

# MINUTES OF MEETING

## RIVINGTON COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Rivington Community Development District was held Wednesday, August 25, 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
Debra Ushkowitz ( <i>via phone</i> )	Vice Chairman
Steven Costa	Assistant Secretary
Marlene DeMarco	Assistant Secretary
Kimberly Locher	Assistant Secretary

Also participating were:

Gary Moyer	Manager: Moyer Management Group
Angel Montagna	Manager: Moyer Management Group
Brent Lenzen	Engineer: Kimley-Horn and Associates
Brenda Burgess ( <i>via phone</i> )	Moyer Management Group

### FIRST ORDER OF BUSINESS

#### Call to Order

Mr. Moyer called the meeting to order at 11:35 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

#### Acceptance of the Minutes of the June 23, 2021, Regular 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.

<p>On MOTION by Ms. Locher, seconded by Mr. Reader, with all in favor, unanimous approval was given to accept the minutes of the June 23, 2021, regular meeting, as presented.</p>
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### FIFTH ORDER OF BUSINESS

#### Items for Ratification

##### A. Resolution 2021-04 Setting an Assessment Hearing

Mr. Moyer read Resolution 2021-04 into the record by title.

**B. Resolution 2021-05 Designating a District Manager**

Mr. Moyer read Resolution 2021-05 into the record by title.

**C. Resolution 2021-06 Designating Officers**

Mr. Moyer read Resolution 2021-06 into the record by title.

**D. Resolution 2021-07 Authorizing Bank Signatories**

Mr. Moyer read Resolution 2021-07 into the record by title.

Ms. Burgess stated by way of explanation, generally we bring these resolutions to the Board for approval. Because the Board approved the Inframark contract to begin July 1, 2021, we wanted to start getting some things transferred over before today's meeting. This is the reason we are asking the Board to ratify the resolutions that have already been executed. Otherwise you would normally see them in advance to approve, not ratify.

Mr. Moyer stated they are essentially organizational items.

Ms. Burgess stated we did ask Mr. Watts for his review to make sure he was fine with them being executed in advance.

**E. Plats for Phases 1A, 1B, 1C, and 1D**

Mr. Moyer reviewed the plats for Phases 1A, 1B, 1C, and 1D.

On MOTION by Ms. Locher, seconded by Mr. Reader, with all in favor, unanimous approval was given to ratify Resolution 2021-04 setting an assessment hearing; Resolution 2021-05 designating a District Manager; Resolution 2021-06 designating officers; Resolution 2021-07 authorizing bank signatories; and plats for Phases 1A, 1B, 1C, and 1D, as presented.
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**SIXTH ORDER OF BUSINESS**

**Public Hearing for Adoption of the Fiscal Year  
2022 Proposed Budget**

**A. Fiscal Year 2022 Proposed Budget**

**B. Resolution 2021-08 Adopting the Budget for Fiscal Year 2022**

Mr. Moyer read Resolution 2021-08 into the record by title.

Mr. Moyer opened the public hearing for adoption of the budget for fiscal year 2022.

Mr. Moyer stated because of the notice requirements, we were not able to get that done for this meeting. We sent out a notice to all the property owners regarding the hearing to be held September 14, 2021. I recommend the Board adopt a resolution that will indicate we are changing the date of the public hearing from today to September 14 at this location at 11:30 a.m.

Ms. Burgess stated today has been appropriately advertised for the budget hearing. The assessment hearing was not, which will be held September 14. The Board can still adopt the budget today if they want.

Ms. Locher stated we usually have both hearings on the same date. Will that still give us time? Will we continue this meeting to be able to do that?

Mr. Moyer stated yes, you can continue the public hearing on the budget until September 14. Then you will have another couple weeks to review the budget. It is essentially the same as we discussed at the last meeting. It sets the cap of \$800 for assessments, and the balance is assessed on the acreage in accordance with the budget.

Ms. Locher stated I am sure everything is fine, but I would like to have both hearings the same day.

Mr. Moyer stated that is not a problem.

Mr. Reader asked it does not impact the timing? It just goes into effect for fiscal year 2022?

Mr. Moyer stated that is correct.

Mr. Reader stated I am fine with that.

Mr. Moyer stated Ms. Burgess confirmed with the property appraiser and tax collector that we can certify the roll by their September 15, which was the reason we want to hold the hearings on the 14<sup>th</sup> since their deadline is the 15<sup>th</sup>.

On MOTION by Mr. Reader, seconded by Ms. Locher, with all in favor, unanimous approval was given to continue the public hearing for adoption of the fiscal year 2022 budget to Tuesday, September 14, 2021, at 11:30 a.m. at City of DeBary City Hall, 16 Colomba Road, DeBary, Florida.

### **C. Resolution 2021-09 Rescheduling the Assessment Hearing**

Mr. Moyer read Resolution 2021-09 into the record by title.

On MOTION by Ms. Locher, seconded by Ms. DeMarco, with all in favor, unanimous approval was given to Resolution 2021-09 rescheduling the assessment hearing to Tuesday, September 14, 2021, at 11:30 a.m. at City of DeBary City Hall, 16 Colomba Road, DeBary, Florida.

**SEVENTH ORDER OF BUSINESS**

**Business Matters**

**A. Consideration of Resolution 2021-10 Maintenance of Potable Water System**

Mr. Moyer read Resolution 2021-10 into the record by title.

Mr. Lenzen stated in summary, this is for potable water but also includes reclaimed water services, which are outside Volusia County utility's ownership and maintenance obligation. In this scenario, it is converting those individual service lines up to five feet outside these lots for the District to maintain.

Mr. Reader stated it makes sense to me.

On MOTION by Mr. Reader, seconded by Ms. DeMarco, with all in favor, unanimous approval was given to Resolution 2021-10 for maintenance of the potable water system.
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**EIGHTH ORDER OF BUSINESS**

**District Manager Report**

**A. Financial Statements (July 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 financials are through ten months of the fiscal year, and fiscal year 2022 will begin October 1, 2021.

Mr. Reader asked have we collected more in assessments that we budgeted?

Ms. Burgess stated I made a similar comment at the last meeting. The financials show we over collected assessments in the general fund and under collected in the debt service fund. Going forward, Inframark will be preparing your financials, so they will look a little different. I will ask them to help me figure out where I miscoded that \$11,000.

Mr. Moyer stated Inframark has a program, as do most District management companies, to do fund accounting. Ms. Burgess does not have any fund accounting software. She uses QuickBooks and Excel, which are not really the right programs to do fund accounting. By transferring this to Inframark, the financial statements will be on a computer system that is set up for fund accounting.

Ms. Locher stated through the transition with the paydowns we are doing, I presume all that tracks into that system so we can get printouts of it.

Ms. Montagna stated yes.

On MOTION by Mr. Reader, seconded by Ms. DeMarco, with all in favor, unanimous approval was given to the financial statements, as presented.

**B. Check Register and Invoice Summary (July 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 #29CP and #30CP**

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.

**D. Purchase Orders, Change Orders, and Requisitions (July 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.

Ms. Burgess stated on the list of purchase orders, I am missing a change order for Omnia Construction Group, so I would like to get with Ms. Locher after the meeting.

Ms. Locher stated it is best to get with Ms. DeMarco instead of me since she processes those.

**E. Meeting Schedule for Fiscal Year 2022**

Mr. Moyer reviewed the meeting schedule proposed for fiscal year 2022.

Ms. Locher stated the agenda package I received would not let me get past the maps to see the meeting schedule. I presume they are the same days as we have been meeting?

Mr. Moyer stated yes, the only change is November. Rather than meeting the week of Thanksgiving, we moved it a week earlier.

Ms. Locher stated I will request Ms. Burgess send a meeting request to everyone for all the meetings so everyone has them on their schedule.

Ms. Burgess stated yes, I will take care of that.

On MOTION by Ms. Locher, seconded by Mr. Reader, with all in favor, unanimous approval was given to the check register and invoice summary; funding request #29CP in the amount of \$590,697.56; funding request #30CP in the amount of \$187,399.46; the list of purchase orders, change orders, and requisitions; and the meeting schedule for fiscal year 2022, all as presented.

**NINTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Moyer stated Mr. Mark Watts is not on the phone, but he is working on the annexation petition.

Mr. Barberree stated they are drafting it. I am not sure of the timeline. I know they have to give notice. It is in process, but I do not know the Board needs to take any action to authorize that to happen.

Mr. Moyer stated we discussed this at our previous meeting and authorized him to proceed.

**B. Engineer**

Mr. Lenzen stated we made great progress with the plats for Phases 1A through 1D. Phase 2 approval of the development order was issued last week. We are working to set preconstruction meetings for Phase 2. We are also working on the 30 acres to be annexed.

**C. Developer**

Mr. Barberree stated we are organizing for a bond issuance for Phase 2. The timeline is to be determined, but probably early 2022. We are working on the documents and engineering reports needed. We had a call to discuss how to get that organized, so we will need to set something in the next month or so. As Mr. Lenzen indicated, Phase 2 has been approved, and construction will be imminent. Generally everything is moving pursuant to plan. There are always a few bumps in the road, but in some ways, they are better than what we planned.

**TENTH ORDER OF BUSINESS**

**Other Business**

Ms. Locher stated I understand today is Mr. Moyer's last official day. I am happy for him, sad to see him go, but excited to work with Ms. Montagna.

Mr. Moyer stated I may show up at a future meeting. It has been my pleasure to serve as your manager, and I wish everyone the best.

**ELEVENTH ORDER OF BUSINESS**

**Supervisor Requests**

There being none, the next order of business followed.

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Ms. Locher, seconded by Ms. DeMarco, with all in favor, the meeting adjourned at 11:40 a.m.
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Gary L. Moyer, Secretary

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Jeffrey Reader, Chairman