

RIVERCREST COMMUNITY DEVELOPMENT DISTRICT

March 5, 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, March 5, 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

Chairman Dan Leventry called the regular meeting of the Board of Supervisors of the Rivercrest Community Development District to order on Thursday, March 5, 2009 at 6:30 p.m.

Board Members Present and Constituting a Quorum:

Dan Leventry	Chairman
Lisa Fernandez	Vice Chairman
Esther Torres	Supervisor
Robert Madill	Supervisor

Staff Members Present:

Peter Altman	District Manager, District Management Services, LLC
Rolando Santiago	District Counsel, RJS Law Group (via speakerphone)
Rick Reidt	Field Manager
Tonja Stewart	District Engineer, WilsonMiller

Audience Members Present:

Residents

In the interest of time and finance, Chairman Leventry suggested that before opening to public comments, District Engineer Tonja Stewart would address the Board. Ms. Stewart noted that she was in attendance at the request of Mr. Santiago but that she had several issues to discuss as well.

Mr. Altman noted that the parking matter was complete and ready for signatures, and that the Montessori School had agreed to pay the costs. He continued that the engineering invoices and back-up documentation had been provided by Ms. Stewart and suggested he would take the invoice to them and request a check. As this arrangement had previously been approved, Mr. Altman said payment would be issued just as soon as their check was received.

He also reported on the 301 widening that effectively knocked-out power to the District well and irrigation, and caused other problems for the monument sign. Mr. Reidt noted that the well and the feature are not located on District property nor is there an easement. Ms. Stewart confirmed this.

Chairman Leventry asked if Rivercrest, LLC was prepared to turn the property back over to the CDD?

Mr. Altman noted that the property in question is commercial property, assessed at 3.5 acres that actually includes 5+ acres. He reported that he had spoken with their representative who was amenable to providing whatever easement or access and usage rights needed. If the Board approved, he would try to get verification of their intent to formalize this and determine if it would be possible to proceed immediately with the relocations to restore power. It was noted that the relocation/restoration would be an unexpected cost for the District.

Chairman Leventry commented that obtaining an easement is one thing, but that a long-term solution is needed. He suggested that asking for a deed or ownership transfer of the property to Rivercrest CDD would be a solution. Discussion of easement vs. deeding ownership of the property followed.

Mr. Reidt and Ms. Stewart reviewed two proposals to restore the power, one from Advanced Energy Solutions at \$3,280.00, and the other from South State Electric at \$4,950.00. Both were for comparable work to get the well back up. The monument would stay where it is and lighting, included in both bids, would be completed later.

The Board reviewed and discussed the two proposals. Mr. Santiago offered comments on the easement vs. deeding solutions. Discussion continued.

Mr. Altman asked if there was a motion.

MOTION TO:	Approve the bid from Advanced Energy Solutions at \$3,280, and to request that Mr. Reidt execute this action and get the work completed as quickly as possible.
MADE BY:	Supervisor Leventry
SECONDED BY:	Supervisor Fernandez
DISCUSSION:	Supervisor Madill suggested that the cost proposals were too high.
RESULT:	Called to Vote: motion PASSED 3/1 - Motion passed, Supervisor Madill voted no.

Mr. Altman asked Ms. Stewart to update the Board on the wetland mitigation area matter.

Ms. Stewart, noting the emails between Tony Canorro of DMS and EPC (Hillsborough County Environmental Protection Commission), checked on violation notices issued a couple of years ago and discovered that the burrow pits to the east and south of the mitigation area had water levels that were very low. She was told by Hillsborough County Land Excavation that they were 99.9% sure that the burrow pits had not encroached on the confining layer of the aquifer, but that the burrow pit on the south side of Rodine Road did have some violations associated with it.

She added that about a year ago, they got BRA (Biological Research Associates), involved with EPC and were told that because the mitigation area was associated with the commercial piece, they were going to try to have the commercial property address the matter.

Ms. Stewart noted that money was set-aside in the budget because this would, ultimately, have to be dealt with and added that it would not be possible to get a successful wetland mitigation area at the location, as there was just not enough water.

Chairman Leventry asked what Ms. Stewart recommended as a solution, and if there was a sphere-of-influence that the violations reported earlier had on the District? He commented that it appeared as though \$5,000 was being proposed to change a parcel of Rivercrest CDD's property wetland to upland, because of those violations.

Ms. Stewart stated that it was the CDD property that was required to be in compliance and it could be achieved by spending \$5,000 on a wetland plan, or by spending \$5,000 on plant material that could live there. She added further that a lot of her clients were having problems because wetland mitigation areas are

very difficult to keep compliant due to rainfall changes among other things. She recommended that plant material that would survive under the conditions there are a lot more likely to be successful.

Chairman Leventry asked if the District should ask BRA and EPC to push forward on the violations that have resulted in the impact seen on the District's mitigation area?

Ms. Stewart commented that when BRA was hired to try to solve the problem, the fact that the commercial development was there provided relief, temporarily, and she believed that EPC was attempting to help the District by not making it fix the problem. Now that the commercial piece has not been developed, it resurfaced.

Mr. Altman said that they have the report and the correspondence and suggested putting the issues in writing, along with recommendations, so the Board could review and proceed from there.

Referring to the map that was used during the mitigation discussion, Mr. Altman also asked about a number of the deeds from Rivercrest, LLC, that were still in their name: specifically an area on Simms Road between the Baylor Ct. area and the new daycare. He advised the Board that it would be helpful to have Ms. Stewart take the existing map and, using the official boundaries, prepare a new map for the District.

Chairman Leventry returned to his earlier question to Ms. Stewart regarding the idea of pursuing action on the neighboring wetland violation.

Ms. Stewart answered that she never supports pursuing a violation, but rather suggests sitting down and trying to come up with a game plan to resolve it.

Chairman Leventry agreed, but noted that his point was to get the water level of the lake back up.

Ms. Stewart agreed and suggested following-up on this at the same time as pursuing the violation.

Mr. Altman said that, if the Board agreed, they would gather the information and recommendations together and put the matter on the agenda for the next meeting. He also suggested that Ms. Stewart prepare a correct boundary map. He stated that the assumptions are that the Board would like to receive the indicated land because it is lakefront for the units. He continued that the District wants the additional land and stated they would be prepared to look at the impact of owning land outside the boundaries along with whether or not additional modification of the boundaries were needed.

Chairman Leventry acknowledged the suggestions, added that the wetland vs. upland matter would also be addressed at that time and thanked Ms. Stewart for coming to the meeting.

2. AUDIENCE COMMENTS ON AGENDA ITEMS

Resident Jim Peterson noted that at the last meeting it was apparent that some of the Board members had been talking with the owners of 301 Properties and added that he felt they should notify the rest of the Board, and the public-at-large, that they had these conversations as a courtesy to everyone.

Chairman Leventry and the Supervisors noted that they had not spoken with 301 owners outside the meeting room and added that all felt the need to get the matter over and done with.

Mr. Altman noted for the record that all members of the Board indicated that they had not had those conversations.

Discussions of other community environmental issues, the gazebos, community street signs, family-friendly parks, vandalism, etc., followed.

3. OLD BUSINESS

A. Consideration of New Community Room Table & Chairs

This matter was continued to a future meeting.

4. BUSINESS ADMINISTRATION

A. Consideration of Minutes of the Board of Supervisors Meeting on January 29, 2009 (Tab 1)

MOTION TO:	Approve minutes of the January 29, 2009 meeting.
MADE BY:	Supervisor Fernandez
SECONDED BY:	Supervisor Leventry
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 4/0 - Motion passed unanimously

B. Consideration of Minutes of the Board of Supervisors Meeting on February 5, 2009 (Tab 2)

MOTION TO:	Approve minutes of the February 5, 2009 meeting.
MADE BY:	Supervisor Madill
SECONDED BY:	Supervisor Torres
DISCUSSION:	It was noted that several times comments were incorrectly attributed to one or the other of the supervisors. It was determined that motions and content were reported accurately, but that the speakers were identified incorrectly several times.
RESULT:	Called to Vote: motion PASSED 4/0 - Motion passed unanimously

C. Consideration of Operations and Maintenance Expenditures March, 2009 (Tab 3)

Mr. Altman briefly reviewed Tab 3 and noted that Mr. Santiago had corrected his bill by removing the boundary amendment expenses. Discussion of TECO contracts followed with Mr. Altman requesting that Mr. Reidt forward all information to his office for distribution to the Board and proper maintenance of the permanent files. Discussion of Brighthouse and Verizon matters followed.

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

5. BUSINESS ITEMS

A. Consideration of Resolution 2009-07, Re-Designating the Public Depository (Tab 4)

In an effort to find a checking account with a bank offering an improved interest rate, Mr. Altman reported on his review of fund investment and earnings options. Discussion followed regarding the requirements of CDD and public financing issues as well as the status of the District's credit line.

MOTION TO:	Approve Resolution 2009-07, Designating Florida Bank as the Public Depository subject to the determination that it will have no impact on the District's current credit line.
MADE BY:	Supervisor Fernandez
SECONDED BY:	Supervisor Torres
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 4/0 - Motion passed unanimously

B. Consideration of Baby Changing Station Installation (Tab 5)

MOTION TO:	Approve Baby Changing Station Installation
MADE BY:	Supervisor Fernandez
SECONDED BY:	Supervisor Madill
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 4/0 - Motion passed unanimously

C. Consideration of Bell Light Conversion (Tab 6)

Mr. Reidt submitted new quotes for replacement of the 11 lights that are currently out of service in the District and pointed out that all have ballast at a replacement cost of \$450 each. Rather than make the replacements, he proposed the conversion of all 33 lights in the district, discussed the benefits and invited the Board to inspect an installed demo light. The Board took a short break to view the demo light.

MOTION TO:	Convert the 11 lights that are currently out of service and continue with conversion of the remaining lights as they fail.
MADE BY:	Supervisor Madill
SECONDED BY:	Supervisor Leventry
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 4/0 - Motion passed unanimously

D. Landownership & US 301 Widening (Tab 7)

Issue addressed earlier in the meeting.

E. EPC Mitigation Notice (Tab 8)

Issue addressed earlier in the meeting by Ms. Stewart.

F. Status of Final Agreement with Tampa 301 to Contract the Boundaries of the District (Tab 9)

Chairman Leventry commented that, before signing the prepared document, he wanted verification from the Board that this is a permanent solution being proposed and not something that will end next year when the contract expires.

Mr. Altman suggested that now that there was an agreement for Board review, perhaps it would make sense to re-state the motion. He added that Supervisor Doherty, attending a family funeral, had indicated that she could be called if needed.

Supervisor Madill suggested that a completely independent opinion be obtained without influence from District Counsel or District Manager, but added that the motion had been voted on at the last meeting.

Mr. Altman reviewed the related legal fees and noted that Mr. Santiago had adjusted his fees as promised. Clarification regarding the developer was requested.

Supervisor Fernandez returned to the issue of the contract and stated that if Chairman Leventry did not want to sign the document that she would.

Supervisor Madill asked Mr. Santiago for clarification on his intentions to collect his fees from the surplus funds. Discussion continued.

Chairman Leventry asked that the record show that Mr. Santiago will obtain no funds from whatever source for the boundary amendment efforts, bringing the Villas in, etc.

Mr. Altman re-stated that he would take only his \$3,500 dollar fee as well.

MOTION TO:	Approve the contract in its final form.
MADE BY:	Supervisor Fernandez
SECONDED BY:	Supervisor Torres
DISCUSSION:	None further
RESULT:	Called to Vote: motion deadlocked 2/2 - Opposed by Supervisors Leventry and Madill

Mr. Altman noted that the official record stated that the previous meeting's motion reflects Board approval to proceed with the contract. He stressed that he was not trying to create a problem but that this is a big issue and it would seem appropriate that a motion should authorize the contract in final form.

Chairman Leventry stated that Supervisor Fernandez did not need a vote to sign the contract and discussions continued.

Mr. Santiago said if there is an affirmative vote to accept the contract in final form, and the chairman will not sign it, the vice-chairman has the authority to sign it.

Mr. Altman stated that it is his standard practice, in all Districts, that if a document is not complete, a motion to approve the document in substantive form subject to someone reviewing it and signing it.

Mr. Santiago agreed that everyone should be comfortable with the document being approved.

Extensive discussions continued including the need for a review of the issues by completely independent counsel as concern was expressed with regards to how both the District Counsel and the District Manager had handled the matter. In addition, discussions of the economic impact of the Board taking no action was addressed along with the basic issue of whether or not the developer agreement was binding or not binding on the District.

Discussion as to whether or not Mr. Santiago should recuse himself from the process followed, He stated that he was willing to do so if the Board so desired.

Discussion of the selection of independent counsel, along with Mr. Altman's offer to provide a summary of the basic issues and copies of support documents, minutes, etc., followed.

Mr. Leventry stated that what he would like to do is go ahead and continue with the Villas, separate the motion, do nothing. I also want to terminate the services of Roland Santiago as our Counsel because I feel that he's not strong enough in interrupting us, and I feel that there is a serious conflict here, Roland is the one that signed the Villas in. No matter what Roland or one of the parties is going to be liable for the fees that is in that, I know he's elected to do it for free, if that's the hook that's keeping us in his services or whatever. But I'm at the point now where I think we need to get new counsel in here; bring the Villas in; do nothing; it's going to be more expensive for the neighborhood for right now. But down the road if suits need to be filled, you know I'll file them. That's the direction I want to go in right now. Can we have input from the Board please. Discussion ensued

MOTION TO:	Independent Counsel reviews all documentation on the issues; provides answer back quickly. Upon that we will reorganize and at that point go based upon that opinion.
MADE BY:	Supervisor Leventry
SECONDED BY:	
DISCUSSION:	
RESULT:	Motion failed for lack of second.

