

**MINUTES OF MEETING
RIVINGTON COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Rivington Community Development District was held Thursday, September 8, 2022, at 1:00 p.m. at the City of DeBary City Hall, 16 Colomba Road, DeBary, FL 32713.

Present and constituting a quorum were:

Jeffrey Reader (<i>by phone</i>)	Chairman
Debra Ushkowitz	Vice 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
Brent Lenzen	Engineer: Kimley-Horn and Associates
Dean Barberree	Reader & Partners
Sean Israel	Inframark, Management Division

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

Ms. Montagna called the meeting to order at 1:00 p.m.

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

SECOND ORDER OF BUSINESS

Public Comment Period

There being no comments, the next order of business followed.

THIRD ORDER OF BUSINESS

Acceptance of the Minutes of the July 27, 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 July 27, 2022, meeting, as presented.

FOURTH ORDER OF BUSINESS

Business Matters

A. Ratification of Change Order #13 with The Briar Team for Phase 2 Utility Deflections

On MOTION by Ms. Locher, seconded by Ms. DeMarco, with all in favor, unanimous approval was given to ratify change order #13 with The Briar Team for Phase 2 utility deflections, in the amount of \$7,520.96.

B. Addendum #3 with Cepra Landscaping (“Cepra”) for Phase 1C Open Space Mowing

On MOTION by Ms. Ushkowitz, seconded by Ms. Locher, with all in favor, unanimous approval was given to addendum #3 with Cepra Landscaping for Phase 1C open space mowing, in the amount of \$315 per month.

C. Agreement with the Rivington Home Owners Association (“HOA”) for Management and Maintenance

Ms. Montagna stated I did not receive any comments from the HOA in response to my request for questions or revisions.

On MOTION by Ms. Locher, seconded by Ms. DeMarco, with all in favor, unanimous approval was given to agreement with Rivington Home Owners Association for infrastructure management and maintenance, as presented.

FIFTH ORDER OF BUSINESS

Public Hearing to Adopt the Fiscal Year 2023 Budget

A. Resolution 2022-08, Amending the Budget Hearing Date

On MOTION by Ms. Locher, seconded by Ms. Ushkowitz, with all in favor, unanimous approval was given to open the public hearing for adoption of the fiscal year 2023 budget.

Ms. Montagna read Resolution 2022-08 into the record by title.

Ms. Montagna stated we had to move the budget hearing to today due to some advertising issues with the newspaper, which we have since addressed.

On MOTION by Ms. Ushkowitz, seconded by Ms. Locher, with all in favor, unanimous approval was given to Resolution 2022-08, amending the budget hearing date.

B. Fiscal Year 2023 Budget

Ms. Montagna stated the budget has not changed since the last time it was presented.

C. Public Comments

The record will reflect no members of the public were present.

On MOTION by Ms. Locher, seconded by Ms. Ushkowitz, with all in favor, unanimous approval was given to close the public hearing for adoption of the fiscal year 2023 budget.

D. Resolution 2022-09, Adopting the Budget for Fiscal Year 2023

Ms. Montagna read Resolution 2022-09 into the record by title.

On MOTION by Ms. Locher, seconded by Ms. DeMarco, with all in favor, unanimous approval was given to Resolution 2022-09, adopting the budget for fiscal year 2023.

E. Resolution 2022-10, Levying the Assessments for Fiscal Year 2023

On MOTION by Ms. Ushkowitz, seconded by Ms. Locher, with all in favor, unanimous approval was given to open the public hearing for imposition and levy of the fiscal year 2023 assessments.

The record will reflect no members of the public were present.

On MOTION by Ms. Locher, seconded by Ms. Ushkowitz, with all in favor, unanimous approval was given to close the public hearing for imposition and levy of the fiscal year 2023 assessments.

Ms. Montagna read Resolution 2022-10 into the record by title.

On MOTION by Ms. Locher, seconded by Ms. Ushkowitz, with all in favor, unanimous approval was given to Resolution 2022-10, levying the assessments for fiscal year 2023.

SIXTH 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.

On MOTION by Ms. Locher, seconded by Ms. Ushkowitz, with all in favor, unanimous approval was given to accept the financial statements.

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 Ms. Locher, seconded by Ms. DeMarco, with all in favor, unanimous approval was given to the check register and invoice summary.

C. Ratification of Funding Requests #42CP and #43CP

The funding requests 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 Ms. Ushkowitz, seconded by Ms. Locher, with all in favor, unanimous approval was given to ratify funding requests #42CP and #43CP.

D. Ratification of 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.

E. Fiscal Year 2023 Meeting Schedule

Ms. Montagna reviewed the meeting schedule for fiscal year 2023.

Ms. Montagna stated we kept the schedule essentially the same. If we need to add a meeting, cancel any, or if one on the list needs to change, we can amend the schedule.

Ms. Ushkowitz stated November 23 is the week of Thanksgiving.

Ms. Locher stated we may not want to have a meeting the day before Thanksgiving. Can we move it to November 16?

Ms. Montagna stated yes. If we do not have anything pressing, we typically will cancel that particular meeting.

Ms. Ushkowitz stated it would make sense to change the meeting date, just in case, since we have quite a bit of time between now and that meeting date.

On MOTION by Ms. Ushkowitz, seconded by Ms. Locher, with all in favor, unanimous approval was given to the meeting schedule for fiscal year 2023, as amended to change November 23 to November 16.

F. Discussion of Recreation Center Proposed Rules

Ms. Montagna stated we incorporated changes we received, so these are the most current. If the Board does not object, we will post them and order any signage we need.

Ms. Ushkowitz stated the non-resident fee is \$800 annually, which is fairly reasonable. We would not typically have a lot of non-resident memberships, but many times, we will have a higher fee. We do not have a full neighborhood right now, so a non-resident coming in is probably not a big issue. How was that amount determined?

Ms. Montagna stated the amount is usually at the highest assessment in the community, and right now, everyone is paying the same operation and maintenance (“O&M”) assessment. In order to implement that fee, we will have a public hearing on September 28 for the Board to adopt fees related to the recreation center and the community room. You can set the fee at any amount you would like at that time.

Ms. Locher stated we went by what the O&M assessments are right now, as reasonable, but I am open to suggestions.

Mr. Barberree stated as a non-resident, you should expect to pay more than a resident.

Ms. Locher asked should we double it to \$1,600?

Ms. Ushkowitz stated that is what I was thinking and would be my recommendation, at least for now.

Ms. Montagna stated we will put \$1,600 for non-resident annual fee for now, and at the rulemaking hearing, the Board can vote on it and adopt it formally.

On MOTION by Ms. Ushkowitz, seconded by Ms. Locher, with all in favor, unanimous approval was given to increase the non-resident annual membership fee to \$1,600.
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SEVENTH ORDER OF BUSINESS

Staff Reports

A. Field Manager

i. Field Report

The field report is contained in the agenda package and available for public review in the local records office or the District Office during normal business hours.

Ms. Montagna stated Mr. Brett Perez provided an inspection report based on his review through the community and noted some issues. We talked to Cepra about landscaping issues. If anything in the report indicates it needs a proposal, we have reached out to them, and the proposals will be on the next meeting agenda. Cepra’s responses are also included.

Mr. Barberree stated a few things have been accomplished that we, as the developer, have been working on.

Ms. Locher stated I noticed the coontie palms at the roundabout are not doing well in that location. I want to work with Sharon on a different solution.

Ms. Ushkowitz stated I noticed that, too. Perhaps something else can be put there that will add to the color and a little more fullness. The coonties take forever to grow. As an entrance statement, I would replace them.

Ms. Locher stated yes. I did not necessarily like them to begin with, but I understand where she was going with it. The other side is looking so nice and full. I think we need to mirror that on the other side.

Ms. Ushkowitz stated I do not know if the coontie palms had a really bad batch. We installed them at Oakland Park, and they look awful. We are replacing all of them.

Ms. Montagna stated Mr. Perez was onsite, and mulch is around the pool equipment. After a rain, the mulch is washing into the equipment and causing some issues. What he recommended to Cepra and wanted me to discuss with the Board is if they can pull out the mulch around the equipment and install gravel. You have rocks already on a portion of it, so we would just be matching it. The mulch in the beds around the pool is washing into the pool. Our staff will start making sure that is scooped out before the pool company comes. At some point, that mulch sitting there may do some staining.

Ms. Locher stated let me ask Sharon to see if she has an alternative suggestion. I think part of it is the large quantity of mulch.

Ms. Ushkowitz asked is that playground mulch, or mulch around the trees?

Ms. Locher stated mulch around the beds around the pool.

Ms. Montagna stated yes, those beds are in the pool area. The leaves also drop frequently, and we have been removing them. We have not received any complaints about any of this but wanted to bring these issues to your attention for you to think about.

Ms. Locher stated I think that will be an ongoing maintenance issue.

Ms. Montagna stated we got a skimmer so our onsite staff can remove anything in the pool between pool service visits. It is mostly the mulch that is a concern, because if it sits at the bottom of the pool, it could stain the surface.

Ms. Locher stated the report is great.

Ms. Montagna stated we will provide them for every agenda package, as well as in between meetings when we do not meet because the inspection is done monthly. We will make sure Mr. Barberree is included in the emails.

ii. Proposal #25861 from Cepra Landscaping for Palm Tree Injections

Ms. Montagna reviewed proposal #25861 from Cepra for palm tree injections.

Ms. Locher stated a couple palm trees are being replaced.

Ms. Montagna stated this proposal is for ten OTC injections to Sylvester palms in and around the pool area, in the amount of \$375.

Ms. Ushkowitz asked is this for disease prevention, or fertilization?

Ms. Montagna stated it is disease prevention. Sylvesters are prone to disease.

Ms. Ushkowitz stated yes, they are.

Ms. Montagna stated this work does not have to be done, but it is a recommendation and does not have a time limit.

Ms. Locher stated those trees should still be under warranty.

B. Attorney

There being nothing to report, the next item followed.

C. Engineer

Mr. Lenzen stated I drive by every morning very early, and the light is now on the sign. I noticed it is two point lights, and in the dark, you cannot see “Rivington” spelled out. It looks like two isolated points of light on it. I wonder if they can be adjusted to get a broader beam of light for the whole sign.

Ms. Locher stated yes, I will ask. I have not seen those lights.

Mr. Lenzen stated when it is pitch black at night or early in the morning, it is like two focus lights, and you will see only a couple letters for each light.

Ms. Locher stated I have not been out there, and the pictures I had showed them to look really bright. I was wondering about that, but I was told it did not look bad.

Mr. Lenzen stated it is not bad on the west side, but on the side facing east, facing the train tracks and U.S. Hwy 17/92, it is only two small beams of light.

Ms. Locher stated maybe they can be adjusted since they are moveable.

Mr. Costa asked do the columns also have lights?

Mr. Lenzen stated yes.

Mr. Barberree stated keep us apprised.

D. Developer

Mr. Barberree stated we are continuing in Phase 2B. We are paving today. That will get wrapped up soon so builders can start construction. We are starting the bidding process for Phase 4, which is the 30-acre parcel with 202 townhomes. We hope to have approvals in the next 30 days and then can start construction. This afternoon, I was able to look at all the FPL street lights that are out. I talked with the gentleman yesterday who is getting it done. First and foremost, I want to get the street lights operational because we have an abundance of them. We are paying for street lights, but they are not lit.

Ms. Montagna stated I reached out to them, and I am waiting for their accounting department to get back to me. We sent them a long spreadsheet on what we have versus what we have been paying for. They are supposed to be issuing a credit. I have not seen it in writing yet, but they are checking on it to confirm. We have been working with them.

Mr. Barberree stated I think 47 lights are out, most of which were from a failure to be constructed properly, and some were just out. Something got hit or something was out. They figured that out about three months ago. They discussed whether it was an installation issue or a maintenance issue. We waited on them for two or three months until we realized all the lights are still out. I think they will be out starting to fix them. I copied Ms. Montagna on some emails trying to get to a conclusion. Once we get stabilized, we will probably want to issue some information to the home owners what to do. It sounds like you logon a website and tell them where the outage is.

Ms. Montagna stated yes, you give them the pole number.

Mr. Barberree stated they will fix it within 48 hours.

Ms. Montagna stated yes. Even if residents want to send the pole number to me, I can notify FPL on their website. When Mr. Perez does his field inspection once a month, one of the staff members will go out early in the morning or in the evening and take an inventory of what lights are out and get pole numbers. Then we can have a running list instead of waiting for someone to report it.

Mr. Barberree stated hopefully we get some action and see them fixed in the next few weeks. Then we will have more light when it is dark.

EIGHTH ORDER OF BUSINESS Other Business

There being none, the next order of business followed.

NINTH ORDER OF BUSINESS Supervisor Requests

Ms. Ushkowitz stated I looked at the pool and clubhouse, and it looks beautiful with all the landscaping around it.

Ms. Montagna stated yes, it looks really nice.

Ms. Locher stated thank you. I sat under the covered area having lunch before this meeting, and the temperature difference was nice and cool. It is nice to see people using and enjoying the facilities.

Ms. Ushkowitz stated I like the permanently fixed mulch at the playground.

Ms. Locher stated it is called bonded path mulch.

Ms. Ushkowitz stated I am anxious to see how it works with everything else because it looks like it is a great idea.

Ms. Locher stated it works really well. We have used it in other communities, also. This was a bit of a nightmare; it was ripped out and put back in twice, but it is fixed now. The first time, it was the wrong color, and then they got the grade wrong, so they tried to fix it. They just had to tear it all out and redo it. Now it looks good. It allows you to have ADA access everywhere in the playground.

Ms. Ushkowitz asked who installed it?

Ms. Locher stated Parkforms outsourced it to another company, and I do not think I ever knew the name of the company, but I can find out for you.

Mr. Barberree stated not many people do this kind of work. I think they were based out of Louisiana.

Ms. Locher stated it was important that no matter where you went on the playground, similar to the pool and recreation center, it had accessibility.

Ms. Ushkowitz stated under the swings always gets worn out, so it is a stabilized surface without being rubber.

Ms. Locher stated if someone falls out of the swing either way, they will fall into soft mulch.

Ms. Ushkowitz asked is that also ADA compliant, the rubber mulch?

Ms. Locher stated I do not think so. You sink into it.

TENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Locher, seconded by Ms. Ushkowitz, with all in favor, the meeting adjourned at 1:20 p.m.
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Angel Montagna, Secretary

Jeffrey Reader, Chairman