

**MINUTES OF MEETING  
RIVINGTON COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Rivington Community Development District was held Wednesday, November 16, 2022, at 11:30 a.m. at the Rivington recreation center, 833 Terrapin Drive, DeBary, Florida 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
Brent Lenzen	Engineer: Kimley-Horn and Associates
Dean Barberree	Developer: Reader Communities

**FIRST ORDER OF BUSINESS**

**Call to Order and Roll Call**

Ms. Montagna called the meeting to order at 11:41 a.m.

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

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

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

**THIRD ORDER OF BUSINESS**

**Administrative Matters**

**A. Resolution 2023-01, Canvassing and Certifying the Results of the Landowner Election**

Ms. Montagna read Resolution 2023-01 into the record by title. Ms. Montagna asked if there were any questions, and there were none.

On MOTION by Ms. Locher, seconded by Mr. Reader, DeMarco, with all in favor, unanimous approval was given to adopt Resolution 2023-01, canvassing and certifying the results of the landowner election.
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**B. Oath of Office for Newly Elected Supervisors**

Ms. Montagna administered the oath of office to Mr. Reader and Mr. Costa. Ms.

Montagna stated she will swear Ms. Ushkowitz in virtually later this week, to get her sworn in before the next meeting.

**C. Resolution 2023-02, Designating Officers of the District**

Ms. Montagna read Resolution 2023-02 into the record by title.

On MOTION by Mr. Reader, seconded by Ms. Locher, with all in favor, unanimous approval was given to adopt Resolution 2023-02, keeping officers of the District the same: Mr. Reader, Chairman, Ms. Ushkowitz, Vice Chairman, Mr. Costa, Ms. DeMarco, and Ms. Locher as Assistant Secretaries.

**FOURTH ORDER OF BUSINESS**

**Acceptance of the Minutes of the  
September 8, 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 Mr. Reader, with all in favor, unanimous approval was given to accept the minutes of the September 8, 2022, meeting, as presented.

**FIFTH ORDER OF BUSINESS**

**Business Matters**

**A. Audit Selection Committee Recommendation**

Ms. Montagna stated the Audit Committee recommended Berger, Toombs, Elam, Gaines, & Frank for auditing services.

On MOTION by Mr. Reader, seconded by Ms. DeMarco, with all in favor, unanimous approval was given to elect to engage with Berger, Toombs, Elam, Gaines, & Frank for financial audit services for fiscal year 2022.

**SIXTH ORDER OF BUSINESS**

**Public Hearing to Adopt Recreation  
Center Rules**

**A. Rules for Recreation Center Facilities**

The rules for recreation center facilities are included in the agenda package and available for public review in the local records office or the District Office during normal business hours.

**B. Public Comments**

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

**C. Resolution 2023-03, Adopting the Recreation Center Rules**

Ms. Montagna read Resolution 2023-03 into the record by title.

On MOTION by Ms. DeMarco, seconded by Mr. Reader, with all in favor, unanimous approval was given to adopt Resolution 2023-03, adopting the recreation center rules.

**SEVENTH ORDER OF BUSINESS**

**District Manager's 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. DeMarco, seconded by Mr. Reader, 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 Mr. Reader seconded by Ms. Locher, with all in favor, unanimous approval was given to the check register and invoice summary.

**C. Ratification of Funding Request #44CP , #45CP, and #46CP**

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. Costa, seconded by Ms. Locher, with all in favor, unanimous approval was given to ratify funding requests #44CP, #45CP, and #46CP.

**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 Mr. Reader, seconded by Ms. Locher, with all in favor, unanimous approval was given to the list of purchase orders, change orders, and requisitions.

**E. Ratification of Change Order #19**

The list of change orders 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 the ratification of change order #19.

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

**A. Field Manager**

**i. Field Report**

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

Ms. Montagna stated if there are any questions, she would be happy to answer those.

**ii. Proposals**

**a. Cepra Proposal #26180, Remove Mulch, Replace with River Jack at Pool**

Ms. Montagna stated the mulch is getting in the pool equipment.

On MOTION by Ms. Locher, seconded by Mr. Reader, with all in favor, unanimous approval was given to Cepra #26180, removing mulch, and replacing with matching river jack at the pool, in the amount of \$1,490.00.

**b. Cepra Proposal #26182, Live Oak on Rivington Drive**

Ms. Montagna stated this tree is on Rivington Drive, adjacent to Turtle Park. Ms. Montagna asked should this be under warranty?

Ms. Locher stated yes.

Ms. Montagna asked if this proposal should be held for clarification. Ms. Locher stated or if we get clarification in between, let us set a not to exceed amount for payment so payment is not held up for another meeting.

On MOTION by Ms. Locher, seconded by Mr. Reader, with all in favor, unanimous approval was given to Cepra #26182, replacing a Live Oak on Rivington Drive, with a not to exceed amount of \$1300.00, if not under warranty.

**c. Cepra Proposal #27103, Plumbago and Mulch Throughout Community**

Ms. Montagna reviewed proposal #27103 from Cepra.

Ms. Locher stated let us hold off on that one because there some other Plumbago that I do not like how they are performing like in the planter. I want to talk to Sharon about

getting something different recommended for there.

Proposal #27103 was tabled.

**d. Cepra Proposal #27094, Dwarf Fire Bushes and Mulch on Roundabout**

Ms. Montagna presented Cepra proposal #27094.

Ms. Locher stated this is the other thing I wanted to talk about.

Ms. Montagna asked so we are going to hold on that one as well?

Ms. Locher stated yes until I have a different recommendation.

This proposal #27094 was tabled.

**e. Cepra Proposal #27096, Replace Live Oak on West Side of Amenity Pond**

Ms. Locher stated this one would definitely be under warranty.

Ms. Montagna asked so warranty?

Ms. Locher stated I think so.

Ms. Montagna stated I will get with Josh.

This proposal #27094 was tabled.

**f. Cepra Change Order #4**

Ms. Montagna stated adding services with the same scope. Phase 1C open space mowing, tract OS10, OS1. The ponds in phase 2B, phase 3, and a map, he attached a map.

Mr. Reader stated I am good with that. I will make the motion.

On MOTION by Mr. Reader, seconded by Ms. DeMarco, with all in favor, unanimous approval was given to Cepra change order #4, in the amount of \$1,425.00 per month.
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**g. Ratification of Aquatic Weed Control Proposal for Adding Four Ponds**

Ms. Montagna stated the adding of four ponds was done in between meetings.

On MOTION by Mr. Reader, seconded by Ms. Locher, with all in favor, unanimous approval was given to ratify the Aquatic Weed Control proposal for adding four ponds to service in the amount of \$385.00 monthly.
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**B. Attorney**

Ms. Montagna stated I think Mica was trying to call but she could not get in. Does anyone have any questions, or concerns that I need to relay to Counsel? I do not think we are waiting on any agreements or anything.

**C. Engineer**

There being no report, the next item followed.

**D. Developer**

Mr. Barberree stated a couple of things just for discussion. Street trees obviously with two storms we have had street trees blow down, some are dying, some are not. The District on things that are adjacent to District property is the District maintaining those? I guess I just wanted to ask the question is the District, should probably consider, is there is a policy directing homeowners on responsibility of the street trees in front of their homes. What is the policy?

Ms. Montagna stated that is a question that has come up recently. Do you remember the location, Sean? The lady wanted her tree replaced and I was trying to find out and the HOA did not get back to me. I am not sure what is in their docs, I was trying to get a copy of those so I could read them to see what the covenants stated. Are they responsible for back of curb, all the way?

Mr. Barberree stated traditionally that is true, but I am not sure what is in their docs either. I think the expectation would be the homeowner maintains the tree that is in the plant strip and maintains the plant strip. I don't know if. But I do not know if there is any role the District could play in or make a confirmation if that is the case, HOA to communicate to the homeowners: this is your responsibility.

Ms. Montagna stated there are two ways. Once I can get the HOA docs and look in there, because if it is laid out in there. Then it is easy, they relay it. Because I have seen it where the District does the right of way and everything in the right of way. Which would be the mowing, the trees, whatever is in there, so it depends on how it was all set up in the beginning.

Ms. DeMarco stated I do not remember off the top of my head so I will send you the docs.

Ms. Montagna stated ok, perfect. I can review them and work with the HOA to either get something out to the residents saying this is your responsibility. Or come back to the Board and say it is not laid out in their docs. We need to do something.

Mr. Barberree stated there is a significant difference in the quality of trees that the builder has been putting in versus the developer. The developers generally are better, they tend to survive more. They are putting in sticks, it is like embarrassing. And they are not putting them in everywhere. They are missing lots and lots of street trees on the lots so, that is a builder issue. But there is a maintenance issue, what happened.

Ms. Montagna stated District.

Ms. DeMarco stated when we get a little further down the line when trimming up the trees, what do we do? So, we will talk about that offline.

Mr. Barberree I think ideally, from the association, here is the playbook on what.

Ms. DeMarco stated the association really only manages the townhomes and that is it. Architecturally.

Mr. Barberree stated no maintenance. Yes, they to.

Ms. DeMarco stated communication, yes and that is what we do communicate.

Ms. Montagna stated ok we will discuss those topics once I get with them, and then I will circle back.

Ms. DeMarco stated, and it is Amanda now.

Ms. Montagna stated Amanda, ok. So, it is not Patrick anymore? Ok.

Ms. DeMarco stated he is still there, but I need to switch to someone that is a lot more experienced.

Ms. Montagna asked anything else?

**NINTH ORDER OF BUSINESS**                      **Other Business**

There being none, the next order of business followed.

**TENTH ORDER OF BUSINESS**                      **Supervisor Requests**

Mr. Reader asked are we going to do anything with the call? I know it was, the weeds off.

Ms. Montagna stated I know we have looked at a couple of things. In order to have your aquatic weed people do it, they have to put a boat in the water because they cannot do it at an angle. We have tried on your end, we can go by and grab the stuff off, but as far as pressure washing it to keep it clean there is no way to get at that angle.

Mr. Reader stated I just wondered if you are not pressure washing but you are almost putting something like a coating on it so.

Ms. Montagna stated we can look into that.

Mr. Reader stated that is what I was wondering. It is almost like you paint it to the waterline and then it is something off. I think the. Then everything grabs on to that. So maybe you need some type of surface that it is easier to clean in the future.

Ms. Locher stated maybe we paint it brown it just looks.

Mr. Reader stated it is stained, that is what it is. I almost feel like if you painted it would look better, I do not know.

Ms. Montagna stated so I put together, maybe we will look into some different things, and we will present to you and Kimberly and kind of see which way you want to go to make it look a little more aesthetically pleasing.

Mr. Reader stated yes, it is just so visible.

Ms. Montagna stated yes, absolutely.

Ms. Locher stated there is consistent dirt across you know. Right now, it just looks dirty.

Mr. Lenzen stated the only concern I would have is typically like that type of wall of cement. After water comes through it. It does not really have. So whatever coating you may be considering if you are almost waterproofing it would not be good if you are going to hide the static pressure of the water table pushing the wall out. So, there may be issues with coating that. But I can talk to some of the guys. I can give them a call and ask what do you use to avoid the mess on the wall.

Ms. Locher stated especially a visible one like this. Because if we knew what it was going to look like for the finished product, we might have chosen a different product.

Ms. Montagna stated I know the pond companies have said, because there is only, whatever they use is obviously going to go into the pond which can cause big problems. So, I know they are limited to what even can be used to clean that.

Ms. Locher stated yes if you could find that out that would be great. The presentation when you are coming across, it is so visible it takes away from what we are trying to sell here.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Ms. Locher, seconded by Mr. Reader, with all in favor, the meeting adjourned at 12:00 p.m.
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Secretary

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Chairman