

MINUTES OF MEETING RIVINGTON COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Rivington Community Development District was held Wednesday, July 27, 2022, 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	Assistant Secretary
Marlene DeMarco	Assistant Secretary
Kimberly Locher	Assistant Secretary

Also participating were:

Angel Montagna	Manager: Inframark, Management Division
Nika Hosseini	Attorney: Cobb Cole
Jack Enstrom	Engineer: Kimley-Horn and Associates
Dean Barberree	Reader & Partners
Sean Israel	Inframark, Management Division
Residents and Members of the Public	

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

Ms. Montagna called the meeting to order at 11:33 a.m.

Ms. Montagna called the roll and indicated a quorum was present for the meeting.

SECOND ORDER OF BUSINESS

Public Comment Period

A Resident stated I understand we are supposed to receive access cards for the pool today.

Ms. Montagna stated that is correct. The pool will be open today. Mr. Israel will be onsite from 2:00 to 4:00 p.m. to distribute access cards, and he will also be onsite Friday. The cards can also be mailed to residents, or residents can pick them up in the Celebration office.

THIRD ORDER OF BUSINESS

Acceptance of the Minutes of the June 22, 2022, Regular Meeting

The minutes are included 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 Ms. Locher, seconded by Ms. DeMarco, with all in favor, unanimous approval was given to accept the minutes of the June 22, 2022, meeting, as presented.
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FOURTH ORDER OF BUSINESS Ratification Items

A. Corrective Quit-Claim Deed to HR Rivington for OS-4, Phase 1

On MOTION by Mr. Reader, seconded by Ms. Locher, with all in favor, unanimous approval was given to ratify the corrective quit-claim deed to HR Rivington for OS-4, Phase 1.

B. Roadway Maintenance Agreement with the City of DeBary

Ms. Hosseini stated this is to appease the City of DeBary. We have not had any issues with any other phases, but they want to ensure if we dedicate rights-of-way with utilities and the utility company causes any issues or damages, any maintenance is the responsibility of the District.

On MOTION by Ms. Locher, seconded by Ms. DeMarco, with all in favor, unanimous approval was given to ratify the roadway maintenance agreement with the City of DeBary.

C. Quit-Claim Deed for Open Space and Pond Tracts for Phase 2B Plat

On MOTION by Ms. Locher, seconded by Ms. DeMarco, with all in favor, unanimous approval was given to ratify the quit-claim deed for open space and pond tracts for Phase 2B plat.

FIFTH ORDER OF BUSINESS Recreation Center Acquisition

A. Acceptance of Quit-Claim Deed from Empire Cattle for the Recreation Center's Tract of Land

On MOTION by Mr. Reader, seconded by Ms. DeMarco, with all in favor, unanimous approval was given to accept the quit-claim deed from Empire Cattle for the recreation center's tract of land.

B. Acceptance of Bill of Sale from HR Rivington Regarding Recreation Center Acquisition

On MOTION by Mr. Reader, seconded by Ms. Locher, with all in favor, unanimous approval was given to the bill of sale from HR Rivington regarding the recreation center acquisition.

SIXTH ORDER OF BUSINESS Business Matters

A. Proposal from Aquatic Weed Control for Pond 6

Ms. Montagna stated we asked for this proposal because this pond has been added to the District's maintenance responsibilities. I spoke with Mr. Barberree about this, and he was fine with it. This cost was included in the proposed budget for fiscal year 2023.

Mr. Costa asked is this a monthly visit for aquatic weed control services?

Ms. Montagna stated yes.

Mr. Costa asked if one has a problem, do they provide follow-up calls?

Ms. Montagna stated yes.

Mr. Costa stated this agreement has an automatic renewal at the end of the 12-month period if we do not provide notice.

Ms. Montagna stated typically when we start the next budget cycle, I reach out to all the vendors. I personally always ask to have that provision removed. I do not like it on automatic renewal, because sometimes it slips through. Sometimes they will include a 3% escalator, of which no one is aware, and then we are over budget. So I will reach out to all vendors and ask them to provide something for the Board indicating fees for the upcoming year instead of having it on automatic renewal.

Ms. Locher stated it says automatic renewal, but we have a 30-day termination provision.

Ms. Montagna stated that is correct.

Ms. Locher stated that offsets it, so if we need to terminate, we have the ability.

Ms. Montagna stated that is correct.

On MOTION by Mr. Costa, seconded by Ms. Locher, with all in favor, unanimous approval was given to the proposal from Aquatic Weed Control for Pond 6, in the amount of \$130.00 per month.
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B. Proposal from Aquatic Weed Control for Trash Removal

Ms. Montagna stated I will ask the Board not to approve this proposal because they should be doing this already. They will not be getting into the physical water to pick up trash, but anything that is around the perimeter, which is where trash typically is, they should be picking that up when they are onsite treating the ponds. They should not need an additional proposal to do that. It is the same with field services when we are providing janitorial and field services; anything that is along the woodline or the pond edges will be picked up. We will not provide a proposal to do that work. Cepra Landscaping does the same thing. If trash is in their areas, they are picking it up. They are not asking for

additional monies to do that. Unless the Board feels differently, I will ask the Board not to approve this proposal.

Mr. Reader stated I am fine with that. I am curious about one thing. The stacked block wall needs to be maintained and cleaned up. Will they take care of that?

Ms. Montagna stated yes. We have talked to them and asked, and I understand that will be an additional proposal because they will have to get into a boat to get the vegetation off the wall and clean it, which is fine. They have not provided that proposal yet, but we have discussed it with them. This proposal was just for picking up trash around the ponds.

Mr. Reader stated I cannot imagine they would need to clean that wall more than a couple times a year.

Ms. Montagna stated yes. It is your focal point, so we want to keep our eyes on it, and we will. But I agree at least twice a year is what it will take.

Mr. Costa asked if we are not approving this proposal because they should be picking up trash, the question is, are they?

Ms. Montagna stated that is the debate we are having now. I told them they should be picking it up, and I have not received their response.

Mr. Reader stated we can wait on this.

Mr. Costa asked do we have an issue with trash now?

Ms. Montagna stated we have talked back and forth. Trash is out there. We have sent staff to pick it up. We are currently picking it up three days per week. Cepra Landscaping said it was no problem to pick up trash they see because that is what they provide. Aquatic Weed Control provided a proposal to pick up trash, but if they are treating the pond and trash is right there, they should simply pick it up.

Ms. Locher stated agreed, and they want to charge \$100 per month.

Ms. Montagna stated we are not asking them to get into the boat and go on the water. That is different, and they can provide a proposal to do that, but not around the perimeter, which is where 99.9% of the trash is. It blows to the edge of the pond.

C. Proposal from Cepra Landscaping for Recreation Center Maintenance

Ms. Montagna stated this proposal will add landscape maintenance for the recreation center to their current contract.

Mr. Reader asked is their proposal a market price?

Ms. Montagna stated yes.

On MOTION by Mr. Reader, seconded by Ms. Locher, with all in favor, unanimous approval was given to the proposal from Cepra Landscaping for landscaping, irrigation, and pond mowing services for Phase 2a and the recreation center, in the amount of \$1,576.00 per month.

D. Ratification of the Proposal from Southeast Pools for Swimming Pool Maintenance

Ms. Montagna stated we reached out to three pool vendors. This one was the best and cheapest that included chemicals, brushing, cleaning, insurance, and everything. It was all inclusive. Ms. Hosseini and Mr. Mark Watts reviewed the agreement. We engaged them to begin cleaning the pools, so I will ask for a motion to ratify this proposal.

Mr. Reader asked they are a capable group?

Ms. Montagna stated yes, and they are doing a good job. The pool had some issues for a bit, but they were responsive and got it under control. The pool looks great, and they have been very responsive. We also have a 30-day termination clause if it is needed.

On MOTION by Mr. Reader, seconded by Ms. DeMarco, with all in favor, unanimous approval was given to ratify the proposal from Southeast Pools for swimming pool maintenance, in the amount of \$1,785.00 per month.

E. Acceptance of Audited Financial Statements for Fiscal Year 2021

Ms. Montagna reviewed the audited financial statements for fiscal year 2021.

On MOTION by Mr. Reader, seconded by Ms. DeMarco, with all in favor, unanimous approval was given to accept the audited financial statements for fiscal year 2021 and to ratify staff's actions in filing it with the appropriate governmental agencies.

F. Consideration of Recreation Center Rules

i. Recreation Center Rules

Ms. Montagna stated we provided some draft rules for the recreation center and facilities. They were provided in advance to Mr. Barberree and Ms. Locher, who added some comments, revisions, and concerns. We scheduled the public hearing for next month to be able to finalize the rules and implement fees. Board members can send comments, changes or additions to me in the meantime, and we can incorporate those. We will include this rulemaking hearing on the same agenda as the budget hearing. We will have general rules and policies set up. Residents will receive them with the

registration form and access cards, which are standard, basic rules. Until these are adopted, we have no formal rules.

Ms. Locher asked we cannot adopt them now?

Ms. Montagna stated no, we need to have a public hearing to adopt rules and set fees. We opened the pool for Independence Day weekend. We had someone onsite, but we had no issues. Everyone was very cordial and happy it was open. It is a beautiful pool. We are hoping we continue to have no issues.

Mr. Costa asked who enforces the rules?

Ms. Locher stated we have a security system.

Mr. Reader stated practically, we could have someone onsite 24/7, but it is not cost effective to do that. If we have issues, we can change rules or continue to observe rules.

Ms. Montagna stated with us beginning to provide field services, which the Board will ratify momentarily, we have someone onsite three times a week who will check on things. If we start to see things happening that should not be, then we can address it and see if the rules need to be changed or additions made. We can look at security footage. We can deny access. We can deactivate access cards. Staff is onsite, not 24/7 at the pool, but onsite three times a week for a minimum of four hours per visit.

Mr. Reader stated I am fine with these. They look fairly standard. It looks like the numbers for the maximum number of guests in the pool and community room need to be completed. Are we waiting for the fire marshal to tell us that?

Ms. Montagna stated it depends on what the Board wants. We do have the capacity numbers. Typically you would let a member of the household bring up to three or four guests. Some districts allow only two guests per household, while some allow two guests per person in the household. If six people live in one house, can they have 12 guests? That is a Board decision as to number of guests. We narrowed it down on the number of access cards, which are two maximum per household for two adults. They receive one when they move in, and they can purchase an additional card or for a replacement. But they will only receive two per household as opposed to five people in a family, each with an access card. We have seen they will start giving them out, so non-residents then are using the District's facilities. The meeting room will not be open but is available to be rented. It will not generally be open for any use other than someone who has reserved and rented it for an event. That room will have a maximum number of occupants. We have those capacity numbers; I just do not have them in front of me.

Mr. Reader stated that seems fairly standard. With the pool area, my thought was if you have a certain number of people with you, then you need to register or reserve it as a party or something.

Ms. Montagna stated we can do it that way.

Mr. Reader stated in general, I think Independence Day weekend is when you will have issues, but outside of that time, I do not imagine we will have issues.

Ms. Montagna stated no, because I do not think we will have neighboring communities trying to use our facilities, because there are not any in the area. So I do not think we will deal with that at all. I do not think someone will walk up with 30 people and ask to use the swimming pool or have a party. We can set it up for however many guests you want to allow.

Ms. Locher stated I will usually start smaller, for example, up to four guests.

Ms. Montagna stated I think four is reasonable.

Ms. Locher stated if you have two kids and they each bring a friend, that is usually what we will see. We will not normally see more than that. If we do, it becomes a party.

Mr. Reader stated let us do four guests. We can always change it if people have issues. It seems reasonable.

Ms. Montagna stated so we will limit guests to four per household.

Mr. Costa stated hopefully people conduct themselves properly.

Ms. Montagna stated that is the hope.

Mr. Costa stated I think the worst thing is to be enforcing all these rules and being onsite all the time.

Ms. Montagna stated yes, and that is not what we want.

Mr. Costa stated that is why I asked who is in charge of enforcing the rules.

Ms. Montagna stated we can enforce the rules if needed. We can restrict access, which is a matter of pressing a button on the computer, and they will not have access to anything until they come before the Board and apologize, acknowledge they violated the rules, and request access. If the Board agrees, then we simply press a button on the computer. Hopefully we do not get to that point, but we do have the ability to do it.

Mr. Reader stated we will notice when there are complaints.

Ms. Montagna stated yes. If you have additional ideas or suggestions before next month, let me know. It is a Word document we can track and show highlighted for the hearing, at which time we will finalize the rules.

ii. Draft Access Registration Form and Event Use Reservation Forms

Ms. Montagna stated these are standard forms people are filling out to register for access cards. We provided an Inframark form originally to get them started, but this is a District form. It has the same information but is on District letterhead. It will be the official form for residents to register for an access card or to make a reservation to use the community room. These will be made part of the rules that will be adopted next month. You can send any changes to me on these forms, as well.

iii. Resolution 2022-07, Setting a Rulemaking Hearing

Ms. Montagna read Resolution 2022-07 into the record by title.

Ms. Locher stated the “now therefore” clause refers to Xentury City and should be Rivington.

Ms. Montagna stated we will get that changed. This resolution sets the rulemaking hearing for August 24, 2022, the same date and time as the budget hearing.

On MOTION by Ms. Locher, seconded by Mr. Reader, with all in favor, unanimous approval was given to Resolution 2022-07, as amended to remove reference to “Xentury City,” setting a rulemaking hearing for Wednesday, August 24, 2022, at 11:30 a.m. at DeBary City Hall.

SEVENTH ORDER OF BUSINESS

District Manager Report

A. Financial Statements

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

B. Check Register and Invoice Summary

The check register and invoice summary 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, as presented.

C. Ratification of Funding Request #41CP

The funding request is 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. Locher, with all in favor, unanimous approval was given to ratify funding request #41CP, as presented.

D. Purchase Orders, Change Orders, and Requisitions

The list of purchase orders, change orders, and requisitions is 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 Ms. Locher, seconded by Ms. DeMarco, with all in favor, unanimous approval was given to ratify the purchase orders, change orders, and requisitions, as presented.

E. Field Items

i. Fence Repair

Ms. Montagna stated we solicited proposals for fence repair and received two quotes. One is from Inframark for \$1,508, and the other from Tighten-Up Fencing for \$1,698.

Ms. Locher stated I recommend we go with Inframark since I believe they will be able to get it done the fastest. It needs to be fixed.

Ms. Montagna stated it has been down for a while.

Ms. Locher stated yes, about a month and a half.

Mr. Reader asked on the trail where it crosses over?

Ms. Locher stated yes, it is blocked off with yellow tape.

Ms. Montagna stated we have never heard a word from the home owner there. They actually went out to clean it up. We went out to clean it up, but they had already done it.

On MOTION by Mr. Reader, seconded by Ms. Locher, with all in favor, unanimous approval was given to the proposal from Inframark to repair the fence, as discussed, in the amount of \$1,508.00.

Ms. Montagna stated we will have this addressed immediately.

ii. Dog Stations

Ms. Montagna stated we provided a proposal for six dog stations. They are \$567.34 each, which includes installation. If you know another company that will provide this service, we are happy to contact them. We called five vendors, but no one services this area. Once you give us the locations, we can ask Cepra Landscaping to add the six stations into their contract to clean.

Mr. Reader asked will six be enough?

Ms. Locher stated that is why I wanted to look at a map. I think we may want to order a few more.

Mr. Reader stated we could have them around the pond, and then on the trail and perhaps in the parks.

Ms. Locher stated we do not need a lot more than that, but we need some.

Ms. Montagna stated you can approve an amount not to exceed if you want to move forward with this and not wait another 30 days. Then we can at least get the materials ordered. You can include a few more in that not-to-exceed number, if that is what you are looking for.

Ms. Locher stated let us do that, and we can look at the map for locations. I suggest a not-to-exceed number of eight stations, so add two more. Then we can put them on a map so Cepra Landscaping knows where they are.

On MOTION by Mr. Reader, seconded by Ms. Locher, with all in favor, unanimous approval was given to the proposal from Inframark to provide eight dog stations, in the amount of \$567.34 per station.

iii. First Amendment to the Management Services Master Agreement for with Inframark

Ms. Montagna stated we added field services to our contract, which is included in the proposed budget for fiscal year 2023. We executed this amendment prior to the meeting. It provides three times a week for someone to pick up trash throughout the community and doing janitorial services for the recreation center, including cleaning the pool deck, furniture, and anything that needs to be cleaned.

Mr. Reader asked do they clean the community room, too, or is that based on use?

Ms. Montagna stated they clean it regularly, such as dusting, as well as after an event, which is added to the fee schedule for the recreation center, once we start getting reservations for that room.

Ms. Locher stated it is also a way to monitor the facilities because the pool will get heavy use at certain times of the year, so we will catch if things need to be done before it is broken or gets worse.

Ms. Montagna stated they will blow off the pool deck and furniture, umbrellas that are up will be lowered, and residents will see we have staff onsite, which is a little bit of a deterrent.

Ms. Locher stated if a pond has something going on that they need to investigate while they are onsite, they can do that. They can see if Cepra Landscaping is mowing properly or if areas are being missed.

Ms. Montagna stated next month, you will see an actual field report that will show pictures from a community inspection and who remediation is assigned to, such as Cepra Landscaping or the pond company or Inframark for janitorial services or if something is broken at the pool. You will see everything in the entire community in this report.

On MOTION by Mr. Reader, seconded by Ms. Locher, with all in favor, unanimous approval was given to ratify the first amendment to the management services master agreement with Inframark effective July 1, 2022, to include janitorial and field services, in the amount of \$25,000 annually.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Hosseini stated we submitted both the District's expansion and the PUD expansion to the City of DeBary, so we are going through those processes and will hopefully be able to include those additional 9.85 acres into the District and the PUD.

B. Engineer

Mr. Reader stated last time we were at the recreation center, someone made a comments that water was not draining well.

Ms. Locher stated they told us at the grand opening that areas were flooding.

Mr. Reader asked when do we get to a point of addressing it?

Ms. Locher stated usually when it is turned over. It was raining really hard around the grand opening, but I will look again.

Mr. Reader stated we also need to be prepared for hurricane season.

Ms. Locher stated I agree.

C. Developer

Mr. Barberree stated we continue to make progress on Phase 2B, and three small ponds will be added to maintenance activities, which will be in the future relatively soon. Some rights-of-way and small open spaces will be added, but that is a few months away. We continue progress in the field and keep it moving. We are still in the approval process for Phase 4, which is the 200 townhomes. We received DRC approval with conditions. I think within the next month or two, we will have that approval and will be looking to start gearing up for land development. That will probably begin in the fall.

Ms. Montagna asked was the bill of sale signed already for the recreation center?

Mr. Barberree stated I do not recall if I have. I have signed many for utilities and other things, but I do not recall if I signed one for the recreation center.

Ms. Montagna stated Ms. Locher can sign it, just in case.

Ms. Locher stated we do not have the full signature block for HR Rivington that flows down to Reader & Partners. Has Mr. Barberree signed these in the past without the full signature block?

Mr. Barberree stated I do not recall. I usually try to get the full signature block when I can, but sometimes it is not included. It would be better to have the full signature block.

Ms. Montagna stated I will provide that by email with the correct signature block.

NINTH ORDER OF BUSINESS Other Business

There being none, the next order of business followed.

TENTH ORDER OF BUSINESS Supervisor Requests

There being none, the next order of business followed.

ELEVENTH ORDER OF BUSINESS Adjournment

On MOTION by Ms. Locher, seconded by Ms. DeMarco, with all in favor, the meeting adjourned at 11:36 a.m.

Angel Montagna, Secretary

Jeffrey Reader, Chairman