The discussion on the issues continued.

Mr. Santiago recused himself from the issue with 301.

There was additional discussion on the issue and the potential independent counsel.

MOTION TO:	Send the documents to independent counsel, get back answer as soon as we can. Make a motion to continue the meeting just incase we can meet to the end of the month to ratify it and at that time to go forward
MADE BY:	Supervisor Madill
SECONDED BY:	
DISCUSSION:	
RESULT:	Motion failed for lack of second.

The discussion on the issues continued.

MOTION TO:	Proceed with the expansion of the Villas, immediately, and do nothing with the 301 contract at all.
MADE BY:	Supervisor Leventry
SECONDED BY:	Supervisor Fernandez
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 3/1 – Supervisor Madill opposed.

Supervisor Madill noted for the record that the matter was not over.

G. Discussion of Boundary Modification Petition Progress.

H. Request for Board Direction Regarding Contribution from St. Joe Paper (Tab 10)

Discussion of the return of the \$7,500 dollar check currently held in escrow followed. It was determined that it should remain escrowed at this time unless return is requested by St. Joe Paper.

6. STAFF REPORTS

A. District Manager

Discussion of expenses to date took place with comments that the landscaping budget would need to be monitored closely as unexpected costs had been incurred.

Inquiry was made regarding Mr. Reidt's review and salary increase. Mr. Altman reported that it was time for it and that he had not done the review yet but that it would be on the agenda for the next meeting.

In light of the recent death, it was noted that Mr. Altman should send flowers or a fruit basket from the board and he suggested keeping costs around \$50 dollars.

1. Financial Statement Month Ending January 31, 2009 (Tab 11)

Not addressed at this time.

2. Construction Financial Statement Month Ending January 31, 2009 (Tab 12)

Not addressed at this time.

B. Field Manager

1. Manager's Report (Tab 13)

No additional comments at this time.

7. SUPERVISOR REQUESTS AND AUDIENCE COMMENTS

Supervisor Fernandez asked if the security cameras were working and noted reports that the fence was being jumped.

Mr. Reidt stated that he was not aware of the matter and Mr. Altman requested that such reports be passed along for review and follow-up

Supervisor Fernandez requested that OLM be placed on the agenda for discussion at the next meeting.

MOTION TO:	Terminate the services of OLM
MADE BY:	Supervisor Madill
SECONDED BY:	Supervisor Torres
DISCUSSION:	Supervisor Fernandez stated that she would like to discuss the matter first, and let Supervisor Doherty participate as well.
RESULT:	Called to Vote: motion deadlocked 2/2- Supervisors Fernandez and Leventry opposed.

Chairman Leventry requested that the matter be placed on the agenda for the next meeting and the Board agreed that OLM does not need to be present. Supervisor Madill added that he agreed the matter needed further discussion.

Resident Jo Campbell of 11662 Crestview Place reported problems with raccoons and suggestions were made for solving the problem.

An inquiry was made about policies regarding the age of pool "guests." The Board briefly reviewed the policy for minors (residents under 18 years of age), and said that review of the policies could be added to the next meeting agenda.

A suggestion was made that a TECO energy savings audit be considered.

8. ADJOURNMENT

MOTION TO:	Adjourn the Rivercrest CDD Board of Supervisors meeting
MADE BY:	Supervisor Leventry
SECONDED BY:	Supervisor Fernandez
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 April 2, 2009.

Signature

Printed Name

Title:

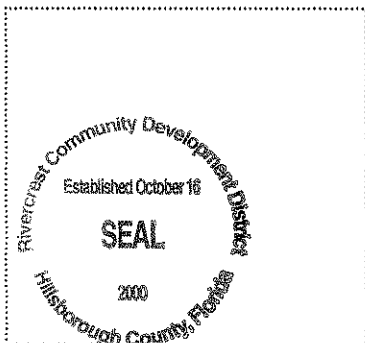
- Chairman
 Vice Chairman

Signature

Printed Name

Title:

- Secretary
 Assistant Secretary



Recorded by Records Administrator

Signature

Date

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4/16/09