

RIVERCREST COMMUNITY DEVELOPMENT DISTRICT

August 6, 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, August 6, 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, August 6, 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
Linda Doherty	Supervisor

Staff Members Present:

Peter Altman	District Manager, District Management Services, LLC
Rick Reidt	Field Manager

Guest Present

Mark A. Basurto	Bush Ross, P.A.
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Audience Members Present:

Residents

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. AUDIENCE COMMENTS ON AGENDA ITEMS

In light of the public hearing on the Budget, Mr. Altman suggested audience comments be moved to that portion of the meeting. Audience members inside, and outside the meeting room were invited to sign-in if they wished to speak at the public hearing.

4. PROFESSIONAL SERVICES

A. District Counsel

Mr. Altman introduced guest Mark A. Basurto, with the law firm of Bush Ross,PA as the recommended replacement for recently resigned district counsel. A proposed agreement was provided for the Board's review and further discussion with Mr. Basurto.

MOTION TO:	Accept engagement letter, the proposal and the Resolution 2009-10, Appoint District Counsel.
MADE BY:	Supervisor Leventry
SECONDED BY:	Supervisor Fernandez
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 5/0 - Motion passed unanimously

B. District Engineer

1. Update on District Lands

District Engineer was not present but Mr. Altman noted that he had preliminary conversations with Mr. Basurto and that an update would be addressed at the next meeting.

2. Update on Mitigation Issues

Mr. Altman suggested that this issue be addressed later in the meeting.

5. OLD BUSINESS

A. Update on Boundary Expansion

Mr. Altman reported that with the Board's action today, Mr. Santiago would provide the documents regarding the boundary expansion to Mr. Basurto for follow-up.

6. BUSINESS ADMINISTRATION

A. Consideration of Minutes of the Board of Supervisors Meeting on July 9, 2009

Mr. Altman reviewed the minutes with the Board.

MOTION TO:	Approve the Minutes of the Board of Supervisors Meeting on July 9, 2009.
MADE BY:	Supervisor Fernandez
SECONDED BY:	Supervisor Doherty
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 5/0 - Motion passed unanimously

B. Consideration of Operations and Maintenance Expenditures August, 2009

The Board deferred this discussion until after public hearing.

7. BUSINESS ITEMS

A. Public Hearing on Fiscal Year 2010 Budget

Mr. Altman stated that the necessary meeting notifications had occurred. He added that the 2010 budget (\$1,132,537) represented an increase of \$88,662 over the previous year's budget and reported that the budget had been made available to all residents for their review. Calls were received from residents asking for clarification or making inquiries about the increases and were handled by District Management staff. A motion to open the public hearing was requested.

MOTION TO:	Open the public hearing for Fiscal 2010 Budget.
MADE BY:	Supervisor Leventry
SECONDED BY:	Supervisor Torres
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 5/0 - Motion passed unanimously

Mr. Altman noted that Ms. Cathleen O'Dowd, representing 301 Properties, had approached him regarding the assessment letter received as a property holding in the District. He reported that he advised her that the parcel of 301 Properties would not be on the tax roll this year for any assessment. Ms. O'Dowd addressed the Board and asked for confirmation of that and it was provided.

Mr. Altman informed the Board that a presentation had been prepared by the Jehovah's Witnesses group related to the budget and that they had requested additional time. Due to the fact that 22 members had signed-up to speak, it was suggested that a total time of 45 minutes be allowed for their presentations.

Mr. Theodore Garity opened the presentation by stating that their request for an exemption as a church had been previously denied and that they had been identified instead as a "commercial" entity. He noted that legal fees were being incurred to fight the District on this decision that they believed was unfair. He asked that the Board reconsider their action and then read into the record a letter sent from their attorney, to District Manager Peter Altman noting their disagreement.

Additional members of the group shared similar thoughts with the Board. In addition several speakers provided educational information and insights into the nature of the Jehovah's Witnesses – including facts about the total voluntary nature of the organization, their quick response in disaster relief, and the recognition, all the way to the Supreme Court, of Jehovah's Witnesses as a religious entity. In conclusion they asked for the Board to correct the injustice and reverse their decision and noted their desire to be a "good neighbor" in the community

Mr. Leventry thanked the group for their comments and educational information. He added that, because of the notice of litigation that had been received from the group's attorney, the Board could NOT have discussion on this at the public hearing. He noted that Mr. Madill had invited them to attend the July meeting to work things out, which they did not do, and wondered why they, instead, came back tonight with a letter threatening litigation. He added that the RC CDD has no intention to infringe on anyone's civil rights to practice their freedom of religion in whatever way, shape or form they choose to do so.

Mr. Leventry concluded by saying the Board will discuss the matter further with District Counsel and the District Manager.

Mr. Altman explained that the assessments that result from the budget are assessments levied on the properties within the community, and are not considered as taxes – so a County Tax or ad valorem tax is different. He added that the CDD maintains and operates the public infrastructure of the community and, in all cases, private property is not benefited by the efforts of the CDD assessments, but rather they go to pay common bills and expenses of the community. All property owners are expected to maintain their private properties.

Mr. Altman acknowledged the Board's recognition of the need to shore-up some financial issues and noted his encouragement over the apparent understanding in the community of the necessary adjustments. It also reflects a confidence they have in the CDD, he added. In terms of the actual budget, he also suggested that any changes in line items in the budget could be made by amendment.

Mr. Leventry again asked if any residents in the audience had any further comments on the budget. No one responded.

Mr. Leventry noted that for two years now the District had not raised assessments. He added that the District debt has been lowered and that the Board had not had to use the credit line – and credited the Board, Management Company and District Manager.

