

**MINUTES OF MEETING
THREE RIVERS
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Three Rivers Community Development District held a Regular Meeting on February 28, 2024 at 3:00 p.m., at the Amelia Island Nassau County Association of Realtors, 910 S 14th St., Fernandina Beach, Florida 32034.

Present were:

Gregg Kern	Chair
Mike Taylor	Vice Chair
Joe Cornelison	Assistant Secretary
Rose Bock	Assistant Secretary

Also present:

Ernesto Torres	District Manager
Wes Haber	District Counsel
Michael Molineaux	Castle Group
Megan Maldonado	GreenPointe Developers

Residents present:

Patty Carr	Michael Jakob	Keith Howard	Savannah Dougherty
Ron Last	Debra Maceri	Tracy Evans	Mickey Davis-Porter
Jay Oscar	Chiquita Oscar	Ted Goldman	Regina Goldman

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Torres called the meeting to order at 3:09 p.m. Supervisors Kern, Cornelison and Bock were present. Supervisor Taylor was not present at roll call. Supervisor Odom was not present.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

Consent Agenda

Mr. Torres presented the following:

- A. Consideration/Ratification of Requisition(s): Refunding Bond, Series 2023 (support documentation available upon request)**
- | | | |
|--------|-----------------------------------------------|------------------|
| I. | Number 28: England-Thims & Miller, Inc. | [\$12,152.18] |
| II. | Number 29: Vallencourt Construction Co., Inc. | [\$510,347.18] |
| III. | Number 30 Vallencourt Construction Co., Inc. | [\$189,276.04] |
| IV. | Number 31: Vallencourt Construction Co., Inc. | [\$281,064.96] |
| V. | Number 32: England-Thims & Miller, Inc. | [\$6,799.43] |
| VI. | Number 33: Bio-Tech Consulting, Inc. | [\$2,800.00] |
| VII. | Number 34: Vallencourt Construction Co., Inc. | [\$276,504.14] |
| VIII. | Number 35: Dock Medics of Florida | [\$33,850.00] |
| IX. | Number 36: Vallencourt Construction Co., Inc. | [\$175,779.68] |
| X. | Number 37: Vallencourt Construction Co., Inc. | [\$208,260.20] |
| XI. | Number 38: England-Thims & Miller, Inc. | [\$26,594.50] |
| XII. | Number 39: Rinker Materials | [\$4,320.00] |
| XIII. | Number 40: Bio-Tech Consulting, Inc. | [\$12,225.00] |
| XIV. | Number 41: Vallencourt Construction Co., Inc. | [\$127,664.64] |
| XV. | Number 42: Vallencourt Construction Co., Inc. | [\$102,935.71] |
| XVI. | Number 43: Onsight Industries, LLC | [\$22,069.00] |
| XVII. | Number 44: Clary & Associates | [\$1,875.00] |
| XVIII. | Number 45: England-Thims & Miller, Inc. | [\$13,024.88] |
- B. Consideration/Ratification of Requisition(s): Series 2021B (support documentation available upon request)**
- | | | |
|------|----------------------------------------------|----------------|
| I. | Number 165: Bio-Tech Consulting, Inc. | [\$3,225.00] |
| II. | Number 166: Dominion Engineering Group | [\$3,285.00] |
| III. | Number 167: Dominion Engineering Group | [\$4,737.50] |
| IV. | Number 168: ECS Florida, LLC | [\$1,500.00] |
| V. | Number 169: Dominion Engineering Group, Inc. | \$2,730.00] |

- VI. Number 170: Dominion Engineering Group, Inc. [\$6,141.00]
 - VII. Number 171: ECS Florida, LLC [\$1,000.00]
 - VIII. Number 172: Dominion Engineering Group, Inc. [\$1,985.50]
 - IX. Number 173: Dominion Engineering Group, Inc. [\$7,500.00]
- C. Ratification Item(s)
- I. Onsight Industries, LLLC Agreement to Furnish & Install Cluster Mailboxes

On MOTION by Mr. Kern and seconded by Ms. Bock, with all in favor, the Consent Agenda items, were accepted, approved and ratified, accordingly.

