

MINUTES OF MEETING

RIVINGTON COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Rivington Community Development District was held Wednesday, March 31, 2021, at 11:30 a.m. at the City of DeBary City Hall, 16 Colomba Road, DeBary, FL 32713.

Present and constituting a quorum were:

Jeffrey Reader	Chairman
Steven Costa (<i>via Zoom</i>)	Assistant Secretary
Marlene DeMarco	Assistant Secretary
Kimberly Locher	Assistant Secretary

Also participating, either in person or via communications media technology, were:

Gary Moyer	Manager: Moyer Management Group
Mark Watts	Attorney: Cobb Cole
Brent Lenzen	Engineer: Kimley-Horn
Dean Barberree	Developer: Reader & Partners
Brenda Burgess	Moyer Management Group

FIRST ORDER OF BUSINESS

Call to Order

Mr. Moyer called the meeting to order at 11:30 a.m.

SECOND ORDER OF BUSINESS

Roll Call

Mr. Moyer called the roll and stated a quorum was present for the meeting.

THIRD ORDER OF BUSINESS

Public Comment Period

There being none, the next order of business followed.

FOURTH ORDER OF BUSINESS

Administrative Matters

A. Oath of Office for Newly Elected Supervisors

Mr. Moyer stated in November, Mr. Barberree, representing the landowner, met with me at City Hall to conduct the landowners meeting. At that time, the results of the election indicated that Ms. Locher received 292 votes, Ms. DeMarco 292 votes, and Ms. Debra Ushkowitz 290 votes. That means Ms. Locher and Ms. DeMarco will serve four-year terms, and Ms. Ushkowitz will serve a two-year term. Two years from now, we will go through this same thing again, until the District is six years old and has 250 registered voters. For the record, I am a Notary of the State of Florida, and as such, can administer oaths of office.

Mr. Moyer administered the oath of office to Ms. Locher and Ms. DeMarco.

Mr. Moyer stated I will distribute the written oath of office for your signature that I will notarize and make part of the minutes of today's meeting. At a future meeting when Ms. Ushkowitz can attend, we will administer the oath of office to her, as well.

B. Consideration of Resolution 2021-01 Canvassing and Certifying the Results of the November 2020 Landowner Election

Mr. Moyer read Resolution 2021-01 into the record by title.

Mr. Moyer stated this is usually what County Commissioners do for general elections where they canvass and certify the election results. This is our way of memorializing what happened at the landowners meeting. I entered the results of the landowners election and the terms of office that will be served.

On MOTION by Mr. Reader, seconded by Ms. Locher, with all in favor, unanimous approval was given to Resolution 2021-01 canvassing and certifying the results of the November 2020 landowner election.

C. Consideration of Resolution 2021-02 Designating Officers

Mr. Moyer read Resolution 2021-02 into the record by title.

Mr. Moyer stated if you want to keep the same organizational structure, I will ask you add Ms. Locher as an Assistant Secretary in place of Ms. Tisha Barberree. Or you can go through each officer position one at a time. Currently Mr. Reader serves as Chairman, Ms. Ushkowitz as Vice Chairman, I serve as Secretary and Treasurer, and the other Board members serve as Assistant Secretaries.

Mr. Reader stated I think it makes sense to add Ms. Locher as Assistant Secretary.

On MOTION by Mr. Reader, seconded by Ms. Locher, with all in favor, unanimous approval was given to Resolution 2021-02 designating the following officers: Mr. Reader as Chairman; Ms. Debra Ushkowitz as Vice Chairman; Mr. Moyer as Secretary and Treasurer; and Mr. Costa, Ms. DeMarco, and Ms. Locher as Assistant Secretaries.

FIFTH ORDER OF BUSINESS

Acceptance of the Minutes of the September 30, 2020, Regular Meeting the November 3, 2020, Landowner Meeting

Mr. Moyer reviewed the minutes, which are included in the agenda package and are available for public review in the local records office or the District Office during normal business hours, and requested additions, corrections, or deletions.

On MOTION by Mr. Reader, seconded by Ms. DeMarco, with all in favor, unanimous approval was given to accept the minutes of the September 30, 2020, regular meeting and the November 3, 2020, landowner meeting, as presented.

SIXTH ORDER OF BUSINESS

Items for Ratification

Mr. Moyer stated these ratifications are for work, in concert with the developer and landowner, that has been done since our last meeting.

A. Documents Related to Phase 1A Infrastructure

Mr. Moyer reviewed the documents related to Phase 1A infrastructure. This is part of the utility sub-agreement for 137 residential units. A maintenance bond and a bill of sale are part of that.

B. Street Light Agreement with Florida Power & Light (“FPL”) for Phase 1B

Mr. Moyer reviewed the street light agreement with FPL for Phase 1B.

C. Performance and Maintenance Guarantee with the City of DeBary for Phase 1B

Mr. Moyer reviewed the performance and maintenance guarantee with the City of DeBary for Phase 1B. At the last meeting, we discussed trying to substitute the District, since we sold the bonds and we are responsible, rather than having to post a performance bond, which they accepted, and that is what this agreement accomplishes. We did not get that far with Volusia County, as I understand it, but we posted the necessary bonds.

D. Change Order #13 with The Briar Team for Phase 1

Mr. Moyer reviewed change order #13 with The Briar Team for Phase 1. I will distribute the updated list of purchase orders and change orders, showing the deducts and additions of change orders to the contract.

Ms. Burgess stated I emailed the financials and the list of purchase orders and change orders that were not included in the agenda package, so those on the Zoom call have that information. That is what Mr. Moyer is distributing now.

Mr. Costa asked are the amounts in red a deduct?

Ms. Burgess stated yes.

Mr. Costa stated so it is money that is not being paid but is a reduction in the money to The Briar Team.

Ms. Burgess stated yes, most of it is for direct purchases of materials for sales tax savings.

Ms. DeMarco stated it is paid, just deficit funding.

Mr. Moyer stated yes, the District purchases them directly and does not pay the sales tax.

Mr. Lenzen stated that is a significant savings. Is that just for materials?

Mr. Moyer stated yes, that is exactly right. We show a deduct for all the materials, and then the District purchases the materials directly. We will still pay for the materials but will not pay the sales tax.

Ms. Burgess stated it is nice to see all those savings added up.

Mr. Reader stated it does add up.

Ms. Locher stated I hope to see savings like that on the amenity center.

E. Assignment of Construction Contract with Omnia Construction Group for the Amenity Center

Mr. Moyer reviewed the assignment of the construction contract with Omnia Construction Group for the amenity center and entrance features.

F. Letter of Maintenance Responsibilities to FEMA

Mr. Moyer reviewed the letter of maintenance responsibilities to FEMA. We, as a District, are committing to operate and maintain the water management system.

Mr. Lenzen stated that is essentially nothing in excess of what we have already committed to do with the water management district. It is basically taking obligations for maintenance and operations for the St. Johns River Water Management District. FEMA wanted something specific saying essentially the same thing, so we used that same information. It is not further committing the District to something you have not already committed to.

Mr. Moyer stated when we sold the bonds, we agreed to all of that, as well as the permits. This is work that is normally the District's responsibility.

Mr. Costa stated I did not see the information on the amenity center. Am I missing it somewhere?

Ms. Burgess stated it was included in the agenda package, item 6E. It is assignment of the contract, page 86.

Mr. Costa stated I have only 42 pages.

Ms. Burgess stated I will email whatever you are missing. It was a fairly large agenda package.

Mr. Costa asked when did you send the email?

Ms. Burgess stated it was late. I sent it yesterday.

Mr. Costa stated please resend that email.

Mr. Watts stated I would like to receive that email, as well. I have the agenda page but not the backup materials.

Ms. Burgess stated yes, I will send it now.

Mr. Reader stated the actual bid is on page 103 if you want to see all that broken out.

Mr. Costa stated I see it, bid total \$816,650.

Mr. Reader stated that is part of it. The total is \$2.6 million based on the contract, which is shown on the next page.

Mr. Costa stated I see a bid for \$1.8 million, so the total looks like a combination of those two.

Mr. Reader stated yes. The total is \$2.65 million. It covers the central amenity, the entrance, the Mews and other parks, and the main public spaces.

Mr. Costa stated that is the big selling point. Are there other documents we are being asked to approve?

Mr. Watts stated everything under item six have been signed by the Chairman or Vice Chairman pursuant to one of our earlier resolutions that authorizes them to sign those documents or sign things that are in furtherance of implementation of the engineer's report and the overall capital plan for the District. These have been executed and are being presented for ratification by the Board.

Mr. Costa stated I still want to read through these documents, but I will support a motion to ratify them.

<p>On MOTION by Mr. Reader, seconded by Ms. DeMarco, with all in favor, unanimous approval was given to ratify the documents related to Phase 1A infrastructure, the street light agreement with FPL for Phase 1B, the performance and maintenance guarantee with the City of DeBary for Phase 1B, change order #13 with The Briar Team for Phase 1, the assignment of the construction contract with Omnia Construction Group for the amenity center, and the letter of maintenance responsibilities to FEMA, as presented.</p>
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SEVENTH ORDER OF BUSINESS

Business Matters

There being none, the next order of business followed.

EIGHTH ORDER OF BUSINESS

District Manager Report

A. Financial Statements (*September 2020 and February 2021*)

Mr. Moyer reviewed the financial statements, which are contained in the agenda package and available for public review in the local records office or the District Office during normal business hours.

Mr. Moyer stated the financial statements through February 28 identify the year-to-date actuals, which are \$93,260. Administrative expenses are \$27,190, field expenses are \$10,093.24.

Ms. Burgess stated the totals are incorrect; total expenditures should be \$37,283.95. My apologies for that. I will correct the formula in the spreadsheet.

Mr. Moyer stated the remaining fund balance is the difference between \$93,260 and \$37,283.95. The remaining financial pages are informational for the end of September 2020, which is for last fiscal year, as well as for the end of February 2021, which is in the current fiscal year that concludes September 30, 2021.

B. Check Register and Invoice Summary (*September 2020 and February 2021*)

Mr. Moyer reviewed the check register, which is contained in the agenda package and available for public review in the local records office or the District Office during normal business hours.

C. Funding Requests #18CP, #19, #20CP, #21CP, #22CP, #23CP, #24CP, #25CP

Mr. Moyer reviewed the funding requests, which are contained in the agenda package and available for public review in the local records office or the District Office during normal business hours.

On MOTION by Mr. Reader, seconded by Ms. DeMarco, with all in favor, unanimous approval was given to the check register and invoice summary, funding request #18CP in the amount of \$75,503.03, funding request #19 in the amount of \$6,235.21, funding request #20CP in the amount of \$110,986.33, funding request #21CP in the amount of \$116,091.50, funding request #22CP in the amount of \$14,178.67, funding request #23CP in the amount of \$45,339.32, funding request #24CP in the amount of \$318,401.62, and funding request #25CP in the amount of \$102,649.06, all as presented.

D. Purchase Orders, Change Orders, and Requisitions (*February 2021*)

Mr. Moyer reviewed the lists of purchase orders, change orders, and requisitions, which are contained in the agenda package and available for public review in the local records office or the District Office during normal business hours.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being nothing to report, the next item followed.

B. Engineer

There being nothing to report, the next item followed.

C. Developer (*Progress Photos*)

Aerial photographs were included in the agenda package showing progress through December 18, 2020.

TENTH ORDER OF BUSINESS

Other Business

Mr. Reader stated we will be having a groundbreaking next week on Friday. Ms. Locher is organizing it.

Ms. Locher stated we are kicking off next week, on Thursday with a realtor event in the evening touring the models and a groundbreaking on Friday. It will be simple and is more of a public relations moment than anything. The official grand opening for the community is on Saturday. We are excited.

Mr. Watts asked is that for the overall project, or just the amenity center, or some combination?

Ms. Locher stated the grand opening is for the overall community. The groundbreaking is just for the amenity center.

Mr. Reader stated hopefully by that time, the intersection at Fort Florida will be complete.

Ms. Locher stated Mr. Barberree assured me it would be complete on Wednesday and not to stress.

Mr. Moyer stated congratulations to everyone.

Ms. Locher stated homes are selling faster than we can keep up. We had another seven sales this past week. We have well over 40 homes sold. K Hovnanian Cambridge is catching up quickly. They were going to hold off selling their townhomes, but the demand is so great that they are going to go ahead and start selling.

Mr. Moyer stated my daughter just bought a house in the Bay Hill area, and there is no inventory. It is brutal. You get ten offers in the first six hours.

ELEVENTH ORDER OF BUSINESS

Supervisor Requests

Mr. Reader stated I mentioned this to Mr. Lenzen earlier, but as I was driving through Phase 1B earlier, the fence on top of the retaining wall is tilting a little. I asked him to take a look at it. It is probably fine, but I would like the engineer to look at it.

TWELFTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Reader, seconded by Ms. DeMarco, with all in favor, the meeting adjourned at 11:55 p.m.
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Gary L. Moyer, Secretary

Jeffrey Reader, Chairman