

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

The Board of Supervisors of the River Hall Community Development District held a Regular Meeting on December 5, 2019, at 3:30 p.m., at the River Hall Town Hall Center, 3089 River Hall Parkway, Alva, Florida 33920.

Present were:

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

Also present were:

Chuck Adams	District Manager
Craig Wrathell (via telephone)	President & Partner
Cleo Adams	Assistant Regional Manager
Dan Cox	District Counsel
Charlie Krebs	District Engineer
Carl Barraco	Barraco & Associates
Donna Feldman	Counsel for GreenPointe Holdings
Leon Harrington	Resident
Roger Thornberry	Resident
Joe Lundquist	Resident
Ray Seals	Resident
Karen Asfour	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.

SECOND ORDER OF BUSINESS

Public Comments (3 minutes per speaker)

Mr. Leon Harrington, a resident, urged the Board to reject the proposal for the bond issuance because adding 350 new lots would really stretch the amenity center. He felt that it would be better if GreenPointe Holdings (GreenPointe) constructed more amenities in River Hall prior to gaining access to the bond funds.

Mr. Roger Thornberry, a resident, believed that the CDD previously filed lawsuits against the County or GreenPointe, on two or three occasions, to stop construction of additional units that would bring about a considerable increase in fees and approximately 300 River Hall residents signed a petition in opposition to the current proposal. In his opinion, if the Board voted to proceed with the bond issuance, it would be facilitating something that 300 residents, who pay up to \$1,500 in fees, were trying to stop. He alleged that District Counsel and the District Manager stand to benefit, monetarily, from the deal if it goes through and cautioned against taking advice from District Staff about this project unless Mr. Cox and Mr. Adams sign a legal document requiring them to donate their compensation to emergency relief. He questioned why GreenPointe was not funding the project, since it is a billion-dollar company.

Mr. Joe Lundquist, a resident, concurred with Mr. Harrington's opinions and voiced his opinion that GreenPointe has done very little in the community and that the pool breaks down all the time and the Developer is inadequate and should be denied the funding that they seek.

Mr. Ray Seals, a resident, believed that the original River Hall development was owned by FoxHaven, which went bankrupt, and GreenPointe purchased the lots from them and assigns its interest in the lots in Hampton Lakes, which is owned by RH Venture LLC. In response to Mr. Seals' question, Ms. Feldman clarified that GreenPointe assigned the lots to contract and RH Venture closed on the lots.

Discussion ensued regarding RH Venture entities, GreenPointe and the bond issue.

THIRD ORDER OF BUSINESS**Presentation/Discussion: South Gate Entry Design/Layout**

Referencing slides, Ms. Donna Feldman stated, per the Board's request, she was coordinating with Mr. Barraco about the type of security gate that should be installed at the secondary entrance to replace the current gate. Mr. Barraco was working closely with the Developer on the plans for the type of gate, which would be approved by the CDD Board even though it will not be funded, constructed nor owned, operated and maintained by the District. It would be owned and operated by the HOA and it was not being funded by the bond issuance.

Mr. Barraco presented photographs and stated that the south entry gate required by the County is related to the CDD's timed five-minute gate for school buses. Prior to designing the gate, the Engineering team took photos of several different gates in Lee County. The gate would be constructed with vertical arms so that vehicles, four-wheelers, bicycles and

motorcycles do not enter through it. A separate gate would be used for vehicular access and an adjacent gate would be for pedestrian access via a code to go in and out and so no outsiders could gain access. Mr. Barraco reviewed photographs of the gate, the concept, location, etc., and stated that there would be a temporary barrier connecting the two lots.

FOURTH ORDER OF BUSINESS**Presentation: Various Documents Related to the Potential Series 2019A Bond for Assessment Area 3**

Referencing slides, Mr. Stark reviewed the original 2015 map of the River Hall lakes and pointed out Hampton Lakes Assessment Area 3, where the bond funds would be used. He stated that the CDD has a GIS site at rhcdd.org, which is easily accessible. He apologized to Mr. Barraco and Ms. Feldman with regard to CDD contracture documents that they previously submitted to Lee County. He pointed out the following, which he believed to be security and lakes issues found in the plat submitted by Barraco & Associates, on GreenPointe's behalf:

- A canal going up from Buckingham, which abuts Portico's security gate.
- A lake that created a natural security barrier between Hampton Lakes and Assessment Areas 3 and 4 that disappeared, raising the question of where it would be re-allocated.
- No security coming down the lake and a berm between Portico and River Hall.
- The notation in Mr. Barraco's submitted drawing, "At the option of the Developer, a barrier may be installed between Hampton Lakes and Portico."
- No security along the canal access right-of-way (ROW).

The resident expressed his opinion that there should be an access gate at Hampton Lakes, where there is 20' of easement, which was a big security issue because anyone could gain access into Hampton Lakes with four-wheelers and 4X4s and drive into River Hall and the preserve area where they are not supposed to be.

Mr. Joe Lundquist believed that, when he purchased in 2006, the lake was promised and he resented that it is no longer there. Mr. Barraco replied, "The lake was not promised; it was just an architectural drawing." Discussion ensued regarding the lake, flow way, drainage basins, the South Florida Water Management District (SFWMD), Landsic and CAD files. Mr. Barraco would forward CAD files to Mr. Krebs. Ms. Feldman stated the 332 lots are very well planned, very well-defined with a detail drawing that the County presented to the Board and later

clarified that it is not known what the community to the east is going to be; the area is unplatted.

On MOTION by Mr. Stark and seconded by Mr. Asfour, with Mr. Stark, Mr. Asfour and Mr. Mitchell in favor and Mr. Morash and Mr. Metcalfe dissenting, engaging Independent Counsel to advise the Board on all matters pertaining to the GreenPointe deal, was approved. (Motion passed 3-2)

In response to Mr. Seals’ question, Ms. Feldman stated that the platted and undeveloped tracts are owned by RH Venture II or RH Venture III. Discussion ensued regarding GreenPointe Communities, successors and interests of Fox Haven, the difference between landowners and Developers, the Completion Agreement and the bond issue.

Mr. Metcalfe stated the parcel of land at issue has nothing to do with the past and the Completion Agreement under the original Fox Haven document would have been the completion of 1,999 lots, less the 575 that are in the Cascades. That is not the subject of the bond issue; the bond issue is another piece of land that, as far as the addition to River Hall, was already approved numerically in addition to the 1,999. Mr. Cox reminded the Board that there is an agreement to finish the four remaining roads. Discussion ensued regarding who is responsible for the road renewal, the definition of Developer, the Fox Haven bankruptcy, the HOA, the Cascades, etc. Ms. Feldman stated, pursuant to State statute, it is the role of the CDD to build infrastructure and to issue bonds. Mr. Asfour asked when the Completion Agreement would be presented. Ms. Feldman replied, at closing.

FIFTH ORDER OF BUSINESS

Update: Perimeter Access Control Initiatives

This item was not addressed.

Mr. Wrathell left the meeting.

SIXTH ORDER OF BUSINESS

Update: SR 80 Waterline Drainage Issue

There was no update.

SEVENTH ORDER OF BUSINESS

Update: Portico Recent Stormwater Permit Application Activities

Mr. Krebs gave the following update:

- He reviewed the permit that Portico submitted to the SFWMD and found that Portico was not increasing the discharge from what was already approved in its system.
- The top of the grate was up $\frac{1}{10}'$ and the opening of the water discharges shrank in the control structure that discharges from Portico to River Hall.
- The internal system changed, as far as the configurations of roads and lakes, which change and raised the elevations of water in the system; they are within their exact parameters but they shrank the opening and raised their grate in order to maintain their flow.

As to whether this would increase the force of water, Mr. Krebs stated no; the structure was modified to maintain the same discharge rate in the existing permit that the SFWMD issued. The old permit was consistent with the existing permit. A Board Member stated that he counted and Portico platted 859 lots. Mr. Krebs stated that the system was modified to maintain the integrity of what the original permit issued so, however it was modified, they did change internal control structures. He studied the studied Engineer's Reports and plans and found that the size of the lakes were reconfigured and the roads, based on plans submitted recently, versus the plans that were already approved, as the Engineer's Report reads, they are staying within the same allowable discharge that was originally approved. Discussion ensued regarding the barrier between Portico and Cascades, fencing permits and having open access to Portico. As to whether the CDD can build a wall around its properties, Mr. Adams stated that the CDD has security powers but lacks property control. Mr. Asfour asked if that could that be one of the conditions for the bond. Mr. Adams stated it was probably negotiable.

EIGHTH ORDER OF BUSINESS

**Discussion: Lake Tract Landscape
Maintenance Responsibility**

Mr. Metcalfe asked if the Lee County maps were accurate. Mr. Adams replied affirmatively and stated that the plat was referred to for the legal descriptions in the sale of the property from Cascades to the CDD. In a typical scenario, where the CDD is not going to assume maintenance on the common area and, in some cases, that common area crosses the lake; in this particular case, the common areas that the HOA was used to maintaining and owned in the past would continue to be maintained by them. All the lots, as they are developed, are maintained by the HOA; the assumption was that the landscaper maintaining the homes would also maintain the common area so that everything is on the same schedule. Mr. Cox stated that the two documents needed are a grand easement to affect the HOA for maintenance of

the wall and a landscape maintenance agreement to do the common area tracts. Mr. Adams stated he and Mr. Cox would prepare the Assignment Agreement for approval and either one would represent the District.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of October 31, 2019

Mr. Adams presented the Unaudited Financial Statements as of October 31, 2019. The financials were accepted.

TENTH ORDER OF BUSINESS

Approval of November 7, 2019 Regular Meeting Minutes

Mr. Adams presented the November 7, 2019 Regular Meeting Minutes.

On MOTION by Mr. Mitchell and seconded by Mr. Asfour, with all in favor, the November 7, 2019 Regular Meeting Minutes, as presented, were approved.

ELEVENTH ORDER OF BUSINESS

Staff Reports

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

There being no report, the next item followed.

B. District Engineer: *Hole Montes*

There being no report, the next item followed.

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

Mr. Adams reported the following:

- The audit commenced and would be completed in the first quarter of 2020.
- Staff recently attended a Department of Environmental Protection (DEP) meeting about the annual NPDES Report; the agency was very pleased with the report and the CDD’s efforts in making sure that the stormwater/drainage systems are clean and functioning properly.

A Board Member asked what the County has planned for Area S, as the CDD would lose one or more platted lots. Mr. Krebs stated that he would contact the SFWMD and provide an update at the next meeting. Discussion ensued regarding a Tiki Bar.

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

- **NEXT MEETING DATE: January 9, 2020 at 3:30 P.M.**

○ **QUORUM CHECK**

All Supervisors confirmed their attendance at the January 9, 2020 meeting.

TWELFTH ORDER OF BUSINESS

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

Ms. Karen Asfour, a resident, stated that residents are concerned about that lake, which is not a lake, because of the security issue. She felt that the Board should keep residents informed because residents want to know what is going on. Regarding Ms. Feldman’s comments that the security issue has nothing to do with the bond issue, she voiced her opinion that may be true but what happens with the bond issue affects what happens with security.

Discussion ensued regarding the flow way and the lake. Mr. Krebs would try to locate a SFWMD permit that shows the flow way and present it at the next meeting.

THIRTEENTH ORDER OF BUSINESS

Supervisors’ Comments/Requests

Mr. Asfour expressed his personal opinions and made allegations, as follows:

- It is fairly obvious that GreenPointe is not accustomed to dealing with independently-controlled CDDs because they basically are used to coming in and saying, “This is what we want and you work for us so just pass it.” That is not how it works and they do not quite understand that and hopefully they will.
- Mr. Cox and Mr. Adams received emails that were pertinent to him and failed to forward them, which was frustrating.

Mr. Morash stated there were emails about a lake behind Moss Way and Christine sent a memo stating that the lake was the HOA’s responsibility and not the CDD’s; however, he believed that, on the contrary, the CDD is responsible for the lakes. Mr. Adams concurred.

FOURTEENTH ORDER OF BUSINESS

Adjournment

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

On MOTION by Mr. Asfour and seconded by Mr. Mitchell, with all in favor, the meeting adjourned at 5:23 p.m.

CPSAL
Secretary/Assistant Secretary

Joseph E. [Signature]
Chair/Vice Chair