

# RIVERCREST COMMUNITY DEVELOPMENT DISTRICT

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September 3, 2009 Minutes of Meeting

## *Minutes of the Regular Meeting*

The regular meeting of the Board of Supervisors for Rivercrest Community Development District was held on Thursday, Thursday, September 3, 2009 at 6:30 p.m. at the Rivercrest Clubhouse, located at 11560 Ramble Creek Drive, Riverview, Florida 33569.

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

Mr. Altman called the regular meeting of the Board of Supervisors of the Rivercrest Community Development District to order on Thursday, September 3, 2009 at 6:30 p.m.

Board Members Present and Constituting a Quorum:

Dan Leventry	Chairman
Esther Torres	Supervisor
Robert Madill	Supervisor
Linda Doherty	Supervisor

Staff Members Present:

Peter Altman	District Manager, District Management Services, LLC
Mark Basurto	District Attorney, Bush Ross, P.A.
Rick Reidt	Field Manager

Audience Members Present:

Residents

### **2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **3. AUDIENCE COMMENTS ON AGENDA ITEMS**

William Ellison, Chair, Building Committee, Jehovah's Witnesses, noted his meeting with District representatives and offered his thanks for the efforts underway to work things out. He inquired if the District has seen the traffic study and offered to provide a copy to Mr. Altman.

Melanie Calloway briefly discussed landscaping matters.

### **4. PROFESSIONAL SERVICES**

#### **A. District Counsel**

Mr. Basurto reported on the recent meeting with representatives of the Jehovah's Witnesses and an effort to reach a resolution in advance of litigation relating to the non-ad valorem assessment that exists against the congregation for the property they own. He noted that an agreement-in-principal was reached for presentation to the Board, along with recommendations for an appropriate resolution of the dispute between the parties. Copies of the agreement submitted by the Jehovah's Witnesses were provided for Board Review.

Mr. Basurto, however, added that just today, the existence of issues related to the Bond, and the commitment to the Bond Holders, had come to light that needed to be reviewed. He noted that he, along with District Manager Peter Altman, need to meet with Bond Counsel to determine what can be done before proceeding. Consideration of going into an Executive Session in order to discuss the implications of the matter in the shade were deemed inappropriate as specified by Florida Statute. At this point, Mr. Basurto asked for Board comment.

Mr. Altman, who had been out of town and unable to attend the meeting, noted that upon his return he immediately began looking into the matter. He shared the details of his research with the Board noting the superior debt service on the land and its implications on the District. Discussion continued with determination that a meeting with the Bond Counsel would be critical to determine their willingness to address the debt service situation.

Mr. Leventry stated that if Bond Counsel gives the District leeway, that will help define the options available. Counsel agreed that is the first step, and noted, along with Mr. Altman, that there were also issues in the agreement that had been proposed, that also needed to be addressed, separately.

Mr. Leventry suggested that, once information was available, he would call an Emergency meeting, if needed. Otherwise, in order to work toward a resolution that is fair to the church, and the District, the matter will be moved to the next meeting.

Mr. Madill noted his concern that, once the District gives one a break, all will ask for it.

Mr. Basurto stated that a Florida Statute allows exemptions and added that there is case law that allows the District to do so. He added that, with knowledge of the nature of the other non-residential properties, he would be happy to provide an informed opinion with regards to Mr. Madill's concerns.

Mr. Altman assured the Board that he and Mr. Basurto would continue to research the matter and get back with the Board.

Comments were made from the audience and Mr. Leventry requested that the meeting move forward.

#### B. District Engineer

##### 1. Update on District Lands

District Engineer was not present but Mr. Altman noted she had reported that things were underway and her work was completed at this time.

##### 2. Update on Mitigation Issues

Mr. Altman reported that District Engineer had received a call from EPC indicating that everything looked good – good news regarding the mitigation issue.

### **5. OLD BUSINESS**

#### A. Update on Boundary Expansion

Mr. Altman reported the continued seriousness and time-sensitive nature of this issue and noted that he and Mr. Basurto would be working to on it in order to get back to the Board.

Mr. Leventry suggested looking into the potential for action against the former district management company and district counsel for overlooking this matter. Mr. Madill agreed.

### **6. BUSINESS ADMINISTRATION**

#### A. Consideration of Minutes of the Board of Supervisors Meeting on August 6, 2009 (Tab 1)

Mr. Altman reviewed the minutes with the Board.

MOTION TO:	Approve the Minutes of the Board of Supervisors Meeting on August 6, 2009.
MADE BY:	Supervisor Leventry
SECONDED BY:	Supervisor Torres
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 4/0 - Motion passed unanimously

B. Consideration of Operations and Maintenance Expenditures September, 2009 (Tab 2)  
Mr. Altman reviewed the expenditures with the Board.

MOTION TO:	Approve Operations and Maintenance Expenditures September 2009
MADE BY:	Supervisor Leventry
SECONDED BY:	Supervisor Doherty
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 4/0 - Motion passed unanimously

## 7. BUSINESS ITEMS

A. Consideration of the Purchase of Picnic Tables (Tab 3)

Mr. Reidt explained that request included three 46" round tables, and one ADA compliant table. Discussion of warranty, color, placement of tables, etc. followed. Further research was requested including looking into concrete picnic tables (Mr. Reidt noted they are very difficult to move around the property as needed), and alternatives that would be more attractive.

B. Consideration of the Purchase of Deck Chairs (Tab 4)

Mr. Reidt noted that ten deck chairs were requested for under the large canopy awning and added that the recommended chairs coordinated with the chaise already there.

MOTION TO:	Approve Purchase of the ten Deck Chairs.
MADE BY:	Supervisor Leventry
SECONDED BY:	Supervisor Madill
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 4/0 - Motion passed unanimously

C. Consideration of Free Usage of the Clubhouse for Girl Scout Meetings

The 16-member Girl Scout Troup needs a place for monthly meetings. Discussion of the potential for traffic issues was addressed as well as their safety. It was noted that the Scouts be required to hold the District harmless, verify insurance coverage, etc.

MOTION TO:	Allow the Girl Scouts to meet in the clubhouse, at no rental fee or cost, for their monthly meetings once they have provided an agreement to hold the District harmless, plus they provide verification of insurance coverage.
MADE BY:	Supervisor Madill
SECONDED BY:	Supervisor Leventry
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 4/0 - Motion passed unanimously

D. Consideration of Landscaping Improvements (Tab 5)

Mr. Reidt noted that the requested, total Park plans were still in the works, in the meantime, he noted the cost for the improvements proposed at \$2,080.

MOTION TO:	Approve Landscaping recommendations as proposed.
MADE BY:	Supervisor Madill
SECONDED BY:	Supervisor Leventry
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 4/0 – Motion passed unanimously

E. General Matters of the District

Mr. Altman noted there was nothing further.

**8. STAFF REPORTS**

A. District Manager

1. Financial Statement Month Ending July 31, 2009 (Tab 6)

Mr. Leventry inquired about current year-to-date balances against budget and Mr. Altman noted that the District was in excellent shape and under budget (in the black.)

2. Construction Financial Statement Month Ending July 31, 2009 (Tab 7)

There were no comments on this item other than to note that as of August, this was at a zero balance.

B. Field Manager

1. Manager's Report (Tab 8)

Mr. Reidt asked for Board direction on continuing the Staff Shirts and reported that it was approximately \$700 annually, for the staff. The Board noted the professional appearance that comes with staff shirts and suggested that seasonal temperatures be considered when making selections.

Mr. Reidt also addressed the landscaping projects underway including the plans for the backs of the berms. The Board requested that Larry be asked to present his long-term plan for the property at the upcoming Board meeting. It was also noted that he was treating the Sable Palms and a request to remove the Pentas was approved.

Mr. Reidt noted the very positive comments being heard with regards to the two new shade structures, and the request for more. It was suggested that one of the additional structures should be in the Kids section. Mr. Leventry suggested that this purchase wait until the beginning of the next hot season.

It was reported that the Handicap curbs (car stops) were falling apart and Mr. Reidt was asked when the stripping on the parking lot would be addressed?

### 9. SUPERVISOR REQUESTS AND AUDIENCE COMMENTS

Mr. Leventry asked Mr. Reidt to notify the security patrol that their security lights should be on at all times they are on the property.

Ms. Torres passed along a question she received regarding the recently increased clubhouse rental fees and that they were above other facilities in the area.

Lake St. Charles CDD visitor was recognized.

Mr. Reidt again asked Board members to stop by and look at the books of outdoor furniture he has and help provide suggestions of what style furniture they would like to see in the common areas.

### 10. ADJOURNMENT

MOTION TO:	Adjourn the Rivercrest CDD Board of Supervisors meeting.
MADE BY:	Supervisor Madill
SECONDED BY:	Supervisor Torres
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 4/0 - Motion passed unanimously

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

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

Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a publicly noticed meeting held on October 1, 2009

*Lisa S. Fernandez*  
Signature  
Lisa Fernandez  
Printed Name

*Peter Altman*  
Signature  
PETER ALTMAN  
Printed Name

Title:  
 Chairman  
 Vice Chairman

Title:  
 Secretary  
 Assistant Secretary



Recorded by Records Administrator

*Kristen Brunelle*  
Signature

10/14/09  
Date