

**MINUTES OF MEETING
RIVERCREST
COMMUNITY DEVELOPMENT DISTRICT**

A meeting of the Board of Supervisors of the Rivercrest Community Development District was held on Thursday, August 2, 2007 at 6:00 p.m. at the Rivercrest Clubhouse, 11560 Ramble Creek Drive, Riverview, Florida.

Present and constituting a quorum were:

Lisa Dunn	Chairperson
Robert Castellini	Vice Chairman
Lisa Fernandez	Assistant Treasurer
Manuel Carro, Jr.	Assistant Secretary
Daniel J. Leventry	Assistant Secretary

Also present were:

Andrew P. Mendenhall, PMP	Manager
John Browne	Manager
Rolando J. Santiago	Attorney
Tommy Medlock	OLM, Inc.
Several Residents	

The following is a summary of the minutes and actions taken at the August 2, 2007 Rivercrest Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Mendenhall called the meeting to order and called the roll.

SECOND ORDER OF BUSINESS

**Presentation by OLM, Inc. for
Landscaping Services**

Mr. Medlock provided the Board with a brief presentation on OLM, Inc. and the services they provide:

- OLM, Inc. protects communities of their assets by making sure they are getting the services they pay for and their properties look good.
- They have been providing these services since January of 1988.
- The first part of their system is to provide performance based specifications. OLM, Inc. ensures the landscaper takes care of maintenance issues in a timely and effective

manner. The landscaping company is paid a percentage based on an evaluation of their performance.

- OLM Inc's solution is not to fire companies, but to make them proactive in resolving any issues.
- The Board does not pay until they approve the work and they are happy with it.
- OLM, Inc. charges a standard fee ranging between \$7,000 and \$10,000. This includes monitoring the work done by the landscaper on a monthly basis as well as monitoring irrigation.
- It will take approximately six weeks to go through the entire bid process for a landscaper.

On MOTION by Mr. Castellini seconded by Ms. Dunn with all in favor the Board authorized staff to work with Mr. Medlock from OLM, Inc. to provide landscaping services.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the July 5, 2007 Meeting

Mr. Mendenhall stated each Board member received a copy of the minutes of the July 5, 2007 meeting and requested any corrections, additions or deletions.

- Ms. Fernandez noted she inquired about the wetland area issue on page six and not Ms. Dunn.

On MOTION by Ms. Dunn seconded by Mr. Carro with all in favor the minutes of the July 5, 2007 meeting were approved as amended.

FOURTH ORDER OF BUSINESS

Approval of Financial Statements

- Ms. Dunn questioned an invoice from Federal Express in the amount of \$209.64. Mr. Mendenhall will look into it.
- Mr. Mendenhall briefly reviewed what the methodology fee under the construction account was for. These fees are part of the bond refunding.

On MOTION by Ms. Dunn seconded by Mr. Carro with all in favor the financial statements were approved.

FIFTH ORDER OF BUSINESS

Manager's Report

A. Consideration of Resolution 2007-25 Authorizing the District Manager to Establish an Account with the State Board of Administration

- The interest rates are favorable with the State Board of Administration and there is low risk, if any, involved.

On MOTION by Ms. Dunn seconded by Mr. Carro with all in favor Resolution 2007-25 authorizing the District manager to establish an account with the State Board of Administration was adopted.

B. Correspondence from the Office of the Attorney General

- There was a settlement between the State of Florida and Brown & Brown in the amount of \$1.8 Million.
- The District is entitled to a portion of the settlement. The District will receive \$403.56. The District cannot pursue any further legal action against Brown & Brown. The end result would likely be the same; therefore, it is in the District's best interest to sign off on the settlement.

On MOTION by Ms. Fernandez seconded by Mr. Castellini with all in favor the acceptance of this settlement was ratified.

C. Pool Service Proposals

- Staff received five quotes for pool services. They start at \$5,950 a year and they go up to \$16,495 a year.
- The specifications were for services from February through August having maintenance done three times a week during the winter months and five times a week during the summer months.
- Mr. Mendenhall is waiting for references from the lowest bidder because Severn Trent Services does not have previous experience working with them.
- Mr. Castellini noted the pool needs to be serviced during the weekend. Mr. Brown stated weekend services will be extra.
- After reviewing the proposals there was Board consensus to accept the proposal from Commercial Pool Services of Florida, Inc. with one day out of the weekend included in their service.

On MOTION by Mr. Castellini seconded by Mr. Carro with all in favor the proposal from Commerical Pool Services of Florida, Inc. was approved contingent upon one weekend day being included in their service.

D. Discussion of Lakeside Workshop

- Mr. Mendenhall was contacted several times by community members of Lakeside, which is the neighboring community to Rivercrest CDD.
- The developer for Rivercrest CDD had tied in irrigation with Lakeside.
- Another Lakeside Community member was interested in seeing if the Board will entertain an option to provide facility use to members of the Lakeside Community. There was Board consensus not to.
- Mr. Mendenhall suggested holding a workshop meeting to talk with Lakeside Community representatives if the Board is interested.
- Ms. Fernanadez asked if they are willing to pay the District to turn the irrigation line on. Mr. Mendenhall responded yes. After further consideration the Board is not interested in holding a workshop to discuss any issues brought forward by Lakeside Community.
- Mr. Mendenhall suggested holding a general workshop to discuss OLM, Inc. services. The Board can discuss this issue as well as any other issues with decisions pending prior to the next regular Board meeting. There was Board consensus to hold a general workshop on Thursday, August 23, 2007 at 6:30 p.m. Mr. Mendenhall will email the Board to verify the date and time is good for everyone.

E. Staff Reports

Mr. Mendenhall distributed the Field Manager's Report as well as the Activities Director's Report. The following issues were discussed:

- The wetland erosion issue was tabled a few months ago. Ms. Stewart advised the Board to do the repairs. The cost of the repairs is \$2,740.

On MOTION by Ms. Dunn seconded by Mr. Carro with all in favor the erosion repairs by Remson Aquatics in the amount of \$2,740 were approved.

- Ms. Fernandez pointed out the Board decided on concrete for the pathway. Mr. Mendenhall confirmed that Ms. Bryant was notified of the Board's decision.
- Mr. Leventry requested more details as well as background information on the Field Manager's Report. All calls to the Field Manager should be logged. The Board discussed the possibility of getting a time clock for the Field Manager and the Activities Director to clock in and out.
- There was a brief discussion regarding Ms. Bryant and Ms. Castellini attending the Board meetings.

On MOTION by Mr. Leventry seconded by Mr. Carro with Mr. Leventry, Mr. Carro, Ms. Fernandez and Ms. Dunn voting aye and Mr. Castellini abstaining the Board requested the Field Manager and Activities Director attend all Board meetings.

- Ms. Fernandez briefly reviewed the Activities Director's report.
- There was a brief discussion regarding the revocation of pool passes from residents who are trespassing or vandalizing District property.

On MOTION by Ms. Dunn seconded by Mr. Carro with all in favor the Board directed staff to place rulemaking on the agenda after it has been properly noticed.

- Mr. Mendenhall suggested the Board might want to have a wish list of capital improvement projects to discuss next year during the budget process.
- Mr. Mendenhall stated an invoice was sent to the developer in October of 2006 in the amount of \$147,000 for street lighting. The auditor is questioning this invoice. Mr. Mendenhall questioned whether the developer agreed to pay for the invoice. Mr. Mendenhall wants to see if this money is due to the District.

On MOTION by Mr. Dunn seconded by Mr. Carro with all in favor the Board authorized staff to contact the developer regarding the invoice in the amount of \$147,000.

SIXTH ORDER OF BUSINESS

Attorney's Report

Mr. Santiago reported the following:

- The District received a demand letter from Mr. Andrew S. Forman, which is the attorney representing Mr. and Ms. Madill. It is requesting the District reimburse Mr. and Ms. Madill for expenses in the amount of \$785.87. It is Mr. Santiago's opinion there is no legal basis for this letter or the request in the letter. Mr. Santiago responded to this letter denying payment of the fees requested.
- Mr. Madill filed a complaint with the Florida Commission on Ethics stating he was defamed when the Board placed him on the agenda implying he engaged in misconduct. Mr. Santiago discussed this at length with Mr. Madill. This is a government body and there is immunity with regards to the items discussed in the meetings. There is no litigation for this claim. This is an allegation of defamation.

SEVENTH ORDER OF BUSINESS

Engineer's Report

There not being any, the next item followed.

EIGHTH ORDER OF BUSINESS

Supervisors' Requests

- Mr. Leventry brought up the issue of having job descriptions for the Field Manager as well as the Activities Director. Mr. Mendenhall is working on job descriptions. There will also be employee evaluations in October and April. Mr. Leventry wants accountability as to what hours are being worked by the staff. Ms. Fernandez does not think a time clock will be more effective than logging in hours manually. Ms. Fernandez suggested supervision accountability where staff is checked on. There is a record of when they use their access key to enter through the gate. That log can be cross referenced with the time sheet. Ms. Fernandez also suggested having the Field Manager do a daily report of what was done.
- Mr. Leventry stated the school's landscaping needs to be properly maintained.

On MOTION by Mr. Leventry seconded by Mr. Carro with all in favor the Board directed District staff to contact Terrell Sessums Elementary School regarding maintenance of their lawn.

- Mr. Leventry requested a status report on security cameras for the District facilities. Staff is working on getting proposals.

- There was a brief discussion regarding people trespassing CDD property. Ms. Calloway reminded the Board she suggested relocating unused ballards owned by the District to block access to the lake.
- Ms. Fernandez stated kids under 18 are not supposed to bring guests to the pool, but they are bringing guests to use the basketball court. The rules need to be enforced by staff.
- A portion of the white fence has been broken for over a year. People are trespassing through this area. It is near the entrance gate. Ms. Fernandez requested this be repaired.
- Ms. Fernandez stated more information should be posted on the signs or the letters should be bigger so people can see them.
- The HOA wants to post “no soliciting” signs on the entrance sign and want the CDD to consider paying for half of the costs. The Board will consider this after receiving an estimate.
- Mr. Castellini read out the following for the record:

“On June 15, 2007 Robert and Kathleen Madill swore statements under oath to the State of Florida Commission of Ethics. A copy of this was sent to me July 10, 2007 via certified mail. I enclosed a copy of this for your records.

They state that on May 3, 2007 my wife, Ms. Elena Castellini, was hired to work as Activities Director at the pool at a salaried position of \$32,000 a year. This is a false statement. Ms. Castellini was hired on May 4, 2007 at a salaried position of \$31,200 a year and was not hired by the Board.

They also state that Mr. Santiago advised the Board she should not be hired because of a conflict of interest and the CDD Board disagreed with Mr. Santiago’s legal counsel and hired her anyway. This is also a false statement because at no time at the meeting did the issue of her being hired was introduced and at no time did Mr. Santiago advise the Board of such. Ms. Castellini was hired by the Field Manager Ms. Bryant and the supposed statement by Mr. Santiago was only made to former Board member Ms. Calloway in an email in which she inquired as to whether Ms. Castellini should be hired. A copy of this email is attached. This issue was never introduced until the June 7, 2007 meeting when Mr. Robert Madil asked Mr.

Santiago regarding the issue. The Board never discussed nor did they participate in the hiring of Ms. Castellini.

They both state that on June 7, 2007 I was involved in the discussion of Ms. Castellini's salary and that I tried to move \$10,000 from playground equipment to Ms. Castellini's salary. This is another false statement as the only mention of transferring money was when I asked if there was a line item for our pool monitors and when Mr. Mendenhall stated there was not I asked for \$10,000 from our police officer line item be moved. At no time was there any discussion on my part of Ms. Castellini's salary.

They also stated I was in a conversation regarding getting health insurance and paid vacation for salaried positions. This is another false statement because the only discussion was giving Ms. Bryant, the Field Manager, vacation. There was no discussion of health insurance or anything else for anyone or any other position.

It was stated again at this meeting that Mr. Santiago, District counsel, advised the Board a second time that her (Ms. Castellini's hiring) was a conflict of interest and that she should not be hired. This is a false statement because this was never discussed except when Mr. Madill brought this up asking Mr. Santiago if he had advised against the hiring, which again was only brought to Ms. Calloway's attention in an email and never to the Board.

They both stated at this meeting that Mr. Madill had to defend himself against accusations by myself regarding tampering with the CDD computer. This is a false statement because there was never any implication brought about at the meeting regarding this accusation. This was sent in an email to Mr. Mendenhall after discussion with Mr. Santiago regarding the statements made by Ms. Madill regarding the fact that she had information regarding many wrongdoings by former staffing and administration. My question was how did she get this information and upon the advise of Mr. Santiago asked for it to be put on the agenda and also upon his advice as to whether information was removed which Mr. Santiago stated was a possible criminal action if done so.

Upon my request, Mr. Mendenhall of Severn Trent Services sent me a copy of the digital recording for both the June 7, 2007 and July 5, 2007 CDD Board meetings. This does corroborate my responses and fully dismisses the false accusations and statements brought upon by both Mr. and Ms. Madill. Mr. and Ms. Madill, in their statements, both say their accusations are justified and correct verbatim can be verified through Smith Reporting Service, LLC, 631 West Lumsden Road, Brandon, Florida, 33511. Though they both make this statement, no

transcripts have been produced to corroborate their accusations. Even when Mr. Madill, at the July Board meeting made the same statement, I asked him to provide the records and he stated they would be through the state's office. As of this date none have been produced.

I have already discussed this issue with Mr. Santiago and per his counsel he stated if they made any false accusations under oath, it constitutes perjury and we are in our right to file a complaint regarding this violation of Florida Law.”

On MOTION by Mr. Castellini seconded by Mr. Carro with Mr. Castellini, Mr. Carro and Ms. Dunn voting aye and Mr. Leventry and Ms. Fernandez voting nay Mr. Santiago was directed to look into the matter of perjury charges brought forward by Mr. Castellini.

- Mr. Leventry stated Board members are subject to comments, ridicule and being called names. He feels the Board assumes this responsibility when accepting the job. Pursuing a perjury lawsuit is a waste of money for the District.
- Mr. Castellini stated he can deal with people saying anything about him, but lying under oath crosses the line.
- Ms. Fernandez stated this issue is snowballing to where it is interfering with the Boards actions.
- There was a poll vote to see if the majority of the Board wanted to continue with this discussion. The majority of the Board did not want to continue discussing the issue.

Mr. Leventry MOVED to rescind the previous motion and to not spend District money pursuing the investigation of perjury and there was no second.

- Because there was no second to Mr. Leventry's motion, it died.
- Mr. Castellini apologized to anyone who took this matter the wrong way.
- Mr. Carro stated the streets need to be swept regularly as it was in the past. Mr. Mendenhall will look into this matter.
- Ms. Fernandez requested staff be informally reviewed regularly and that any issues brought up at the Board meeting be addressed with them in a timely manner.

NINTH ORDER OF BUSINESS

Audience Comments

- Ms. Calloway commented on the following:
 - RP Electric does security cameras and can provide the Board with a quote.
 - The Field Manager used to work 50 hours a week when she was not on salary and now she only works 40 hours a week.
 - Anything posted on the bulletin Board should be approved by the Board first and there was an issue with something being posted without going before the Board.
 - The meeting agendas are not being posted on the website in a timely manner.
 - Fees paid towards a company like OLM, Inc. should come out of the Field Manager's salary because her main job is to make sure contracted companies are doing their job.
 - Ms. Calloway requested she receive the agenda packages.
- Ms. Dougherty commented on the following:
 - She offered to donate a sign to post the grand opening of the playground.
 - Postings are outdated and there needs to be better communication to the residents regarding this, such as the pool being closed. There should also be a message on the voice mail regarding the pool being closed.
- Mr. Mazza discussed the fact he used to work for the District and is concerned with how the facility is currently being run. He submitted a proposal as well as his resume to the District.
- A resident stated Mr. Mazza did a wonderful job when he worked for the District.
- A resident requested the Board consider doing a mailing for the workshops. He also requested a process be developed to notify residents of activities.

TENTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Ms. Dunn seconded by Mr. Carro with all in favor the meeting was adourned.

Andrew P. Mendenhall, PMP
Secretary

Lisa Dunn
Chairperson