

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

The Board of Supervisors of the River Hall Community Development District held a Regular Meeting on January 9, 2020, 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	V	ice Chair
Paul D. Asfour	Assistant Secretary	
Michael Morash	Assistant Secretary	
Robert Stark	Assistant Secretary	

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Dan Cox (via telephone)	District Counsel
Charlie Krebs	District Engineer
Donna Feldman (via telephone)	Developer Counsel
Leon Harrington	Resident
Roger Thornberry	Resident
Holly Schwartz	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)

Ms. Holly Schwartz, a resident, expressed her opinion that the all-terrain vehicle (ATV) issue had escalated and was out of control. On any given night, gunshots can be heard and teen son ATV can be heard yelling, "kill it, stab it, catch it," in reference to wildlife near the preserves. The police were not helpful when called. She felt that this was primarily a safety and

liability issue, as ATV riders do not wear helmets and she believed that the CDD could be sued if there was a crash. Discussion ensued regarding shell casings in the traffic circle, deterring trespassers, the conservation easement, how much it would cost to engage off-duty deputies, whether patrols would be on ATV s and determining a patrol schedule.

On MOTION by Mr. Asfour and seconded by Mr. Morash, with all in favor, hiring the Lee County Sheriff Detail Unit to conduct patrols of the easement and conservation areas, three nights per week for a one-month trial period, was approved.

Mr. Leon Harrington, a resident voiced his opinion that the language in the Covenants, Conditions and Restrictions (CC&Rs) regarding CDD properties and vehicular access was indirect and asked if the document could be revised. Mr. Cox stated, in order to amend the CC&Rs, one must obtain the requisite votes of the members of the community, as laid out in the CC&Rs, or a show of support from GreenPointe’s majority landholders. Mr. Stark suggested that District Counsel draft a document with tighter language around access to the conservation areas, excluding motorized vehicles, such as, motorcycles and ATV s specifically. Mr. Cox stated provisions in the CC&Rs referencing conservation easements state everyone is bound by them and the CDD only has proprietary authority over the property but does not have any regulatory authority. Discussion ensued regarding the current language in the CC&Rs, prohibiting ATV s from accessing the preserve, HOAs, law enforcement, wildlife, the South Florida Water Management District (SFWMD), the FPL Easement and trespassers. Mr. Cox stated, to determine a long-term solution, the District would spend a lot on Engineers and planners to devise a plan and to obtain permits from the SFWMD. A Board Member felt that, if GreenPointe valued the welfare and the well-being of residents, the situation would be resolved. Mr. Cox stated the regulatory agencies abide by their rules and are limited by them and, as much as they would like to help the CDD, they are unable to because the rules do not allow it.

THIRD ORDER OF BUSINESS

Consider Engagement of Independent Counsel for Review of All Matters Related to Major Land Owner and Proposed Bond Transactional Documents/Historical Info

Mr. Adams recalled that, at the last meeting, there was an affirmative vote to advertise a Request for Proposals (RFP) for firms that represent Districts. He contacted a firm that represents a number of his other CDDs and recommended Mr. Tony Pires, who has a strong background in public counsel work. Mr. Pires' firm specializes in CDDs and is experienced in bankruptcy proceedings. If the Board was interested, a telephone conference could be arranged. Discussion ensued regarding Mr. Pires, potential conflict of interest, scheduling a conference call between the Board and Mr. Pires and avoiding Sunshine Law violations.

Regarding the Board's desire to hire new District Counsel, Mr. Cox stated it was per Mr. Adams' request that he prepared resolutions to facilitate the bond issuance request and, other than that, he had no conversation with anybody to represent the Landowners. He stated that he was insulted that his professional and personal integrity was being questioned. Mr. Morash stated that the Board made the vote with no discussion at all and he felt that it was reasonable to think about what the Board would be trying to accomplish by engaging new Counsel to deal with the bond, which would likely cost the taxpayers a lot. Mr. Asfour stated that he previously told Mr. Cox that he lost confidence in his ability to represent the District.

Regarding Mr. Asfour's allegations, Mr. Cox stated that the District can discharge him for any reason, no reason or an invalid reason and he had no problem with that. In 22 years of representing CDDs, he had never been accused of not representing his client's interest. He felt that there was a confidence issue with Board Members using their animosity towards the Developer to attempt to frustrate the intent of Chapter 190 that established the CDD, after the Board objected to contraction of the property from the District. Mr. Cox reiterated to Mr. Asfour that the Board can let him go for any reason or no reason, just as he can let the District go with or without a reason and urged Mr. Asfour to make the motion.

On MOTION by Mr. Asfour and seconded by Mr. Stark, with Mr. Asfour, Mr. Stark and Mr. Mitchell in favor, and Mr. Metcalfe and Mr. Morash dissenting, the termination of Mr. Dan Cox, as District Counsel, and authorizing the District Manager to publicize a Request for Proposals for District Counsel services, was approved. (Motion Passed 3-2)

Mr. Cox left the meeting.

Ms. Feldman questioned the decision to terminate District Counsel, while still in need of Independent Counsel, and asked about the timing and plan to secure new District Counsel, as she awaits an evaluation and a vote for the bond issuance on GreenPointe’s behalf. Mr. Adams would secure proposals to present at the February meeting. Discussion ensued regarding advertising new District Counsel, potential candidates for Independent and District Counsel, credentials, the limited number of firms that specialize in CDDs and the District already having going through three different firms, scope and whether to engage Woodward Pires & Lombardo, PA, for legal matters and any other matters that arise during the course of the engagement.

On MOTION by Mr. Morash and seconded by Mr. Metcalfe, with all in favor, the proposal and engaging Woodward, Pires & Lombardo, P.A., for legal services for the review of all matters related to the major Landowner and proposed bond transactional documents and/or historical information, along with any other CDD matters that arise during the course of engagement, was approved.

In response to Ms. Feldman’s question, Mr. Adams confirmed that the Board just hired Mr. Pires, as Independent Counsel, and Mr. Pires would review the documents and prepare a report as soon as possible. Mr. Asfour stated it was necessary for Mr. Pires to answer the Board’s questions prior to the next meeting. Mr. Adams stated the Board should compile and forward all questions to Staff who would transmit them to Mr. Pires.

FOURTH ORDER OF BUSINESS

Update: Perimeter Access Control Initiatives

Mr. Krebs reported the following and responded to questions as follows:

- There was no commencement date on the gate but the contract was executed. The start date would be confirmed with MAJ and District Staff would alert the Board.
- Regarding permitting, the last correspondence from the County indicated that no permit was necessary. The letter would be forwarded to the contractor and Mr. and Mrs. Adams would receive a copy, along with the scheduled project start date.
- He could not email Board Members directly as it involves the Sunshine Laws.

Regarding the irrigation and regrading, Mr. Krebs reported the following:

- Ms. Melissa Roberts, of the SFWMD, contracted him regarding Mr. Stillwell’s concerns about Hole Montes’ regrading, vegetation removal and related work at the Texas Crossing.
- Ms. Roberts was assured that Hole Montes was removing the vegetation in that drainage ditch to address the SFWMD’s concerns about the flow in that area.
- Hole Montes was also removing debris from culvert crossings that were never approved by the District, that apparently grant access from private property to the easement, as well as extracting large boulders and relocating them so that the canal/channel flows appropriately.
- The SFWMD approved the maintenance but has yet to determine what the Texas Crossing is supposed to be. Ms. Roberts just wanted to verify what was going on and confirm that the CDD was not trying to change the configuration of the Texas Crossing.
- A proposal was provided, signed and placed on hold pending a decision regarding how the Texas Crossing is supposed to look.

Mr. Krebs stated that the culverts looked good and MAJ was to keep the site clean and accessible and remove debris in the area. He would confer with MAJ regarding when work on the gate would commence. Discussion ensued regarding the lakes, discharge rates, runoff, pervious and impervious areas, V erandawaterwells,thewatertable,SFWMDandpermitting

FIFTH ORDER OF BUSINESS

Update: SR 80 Waterline Drainage Issue

This item was not addressed.

SIXTH ORDER OF BUSINESS

Update: Portico Recent Stormwater Permit Application Activities

This item was not addressed.

SEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of November 30, 2019

Mr. Adams presented the Unaudited Financial Statements as of November 30, 2019. He pointed out an error in the Check Detail; \$333 paid to the Lee County Property Appraiser was

meant for another CDD and subsequently backed out and credited. The FedEx invoices were discussed. The financials were accepted.

EIGHTH ORDER OF BUSINESS

Approval of December 5, 2019 Regular Meeting Minutes

Mr. Adams presented the December 5, 2019 Regular Meeting Minutes. The following changes were made:

Line 39 and throughout: Change "Herring" to "Herrington"

Line 57: Change "Fox Haven" to "Foxhaven"

Line 73: Insert "for school buses" after "five-minute gate"

Line 85: Change "a resident" to "Mr. Stark"

Line 102: Change "a resident" to "Joe Lundquist"

Lines 233 and 234: Delete both sentences

On MOTION by Mr. Morash and seconded by Mr. Mitchell, with all in favor, the December 5, 2019 Regular Meeting Minutes, as amended, were approved.

NINTH 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*

Mr. Krebs reported the following:

➤ The SFWMD permit for the latest community, which shows the location of the flow way, was downloaded. The information would be sent to Mr. Adams for the next agenda.

➤ Per his email request regarding Mr. Stillwell and zoning, the zoning permit information was transmitted to Mr. Asfour.

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

There being no report, the next item followed.

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

Mrs. Adams reported the following:

- All hardwood prunings would be completed in January.
- The Durante were being treated for a white fly infestation; if they do not recover, they would be replaced.
- Flower replacement was scheduled for the end of January.
- A work order was placed with Bentley Electric to repair lighting on three hardwood trees.

- **NEXT MEETING DATE: February 6, 2020 at 3:30 P.M.**

- **QUORUM CHECK**

The next meeting would be held on February 6, 2020.

TENTH ORDER OF BUSINESS

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

Mr. Roger Thornberry, a resident, voiced his opinion that, if the new District Counsel, regardless of who it is, makes a profit of over \$40,000 if the bond issue is approved, it is a conflict of interest and should not be allowed.

Ms. Schwartz gave the following status of a Conservation 2020 parcel of the Carter property that is being considered:

- The parcel is 427 acres and stands between River Hall and SR 80.
- It is owned by Amtel and has gotten farther than most of the other nominations that have gone forward.
- The owner nominated the property to the County program and the Board voted to proceed and acquire formal appraisals, which was the next step to potentially purchasing the property.
- This was the best nomination that the County has in its program.

ELEVENTH ORDER OF BUSINESS

Supervisors' Comments/Requests

Referencing slides, Mr. Stark pointed out a GIS map of the community and the master concept plan that was submitted in the rezoning application for the Clubhouse Pool Tiki Bar, including the planning area for the new Hampton Lakes. Discussion ensued regarding the master concept plan, the flow way and the County.

Mr. Asfour stated that he emailed Mrs. Adams regarding a Hampton Lakes resident who asked if boating of any type was permitted on the lake. Despite being told that boating is not permitted, the resident was still doing it and, if there is an accident, he felt that the CDD would be liable. He suggested advising all HOA Managers and Board Members to inform residents that boating is not permitted and to install signs indicating that. Supervisor Metcalfe stated that swimming is prohibited, per the insurance company, but boating is allowed in the Cascades. Mr. Adams confirmed that boating is not permitted either. He would send a letter to the HOA Managers. The CDD is not required to install signs.

Mr. Asfour stated that the Florida Department of Transportation (FDOT) had not taken any action on the speed limit at Highway 80. He felt that there was a potential for disaster and suggested coordinating with the Lee County School System and for the Chair to send a letter to local elected officials explaining the speeding issue and urging them to have a speed limit sign installed. He stated that hogs were damaging his property and they should be controlled. Mrs. Adams stated the District expended funds trapping hogs that damage CDD property but taxpayer funds cannot be used to pay for damages to private property. Discussion ensued regarding the hogs and the preserve. Regarding the bond issue, Mr. Asfour asked what the Developer would be doing for the CDD in exchange for taking on the debt. He questioned how the CDD would benefit from approving the bond issuance.

A Board Member asked if it is helpful to trim the first 3' or 4' of weeds when the lakes recede. Mr. Adams stated trimming plant material causes them to grow back stronger.

TWELFTH ORDER OF BUSINESS

Adjournment

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

On MOTION by Mr. Morash and seconded by Mr. Asfour, with all in favor, the meeting adjourned at 5:17 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair