

RIVERCREST COMMUNITY DEVELOPMENT DISTRICT

October 8, 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, October 8, 2009 at 6:00 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, October 8, 2009 at 6:00 p.m.

Board Members Present and Constituting a Quorum:

Lisa Fernandez	Vice Chairman
Robert Madill	Supervisor
Linda Doherty	Supervisor
Esther Torres	Supervisor (<i>joined meeting in progress</i>)

Staff Members Present:

Peter Altman	District Manager, District Management Services, LLC
Mark Basurto	District Attorney, Bush Ross, P.A. (<i>joined meeting in progress</i>)
Rick Reidt	Field Manager

Audience Members Present:

Residents

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. AUDIENCE COMMENTS ON AGENDA ITEMS

There were no audience comments.

4. BUSINESS ADMINISTRATION

1. Consideration of Minutes of the Board of Supervisors Meeting on September 3, 2009 (Tab 3)

Mr. Altman reviewed the minutes with the Board.

MOTION TO:	Approve the Minutes of the Board of Supervisors Meeting on September 3, 2009.
MADE BY:	Supervisor Doherty
SECONDED BY:	Supervisor Madill
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 3/0 - Motion passed unanimously

2. Consideration of Operations and Maintenance Expenditures October, 2009 (Tab 4)

Mr. Altman reviewed the expenditures with the Board. He stated that he is working with Mr. Reidt on a potential savings for the access cards. General discussion ensued.

MOTION TO:	Approve Operations and Maintenance Expenditures October 2009.
MADE BY:	Supervisor Doherty
SECONDED BY:	Supervisor Madill
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 3/0 - Motion passed unanimously

5. PROFESSIONAL SERVICES

A. District Manager

1. Discussion Regarding Greenview Landscaping and Landscape Improvements (Tab 2)

Mr. Altman stated that Larry Rhum is in the hospital so he was unable to attend tonight. Mr. Reidt stated that Mr. Rhum prepared a quote for landscape improvements on Symmes Road which is located behind Tab 2 of the meeting book. He stated that the quote is for road side berm plantings along Symmes Road that need immediate attention, and this is the time of year to do that planting. Mr. Reidt briefly reviewed the areas to be improved. Mr. Reidt stated that the total quote was \$4,620. General discussion ensued.

(Ms. Torres joined the meeting in progress.)

MOTION TO:	Approve Greenview Landscaping and Landscape Improvements on Symmes Road totaling \$4,620.
MADE BY:	Supervisor Fernandez
SECONDED BY:	Supervisor Doherty
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 3/1 - Motion passed (Supervisor Madill opposed)

(Mr. Basurto joined the meeting in progress.)

B. District Counsel

1. Consideration of Agreement with East Riverview Congregation of the Jehovah's Witnesses

Mr. Altman stated that he had a conversation with Mike Williams, the District's Bond Counsel, and Mr. Williams strongly advised that the Board should not enter into agreement to give up any assessments that it has already obligated itself to under the terms of the Bonds. He stated that he asked Mr. Williams to put his legal opinion in writing and Mr. Williams will be submitting a quote to provide a legal opinion. Mr. Altman stated that he has also discussed this matter with Mr. Basurto and they will be holding a public hearing in the spring to assess the property that is being brought into the District as well as to revisit the 301 property issue when the time is right. He stated that would be the time where the Board

will hear any public comments regarding their assessments or any requests to adjust the assessments. Mr. Basurto further explained the time frame and process for requests to adjust assessments. General discussion ensued regarding the possible reallocation of debt and the effect on the other property owners if the request is approved. Mr. Altman stated the Board could make a motion to authorize the agreement to be reduced in writing, submitted to the requestors, and approved for final review by the Chairman as outlined so it can be executed and the change made with the County by November. He stated that they know that the assessment that they levy will be collected and pursued by the County as the time to protest the assessment has passed. Mr. Altman stated that the District can request to remove the assessment from the bill but no other party has that authority. Mr. Reidt asked if they are able to hear input from the church at this time.

Gina Grimes with Hill Ward & Henderson, P.A. representing the East Riverview Congregation of the Jehovah's Witnesses voiced her appreciation to the Board and District for their willingness to work with the church and to eliminate the operation and maintenance assessments for Fiscal Year 2009 and going forward. She stated that she wanted to clarify that the church would be responsible for the bond component of the assessments for the remaining years of the term of the bond. Mr. Altman stated that they have the opportunity to appeal that but at this point that is correct. Ms. Grimes stated that she can not tell the Board tonight whether the church will accept the offer but they would appreciate a proposal by the Board so that they know they can take back something that they would be willing to agree to that is a hard offer that they can take to the Trustee. She stated that they have a draft agreement that they can revise accordingly and bring back for final approval.

MOTION TO:	Authorize the Chairman to review and execute an offer that will be memorialized in a written agreement with the East Riverview Congregation of the Jehovah's Witnesses. Terms of agreement will be: in exchange for them agreeing not to bring any sort of legal action against the District, the District will agree that pay the entire assessment for Fiscal Year 2008, the bond amount for Fiscal Year 2009, and waive the operation and maintenance assessment for Fiscal Year 2009 going forward, and the only issue remaining would be the bond amount in Fiscal Year 2010 going forward at which time a public hearing will be held during which they can challenge the assessment amount. Condition is that the facility that is built on the property must continue to operate as a church and the landscaping must be maintained by the church.
MADE BY:	Supervisor Madill
SECONDED BY:	Supervisor Torres
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 4/0- Motion passed unanimously

Ms. Grimes asked when it comes to future operation and maintenance assessments, does the vehicle by which the District is going to relieve the church of the assessments is through the b classification and the statutory exemptions for those institutions. Mr. Altman and Mr. Basurto replied affirmatively.

Mr. Altman stated that Straley & Robin, P.A. held \$7,500 for St. Joe Paper. He stated that the \$7,500 had a waiver on it for waiving any liability on their part. Mr. Altman asked for a motion to accept the money provided that the waiver was not a general waiver. He stated that they made contact with their corporate attorney and he has agreed to confine the waiver and it is being redrafted. Mr. Altman stated that Mr. Straley is sending the redrafted agreement to St. Joe Paper, they will be executing the agreement, and the District will receive the \$7,500.

Mr. Altman stated that he prepared a letter and sent it to Mr. Basurto for review. He distributed the letter to the Board for their review. Mr. Altman stated that in Mr. Basurtos' review he had several items of concern. He stated that the first consent stated that they consented but the County stated that it wasn't in the right form and wanted more language in it. Mr. Altman stated that it also stated that they would cooperate in providing any other information the District needed. He stated that they will be asking the property owners to work with them on providing the information the County is requesting. Mr. Altman stated that as part of the consent, the enjoyment of some of the Districts assets may be hindered. He asked Mr. Reidt if they have shut off the access to the recreational facilities to any of the property owners. Mr. Altman stated that this is their second year of non-payment of assessments. Discussion ensued regarding shutting off the access to the parties who have not signed consent yet and the time line for completion of this process.

Mr. Altman stated that there is a general agreement regarding the real estate transfers with the Lake which is part of the boundary expansion. He stated that when he spoke to the corporate office, they indicated that the District would like to be the owner of the corner where the entranceway sign was located versus an easement. Mr. Altman stated the representative stated that the commercial parcel is a platted parcel and their concern is that it would take a replatting to separate the land off the plat versus just a legal description to delete. He stated that they may just get an easement and the rights to the well which should be sufficient.

MOTION TO:	Authorize District Counsel to prepare a deed agreement for the District to leave their well on the property.
MADE BY:	Supervisor Madill
SECONDED BY:	Supervisor Fernandez
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 4/0 - Motion passed unanimously

Mr. Basurto distributed a copy of an invoice for \$400 sent to his office by the previous counsel, Rolando Santiago in order to get the boxes of the Districts files. He stated that he has the records in his possession and in his review of the records he determined that there are missing records and there is no organization to the filing. Mr. Basurto stated that Mr. Santiago did provide some of his work product though which he is not required to do. He stated that the Board needs to decide whether they want to pay the invoice in full, partial, or not at all. Mr. Basurto stated that he is prepared to move forward with a lawsuit against Mr. Santiago on the bond issue that he signed off on that is causing the District to expend additional funds. A question was asked to whether Mr. Basurto feels Mr. Santiago is holding back any documentation that the District needs and they would need to file a motion in court to obtain the documents. Mr. Basurto stated that at this point, no but he is looking through to determine if all necessary documents have been transferred to him. He stated that he will provide an update on the transition of records at the next meeting.

C. District Engineer
Not present.

7. BUSINESS ITEMS

A. Repair of All Decorative Street Signage (Tab 5)

Mr. Reidt stated that they went throughout the community to determine all of the signage that is broken and needs repair. He stated that Creative Mailbox & Sign Designs provided a proposal totaling \$4,855. Mr. Reidt reviewed the proposal for the Board. General discussion ensued.

(Mr. Madill left the meeting in progress.)

Discussion ensued regarding the re-striping of the parking lot. Mr. Reidt stated that the proposals will be reviewed at the next meeting.

(Mr. Madill rejoined the meeting in progress.)

Discussion continued regarding the repair and replacement of the signs in the community.

MOTION TO:	Approve proposal from Creative Mailbox & Sign Designs totaling \$4,855.
MADE BY:	Supervisor Doherty
SECONDED BY:	Supervisor Fernandez
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 4/0 - Motion passed unanimously

B. General Matters of the District

Mr. Reidt reviewed proposals to purchase park furniture. Discussion ensued regarding the budgeted amount for replacement of furniture.

MOTION TO:	Approve Purchase of the Windham Casting Meridian style, two tables and 19 chairs totaling \$7,500.
MADE BY:	Supervisor Doherty
SECONDED BY:	Supervisor Fernandez
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 4/0 - Motion passed unanimously

8. STAFF REPORTS

A. District Manager

1. Financial Statement Month Ending August 31, 2009 (Tab 6)
2. Construction Financial Statement Month Ending August 31, 2009 (Tab 7)

B. Field Manager
1. Manager's Report (Tab 8)

Mr. Reidt reviewed his report for the Board. General discussion ensued.

A comment was made in regards to the Fiscal Year 2010 meeting schedule and the fact that the January meeting is scheduled for the 8th which is a Friday. Mr. Reidt stated that the schedule has been corrected and the correct date is the 7th.

Discussion ensued regarding the service being provided by Pool Time.

MOTION TO:	Discontinue service with Commercial Pool Services and utilize Pool Time.
MADE BY:	Supervisor Doherty
SECONDED BY:	Supervisor Fernandez
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 4/0 - Motion passed unanimously

Discussion ensued regarding the pool hours and staff uniforms. Mr. Reidt stated that during the summer hours they will have tank tops available for staff. He stated that a decision was made at the last meeting to not purchase jackets with STAFF written on the back for the winter time.

Mr. Reidt stated that there have reports by residents of the Security Officers being off road in dark areas or in dead ends parked with their lights off. He stated they have recently keeping their lights on. Mr. Reidt stated that the officers have been socializing with staff excessively and they have been reprimanded. He stated that he has continually had to be on US Securities for poor performance. Mr. Reidt stated that they have been looking at four different companies to provide security services for the District. He reviewed the pricing he received from the different companies. Mr. Reidt stated that he received a proposal from Bales Security Services but stated that the CEO is a resident of the District and wasn't sure if that was a conflict of interest. General discussion ensued regarding the performance of the existing security service and whether they should formally bid out the services and hear presentations from the firms.

MOTION TO:	Discontinue service with US Securities and engage the services of Bales Security Services.
MADE BY:	Supervisor Doherty
RESULT:	Motion failed for lack of second

The Board requested that Mr. Reidt solicit proposals from other companies and have them give a presentation for the Board.

MOTION TO:	Provide 30 day notice to US Securities.
MADE BY:	Supervisor Doherty
SECONDED BY:	Supervisor Madill
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 4/0 - Motion passed unanimously

Mr. Altman stated that the question has been raised in the past about whether the clubhouse will be open or closed on holidays. He recommended that staff that works on a holiday gets paid time and a half. Discussion ensued regarding whether staff was required on holidays and the only holidays to be paid at time and a half are to be Fourth of July, Thanksgiving, Christmas, and New Years.

Mr. Reidt requested that they look at the budget to see what they will be able to do this year in the form of holiday bonuses for the staff.

Mr. Reidt reviewed the upcoming activities for the District.

9. SUPERVISOR REQUESTS AND AUDIENCE COMMENTS

There were no Supervisor requests or audience comments.

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 Nov 5 2009.

[Signature]
Signature

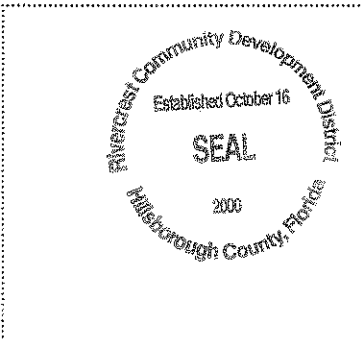
PETER A. ALTMAN
Printed Name

[Signature]
Signature

DANIEL LEVENTRY
Printed Name

Title: Assist. Secretary
 Chairman
 Vice-Chairman

Title: CHAIRMAN
 Secretary
 Assistant Secretary



Recorded by Records Administrator

Kristen Brunelle
Signature

11/11/09
Date