MOTION TO:	Approve Resolution 2009-11, Approving Fiscal Year 2010 Budget.
MADE BY:	Supervisor Leventry
SECONDED BY:	Supervisor Fernandez

DISCUSSION:	Discussion of the line item on security in the Budget arose and District Counsel provided clarification on the authority it has under Florida Statutes. Authority to provide for parks, indoor and outdoor recreation facilities and their maintenance and operation followed. District Counsel explained that District authority is explicit and implied. Discussion of commercial enterprise and authority of the CDD followed.
RESULT:	Called to Vote: motion PASSED 5/0 - Motion passed unanimously

MOTION TO:	Close the public hearing on Fiscal Year 2010 Budget
MADE BY:	Supervisor Leventry
SECONDED BY:	Supervisor Torres
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 5/0 - Motion passed unanimously

Mr. Altman suggested a 15-minute break and the Board agreed.

C. Consideration of Operations and Maintenance Expenditures August, 2009

After completion of the public hearing, the Board reviewed and briefly discussed August Operations and Maintenance Expenditures.

MOTION TO:	Approve the Operations and Maintenance Expenditures August, 2009.
MADE BY:	Supervisor Doherty
SECONDED BY:	Supervisor Leventry
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 5/0 - Motion passed unanimously

B. Consideration of Resolution 2009-12, Setting the Fiscal Year 2010 Meeting Schedule

Discussion of meeting schedule and start time followed.

MOTION TO:	Motion to move January 1 st meeting to January 8 th ; July 4 th meeting to July 8 th , and September 2 nd to September 9 th , and to move meeting start-time back to 6:00 PM.
MADE BY:	Supervisor Leventry
SECONDED BY:	Supervisor Madill
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 4/1 - Motion passed, Supervisor Torres opposed

C. Public Hearing on Community Rules and Regulations

Mr. Altman requested a motion to open the public hearing.

MOTION TO:	Open public hearing on Community Rules and Regulations.
MADE BY:	Supervisor Leventry
SECONDED BY:	Supervisor Torres
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 5/0 - Motion passed unanimously

Mr. Altman requested that the record reflect that no one from the public is present to make comment.

MOTION TO:	Close the public hearing on Community Rules and Regulations
MADE BY:	Supervisor Leventry
SECONDED BY:	Supervisor Madill
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 5/0 - Motion passed unanimously

D. Consideration of Resolution 2009-13, Setting the Community Rules and Regulations

Mr. Leventry asked for clarification on assessment for public use of amenities and discussion of determination of a reasonable rate for access. Issues including the "Nanny" card and advanced notice of guests were also discussed with clarification provided by Mr. Reidt.

MOTION TO:	Approve Resolution 2009-13, Setting the Community Rules and Regulations, including charges for pool and rental agreement.
MADE BY:	Supervisor Leventry
SECONDED BY:	Supervisor Madill
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 5/0 - Motion passed unanimously

8. STAFF REPORTS

A. District Manager

1. Financial Statement Month Ending June 30, 2009 (Tab 10)

There were no comments on this item.

2. Construction Financial Statement Month Ending June 30, 2009 (Tab 11)

There were no comments on this item.

B. Field Manager

1. Manager's Report (Tab 12)

Mr. Reidt reported on recent meetings with DEP on Mitigation sites #1 and #2 and their determination that they are now compliant. DEP will inspect again in six-months. He also reported on Mitigation areas #4 and #5 and said that within the next fiscal year the District should be released from this problem.

Mr. Reidt also reported that he is working with TECO and starting the process of ceding all the lights on Simms Road back to the county.

i. Landscape Inspections (Tab 13)

Mr. Reidt reviewed landscape inspections. He also reviewed additional projects with the Board.

MOTION TO:	Approve landscaping projects totaling approximately \$1,400.
MADE BY:	Supervisor Fernandez
SECONDED BY:	Supervisor Torres
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 5/0 - Motion passed unanimously

ii. Waterway Report (Tab 14)

There were no comments on this item

9. SUPERVISOR REQUESTS AND AUDIENCE COMMENTS

Mr. Leventry asked Mr. Reidt to arrange to meet with the school Principal and School Board regarding the continued problem with street parking. Also, point out Oak tree branches that need to be trimmed along the sidewalk.

Mr. Madill reported on problems with morning lessons at the pool and screaming 3-year olds.

Mr. Altman suggested, in light of legal issues that were addressed tonight, that District Counsel sit down and communicate with their counsel to see if we can clarify the situation. Mr. Madill asked if the Budget could be amended and Mr. Altman, and Mr. Basurto, both stated that it could.

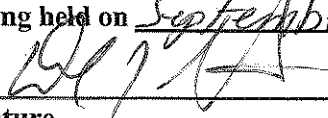
10. ADJOURNMENT

MOTION TO:	Adjourn the Rivercrest CDD Board of Supervisors meeting.
MADE BY:	Supervisor Leventry
SECONDED BY:	Supervisor Torres
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 5/0 - 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 September 3, 2009



Signature

Daniel J. Leventry

Printed Name

Title:
 Chairman
 Vice Chairman

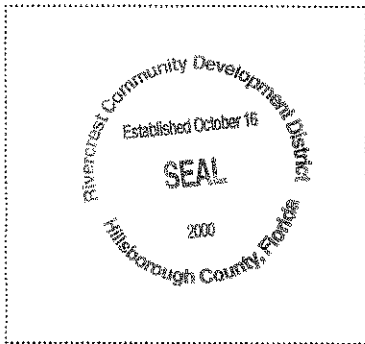


Signature

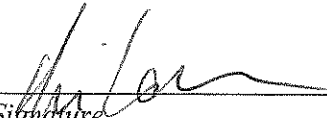
PETER A. ALTMAN

Printed Name

Title:
 Secretary
 Assistant Secretary



Recorded by Records Administrator



Signature

9/16/09

Date