

RIVERCREST COMMUNITY DEVELOPMENT DISTRICT

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**June 15, 2020 Minutes of the Regular Meeting**

**Minutes of the Regular Meeting**

The Regular Meeting of the Board of Supervisors for Rivercrest Community Development District was held on **Monday, June 15, 2020 at 6:30 p.m.** via Zoom Meetings at <https://zoom.us/j/99680589153> with meeting ID 996 8058 9153.

**1. CALL TO ORDER/ROLL CALL**

Debby Nussel called the Regular Meeting of the Board of Supervisors of the Rivercrest Community Development District to order on **Monday, June 15, 2020 at 6:30 p.m.**

**Board Members Present and Constituting a Quorum:**

Lisa Fernandez	Chair
Ed Lamp	Vice Chair
Catherine Arnaez	Supervisor
Michael Ryan	Supervisor
Elaine Sellent	Supervisor

**Staff Members Present:**

Debby Nussel	District Manager, Meritus
Vivek Babbar	District Counsel, Straley Robin Vericker
Rick Reidt	Onsite Staff

There were approximately 13 resident audience members.

**2. AUDIENCE QUESTION AND COMMENTS ON AGENDA ITEMS**

The HOA president commented about the HOA Agreement and townhome agreement. Another resident asked about getting “children at play” signs in the community.

Mrs. Nussel asked the Board if Business Items B and C could be moved up on the agenda so that Counsel could log off after the discussion. The Board agreed.

**4. NEW BUSINESS**

**B. Discussion on Agreement Satellite HOA Office**

**C. HOA Digital Message Board Agreement**

Mr. Babbar went over the agreements with the Board and stated that he, the HOA attorney, and Bond Counsel have been working together on revisions. Mr. Babbar explained some of the changes, including the CDD having an interest in the signage structure. Mr. Babbar and the HOA attorney made further revisions before the meeting, which was sent in an email to the Board earlier this afternoon. This language should work better regarding signage on CDD property and

48 not breaking any covenants with the bonds. What is still needed before finalizing the agreements  
49 is a location map that shows where the signs will be placed.

50

51 Supervisor Lamp asked about the section regarding relocating the structure. Mr. Babbar  
52 answered. Supervisor Lamp also asked about repairing anything that the structure damages. Mr.  
53 Babbar said the CDD should be removing anything above-ground before installation and that the  
54 intention is to revise the document further to include something about damages to CDD property  
55 from installation to protect the CDD. Supervisor Lamp asked about having a short-term time  
56 frame on the agreements with the option to come back in two or three years and review it to see  
57 if it is still the direction they want to go in. Mr. Babbar said that was in the original draft of the  
58 agreement, but the HOA attorney rejected it because of the investment they would be putting into  
59 it. Supervisor Lamp also asked about permits and certificates of occupancy. Mr. Babbar went  
60 over that the HOA wants to retain ownership of the permits. Once it has been terminated, the  
61 documents will be transferred to the CDD.

62

63 Supervisor Fernandez asked what happens if someone gets hurt in the building and if the CDD is  
64 liable for it. Mr. Babbar said that the indemnification provision in Section 11 deals with this  
65 issue, as does Section 8, which is about the insurer. The CDD also has umbrella insurance, and  
66 the HOA has insurance as well.

67

68 Supervisor Fernandez asked if the Board would allow the HOA president to speak about the  
69 Agreement. The Board agreed.

70

71 The HOA president asked Mr. Babbar for clarification regarding the ownership of the signs  
72 being the CDD with the HOA having a five-year license to be renewed. Mr. Babbar explained  
73 that this came from concerns about CDD property being a public forum and that it was to protect  
74 both the CDD and HOA if the issue arose.

75

76 Supervisor Lamp went over his concerns about the signs. Mr. Babbar said that originally it was  
77 drafted as a lease. He was careful after speaking to Bond Counsel to rename it and move any  
78 property interest rights from it, so it is now a license agreement. Mr. Babbar said that both parties  
79 have an out with the 120-day termination provision. The HOA has responsibilities for  
80 maintenance, and if they choose not to maintain it, the District could exercise that termination  
81 provision. Supervisor Lamp asked for clarification on the difference between a license and a  
82 lease. Mr. Babbar explained.

83

84 Supervisor Sellent and Supervisor Lamp wanted to know exactly where the sign is going to be  
85 placed. Mr. Babbar said they could go ahead move forward with the agreement today and  
86 approve it in substantial form and then give discretion to onsite staff, management, and Counsel  
87 as far as the location of the sign. Mr. Reidt went over that he walked the area and knows the  
88 location of the sign, which is on CDD property by the daycare on Symmes Rd. Supervisor  
89 Sellent asked about the size of the sign. The HOA president said it will be a little smaller. They  
90 had to move it back 8 ft. from the original spot, but drivers will still be able to see it coming from  
91 both directions on Symmes.

92

93 The Board agreed to move forward. Supervisor Lamp said he would still like to see all of the  
94 details before the sign is installed.

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101

MOTION TO:	Approve the Satellite HOA Office Agreement.
MADE BY:	Supervisor Arnaez
SECONDED BY:	Supervisor Sellent
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 5/0 – Motion passed unanimously

102

103 The Board continued to review the signage agreement.

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MOTION TO:	Approve the Digital Message Board Agreement.
MADE BY:	Supervisor Fernandez
SECONDED BY:	Supervisor Sellent
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 5/0 – Motion passed unanimously

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112

113 **3. STAFF REPORTS**

114 **A. Vivek Babbar – District Counsel**

115

116 Supervisor Fernandez asked Mr. Babbar about the encroachment with the homeowner on Stone  
117 Branch. Mr. Babbar stated that the homeowners would like to address the Board in person.

118

119 **B. Tonja Stewart – District Engineer**

120

121 There were no updates from the Engineer at this time.

122

123 **C. Debby Nussel – District Manager**

124

125 Mrs. Nussel reviewed her report with the Board. Supervisor Sellent stated that she would like to  
126 reduce the fountain and park maintenance down to \$4,000 in the FY 2021 budget.

127

128

129 **4. NEW BUSINESS (cont.)**

130 **A. Discussion on Staffing**

131

132 The Board discussed the staffing line item and the impact it would have on the budget if they  
133 gave the staff a \$1.50 more an hour. The Board did not want to give the staff an increase but  
134 would like to add the increase in the line item if they choose to do it in fiscal year 2021. The  
135 Board discussed the staffing and how staff needs to provide good customer service to the  
136 residents. The Board would like management to work with Supervisor Lamp on the projected  
137 staffing cost for fiscal year 2021.

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139

140 **5. CONSENT AGENDA**

141 **A. Consideration of Board of Supervisors Regular Meeting Minutes May 18, 2020**

142

143 The Board reviewed the meeting minutes.

144

145

MOTION TO: Approve the May 18, 2020 meeting minutes.

146

MADE BY: Supervisor Sellent

147

SECONDED BY: Supervisor Lamp

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DISCUSSION: None further

149

RESULT: Called to Vote: Motion PASSED

150

5/0 – Motion passed unanimously

151

152 **B. Consideration of Operations and Maintenance Expenditures May 2020**

153

154 The Board reviewed the O&Ms and had questions on the Republic Waste increase, pool permits,  
155 Brandon Lock and Key, all of the MHD invoices, the sign invoice, the dog waste invoice for face  
156 masks, the attorney invoice, the back flow invoice, Advance energy, and the Stantec invoice. The  
157 Board would like to look at a new IT company again; the Board felt that MHD's cost is high and  
158 that they are charging for a lot of little items.

159

160

MOTION TO: Approve the May 2020 O&Ms.

161

MADE BY: Supervisor Lamp

162

SECONDED BY: Supervisor Sellent

163

DISCUSSION: None further

164

RESULT: Called to Vote: Motion PASSED

165

5/0 – Motion passed unanimously

166

167 **C. Review of Financial Statement Month Ending May 31, 2020**

168

169 The Board reviewed and accepted the financials and said they like to try to keep legal costs down  
170 for the rest of the year. Mrs. Nussel said the community events line item is being adjusted.

171

Supervisor Lamp stated that the district is 11% under budget.

172

173

174 **6. SUPERVISOR REQUESTS**

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176 Supervisor Fernandez said that they need to work with staff on providing good customer service  
177 to the residents. She stated that she did not want staff to check coolers anymore. The rest of the  
178 Board agreed. The Board discussed at length the staffing issues over the past month and stressed  
179 that staff cannot be unprofessional, and when there is a problem, staff should approach the  
180 resident in a nice way. If a resident does not listen, is still in violation of the rules, and gets

181 angry, the employee needs to walk away and not engage with the resident. The employee should  
182 notify another staff member who is working and also notify management.

183

184 The Board discussed the issue that happened on May 22nd and said they would like to review the  
185 employee handbook at the next meeting and make sure it is up to date. The Board would also  
186 like to have copies of all resident letters when they are sent out. Going forward, the Board wants  
187 to be notified when there is a problem with an employee. Employees will be put on probation if  
188 another problem arises.

189

190 Supervisor Ryan made a motion to terminate the employee who was involved with incident;  
191 however, the motion failed due to lack of second.

192

193 The Board continued to discuss the incident. Supervisor Arnaez said she watched the video and  
194 felt the suspension was in order. Supervisor Fernandez and Supervisor Sellent agreed. The Board  
195 agreed the suspension should remain and was needed.

196

197 Supervisor Ryan thanked the HOA for all their help and the donations to the CDD.

198

199 Supervisor Arnaez about the copyright and wanted to make sure the CDD sent the picture of the  
200 fish to Chasm. She also asked about having One Blood Drive in the community and will work  
201 with Mr. Reidt on a July date.

202

203 Supervisor Lamp thanked the HOA and said he was very grateful for everything they have  
204 helped with. He asked the Board about online reservations for the community. The Board  
205 discussed and would like to look more into this feature, as they felt it would be beneficial for the  
206 residents. Supervisor Lamp also mentioned working with Mr. Reidt for weeklong events for  
207 residents.

208

209

## 210 7. AUDIENCE QUESTIONS AND COMMENTS ON OTHER ITEMS

211

212 Audience members commented about allowing residents to bring in family members, that the  
213 HOA won the lawsuit, the townhome work update, and the “children at play” signs.

214

215 Mr. Reidt stated that the District received the check from the HOA for 50% of the pool  
216 resurfacing. He thanked the HOA. Mr. Reidt also went over that he will continue to work with  
217 the CDD Chair on the amenity numbers and COVID-19.

218

219

220

221 **8. ADJOURNMENT**

222

223	MOTION TO:	Adjourn.
224	MADE BY:	Supervisor Sellent
225	SECONDED BY:	Supervisor Lamp
226	DISCUSSION:	None further
227	RESULT:	Called to Vote: Motion PASSED
228		5/0 – Motion passed unanimously

229

230 *\*Please note the entire meeting is available on disc.*

231

232 *\*These minutes were done in summary format.*

233 *\*Each person who decides to appeal any decision made by the Board with respect to any matter*  
234 *considered at the meeting is advised that person may need to ensure that a verbatim record of the*  
235 *proceedings is made, including the testimony and evidence upon which such appeal is to be based.*

236

237 Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a publicly  
238 noticed meeting held on 7/20/2020

239

240 Debby Nussel

241 Signature

242 Debby Nussel

243

244 Printed Name

245

246 Title:

247  Secretary

248  Assistant Secretary

249

250

251

252

253

254

255

256

257

[Signature]

Signature

Lisa Fernandez

Printed Name

Title:

Chairman

Vice Chairman

*Recorded by Records Administrator*

[Signature]

Signature

7/30/2020

Date