FOURTH ORDER OF BUSINESS

Consideration of Resident Suspension from Use of CDD Amenity Facilities

Mr. Torres distributed letters and recalled that, on January 28, 2024, a letter was sent to the resident outlining the reasons for his suspension from use of the CDD amenities. Under the Amenity Rules, District Staff has the ability to suspend a resident who violates a certain rule. The reasons are listed on Page 19 of the Amenity Policy Rules, under Paragraph 2.

Mr. Torres read Item 2H from the Amenity Rules and Paragraph 2 from the January 28, 2024 letter into the record, as follows:

“Engages in conduct that is improper or likely to endanger the welfare, safety, harmony or reputation of the District, or its supervisors, staff, facility management, contractors or other representatives or other Patrons.”

“Reason for Suspension. The District has been advised that you are treating staff members in a threatening and abusive manner. This conduct is a violation of the District’s adopted Amenity Policies and Rates, including, but not limited to the following: Patrons and their Guests shall treat all staff members and other Patrons with courtesy and respect. Disrespectful or abusive treatment of District Staff or its contractors may result in suspension or termination of Amenity access and usage privileges. (See Amenity Policies and Rates Section 2P under General Amenity Policies).”

Mr. Torres stated, based on the resident's actions, a letter was sent via email and Certified Mail to his residence, suspending him until the next meeting date of February 15, 2024. Given that there was a quorum/attendance issue for the February 15, 2024 meeting, Staff re-issued the letter with today's meeting date.

Mr. Taylor arrived at the meeting.

Mr. Torres stated the suspended individual is not present today to tell his side of incident. He referenced a letter from the resident's attorney demanding that the suspension be lifted.

Mr. Torres asked District Counsel to advise as to what actions can be taken at this time.

Mr. Haber stated the CDD's Rules of Procedure has a suspension provision that essentially gives the Board the authority to weigh the severity of the violation and determine what they believe to be the appropriate amount of time for a suspension. The Board will be able to consider the facts that were alleged, as far as this particular resident's actions, and what resulted in Staff's issuance of the letter. The longest period that a resident can be suspended is 30 days; hence the need to hold a meeting today, instead of delaying this to the March meeting, as that would extend the suspension beyond 30 days.

Mr. Haber stated he is not versed in all the details but understands that there are other legal actions proceeding against this resident, importantly and specifically related to the same actions that are the foundation of this suspension. He voiced his understanding that the staff member who is being harassed as alleged by the facts in this case has also sought an injunction and those same facts will be part of that injunction matter. Mr. Haber stated that the Board can consider the suspension to be co-equal with the amount of time that the injunction is in place. He noted that whatever action the Board takes today will be precedent-setting for this District as it relates to how subsequent violations will be treated. Ultimately, this item merits discussion by the Board, Staff and any attendee that has any information about the incident, so that a determination can be made by the Board. Mr. Haber stated with respect to trying to align the suspension with the outstanding legal action on the injunction, it is for due process purposes as the suspended resident needs to be given an understanding of when the suspension might be lifted. If the Board decides to have the suspension last longer than the injunction, the

recommendation is to make it to the injunction plus some period of time after that, at which time the Board could reconvene to determine whether it wants to extend the suspension or have it end on the time period subsequent to the expiration of the injunction. Ultimately, once a decision is made, another letter will be sent to the resident's Counsel and he will be given an opportunity to appeal any action taken at today's meeting. The resident was given an opportunity to appear at today's meeting and neither he nor his Counsel are present.

Mr. Haber responded to questions regarding the filing of a restraining order, the timeframe of the injunction, what happens if the injunction is dismissed, if Staff requested any materials from the suspended resident, if any additional documents were received other than the letter from the resident's Counsel and if compensation is being sought.

The Board and Staff discussed the incident that led to the suspension, the restraining order, whether the suspension is from use of all or just some of the amenities and if a letter was sent advising of the change in meeting date.

Mr. Torres stated, at this point and pending the Board's decision, another letter would be issued to the suspended resident and his Counsel. He confirmed that the resident was given an opportunity to come forward and make his case.

Mr. Kern opened the discussion to the residents and stated that comments must be limited to three minutes.

A resident asked about the nature of the incident, where it occurred and if there is video footage of what transpired. Mr. Kern stated it was during business hours in CDD facilities and it is unclear if there is video footage. The incident was verbal, not physical, with threats of abuse.

A resident voiced his concern about the fairness of the suspension and stated the employee had the resident arrested. He voiced his belief that there should be a check and balance between someone making a court complaint and having a resident arrested without an opportunity to defend himself. Mr. Haber clarified that the staffer is not an employee of the CDD and the CDD and the Board do not have anything to do with the actions of the police or the judicial system; the only thing the CDD and the Board controls is taking all complaints seriously, for due process purposes; as to the limitations on what the CDD can do, it is limited to 30 days.

A resident asked why is the Board getting involved if the staff member is not a CDD employee. Mr. Kern stated the staffer is still a worker in the CDD via the contractor that the CDD hired; therefore, the Board has some responsibility to those workers as this is their place of employment.

Resident Ron Last expressed his opinion that the Board should go into this with an open mind and, after the injunction is over, it should take the opportunity to extend the suspension if that is the determination.

Mr. Kern stated, to the extent that the Board is setting a precedent, it should have the flexibility to reconsider what needs to be considered today; either an extension of the suspension or lifting the suspension with certain parameters.

Ms. Bock stated she is in favor of extending the suspension and tying it to the injunction but giving the Board options.

The consensus was to extend the suspension for the period of the injunction until the Board is provided with additional information from the judicial system, within the parameter of reconvening, possibly within 30 days from that determination, for the Board to consider additional facts.

On MOTION by Mr. Kern and seconded by Mr. Cornelison, with all in favor, extending the suspension of Mr. Morales from District owned and operated amenity-related facilities, etc., subject to the period of the injunction and perhaps 30 days beyond the period of injunction for the Board to reconvene and evaluate the suspension, was approved.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2024-03, Relating to the Amendment of the Budget for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023; and Providing for an Effective Date

Mr. Torres presented Resolution 2024-03 and reviewed the Amended Fiscal Year 2023 budget. The total expenditures were underbudgeted by \$23,384. The purpose of the Resolution is to prevent a finding in the annual audit.

On MOTION by Ms. Bock and seconded by Mr. Kern, with all in favor, Resolution 2024-03, Relating to the Amendment of the Budget for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023; and Providing for an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2024-04, Designating a Date, Time, and Location for Landowners’ Meeting and Election; Providing for Publication, Providing for Severability and an Effective Date

Mr. Torres presented Resolution 2024-04. Seats 1, 2 and 4, currently held by Mr. Odom, Mr. Cornelison and Ms. Bock, respectively, will be up for election.

On MOTION by Mr. Kern and seconded by Mr. Cornelison, with all in favor, Resolution 2024-04, Designating a Date, Time, and Location of November 5, 2024 at 11:00 a.m., at the Lookout Amenity Center, 76183 Tributary Drive, Yulee, Florida 32097, for a Landowners’ Meeting and Election; Providing for Publication, Providing for Severability and an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of Landscape Forms, Inc., Quote for Replacement Litter [Trash Cans]

Mr. Torres presented Landscape Forms, Inc., Quote 0000404532. It was noted that the quote will be amended to remove the tax, as the CDD is a tax-exempt entity.

Discussion ensued regarding the style of the trash cans, the vendor, importance of uniformity with the intended design of the amenity, cost and a funding source.

On MOTION by Mr. Taylor and seconded by Mr. Kern, with all in favor, Landscape Forms, Inc., Quote 0000404532 for litter/trash cans, as amended to remove sales tax, was approved.

EIGHTH ORDER OF BUSINESS

Consideration of Ansana Interior Design Inc Proposal for Umbrellas

Mr. Torres presented the Ansana Interior Design Inc. Proposal PR- 11291 for umbrellas.

Discussion ensued regarding closing the umbrellas after pool use in the summer months, the need to purchase alternative bases to secure and protect the umbrellas and a not-to-exceed (NTE) amount for the bases.

Mr. Kern asked that this expense come from the “Repairs: maintenance” line item.

Mr. Molineaux will coordinate with the vendor for separate proposals for umbrella stands.

On MOTION by Mr. Taylor and seconded by Mr. Cornelison, with all in favor, Ansana Interior Design Inc. Proposal PR-11291 for umbrellas, as amended to remove the sales tax, was approved.

On MOTION by Mr. Kern and seconded by Mr. Taylor, with all in favor, authorizing the purchase of umbrella bases, in a not-to-exceed amount of \$4,000, and designating a Supervisor to have final approval on the selection of the alternative bases, was approved.

NINTH ORDER OF BUSINESS

Update: Required Ethics Training and Disclosure Filing

- **Sample Form 1/Instructions**

Mr. Haber presented the Kutak Rock Memorandum regarding the ethics training requirement. He discussed online course options and filing Form 1 electronically.

TENTH ORDER OF BUSINESS

Consideration of Resolution 2024-05, to Designate the Date, Time and Place of a Public Hearing and Authorization to Publish Notice of Such Hearing for the Purpose of Adopting Rates Regarding District Amenity Facilities

Mr. Torres presented Resolution 2024-05.

On MOTION by Mr. Kern and seconded by Ms. Bock, with all in favor, Resolution 2024-05, to Designate the Date, Time and Place of April 18, 2024 at 3:00 p.m., at the Lookout Amenity Center, 76183 Tributary Drive, Yulee, Florida 32097, for a Public Hearing and Authorization to Publish Notice of Such Hearing for the Purpose of Adopting Rates Regarding District Amenity Facilities, was adopted.

ELEVENTH ORDER OF BUSINESS

Discussion: Resolution Regarding Enforcement of Traffic Laws; Requesting Exercise of Nassau County Sherriff Office Jurisdiction

Mr. Haber stated this is a Nassau County requirement. There is a resolution and the CDD would enter into an agreement that would be attached as an exhibit to the resolution. The resolution stipulates that the Board would adopt acknowledging the CDD’s agreement to allow the County to enforce traffic on its roads, which are public. He noted that Staff previously processed these documents for other CDDs in Nassau County CDDs and has a fair level of success coordinating with the Sheriff’s Office to secure traffic enforcement.

Mr. Torres stated he has a copy of the resolution that allows Staff to commence the process and, if the Board is amenable, the documents can be executed and Staff can then follow up with the Sheriff’s office.

Asked to describe the process if there are traffic violation issues, Mr. Haber stated residents must call local law enforcement for traffic violations since the law governing CDDs specifically states that CDDs do not have traffic enforcement authority, despite owning the roads. Mr. Kern stated the agreement acknowledges that law enforcement is able to enter the community to enforce traffic laws. He asked if there was discussion with the Sheriff’s Office about additional services. Mr. Torres stated that they offered to provide additional services but that would be separate from this service.

On MOTION by Mr. Kern and seconded by Mr. Cornelison, with all in favor, the Resolution Regarding Enforcement of Traffic Laws; Requesting Exercise of Nassau County Sherriff Office Jurisdiction, in substantial form, and authorize the Board Chair to review and execute the agreement, was approved.

TWELFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of January 31, 2024

Mr. Torres presented the Unaudited Financial Statements as of January 31, 2024.

On MOTION by Mr. Cornelison and seconded by Mr. Kern, with all in favor, the Unaudited Financial Statements as of January 31, 2024, were accepted.

THIRTEENTH ORDER OF BUSINESS

Approval of November 16, 2023 Regular Meeting Minutes

On MOTION by Mr. Kern and seconded by Ms. Bock, with all in favor, the November 16, 2023 Regular Meeting Minutes, as presented, were approved.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock LLP

B. District Engineers: Dominion Engineering Group, Inc. and ETM

There were no reports from District Counsel or the District Engineer.

C. Property Manager: Castle Group

- **Consideration of Commercial Fitness Products Preventative Maintenance Plans [Monthly & Quarterly]**

Mr. Molineaux reported the following:

- A full preventative maintenance was performed at the gym yesterday and the report states that the equipment is in good condition, considering the amount of use by residents.
- The Board's approval is needed for a monthly or quarterly preventative maintenance schedule.
- Commercial Fitness Products recommends a quarterly maintenance with a maintenance agreement for \$395 per visit or \$1,580 per year.

Mr. Molineaux responded to questions regarding if the vendor is the original provider, extending the warranty and preventative maintenance.

On MOTION by Mr. Kern and seconded by Mr. Cornelison, with all in favor, the Commercial Fitness Products Preventative Maintenance Plan for quarterly maintenance, in the amount \$395 per visit, for an annual total of \$1,580, subject to the opportunity to extend the warranty, was approved.

- The patio furniture and the breezeway are scheduled to be pressure washed on April 1st.
- A new playground swing was delivered and will be installed by an approved installer shortly.
- A new pool maintenance vendor is needed. Proposals will be obtained and presented at the next meeting.
- Staff is working on obtaining an estimate for a screen near the pickleball courts and securing proposals for janitorial services for service five days per week; proposals will be presented at a future meeting.
- The dog park is being utilized by non-residents. An access control system must be considered.

On MOTION by Mr. Kern and seconded by Mr. Taylor, with all in favor, authorizing the expenditure of a not-to-exceed amount of \$1,000 to secure the dog park gate, was approved.

D. Lifestyle Director: OnPlace, LLC

Mr. Torres stated that the Lifestyle Director sent an email reporting that previous events were successful and the upcoming events include an Italian Cuisine Night, St. Patrick’s Day Karaoke and Tributary Spring Break.

E. District Manager: Wrathell, Hunt and Associates, LLC

I. Discussion: Fiscal Year 2025 Budget

Mr. Torres reported that budget season has commenced. He is coordinating with District Management Staff to provide a draft Fiscal Year 2025 budget to the Board by the next meeting.

II. NEXT MEETING DATE: March 21, 2024 at 3:00 PM

The next meeting will be held in the Amenity Center.

○ **QUORUM CHECK**

All Supervisors present confirmed their attendance at the March 21, 2024 meeting.

FIFTEENTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

SIXTEENTH ORDER OF BUSINESS

Public Comments

Mr. Last asked for an update on the construction of a turn lane on Tributary. He voiced his opinion that the lakeview water quality is horrendous and drivers are not slowing down despite the speed humps.

Mr. Kern stated, regarding the turn lane, the CDD is in the review process with the Florida Department of Transportation (FDOT) for the secondary western entrance into Tributary, which will be an extension of Spine Road and Tributary Drive as it loops around back to 200. In that analysis, the FDOT will make a recommendation and the expectation is that, at the time of construction of the westerly entrance, the FDOT will require the construction of a right turn lane into the current entrance. The Engineering and permitting process is still in process and construction will soon follow. The speed hump, coupled with enforcement from the Sheriff's Office, should deter speeders. Regarding the lake, Mr. Kern stated that the Lakeview HOA is responsible for aquatic maintenance and it is the HOA's prerogative as to what level of standards it would like the esthetics to be in terms of lake bank maintenance.

Resident Chiquita Oscar asked for local police presence in the mornings and afternoons at the bus stop. She thinks elementary schoolchildren should not be left unattended as they have been damaging property, pulling on the flowers and pulling the Clubhouse door.

Resident Jay Oscar questioned why the fitness center closes at 10:00 p.m., and expressed his opinion that it should be open 24 hours per day for use "at your own risk" to accommodate residents who work nights. Mr. Kern stated the Board can take that into consideration.

Resident Mickey Davis-Porter questioned if there is any recourse when paying the amenity center fees but not having sufficient access and asked if the fees can be refunded. She

cited issues with non-residents at pool parties and issues securing pavilions, being excluded at the gym and with a lack of oversight from on-site management. Mr. Kern stated the Board will confer with the Lifestyle Director about the issues raised by Ms. Davis-Porter.

Resident Debra Maceri asked for better IDs for residents and voiced her belief that, because the gate is open, too many non-residents are using the amenities. Mr. Kern stated the Board and Staff will consider enforcement options. Mr. Molineaux urged Ms. Maceri to call him directly.

Resident Mike Jakob questioned the rate increases for amenity rentals and commented that the sidewalks and concrete gutters on Sunberry and Red Twig Way are breaking apart and in need of repairs. Mr. Torres stated the rental rates were increased at the November 2023 meeting to discourage constant use of the facility.

Resident Keith Howard asked about the amenity rates, illuminating the pickleball courts, if there is any consideration for constructing basketball courts. He asked if there is an opportunity to make a curb cut at the mailbox cluster on Unit 2 and asked for construction updates on Police Lodge Way, Unit 16, Unit 17, Unit 8, Unit 10, Unit 12 and Unit 14. Mr. Kern stated the CDD has been working with the County extensively to obtain approvals to move forward on the various construction phases.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Bock and seconded by Mr. Kern, with all in favor, the meeting adjourned at 5:03 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair