

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

The Board of Supervisors of the River Hall Community Development District held a Regular Meeting on July 1, 2021, at 3:30 p.m., at River Hall Town Hall Center, located at 3089 River Hall Parkway, Alva, Florida 33920.

**Present were:**

Ken Mitchell	Chair
Robert Stark	Vice Chair
Paul D. Asfour	Assistant Secretary
Michael Morash	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Shane Willis	Operations Manager
Greg Urbancic (via telephone)	District Counsel
Charlie Krebs	District Engineer
Jay Gaines (via telephone)	Berger, Toombs, Elam, Gaines & Frank
John Kessler (via telephone)	FMSbonds
Gary Stillwell	Hickey Creek Resident
Holly Schwartz	Hickey Creek Resident
Sally Sham	Hampton Lakes Resident
Chuck Aldi	Ashton Oaks Resident
Robert H. Lorenzen	Resident
Michael Hagen	Resident
Paul Lorenza	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 3:30 p.m. All Supervisors Mitchell, Stark, Asfour were present, in person. One seat was vacant.

**SECOND ORDER OF BUSINESS**

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

Mr. Gary Stillwell, nonresident from Hickey Creek, inquired about the CDD's plans regarding construction at a Florida Power & Light (FPL) substation and the potential County

road construction in the District’s rights-of-way (ROW). A Board Member stated that there is a statement in the original agreement about zoning regulations blocking road construction; the road is used to access the FPL property and the River Hall (RH) community is not connected to it. Discussion ensued regarding Hickey Creek Road, the Association, the County, the viewers road easement, FPL and Hickey Creek Partners. Mr. Stillwell asked if there were any updates on the ROW bridge or Texas Crossing. Mr. Krebs stated nothing further could be done on the project, per Mr. Robinson, of the South Florida Water Management District (SFWMD).

Hickey Creek resident Holly Schwartz stated she appreciated the discussion regarding the roads, as she felt that the last meeting minutes were slightly confusing; she read the following statement in the record:

“Mr. Krebs defined the viewer’s road that will be open to the community, as a County-granted ROW road, used for residential traffic and open to the public.”

Mr. Krebs stated that the road is a public ROW; there is no access for RH but the community adjacent to and outside of RH have access to that, as does anybody in the County. Ms. Schwartz thanked Mr. Krebs for the clarification and for helping dissuade ATV riders from riding in the southwest corner of RH; the situation had improved but, now that school is out, it was getting bad again. Discussion ensued regarding the ROW, a chain across the access road and construction area to deter trespassers, FPL and increased traffic.

Mr. Mitchell asked if it would be appropriate to ask a representative from the Lee County Sheriff’s Department to attend the next meeting. Mr. Adams would invite the Lieutenant from the local substation to the next meeting.

**THIRD ORDER OF BUSINESS**

**Consider Appointment of Qualified Elector to Fill Unexpired Term of Seat 4 (*Term Expires November 2022*)**

- A. Daniel J. Block**
- B. Michael Hagen**
- C. Robert H. Lorenzen**
- D. Joseph T. Lundquist**
- E. Haylee Loryn Malagon**

Asked if the Board could use silent ballots to vote for Mr. Metcalfe’s replacement, Mr. Urbancic stated, since the Sunshine Law and Public Record laws apply, the vote would be made public one way or the other.

Mr. Morash stated that he was pleased with the number of responses and noted that all were quality candidates.

Mr. Adams confirmed that the candidate receiving the highest number of votes would be appointed to the vacant seat. The following votes were cast:

Mr. Morash voted for Mr. Michael Hagen.

Mr. Mitchell voted for Mr. Michael Hagen.

Mr. Stark voted for Mr. Robert H. Lorenzen.

Mr. Asfour voted for Mr. Joseph T. Lundquist

Mr. Adams stated, having received the most votes, Mr. Hagen was appointed to Seat 4.

**FOURTH ORDER OF BUSINESS**

**Administration of Oath of Office to Newly Appointed Supervisor *(the following will 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. Hagen. 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**

Asked if he would accept compensation for serving on the Board, Mr. Hagen replied affirmatively. Mr. Urbancic urged Mr. Hagen to contact him with any questions or concerns.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2021-04, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the**

**River Hall Community Development District, and Providing for an Effective Date**

Mr. Adams presented Resolution 2021-04. Mr. Mitchell nominated the following slate of officers:

Kenneth Mitchell	Chair
Robert Stark	Vice Chair
Chuck Adams	Secretary
Michael Morash	Assistant Secretary
Paul Asfour	Assistant Secretary
Michael Hagen	Assistant Secretary
Craig Wrathell	Assistant Secretary
Craig Wrathell	Treasurer
Jeff Pinder	Assistant Treasurer

No other nominations were made.

**On MOTION by Mr. Morash and seconded by Mr. Stark, with all in favor, Resolution 2021-04, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the River Hall Community Development District, as nominated, and Providing for an Effective Date, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Presentation by FMSbonds – Proposed Refinancing of Series 2011 Bonds**

Mr. Kessler gave an overview of the FMSbonds Proposed Refinancing of Series 2011 Bonds document and discussed the pertinent information on each page.

In response to Mr. Asfour’s questions, Mr. Kessler stated there were no negative consequences to the District or its residents by refinancing the bonds. As to whether the bonds for each individual homeowner would be paid off sooner, due to decreasing interest rates, he stated that it would be best to lower the assessments and keep the maturity the same. Discussion ensued regarding the A-2 Bonds, interest rates, Savings Summary charts, reserve funds, debt service and the refinancing process.

**On MOTION by Mr. Stark and seconded by Mr. Morash, with all in favor, the Proposed Refinancing of Series 2011 Bonds, dated July 1, 2021, was approved.**

Mr. Adams asked for authorization to commence the process as quickly as possible.

**On MOTION by Mr. Stark and seconded by Mr. Morash, with all in favor, authorizing District Staff to proceed with the refinancing process, scheduling the bond closing prior to or on the Budget Public Hearing date and changing the Public Hearing date from August 5, 2021 to September 2, 2021, was approved.**

Mr. Adams would coordinate with Mr. Kessler to plan the bond refinancing schedule.

**SEVENTH ORDER OF BUSINESS**

**Presentation of Annual Financial Report for the Fiscal Year Ended September 30, 2020, Prepared By Berger, Toombs, Elam, Gaines & Frank**

Mr. Gaines presented the Annual Financial Report for the Fiscal Year Ended September 30, 2020 and noted the pertinent information found on each page. There were no findings, recommendations, deficiencies on internal control or instances of noncompliance; it was a clean audit.

Mr. Morash referred to Page 5 and asked what was conveyed that resulted in the decrease in capital assets. Mr. Adams stated it was the water sewer lines in Hampton Lakes).

**EIGHTH ORDER OF BUSINESS**

**Consideration of Resolution 2021-07, Hereby Accepting the Annual Financial Report for the Fiscal Year Ended September 30, 2020**

Mr. Mitchell presented Resolution 2021-07.

**On MOTION by Mr. Asfour and seconded by Mr. Stark, with all in favor, Resolution 2021-07, Hereby Accepting the Annual Financial Report for the Fiscal Year Ended September 30, 2020, was adopted.**

**NINTH ORDER OF BUSINESS**

**Developer Update: Development and Master Association Activities**

As Mr. Miars was not present, Board Members were asked to email their questions to Mr. Adams, who would forward them to Mr. Miars.

**TENTH ORDER OF BUSINESS**

**Continued Discussion: Legislative Updates Regarding Advertising Rules**

Mr. Urbancic stated there was no update other than that the law was currently in effect and fees could be charged to run advertisements on websites.

▪ **Discussion: Proposed Fiscal Year 2022 Budget**

**This item was an addition to the agenda.**

Mr. Stark asked to discuss the proposed Fiscal Year 2022 budget. He recalled that, at the last meeting, Mr. Asfour pointed out that the CDD was at a deficit yet historically held the line on assessments while the CDDs costs increased and revenues remained stagnant. He proposed a 5% increase on the O&M assessments. He discussed the General Fund rates, inflation and the bond refinancing.

Mr. Asfour concurred with Mr. Stark and stated, with the Fiscal Year 2022 budget, the CDD would be maxed out at 2,695 units and 345 units are being assessed to the 50' lots. He felt that one way to increase the bottom line would be to increase revenues, decrease expenses or a combination of both because, as the District moves forward, costs will continue to rise and the revenues need to increase to compensate for any expenditures. He surmised that an assessment increase in the near future is inevitable.

Mr. Adams stated he adjusted the proposed Fiscal Year 2022 budget further, after the last meeting, with the goal of keeping the O&M assessments flat, year over year, meaning there would be no increase, no decrease and no need to send the Mailed Notice to property owners. He reviewed the adjustments in relation to surplus fund balance, single family 55' product type and Equivalent Residential Unit (ERU) weightings. Depending on the product type, property owners would realize a \$50 to a \$190 reduction in their overall assessments, on the debt service side, because of the bond refinancing.

Discussion ensued regarding keeping the O&M assessments flat, surplus Fund Balance, the number of units and the bond refinancing. Mr. Asfour stated he was amenable to keeping assessments the same but stressed that, eventually, something will have to change.

Hampton Lakes resident Sally Sham asked the Board not to lower CDD assessments because there will eventually be an increase and property owners will complain. A Board Member stated the issue becomes the refinancing of the bonds for the debt service portion of the assessment bill and the other is the General Fund O&M portion of the assessment bill.

Mr. Asfour stated, going forward, the annual assessments would be lower because of the bond refinancing. He asked about the scheduled public hearing, if the consensus is to increase the assessments. Mr. Adams stated, for the O&M assessment portion, the Board has until the August 5<sup>th</sup> meeting to decide whether to increase the assessments. The public hearing was changed from August 5, 2021 to September 2, 2021, which provides adequate time to send the Mailed Notices.

**ELEVENTH ORDER OF BUSINESS****Continued Discussion: Hog Removal**

Regarding whether the CDD heard from the HOA, the amenities or the golf course regarding hog removal, it was reported that there was no response from the HOA or The Cascades. The golf course manager indicated that they utilize Hogworks for hog removal and offered to share hog removal costs with the District. The quote was \$600 per month, which would be split 50/50.

Mr. Asfour stated he considered allowing hog hunters to enter the preserves with strict guidelines. He stated that he conferred with a representative from the Florida Wildlife Commission (FWC), the South Florida Water Management District (SFWMD), the Director of Lee County and the County Attorney and was told that there are no ordinances prohibiting hog hunting in Lee County but, as there might be a zoning issue, the Attorney would investigate further. He stated that Mr. Urbancic brought up possible violations of the conservation easements and asked the Board if he should follow up the Assistant County Attorney for feedback regarding allowing hog hunters to come into the community to eliminate the hogs.

Discussion ensued regarding the number of hog hunters, hunting method, zoning issues, using volunteers, a licensed hog removal service, hog disposal, insurance and the per hog cost.

Mr. Asfour would check with the SFWMD regarding whether the District would be in violation of the conservation easement.

**TWELFTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of May 31, 2021**

Mr. Mitchell presented the Unaudited Financial Statements as of May 31, 2021.

Discussion ensued regarding the annual mulching, a \$1,387 FedEx bill and the Carter Fence billing.

Mr. Adams would investigate the FedEx billing and inquire about receiving a credit.

**On MOTION by Mr. Morash and seconded by Mr. Asfour, with all in favor, the Unaudited Financial Statements as of May 31, 2021, were accepted.**

**THIRTEENTH ORDER OF BUSINESS**

**Approval of June 3, 2021 Regular Meeting Minutes**

Mr. Mitchell presented the June 3, 2021 Regular Meeting Minutes.

**On MOTION by Mr. Morash and seconded by Mr. Asfour, with all in favor, the June 3, 2021 Regular Meeting Minutes, as presented, were approved.**

**FOURTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Engineer: *Hole Montes***

- **Update: Stop Sign at Hampton Lakes**
  - **Lykins Signtek Estimate #40922**

Mr. Krebs presented the \$6,017.25 Lykins Signtek proposal and pointed out that the decorative post was the reason for the high cost of the signs.

**On MOTION by Mr. Stark and seconded by Mr. Hagan, with all in favor, Lykins Signtek Estimate #40922, in the amount of \$6,017.25, was approved.**

Referencing an area map, the Board and Staff discussed what to do regarding ATV riders, installing fencing, Developer properties and the landscape buffer. Mr. Krebs was asked to investigate possible solutions to the ATV issue and obtain fencing costs. Mr. Krebs would contact Mr. Miars regarding security elements.

**B. District Counsel: *Coleman, Yovanovich & Koester***

Mr. Urbancic stated that the Governor executed additional legislation on June 30, 2021 that is currently in effect; it requires all local governments that operate and manage stormwater systems to create a needs analysis for submittal to the County by June 30, 2022. He suggested that the District Engineer take on the project.

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

- **NEXT MEETING DATE: August 5, 2021 at 3:30 P.M.**
  - **QUORUM CHECK**

All Supervisors confirmed their attendance at the August 5, 2021 meeting.

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

- **Monthly Status Report – Field Operations**
  - **Update - Carter Fence Installation**

Mrs. Adams stated that painting is scheduled for August 2<sup>nd</sup>, shipping is scheduled for August 9<sup>th</sup> and installation is scheduled for August 16<sup>th</sup> through August 20<sup>th</sup>.

**FIFTEENTH ORDER OF BUSINESS**

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

A Board Member discussed a breach in the conservation area and asked if an application for a permit modification was sent. Mr. Krebs stated, per the SFWMD, vegetation was cleared out of the ditch and pipes were removed from the area.

Discussion ensued regarding fence installation, Hickey Creek Viewer’s Road, FPL access road, ROW and permitting.

A resident asked for the CDD to send notification about hog hunters and asked about the County’s management plan for hog removal. Mr. Asfour stated that property owners would be notified and he would ask the County Attorney about the plans.

**SIXTEENTH ORDER OF BUSINESS**

**Supervisors’ Comments/Requests**

Mr. Asfour commented on the conservation easement, with regard to hog hunting. He reiterated that he received an “okay” from the SFWMD; however, he was concerned about the conservation easement. Mr. Krebs discussed recreational hog hunting and stated that he did not have an update on the restrictions. Discussion ensued regarding hog removal, Ms. Roberts of the SFWMD, having an organized hunt versus hiring a licensed trapper and finding a cost-effective solution to the hog issue.

Mr. Mitchell stated he presented a plaque to Mrs. Metcalfe in honor of Mr. Metcalfe’s service to the District and she was pleased and thought it was a great gesture. He asked about the fence on Windsor Way. Mrs. Adams confirmed that the repairs were made by the District; Staff did not know who caused the damages.

Discussion ensued regarding speeders, the Sheriff, speed bumps, the HOA and installing signage to curtail speeding.

**SEVENTEENTH ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Morash and seconded by Mr. Asfour, with all in favor, the meeting adjourned at 5:27 p.m.**



~~Secretary/Assistant Secretary~~



~~Chair/Vice Chair~~