

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

The Board of Supervisors of the River Hall Community Development District held a Regular Meeting on March 3, 2022, 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
Michael Hagan	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Adams (via telephone)	Assistant District Manager
Shane Willis	Operations Manager
Greg Urbancic (via telephone)	District Counsel
Charlie Krebs	District Engineer
Grady Miars	Developer GreenPointe
Karen Asfour	Resident
Tom Ricker	Resident
Sally Shown	Hampton Lakes Resident
Michele Kasl	Hampton Lakes Resident
Andy Kasl	Hampton Lakes Resident
George Ware	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.

**SECOND ORDER OF BUSINESS**

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

Resident Tom Ricker stated he would like the CDD to use its surplus funds to hire an attorney to assist the Country Club and HOA residents with turnover issues.

Mr. Urbancic stated that public funds can only be used for public purposes. The CDD's uses of funds are limited to expenses such as those listed under Florida Statute Chapter 190; Subsection .012 specifically addresses the powers of a CDD.

Mr. Ricker stated he disagreed with Mr. Urbancic because CDD funds are being utilized for hog removal. A Board Member stated that the hogs are destroying CDD property.

Mr. Urbancic stated that expenditures must be used for a public purpose of the CDD. Turnover issues related to a 720 association or matters thereto are not CDD fundable items.

Mr. Ricker believed there is a question about who owns the property where the pond by the pool was just built. Mr. Adams stated all property is situated within the CDD. Mr. Ricker expressed his opinion that a lawyer should be dedicated to the turnover due to areas in which property overlaps.

Regarding his experience with turnovers, Mr. Adams stated he generally does not get involved in turnovers; many communities experience some level of tension with turnovers and the CDD cannot become involved.

Mr. Asfour stated that the documentation he read regarding turnover did not address the value of assets at turnover. He stated that he previously advised Mr. Ricker that this issue is not within the bailiwick of the CDD and encouraged him to express his opinion at a meeting and discuss it with the HOA.

Resident Sally Shown stated the pool needs handicapped access and asked who would address the matter. The consensus was that this is an HOA matter. Mr. Adams discussed the Americans with Disabilities Act (ADA) compliance laws and what one community in which he manages did to address the ADA requirements. Mr. Hagen recommended Ms. Shown refer to the Hampton Lakes Herald and email the Pool Committee contact. The consensus was that Mr. Harry Olsen is the point of contact for the Pool Committee.

**THIRD ORDER OF BUSINESS**

**Developer Update**

This item was addressed following the Sixth Order of Business.

**FOURTH ORDER OF BUSINESS**

**Update: Cost Sharing Agreement with HOA's and Hampton Golf for Hog Removal Services**

Mr. Willis stated, thanks to Supervisor Hagan, all six entities are on board and agreed to split this expense six ways. He would work with Mrs. Adams and Accounting to split the bill six ways. Since the beginning of the program six weeks ago, seven hogs were removed with traps

and two were removed with dogs. Traps are currently deployed and an issue just reported at Walnut Run would be addressed.

**FIFTH ORDER OF BUSINESS**

**Update: River Hall Elementary Traffic Stacking Issues**

Mr. Asfour stated he composed a motion regarding this issue, based on last month's discussion, and read his statement and motion into the record as follows:

“Due to lack of progress with the Lee County School District in resolving the River Hall Elementary School traffic problem caused by parents parking on the River Hall Parkway prior to afternoon dismissal, I move to notify the Superintendent of the Lee County School District, with copies to all School Board Members and the Principal of River Hall Elementary School that the River Hall CDD will place “No Parking” signs on River Hall Parkway and effective September 1, 2022 will employ an off-duty Lee County Sheriff's Deputy to monitor the area in front of River Hall Elementary School and issue parking tickets to anybody illegally parking on River Hall Parkway.”

Mr. Urbancic stated the motion is acceptable, conceptually, and suggested going through the formal rulemaking process to allow enforcement of such a rule. A Board Member asked if an agreement with Lee County Sheriff would be required. Mr. Urbancic replied affirmatively and stated that the CDD cannot enforce the rule directly but could engage officers with state law enforcement authority to enforce the rule, on the CDD's behalf.

Mr. Urbancic stated the motion could be adopted today, subject to the rulemaking process. Mr. Asfour stated he would like to provide the school with sufficient advance notice.

A Board Member suggested amending the motion to prohibit parking or standing because, if the driver is in the car it is standing, not parked.

Resident Karen Asfour stated that cars in line stop and start. She discussed traffic flow on Gunnery and suggested the prohibition should prevent parking an hour ahead of time and differentiate between traffic that is moving.

Mr. Asfour amended his motion as follows:

Change “Parking” to “Illegally Parking or Standing”

Discussion ensued regarding suggestions for the school to utilize the bus loop, direct traffic with three lanes and utilize additional parking, lanes or road markings. Mr. Asfour stated, after several years of discussion and solutions presented, the school has not taken action but, in his opinion, the CDD’s action may lead to a favorable response from the school board.

Ms. Asfour described the traffic in the turn lane and two lanes of traffic entering and driving through Tortuga Elementary school grounds. She did not believe vehicles are restricted from lining up early and stated that, although vehicles back up to Gunnery, traffic is moving.

Mr. Adams stated the road in question is a public road owned by the CDD but the County considers it a private road.

**On MOTION by Mr. Asfour and seconded by Mr. Hagan, with all in favor, notifying the Superintendent of the Lee County School District, with copies to all School Board Members and the Principal of River Hall Elementary School, that the River Hall CDD will place “No Parking or Standing” signs on River Hall Parkway and, effective September 1, 2022, the CDD will employ an off-duty Lee County Sheriff’s Deputy to monitor the area in front of River Hall Elementary School and issue parking tickets to anybody illegally parking or standing on River Hall Parkway, was approved.**

Mr. Willis reminded those in attendance to speak one at a time to facilitate accurate transcription of the minutes.

**SIXTH ORDER OF BUSINESS**

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

Mr. Adams presented the Unaudited Financial Statements as of December 31, 2021. A Board Member noted that monthly electric bills are increasing by a very large percentage due to inflation and noted the wisdom of adding to general funds.

The financials were accepted.

▪ **Developer Update**

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

Mr. Miars reported the following:

- Road work would begin in Phase II Hampton Lakes, which is one of the last phases of lots to be constructed. Work would be completed by April.

- The LAMSID Permit for the crossing was received and turned in to the County. Most of the structures have been delivered and construction is on hold pending the permit. Updates would be provided to Mr. Stark as construction dates are determined.
- To address speeding in Hampton Lakes, the Sheriff's Office would install trailered speed limit signs. After a time officers would begin issuing tickets. The program would be advertised to residents prior to implementation and the program might also be implemented at the Country Club to address similar issues.
- The Tiki Bar at the Country Club was completed. Patience with staff was requested. The Tiki Bar would be fully open on Saturday and all Club members are encouraged to experience it.
- An informational community meeting was held regarding the Comp Plan Amendment. A lot of good feedback was received and the meeting was one step in the process. There would be a series of other public meetings held where residents can comment. The Developer has not received sufficiency and delays are expected while experts do their work. All are encouraged to go to the source for good and accurate information so correct information can be disseminated, versus hearsay.
- Some residential irrigation work is being redone. Permitting is underway and improvements are being made to augment existing infrastructure with additional pumps.
- Sales are strong and prices continue to increase; sales volume is limited by supply issues. The yearly numbers would show big totals due to higher prices, versus the number of units sold. He expected 130 to 140 sales in the Country Club and Hampton Lakes. The Cascades would be nearly complete this year.
- More information would come in the coming months and updates would be provided as they become available. All were encouraged to contact him with questions.

Ken Mitchell stated his belief that better communication between HOA management and the CDD Board is needed. He recalled that the irrigation system was shut down without notice and the CDD had just spent a lot of money.

Mrs. Adams stated she spoke with the contractor regarding brown areas. She noted that the CDD just spent \$6,000 replacing landscaping. Gulfscapes has reported ongoing issues with the irrigation technician at Vision Landscape (VL) shutting off pumps when doing repairs and not turning them back on. Mr. Miars stated he would call the owner of VL.

Mr. Asfour suggested proactive e-blasts to share information about what is happening, to correct misinformation and dispel rumors.

Mr. Asfour stated he reviewed language from the meeting two months prior regarding the last density increase, which stated a not-to-exceed maximum of 2,695 units. He took issue that 489 more units are now being requested and asked if the language means anything to the County or GreenPointe. He asked Mr. Miars to point out where in the Declaration it gives the Landowner the right to do that. Mr. Asfour thought that, if the Declaration did give that authority, the Landowner would not be required to go to the County to get permission.

Mr. Miars and Mr. Asfour debated about whether Mr. Miars referenced the Declaration.

Mr. Miars stated the State of Florida from a Federal, State and local level, delegates authority to the County, which provides for a process whereby Landowners can pursue certain land use changes at any time, no matter what is in place; therefore, the maximum cap in there was a process that was followed at that time. In 2022, the Landowner is pursuing the process provided by Lee County, which includes public involvement. He stated that Mr. Asfour could speak with local officials if he is unhappy with the process.

Mr. Asfour felt that a promise was made to build 2,695 units. He recalled a previous discussion in which he asked if the Landowner considered that residents moved in with the expectation that the community would have a certain number of units.

Mr. Miars stated he could cite examples throughout the County where the numbers represent the best information at the time. He stated that the Lee County document is a living document that is changed and altered over time. Mr. Asfour expressed his opinion that a promise was breached and, while he understood the Landowner is within their rights, he believes they should abide by what was originally stated.

Mr. Asfour stated a resident observed drivers speeding when exiting the school and asked if a letter could be sent to advise the schools about speeding on River Hall Parkway. Mr. Adams stated he would contact the school.

A Board Member stated he discussed an e-blast with Mr. Miars and Mr. Cunningham and it was well-received. He stated the HOA Board has never voted on having a radar sign in River Hall and he disagreed with having an officer in the Country Club.

A Board Member stated several families in Hampton Lakes asked for speed control due to safety concerns.

## SEVENTH ORDER OF BUSINESS

## Approval of February 3, 2022 Regular Meeting Minutes

Mr. Mitchell presented the February 3, 2022 Regular Meeting Minutes.

The following change was were made during discussion of the minutes:

Line 127: Delete “from”

Later in the meeting, resident Michele Kasl spelled her last name, resulting in the following change to the minutes:

Line 25 and throughout: Change “Castle” to “Kasl”

**On MOTION by Mr. Stark and seconded by Mr. Asfour, with all in favor, the February 3, 2022 Regular Meeting Minutes, as amended, were approved.**

## EIGHTH ORDER OF BUSINESS

## Staff Reports

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

Mr. Krebs and Mr. Adams discussed suggested off-site improvements to address traffic flow and control traffic exiting the school. Mr. Krebs stated the approach is to move cars out as quickly as possible using signage to make cars turn right during school hours and prevent delays crossing the median and redirecting traffic wishing to turn. His suggestions would presumably be done at the school’s expense.

Discussion ensued regarding installation of a turn lane, traffic signage prohibiting left turn exiting the school, gates at the school, lack of enforcement, traffic flow and safety.

Resident George Ware expressed his opinion that the area in question was the only way in and out and traffic cannot be stopped. Mr. Krebs clarified how the traffic flow would be managed. Discussion ensued regarding use of medians to direct traffic flow.

**B. District Counsel: *Coleman, Yovanovich & Koester*****I. Update: Fence Installation in Portico**

Discussion ensued regarding a gap in a gate.

**II. Update: Legislative Bills – Florida Legislative Session**

Mr. Urbancic discussed proposed legislation related to the sovereign immunity cap, advertising and virtual meetings during the declaration of a state of emergency. He would likely have an update at the next meeting, after the legislative session ends.

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

There was no report.

- **NEXT MEETING DATE: April 7, 2022 at 3:30 P.M.**
  - **QUORUM CHECK**

All Supervisors confirmed their attendance at the April 7, 2022 meeting.

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

Mr. Willis reported the following:

- Florida Power & Light (FPL) Easement Bushhogging Program: The buffer maintenance contract was received and executed last week.
- Fertilizer was applied to trees, palms and ground cover in February. Pine straw is becoming difficult to obtain.
- The MRI pipe cleaning project started at the Cascades today.
- Proposals were requested for the metal gate near Hampton and Portico.

**NINTH ORDER OF BUSINESS****Public Comments: Non-Agenda Items (3 minutes per speaker)**

Ms. Shown asked if the gate between Portico and Hampton Lakes is the one off of Papayas Court. Mr. Stark stated one gate closes off the side of the canal to prevent entry of unwanted visitors and a second gate is the Portico gate into Hampton Lakes, which is locked and used for emergency purposes.

Hampton Lakes resident Michele Kasl discussed the lack of a fence on Hampton Boulevard behind her home. She stated that white fencing was installed on the southern end and on East Hampton Circle but Hampton Boulevard is wide open and ATVs frequently race through Portico and come across the land bridge.

Hampton Lakes resident Andy Kasl stated he addressed this with Mr. Miars and Mr. Miars was supposed to get back to him.

Mr. Stark recalled previous discussions about installing a gate or closing the land bridge. It was noted that Portico was going to install a fence and engineering drawings were submitted.

Ms. Kasl stated she contacted the Portico CDD and was advised that it is not their property. Mr. Stark stated it is Lennar's development. Ms. Kasl stated she was advised that Portico does not intend on extending the fence any further.



Mr. Kasl thought landscaping would be done in the area. Ken Mitchell asked Mr. Kasl to call him if Mr. Miars does not respond to him within two weeks. Ms. Kasl felt that landscaping would be inadequate.

Discussion ensued regarding similar issues and remedies in other areas within the CDD, blocking off the land bridge, damage to homeowners' yards and how to remedy the issue.

Installing a fence along the easement line was discussed. Mr. Stark stated it was labeled as optional on the drawing. Mr. Mitchell asked Mr. Krebs to obtain an estimate to fence the area in question.

Hampton Lakes Resident Paul Griffin asked if there is a gutter cleaning schedule for the Parkway. Mrs. Adams stated that pressure cleaning is completed at the end of rainy season and just before the holidays. Mr. Griffin asked about drainage inspections for gutters and lack of grates at the new homes. Mr. Krebs stated that grates would be cleaned and certified before turnover. Mr. Griffin stated he reported the issue to the HOA manager months ago. Mr. Krebs advised him to call Ms. Lee Simmons with Lee County, which is the reporting agency for NPDES.

**TENTH ORDER OF BUSINESS**

**Supervisors' Comments/Requests**

Mr. Asfour asked if the CDD's Rules of Procedure need to be amended.

Mr. Adams stated the Rules of Procedure are on the CDD website. He would have Mr. Urbancic review them but he believed they were amended a few years ago. The Rules of Procedure are an accumulation of laws with which the CDD must comply. Mr. Asfour stated he would like to review and possibly amend the Rules of Procedure and discussed his reasons.

Mr. Asfour stated he wants to review the minutes of a previous meeting referenced in the discussion with Mr. Miars. Mr. Adams stated he would forward the audio because the minutes might not reflect the discussion verbatim.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Asfour and seconded by Mr. Hagan, with all in favor, the meeting adjourned at 4:44 p.m.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair