. We had a great turnout the other night due to the tax bill going out prior to the meeting due to the large increase. I was ready to respond to those complaints by saying the HOA dues were being reduced down to \$135 for the year. However, I need to figure out how we are going to do this with the new bid for Servello & Sons. We just had a lot of negotiating back and forth with Embarq. We are now up to five megabytes per home and down to \$30 per month. You are now collecting \$35 per month and our bill is only going to end up being \$30 per household. Do you want to let this ride for the full process of our tax year?

Ms. Hart responded yes.

Mr. Kyper stated we negotiated with Embarq to bill each household \$30 per month. We also negotiated better rates on upgrades as well.

Ms. Hart stated they are much happier negotiating with you.

Mr. Kyper stated they actually showed up in force to our meeting the other night.

Ms. Hart stated they were not happy and this was part of our problem. I am happy you took this responsibility over and were able to negotiate this.

Mr. Kyper stated the residents also wanted me to discuss the Marketing Agreement not being enforced when Stevens Plantation was created by the five people who executed it. None of this information being passed on caused us to have people out there not knowing about Embarq and the services they were receiving. We are trying to sort out these issues as they come up. However, we still have people out there who upon moving in and contracting with Brighthouse, did not want to pay their old Embarq bill. We also have people who immediately paid for a high speed DSL line from Sprint and they used the exact same fiber optic cable and charged \$60 per month. They will not give us a break on this amount and the resident does not feel they need to pay this amount.

Ms. Hart stated that is not right.

Mr. Kyper stated between this and the opt out clause only being exercised in the last month or so, as far as people not paying, it was incumbent upon me to come before you and say "We have one more large payment to you that we owe you and we were wondering if we could get a break for some miscommunication." We are hurting at this point because we have some people who stopped paying and now you are going to have the advantage of them coming on the tax rolls, but we will not see any more collections in arrears to Embarq.

Ms. Hart asked can we put the extra \$5 a month everyone is paying into arrears and then not have the residents pay anything else?

Mr. Kyper responded we could. That is acceptable to me. I am not sure of the full amount we owe you.

Mr. Moyer stated I can check.

Ms. Hopper stated I would rather pay the money in a timeframe we are acceptable with because that money is a loss to the CDD and to the City of St. Cloud.

Ms. Hart stated the CDD is not part of the City of St. Cloud. The CDD is made up of Stevens Plantation residents and the CDD money they are paying us for Embarq. If we are only

going to have to pay \$30 a month for each resident and we are getting an extra \$5, that money can go into the pot. Do we still have the debt on the books for Embarq? I thought we moved it.

Mr. Moyer stated this was associated with the payments made to Marketing Resources Incorporated. The initial figure was \$60,000 and was a payment the CDD made on behalf of the Residential Owners Association to Embarq early on. This amount has now been paid down to \$14,000.

Ms. Hart asked can we use the extra \$5 a month from each resident to pay off this initial Embarq expense?

Mr. Kyper responded you can pass it on to me because it was our money to begin with. We will have to use our reserves to pay for the signs.

Mr. Mantzaris stated it is more of an internal accounting matter because the money all comes from the same place; from Mr. Kyper and his neighbors. Whether it comes through the assessments or through their payments, there is no new money coming in.

Ms. Hart stated that extra \$5 per month can go towards paying off the \$14,000 debt.

Mr. Mantzaris stated our office is still working on 47 liens filed for back payments. We are receiving money for back payments included in the \$14,000. If you took this money, the ROA would be getting money back as these liens are paid off. The debt would not be owed.

Mr. Kyper stated the only payment we are going to get this year is the \$135. If residents are in arrears for the Embarq expenses, they are going to remain in arrears until the liens are taken care of. We are asking the Board to work out a compromise and will hold onto the \$14,000. If I write you a check right now, we are going to be broke.

Ms. Hart stated we never asked for this money.

Mr. Kyper stated Ms. Johnson has been diligent about paying down the debt as best she could.

Ms. Hart stated there is no timeframe. We get \$35 per month, even though you negotiated \$30, which means we have an extra \$5 per month per resident to pay down the debt. Whatever money is leftover goes into a Reserve Fund and gets carried over to the next budget year. Then we recalculate what we need based on our carryover.

Mr. Kyper stated we will hopefully get the Embarq bill and turn it over to you monthly because we need to monitor our opt outs to make sure they are correct. We are shutting off the service to anyone who is not paying.

Ms. Hart stated you can turn it over to Mr. Moyer.

Mr. Kyper stated we are okay paying for the fountains as they are our icons and we do not have a problem with them. We know they are a target of entertainment for some people. I would like to discuss the landscaping site lines for traffic on the islands. There was recently an accident at Magnolia. Perhaps the Engineer can see if it is realistic to have this much landscaping at intersections.

Ms. Hart stated the berms in the center of the islands make it hard to see. The sight distancing is poor at best. Even if you are in a car, there is poor visibility.

Mr. Kyper stated we have to get rid of the large plants, because they are a safety hazard or we can move them to the side. There was so much more there. The cost to maintain is also high because there is more landscaping there.

Mr. Fertic stated you cannot see the sign on the west side due to the Oak Tree. In another two years, your icon is going to be an Oak Tree.

Mr. Kyper stated it is not our area, it is your area. We just see the problem and would like for you to have your Engineer drive through there.

Ms. Hart stated I requested this several times.

Mr. Kyper stated we are not going to raise a red flag as an association if you remove some large plantings because we are asking for this to be done.

Ms. Hart stated we do not have to pull them out and leave them out.

Mr. Smith stated when we started to take out some plant material, especially off of Canoe Creek, we sodded all the Bullnoses. We would like to do this throughout the project to keep the Pine Bark from blowing onto the road and at the same time, eliminate some of the material. I tried to make a U-turn around it and my line of sight was blocked by the trees. I also agree with you about the Oak Tree and will bring you a proposal to cut it down and remove it.

Ms. Hart asked can we move it?

Mr. Smith stated it is fairly expensive to move a tree this size. You can almost purchase a new one for the same price. We will look at the cost for hand digging the tree out, carting it off and moving it to another location.

Mr. Kyper stated it was brought up by the residents to have directional signage because you cannot see the pod you are approaching. For example, if you are approaching the Grove.

Ms. Hart stated I understand.

Mr. Kyper stated just a simple sign pointing in the other direction. The other problem is we always wonder about the sign for Veranda Lakes being in the right direction, but a study was done showing this is the only sign you can see because all the other signs are in the other direction and you do not see the name until you are past the sign. We would like for you to consider having additional signage directing people into the Corporate Campus, school and different pods.

Ms. Hart stated I always wondered why they never put a turn lane down the center.

Mr. Kyper stated they have one at the intersection.

Ms. Hart stated you have plenty of room to sit in the center, but it is still difficult to make the turn.

Mr. Smith stated it is cheaper to lower the speed limit.

Mr. Kyper stated I do not think anyone has a problem with this. This section of roadway is the only one that is 45 miles per hour. As soon as you get past the fountain, the speed limit drops to 35 miles per hour and 30 miles per hour by the apartments. The police ticket everyone as they slow down from 40 miles per hour to 30 miles per hour. We are not speeding through there.

Mr. Smith stated it depends on how much money you want to spend compared to accidents caused by slower traffic.

Mr. Kyper stated we are addressing this as a concern since this is the CDD's responsibility.

Ms. Hopper stated the point of the speed limit being raised on that road from 40 miles per hour to 45 miles per hour, was to move traffic.

Mr. Fertic stated in a school zone, you are not moving much traffic.

Mr. Moyer stated in regards to the Embarq deal, on the \$5 difference with the 800 units we assess, it looks like you are going to generate \$4,000 per month in surplus. You are looking at three and a half months to pay off the \$14,000.

Mr. Kyper asked how many units are on the tax roll?

Mr. Moyer responded according to my records, we are levying 510 units, but we are also levying against the commercial properties.

Mr. Kyper stated when we spoke to Embarq the other day, they said "The type of business is totally different and it cannot be put under your agreement. I asked him how this applies to

Corporate Campus and they said "your agreement does not apply to the Corporate Campus and they cannot put business traffic on this agreement." If you are assessing the Corporate Campus \$35, you are probably not accurate.

Mr. Moyer stated even on the 510 lots, you are going to collect enough surplus funds to pay off this \$14,000 debt in this fiscal year.

Mr. Kyper stated the other problem is there may be 510 lots, but there are only 310 homes. You should only be collecting an assessment from 310 homes.

Mr. Moyer stated we are going to be collecting this money as surplus. You may all want me to encumber this amount and apply it towards those units next year as a credit, but this year we are going to be collecting on all of those lots.

Ms. Hart stated we will have to discuss this further.

Mr. Moyer stated Mr. Kyper and I need to coordinate next year's collection because we do not know which homes are built and which ones have service.

Mr. Kyper stated that is why I wanted to bring this up as a housekeeping item. We want to monitor the bills, yet also see what you have all taken in for the year.

Ms. Hart stated we will work towards paying off the \$14,000. They were not looking at whether there was an occupied dwelling at first, so part of the money we paid upfront was for everything, not just the occupied units.

Mr. Kyper stated when I said earlier about some of the residents being upset about how we ended up being in a shortfall, at least work with us on not making us pay the \$14,000 off right away.

Mr. Fertic stated I think you are not feeling pressure from us.

Mr. Kyper stated I understand, but this is an issue where everyone is saying the debt was incurred over time and there were charges for houses that were not there. We are diligently working with Embarq and will continue staying on top of this.

Ms. Hopper stated you can keep track over the houses that are sold. The HOA usually receives a payoff quote.

Mr. Kyper stated correct.

Ms. Hopper stated they can be required to give you a copy of the deed.

Mr. Kyper stated Ms. Johnson is doing very well with this.

Ms. Hopper stated they can then pass it on to you to Mr. Moyer so you can keep track of any new residences.

Mr. Kyper stated it appears Park Square sold their last home and they may be out of there. Their tree planting exercise was only good for one day and did not get completed. They did not put the 40 foot trees where they were supposed to be, which was on the side lots. There used to be beautiful trees. We anticipated them coming back to finish the program, but it never happened.

Ms. Hart stated maybe we should ask them to move the Oak Tree. We can donate it to them if they put it somewhere in Park Square.

Mr. Mantzaris stated we contacted them the last time and can contact them again. Does the Board want Mr. Griffin to get with the City of St. Cloud regarding the speed limit on the road?

Ms. Hart responded let's do some traffic counts.

Mr. Mantzaris stated that is what they would do, but they need to see whether or not it is warranted.

Ms. Hopper stated we can move the shrubbery to see how it affects the flow before contacting the City.

Mr. Mantzaris stated if the Board wants the City to look into reducing the speed limit, they will perform traffic studies, talk with Traffic Engineers and make a recommendation to the City Manager who will have the ability to reduce the speed limit if they need to.

Mr. Kyper responded you cannot see the Crossing Guard in the morning. At one of the first meetings we had, I brought up about obtaining a dog cleanup bag stand for the sidewalk.

Ms. Hart stated those would not cost us much.

Mr. Smith stated they run between \$200 and \$600. The black ones are less expensive. I can put three or four out there.

Mr. Kyper stated people are using those bags when they walk their dogs, but some people are not and we received complaints the other night.

Ms. Hart asked do you know what areas these people are walking their dogs in?

Mr. Kyper responded the idea from the residents was to place one stand at the entrance/exit to each pod.

Ms. Hart stated that is what I was thinking.

Mr. Kyper stated they do not leave it in front of a house. They only leave it when it is on the sidewalk and no one is around.

Mr. Smith asked would you like to see samples of the different stands out there? There is a black one with a small basket on it with a dispenser for the bags. Then there are the big square box ones, which are offered in black or green, but they are more expensive.

Ms. Hart responded I would like for you to see what we have out on the lakefront because obviously we have a good supply of those bags and if they are the same size, then we can buy the bags in bulk.

Ms. Hopper stated then it would be a CDD expense.

Ms. Hart stated we could piggyback off of the City's purchaser.

Mr. Mantzaris stated the CDD could use the City's purchaser.

Ms. Hart stated it still would make more sense to do it in a more uniform way.

Mr. Griffin stated it should be uniform.

Mr. Kyper stated we would appreciate it. The trash is full of bags people brought from home. We questioned Embarq the other day about the fact that they have been sold again. There may be another name change coming up. They do not anticipate anything changing with our agreement. This will be another company that does not service any of the same cities.

Ms. Hopper asked what is the name of the company?

Mr. Kyper responded Contel Com.

Ms. Hart stated thank you, Mr. Kyper for coming and giving us your report. I think we straightened up some things. I am so glad to hear the signs are coming.

Mr. Kyper stated they should be delivered within the next 30 days.

**FIFTH ORDER OF BUSINESS**

**District Manager's Report**

**A. Approval of September 30, 2008 Financials**

Mr. Moyer stated the financials are through September 30<sup>th</sup>, which is the end of our fiscal year. We were on target in terms of the revenues we collected and were a couple of thousand dollars under our administrative expenses. We had \$20,000 budget for reserves, but if we take those reserves and allocate them, we were within a couple of thousand dollars on the operation and maintenance expenses. This means we kept things within budget for the fiscal year and did a great deal of work during the fiscal year. The good news is your fund balance will be \$187,000,

which gets us through the first quarter of operations, while we are waiting for our tax revenues to come in. Overall, there will be some minor adjustments to this report as we get the Auditors in to look at the accruals and accounts payable picked up in October or early November. For the most part, this Board should be commended because you brought it in on budget and we added to the fund balance.

On MOTION by Ms. Hopper seconded by Mr. Fertic with all in favor the September 30, 2008 financials were approved.

**B. Check Register and Invoices**

Mr. Moyer stated the check registers and invoices were included in your agenda package.

On MOTION by Ms. Hopper seconded by Mr. Fertic with all in favor the check register and invoices for the period September 1, 2008 to September 30, 2008 in the amount of \$32,596.71 were approved.

**SIXTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

There not being any, the next item followed.

**B. Engineer**

There not being any, the next item followed.

**C. Field Manager – Monthly Highlight Report**

Mr. Smith stated I provided my report to the Board by email. If you have any questions, Mr. Dougherty or I would be happy to answer them.

Mr. Fertic asked how much are you charging to transplant trees?

Mr. Dougherty responded we will do it as least expensive as we possibly can.

Mr. Fertic asked is it cheaper to purchase two larger trees for the price of one?

Mr. Dougherty responded in the past for other CDD's, we generally flush out the tree and use the money to purchase two medium size trees.

Mr. Fertic stated according to your report, the retention ditch still looks hairy. Which retention ditch is this?

Mr. Smith responded the one on the left hand side of Canoe Creek Road. I had them mow behind a house where there were high weeds between their fence and the canal. We still

have some hard brush on both sides. However, now they have killed it back quite a bit and we will just cut all of that down. It will still be hairy, but it is pulled back now and is starting to look a lot better than it did. By Spring, both sides of the canal will look better.

Mr. Moyer stated four months ago, you could not even tell there was a canal.

Mr. Smith stated our biggest problem right now continues to be trash by the roadways. I do not recall if there are any "NO LITTERING SIGNS." I hate putting those out, but at some point it may not be a bad idea to put a couple of these signs up and enforce them with a \$500 fine.

Ms. Hart stated I would not mind this. Mercedes has a lot of trash in their area at the front. I know they are still building and have construction trash. Do we have any requirements for them to clean up their area every so often? They cannot leave it sitting there until they leave.

Ms. Hopper stated they are supposed to have a dumpster there.

Mr. Mantzaris stated as part of their building permit, there is a requirement for them to keep their lots clean.

Mr. Smith stated the trash is mostly by the main boulevard.

Ms. Hart stated we need someone to take a look at it. They may have cleaned it up since last weekend. I was out there last weekend and there was a lot of construction debris, not in the dumpster, but around it.

Mr. Smith stated most of the trash is Styrofoam cups and plates from contractors' lunches. Once the area is built out, the trash will subside as the homeowners do not have a tendency to do this as much as the workers. We still have a lot of construction and it may slow down at some point. They are out there once a week and my guys are out there every two weeks to do a complete clean up.

Ms. Hart stated if we are writing letters to these contractors, maybe we should include something about the trash their employees are throwing around out there and the need for them to speak with their employees about this. We need something to get their attention.

## **SEVENTH ORDER OF BUSINESS**

### **Other Business**

Mr. Moyer stated I will distribute proposals on the arbitrage rebate calculations to you next month. When we sold the bonds, we signed a certificate saying we would calculate how much money we make on our investments. If we make more on our investments than what we

pay for interest, we have to send this to the Federal Government. It is necessary for someone to run all of our investment yields and do a report that we will provide to the Trustee saying whether or not we have a liability. We need to do this every five years.

Mr. Mantzaris stated we need to talk about next month's meeting.

Mr. Moyer stated Mr. Mantzaris emailed me and said the Board has a conflict with the next CDD meeting.

Mr. Barravecchio stated we have a very important special City Council meeting on December 4.

Mr. Moyer stated as I said earlier, I want this District to start operating on autopilot and not have any pressing business, unless something comes up. The only thing I can envision is receipt of the report from Delta.

Ms. Hart stated we can cancel the December 4 meeting and hopefully Delta will be done with their audit by the January meeting.

**EIGHTH ORDER OF BUSINESS**

**Supervisor Requests**

There not being any, the next item followed.

**NINTH ORDER OF BUSINESS**


**Audience Comments**

There not being any, the next item followed.

**TENTH ORDER OF BUSINESS**

**Adjournment**

There being no further business, the meeting was adjourned at 6:40 p.m.

  
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Gary L. Moyer  
Secretary

  
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Donna Hart  
Chairperson