

**MINUTES OF MEETING
RIVER HALL
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the River Hall Community Development District held a Regular Meeting on Thursday, December 6, 2018, at 3:30 p.m., at the River Hall Town Hall Center, 3089 River Hall Parkway, Alva, Florida 33920.

Present were:

Michael Morash	Chair
Paul D. Asfour	Vice Chair
Joseph E. Metcalfe, III	Assistant Secretary
Ken Mitchell	Assistant Secretary
Robert Stark	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Jason Olson	Assistant Regional Manager
Daniel H. Cox (via telephone)	District Counsel
Charlie Krebs	District Engineer
Jean Behr	Roosters Produce
Paul Carapella	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 3:30 p.m. All Supervisors were present, in person.

Mr. Adams noted a scrivener's error on the agenda letter incorrectly stating "Wednesday" as the meeting date, rather than Thursday.

SECOND ORDER OF BUSINESS

Public Comments (3 minutes per speaker)

This item was presented following the Third Order of Business.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors, Joseph E. Metcalfe, III, [SEAT 4] and Robert Stark, [SEAT 5] (*the following to be provided in a separate package*)

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Metcalfe and Mr. Stark. He provided and briefly explained the following items:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
 - i. Form 1: Statement of Financial Interests**
 - ii. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - iii. Form 1F: Final Statement of Financial Interests**
- D. Form 8B – Memorandum of Voting Conflict**

Mr. Adams stated any public records request should be forwarded to Wrathell Hunt & Associates as they are the District's official records custodian. It was not necessary to keep any documents. Board Members should maintain separate email, computer and file cabinet files for CDD-related items, separate from their business and personal records, since those would be considered public records and could be subject to inspection or requests.

- **Public Comments (3 minutes per speaker)**

This item, previously the Second Order of Business, was presented out of order.

Ms. Behr, owner of Roosters Produce, stated that she was asked to attend this meeting to discuss her request, at the last meeting, to place a sign on CDD property; however, it was not an agenda item. As current law prohibits posting directional signs on State roads, she requested approval to place a sign on CDD property, along SR 80. Because of the location of the produce stand, the sign will prevent drivers from passing the entrance and potential accidents, since drivers typically apply their brakes when they pass the entrance. The installation area was identified on a map and a picture of the potential sign "Rooster's Produce 600 yards", with an arrow indicating next right. The sign dimensions would be 5' x 3', made of wood or banner material and be posted seasonally, from October through April. It could be

posted on a trial basis and would be removed, if the Board does not like it or if other vendors make the same request.

On MOTION by Mr. Metcalfe and seconded by Mr. Mitchell, with all in favor, installation of the Rooster’s Produce Sign on CDD property, along SR 80, October through April, with the condition that it is removed if the CDD decides they do not like it or if other vendors make the same request, was approved.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2019-02, Electing the Officers of the District; and Providing for an Effective Date

Mr. Adams presented Resolution 2019-02. Mr. Asfour suggested shifting the current slate of officers since he and Mr. Morash served several terms as Chair and Vice Chair. Mr. Asfour nominated Mr. Metcalfe for Chair and Mr. Mitchell for Vice Chair. No other nominations were made for Chair or Vice Chair. Mr. Adams stated the remainder of the slate of officers would remain unchanged. The slate of officers was as follows:

Chair	Joseph E. Metcalfe, III
Vice Chair	Kenneth Mitchell
Secretary	Chuck Adams
Treasurer	Craig Wrathell
Assistant Secretary	Paul Asfour
Assistant Secretary	Michael Morash
Assistant Secretary	Robert Stark
Assistant Secretary	Craig Wrathell
Assistant Treasurer	Jeff Pinder

On MOTION by Mr. Asfour and seconded by Mr. Stark, with all in favor, Resolution 2019-02, Electing the Officers of the District, as nominated; and Providing for an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Update/Discussion: Perimeter Access Control Initiatives and Recent Breach at FPL Easement

Mr. Adams gave an overview of the issue and stated that Mr. Krebs will follow up with Carter Fence (Carter) on the status of the fence permit. Depending on Carter’s schedule, he expects installation to be completed within three weeks of the permit being approved.

A Board Member stated he received a request from a resident to install a “No Trespassing” sign on CDD property, just before the Amenity Center, as his requests to GreenPointe were unsuccessful. The sign would be similar to the one in Cascades. Mr. Krebs suggested the signs that the District already has, which were used along the FPL Easement. Those signs cite State or Code Ordinances. It would only be necessary to install posts. Mr. Adams stated he would see if there were any decorative posts in the area that could be used.

On MOTION by Mr. Asfour and seconded by Mr. Mitchell, with all in favor, installation of a “No Trespassing” sign on CDD property, just prior to the entrance to the Amenity Center, was approved.

A Board Member asked about the status of the three lots encroaching on CDD property and whether the fences were moved back. Mr. Cox stated he just received the exhibits and letters would be sent this week.

SIXTH ORDER OF BUSINESS

Update/Discussion: SR 80 Waterline Drainage Issue

Mr. Krebs stated he was waiting on a response from Nicole, to his email suggesting they plug the hole with cement until they are ready to use the line. A Board Member suggested the CDD submit a request to do an exploratory excavation of the line to move things along. Mr. Krebs will email that request and copy Mr. Adams.

SEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of October 31, 2018

Mr. Adams presented the Unaudited Financial Statements as of October 31, 2018. The financials were accepted.

EIGHTH ORDER OF BUSINESS

Approval of November 1, 2018 Regular Meeting Minutes

Mr. Adams presented the November 1, 2018 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following change was made:

Lines 23 and 34: Change "Brockstadt" to "Rustad"

On MOTION by Mr. Morash and seconded by Mr. Asfour, with all in favor, the November 1, 2018 Regular Meeting Minutes, as amended, were approved.

NINTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Daniel H. Cox, P.A.*

There being nothing further to report, the next item followed.

B. District Engineer: *Hole Montes*

There being nothing further to report, the next item followed.

C. District Manager: *Wrathell, Hunt and Associates, LLC*

- **NEXT MEETING DATE: January 3, 2019 at 3:30 P.M.**

The January 3, 2019 meeting was cancelled. The next meeting will be held on February 7, 2019 at 3:30 p.m.

D. Operations Manager: *Wrathell, Hunt and Associates, LLC*

Mrs. Adams reported the following:

- Holiday light installation is scheduled for Friday and Saturday of this week.
- Landscaping tasks, laying pine straw and pruning palms were completed that week. The removal of bark from the center medians was completed and an application to treat the sulfur was laid to help improve the soil conditions, at a cost of \$2,800.
- Wetland treatment commenced November 26th; work is expected to be completed within the next two weeks.

- Reimbursement of \$250 from Pinnacle to repair the drain box was pending. A follow up email was sent today.
- Street sweeping was completed yesterday.
- Tissue samples were taken from the dead Medjool palm tree at the entranceway to determine if it died from ganaderma.
- There were no hog sightings or damages in the area until yesterday when the Ashton Oaks' Property Manager contacted her. The District's contractor's information was provided to them, along with the procedures to follow to obtain access into the wetland area.

TENTH ORDER OF BUSINESS

Public Comments: Non-Agenda Items (3 minutes per speaker)

Mr. Paul Carapella, a resident, asked about the status of GreenPointe establishing another CDD. Mr. Adams stated that, because the land is encumbered under the existing CDD, there would be no new CDD; however, GreenPointe may pursue other actions that the District is not aware of or other options, such as funding the infrastructure through this CDD, which was mentioned in the last meeting. Mr. Asfour noted GreenPointe's zoning request was removed from the County Commissioner's agenda.

A Board Member asked if the southwest gate being installed would be white and the same type, as the others in the community. A Board Member suggested purchasing truck gates, used in industrial areas, which are impenetrable but expensive. Mr. Krebs stated, since just the hinges were broken, the same type of gate should be installed, with the addition of a chain and lock; industrial gates are expensive and the lock could still be cut. Discussion ensued regarding whether to proceed as planned, installing a cantilever gate since costs were being split with the Builder on the other side, whether to upgrade the gate and have the CDD pay the difference since those funds could come from the construction fund and installing a static gate camera so that violator's actions could be posted in the paper and possibly deter others from trespassing. Mr. Krebs noted that it does not matter what type of gate is installed, once the trespassers knew that the CDD would continue replacing the locks, they began cutting the cattle fence and driving around the gate. The only solution to prevent further incidents would

be to install a camera, identify the vehicle and turn that information over to the Sheriff's Office. Mr. Krebs was directed to provide Mr. Adams with the cost difference for an industrial fence and how long before it could be installed.

ELEVENTH ORDER OF BUSINESS**Supervisors' Comments/Requests**

Mr. Morash asked about the status of the Geographic Information System (GIS) project. Mr. Adams stated the project commenced and several communications have occurred. Construction plans and PDF working files from Mr. Barraco were pending. He expected to present the initial roll out of the project at the February meeting.

Mr. Asfour recalled that, in November 2017, the District Court of Appeals approved the County to authorize GreenPointe's increase in density, for an additional 696 units, instead of the original 101 units and it was his opinion that, because of it, the CDD lost out on assessment revenues for Fiscal Year 2019. Mr. Adams explained that assessments are driven by the Engineer's Report and the planned Capital Improvement Program (CIP), which identified 1,999 residential units, out of which, all but 101 were platted. The 101 unit area was assigned a folio number and did not have any debt assigned to it. This was the same piece of property that GreenPointe tried to extract from the CDD a few years ago. He explained that off-roll assessments are calculated in terms of acreage and on-roll assessments are designated to platted areas and assigned units for development. The CDD's Operations & Maintenance (O&M) figures match up with the 1,999 residential units and pushback should be expected if the District decides to assess those 696 units; in order to impose assessments on those units, the District must be able to prove that it is providing a special and peculiar benefit for those units and he was not sure that this undeveloped property, which has no true connection to the CDD's systems derives any benefit. Regarding the 101 units currently assessed, those were identified and approved, in the beginning, as part of the CIP and Assessment Methodology which set forth 1,999 residential units with the assessments spread across those 1,999 units. Mr. Adams stated that all assessments start out as per acre, until the area is platted and assigned units for development. Several factors can change assessments, such as a change in the original development plan or market changes. This District's off-roll assessment currently

direct bills GreenPointe for the folio number, which is assigned to the undeveloped parcel, and GreenPointe would have had to pay off the outstanding debt to this CDD, for all 101 units, for it to go away.

Mr. Asfour insisted that Mr. Adams add the 696 additional unplatted units to the O&M assessments for the upcoming fiscal year and, and if there is pushback, the District's explanation would be that GreenPointe was going to assess those units anyway, through creation of a River Hall II CDD, so, now that GreenPointe cannot assess the 696 units, the CDD wants to assess those 696 units just like it currently assesses the 101 units. Mr. Asfour voiced his opinion that, by not assessing GreenPointe's planned 696 units, the CDD is "giving up a lot of money" that could go to reduce the assessments for everyone else.

Mr. Cox explained the assessment process and stated that those additional units could not be used for reserves, if it was possible, it would be used to reduce assessments for everybody else. At this time, until it is platted, the CDD does not know how many units will actually be constructed. Oftentimes, Developers do not plat all of their authorized units; therefore, until they are platted they are still subject to the original assessments, which were on the raw, per acre land. Mr. Asfour disagreed. Mr. Cox reiterated that, until it is platted, the CDD does not know what the actual density or intensity of use will be so, with the original Assessment Methodology, which was done on a per acre basis, that land is still assessed on a per acre basis, even though it is broken out as 101 units, and that is where it stands until it is platted. Mr. Adams explained again how the Engineer's Report and Assessment Methodology factor in on determining the number of units, value of improvements and the assessment apportionment and reiterated that, regarding the 696 number, the CDD would be trying to assess on the number of units that GreenPointe was approved, which would immediately open the CDD to pushback, as the number of units constructed could quite likely not equal 696 and it would also open the CDD to the argument that the CDD is not providing the services and benefit for the imposed assessment. Mr. Adams expected that, sometime in 2019, GreenPointe will have a CIP in place that includes a definite number of units, which the District can use as backup to make those changes in assessments. Mr. Asfour was unwilling to accept the explanation that the CDD could not simply start imposing assessments on the 696 possible units

based on the explanations of Mr. Adams and Mr. Cox that the parcel was not platted yet. Mr. Adams reiterated that the current CIP has the 101 unit number and his previous explanations. Most likely, GreenPointe has only prepared a site plan for that area, for the purposes of obtaining approvals for unit density but has not platted the land. He suggested waiting until sometime in 2019, when the District is presented with a request to issue bonds, and that could be used as backup for changing the assessments.

Mr. Krebs was directed to repost the maps to the Dropbox. The directive was given that, if the District has not heard from GreenPointe before the draft budget deliberations in June, the District will contact them regarding increasing their assessments.

TWELFTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned.

On MOTION by Mr. Metcalfe and seconded by Mr. Mitchell, with all in favor, the meeting adjourned at 4:33 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair