

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

The Board of Supervisors of the River Hall Community Development District held a Public Hearing and Regular Meeting on April 6, 2023 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
Michael Morash	Assistant Secretary
Daniel J. Block	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Greg Urbancic	District Counsel
Charlie Krebs	District Engineer
Carl Barraco	Barraco & Associates
Grady Miars (via telephone)	GreenPointe
Anthony Wilson	Resident
Barbara Sangiuliano	Resident
Gary Stilwell	Public

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 3:30 p.m. Supervisors Mitchell, Stark, Morash and Block were present. Supervisor Asfour was not present.

SECOND ORDER OF BUSINESS

Public Comments (3 minutes per speaker)

Resident Anthony Wilson expressed concern that the speed limit signs at the entrance failed to slow traffic and asked if the Sheriff's portable speed sign can be utilized. Mr. Willis will ask the Resource Officer.

Resident Barbara Sangiuliano discussed ongoing issues with phosphate dust in her swimming pool and on her windows following wind storms. She believes the issue began after a large berm was constructed nearby and, in her opinion, additional construction in the area

contributes to the problem. She asked for the berm to be watered to prevent the dirt from dispersing. Mr. Adams stated that is not a CDD matter, as the CDD has no control over development. Oversight falls to the Developer or the County. Mr. Barraco stated he is not aware of a requirement to wet down loose/dry soil during windy/dusty conditions.

Mr. Morash noted high phosphate levels in his pool, which was blamed on fertilizer overspray from the landscapers. Mr. Miars will check with the contractor, as phosphorous should not be an issue since they generally only dig between 6' and 8' but not more than 12'.

Ms. Sangiuliano asked to meet with Mr. Adams after the meeting for an explanation of how assessments were levied on her property. She asked who pays assessments on unsold property. Mr. Adams stated the Developer pays those assessments. The Assessment Methodology will be discussed later in the meeting.

Mr. Gary Stilwell asked for a completion time frame for the work to be discussed during the Tenth Order of Business. He asked the Developer to describe the new water use permit that is being applied for. Mr. Adams stated that is not a CDD matter and Mr. Miars will only discuss CDD business during his report. Mr. Stilwell asked for information about the amount and type of fill to be used to restore the breach.

THIRD ORDER OF BUSINESS**Developer Update**

Mr. Miars reported the following:

- The northern boundary fence, between Portico and Hampton Lakes, was resolved.
- Permits were received and construction commenced in Parcel K2. Construction is expected to begin in the other Country Club parcels within the next 30 to 60 days.
- The permit for the next 195 lots in Hampton Lakes is expected this month.
- First quarter sales in both Hampton Lakes and the Country Club are up approximately 50% compared to last year in both number of sales and price.

Mr. Willis stated Portico Staff needs to complete the permit process so that the CDD's Land Development Order (LDO) can be approved. The fence materials are ordered and in Carter Fence's storage facility . Mr. Stark stated the matter of the easement with Lennar remains to be addressed. Mr. Willis estimated it will take two weeks for the fence to be installed. Mr. Stark noted a public safety issue exists and stated time is of the essence.

**Public Hearing to Consider the Adoption of
an Assessment Roll and the Imposition of
Special Assessments Relating to the
Financing and Securing of Certain Public
Improvements**

- A. Proof/Affidavit of Publication**
- B. Mailed Notice to Property Owner(s)**
- C. Supplement #2 to Engineer's Report**

Mr. Barraco presented the signed and sealed version of Supplement #2 to the Engineer's Report dated February 2, 2023 and revised April 6, 2023. Language in the Report was expanded to make it clear that Assessment Area 3 not only includes the 195 new units to the south but also includes Parcels C, H, Z and K2. The changes are reflected on the following pages:

Page 3, Section 1.1: Fourth and Fifth bullet points were revised as noted.

Page 4: Second paragraph was revised.

Page 7: Graph was changed so the red crosshatch for "Assessment Area 4" depicts the areas noted.

Page 8, Table 2: Unit count for "Assessment Area 4" includes the 195 units in the south as well as units in the additional parcels noted.

Mr. Stark asked if there will be little islands of "Assessment Area 4" within "Assessment Area 2". Mr. Barraco replied affirmatively.

- D. Fourth Supplemental Special Assessment Methodology Report for Assessment Area 4**

Mr. Adams presented the Fourth Supplemental Special Assessment Methodology Report for Assessment Area 4 dated April 6, 2023, which was similarly adjusted to reflect the information in the Engineer's Report. Table 1, on Page 12, includes the number of units in the Original Development Plan and the Revised Development Plan. The collective labeling of Hampton Lakes East Parcels C, H, Z and K2 as "Assessment Area 4" will remove confusion.

Mr. Adams stated, although the Report is titled Supplemental Special Assessment Methodology Report, it also serves as a Master Assessment Methodology Report. When originally presented, there were two Methodologies, one called a Master and one called a Supplemental. This two-fold Methodology and the noticing sets out the maximum amount of the planned principal amount and annual assessment levels for each product type within the collectively referred to "Assessment Area 4". In the upcoming Resolutions, the amount was adjusted down to the anticipated issue amount. The maximum shown, for noticing purposes,

allows a secondary set of bonds to be issued in the future without having to re-notice. The remainder of the Report is unchanged since it was presented at the February meeting.

The Public Hearing was opened.

No members of the public spoke.

- ***Hear testimony from the affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments on the property.***

Mr. Adams asked Mr. Miars if, as the representative for the primary Landowner that is affected by these assessments, he has any comments or questions. Mr. Miars stated the Reports are in good order; he reviewed them and he appreciates all the work behind them.

The Public Hearing was closed.

- ***Thereafter, the governing authority shall meet as an equalizing board to hear any and all complaints as to the special assessments on a basis of justice and right***

Mr. Urbancic explained the assessment processes and presented Resolution 2023-05, within which the Engineer’s Report and Assessment Methodology are also adopted.

Mr. Morash asked how Paragraph 10, relating to transfers of property, might apply. Mr. Urbancic stated he does not know if this situation will arise; it would apply in the event that some portion of real property is conveyed to the County or to a School District, in which case the property would be removed from the tax rolls.

The Board, sitting as the Equalizing Board, made no changes to the assessment levels.

- E. **Consideration of Resolution 2023-05, Making Certain Findings; Authorizing a Capital Improvement Plan; Adopting an Engineer’s Report; Providing an Estimated Cost of Improvements; Adopting an Assessment Report; Equalizing, Approving, Confirming and Levying Special Assessments; Addressing the Finalization of Special Assessments; Addressing the Payment of Special Assessments and the Method of Collection; Providing for the Allocation of Special Assessments and True-Up Payments; Addressing Government Property, and Making Provisions Relating to the Transfer of Real Property to Units of Local, State and Federal Government; Authorizing the Recording of an Assessment Notice; and Providing for Severability, Conflicts and an Effective Date**

On MOTION by Mr. Morash and seconded by Mr. Block, with all in favor, Resolution 2023-05, Making Certain Findings; Authorizing a Capital Improvement Plan; Adopting an Engineer's Report; Providing an Estimated Cost of Improvements; Adopting an Assessment Report; Equalizing, Approving, Confirming and Levying Special Assessments; Addressing the Finalization of Special Assessments; Addressing the Payment of Special Assessments and the Method of Collection; Providing for the Allocation of Special Assessments and True-Up Payments; Addressing Government Property, and Making Provisions Relating to the Transfer of Real Property to Units of Local, State and Federal Government; Authorizing the Recording of an Assessment Notice; and Providing for Severability, Conflicts and an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2023-06, Supplementing Its Resolution 2005-18 by Authorizing the Issuance of its River Hall Community Development District Special Assessment Revenue Bonds, Series 2023A (Assessment Area 4) in an Aggregate Principal Amount Not Exceeding \$9,500,000 for the Purpose Acquiring and Constructing Assessable Improvements; Delegating to the Chairman or Vice Chairman of the Board of Supervisors of the District, Subject to Compliance With the Applicable Provisions Hereof, the Authority to Award the Sale of Such Bonds to FMSbonds, Inc. by Executing and Delivering to Such Underwriter a Bond Purchase Contract and Approving the Form Thereof; Approving the Form of and Authorizing the Execution of a Fifth Supplemental Trust Indenture; Approving U.S. Bank Trust Company, National Association as the Trustee, Bond Registrar and Paying Agent for Such 2023A Bonds; Making Certain Findings; Approving the Form of Such Bonds; Approving The Form Of the Preliminary Limited Offering Memorandum and Authorizing the Use by the Underwriter of the Preliminary Limited Offering Memorandum and the Limited Offering Memorandum and the Execution of the Limited Offering Memorandum; Approving the form of the Continuing Disclosure Agreement and Authorizing the Execution Thereof; Authorizing Certain

Officials of the District and Others to Take All Actions Required in Connection with the Issuance, Sale and Delivery of Said Bonds; Providing Certain Other Details With Respect to Said Bonds; and Providing an Effective Date

Mr. Adams presented Resolution 2023-06, the Delegation Resolution, which accomplishes the following:

- Authorizes issuance of not to exceed \$9,500,000 aggregate principal amount of bonds for Assessment Area 4.
- Authorizes and approves the forms of documents, including the Supplemental Trust Indenture, Bond Purchase Agreement and Preliminary Limited Offering Memorandum and the Continuing Disclosure Agreement, all in substantial form.

On MOTION by Mr. Stark and seconded by Mr. Morash, with all in favor, Resolution 2023-06, Supplementing Its Resolution 2005-18 by Authorizing the Issuance of its River Hall Community Development District Special Assessment Revenue Bonds, Series 2023A (Assessment Area 4) in an Aggregate Principal Amount Not Exceeding \$9,500,000 for the Purpose Acquiring and Constructing Assessable Improvements; Delegating to the Chairman or Vice Chairman of the Board of Supervisors of the District, Subject to Compliance With the Applicable Provisions Hereof, the Authority to Award the Sale of Such Bonds to FMSbonds, Inc. by Executing and Delivering to Such Underwriter a Bond Purchase Contract and Approving the Form Thereof; Approving the Form of and Authorizing the Execution of a Fifth Supplemental Trust Indenture; Approving U.S. Bank Trust Company, National Association as the Trustee, Bond Registrar and Paying Agent for Such 2023A Bonds; Making Certain Findings; Approving the Form of Such Bonds; Approving The Form Of the Preliminary Limited Offering Memorandum and Authorizing the Use by the Underwriter of the Preliminary Limited Offering Memorandum and the Limited Offering Memorandum and the Execution of the Limited Offering Memorandum; Approving the form of the Continuing Disclosure Agreement and Authorizing the Execution Thereof; Authorizing Certain Officials of the District and Others to Take All Actions Required in Connection with the Issuance, Sale and Delivery of Said Bonds; Providing Certain Other Details With Respect to Said Bonds; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Consideration of Ancillary Financing Documents (2023A Project)

Mr. Urbancic presented the following:

- A. Agreement Regarding the Acquisition of Certain Work Product and Infrastructure
- B. Collateral Assignment and Assumption of Development and Contract Rights (2023A Project)
- C. Agreement Regarding the Completion of Certain Improvements
- D. Declaration of Consent to Jurisdiction of Community Development District and to Imposition of Special Assessments
- E. Lien of Record
- F. Notice of 2023A Assessments
- G. True-Up Agreement

Mr. Adams stated the Engineer’s Report and the Assessment Methodology reflect that it is planned that the outstanding 2021A-2 Bonds applicable to Assessment Area 4 will be prepaid by the Developer prior to issuance of the bonds. He stated the amount is \$1,706,628.29.

On MOTION by Mr. Morash and seconded by Mr. Stark, with all in favor, the Agreement Regarding the Acquisition of Certain Work Product and Infrastructure, Collateral Assignment and Assumption of Development and Contract Rights for the 2023A Project, Agreement Regarding the Completion of Certain Improvements, Declaration of Consent to Jurisdiction of Community Development District and to Imposition of Special Assessments, Lien of Record, Notice of 2023A Assessments and True- Up Agreement, all in substantial form, and authorizing the Chair to execute, were approved.

SEVENTH ORDER OF BUSINESS

Consideration of Gulfscapes Landscape Management Services, Proposal #4062 for Windsor Way Project

Mrs. Adams presented Gulfscapes Landscape Management Services Proposal #4062. A cul-de-sac resident asked the CDD to mulch the area owned by the CDD even though the HOA maintains the area within the turf, including irrigation. The easement buffer along the fence line is not being maintained. The cost to mulch it is not included in the CDD budget.

Mr. Stark stated Mr. Bob Cunningham, of the Country Club HOA, came forward to discuss a handshake agreement that all sod lawns and shrubbery be cared for by the corresponding HOAs and the CDD maintain everything outside of River Hall Parkway. He believes there is a need to develop exhibits that identify each of the properties because small portions of CDD land within the communities are not lakes or preserves assigned to the CDD.

Mrs. Adams stated an Assignment Agreement will be needed for the HOA to perform maintenance, on behalf of the CDD. While the CDD addressed vegetation on the fence line, this proposal is for unbudgeted pine straw requested by the resident. Mr. Stark stated this area and the previously addressed mustang boundary are inside the fence lines. In his opinion, the HOA should install the pine straw and maintain the area up to the boundary because it is only a few feet that the CDD would be caring for. He thinks the large swath of homeowner properties on Mustang with plantings comprising the boundary between the CDD and Hickey Creek Road, which is irrigated by the CDD, should be turned over to the HOA as part of the transition.

Mr. Stark suggested the CDD take over the HOA storm drains.

Discussion ensued regarding maps provided by M.R.I. Construction, Inc. (MRI) and Mr. Barraco. Mr. Stark believes the map shows that everything except the golf course belongs to the CDD. Mr. Krebs stated he assigned the requisitions that he had and asked that additional requisitions be given to him so he can update the maps further.

- **Acceptance of a Bridge Crossing a LAMSID Canal [Hampton Lakes at River Hall South Canal Crossing]**

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

Mr. Barraco presented the following:

- A. Assignment of Perpetual Canal Crossing Easement Agreement**
- B. Assignment of Landowner’s Agreement**
- C. Bill of Sale, Absolute**
- D. Owner’s Affidavit**

The consensus was that the CDD will accept the bridge when construction is complete.

On MOTION by Mr. Morash and seconded by Mr. Stark, with all in favor, authorizing Staff to finalize acceptance upon receipt of a completion certified by Lee County, was approved.

EIGHTH ORDER OF BUSINESS

Discussion/Consideration: Lykins Signtek, Inc., Quote #95022 for Protected Species Signage

Mrs. Adams presented Lykins Signtek, Inc., Quote #95022.

A Board Member objected to the sign and the expenditure. The Board consensus was not to replace the damaged sign.

Ms. Sangiuliano noted a possible safety issue when landscapers park on River Hall Parkway and do not put out orange cones. Mrs. Adams asked Ms. Sangiuliano to call the District Manager about things like this rather than calling contractors directly.

On MOTION by Mr. Stark and seconded by Mr. Block, with all in favor, not replacing the sign, was approved.

NINTH ORDER OF BUSINESS

Consideration of Southern Striping Solutions, LLC/Collier Paving & Concrete, Proposal #23-145 for Inspection 2023 of Asphalt, Concrete and Signage

Mr. Krebs discussed the process of surveying work to be done and presented Southern Striping Solutions, LLC/Collier Paving & Concrete Proposal #23-145.

Discussion ensued regarding damage to roads, ongoing construction and potential trip hazards. The consensus was to request a quote limited to addressing blacktop, valley gutters and trip hazards, with the proposal price to be reduced proportionately at Mr. Krebs' direction.

On MOTION by Mr. Morash and seconded by Mr. Block, with all in favor, Southern Striping Solutions, LLC/Collier Paving & Concrete Proposal #23-145 for 2023 Inspection of Asphalt, Concrete and Signage, as amended per the District Engineer's recommendations, was approved.

TENTH ORDER OF BUSINESS

Consideration of M.R.I Construction, Inc., Proposal #392 for Fill Dirt in FPL Easement Depressions

Mr. Krebs presented MRI Proposal #392. While the original estimate was \$10,000, two concrete barriers must be moved to help prevent erosion and vehicular traffic.

Discussion ensued regarding the cost, which exceeded the approved amount by \$2,000, and the need for fill. Mr. Miars suggested MRI contact Robert regarding free fill that he will supply. Mr. Krebs will obtain a revised quote.

ELEVENTH ORDER OF BUSINESS

Acceptance of a Bridge Crossing a LAMSID Canal [Hampton Lakes at River Hall South Canal Crossing]

- A. Assignment of Perpetual Canal Crossing Easement Agreement
- B. Assignment of Landowner’s Agreement
- C. Bill of Sale, Absolute
- D. Owner’s Affidavit

This item was presented following the Seventh Order of Business.

TWELFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of February 28, 2023

Mr. Adams presented the Unaudited Financial Statements as of February 28, 2023.

The “Due from capital projects fund” line item with a remaining balance of \$8 will be refunded and will cancel out the \$8 “Due to debt service fund 2011”.

Mrs. Adams stated “Holiday decorations” are at 107% due to an \$1,800 expenditure miscoded from Bentley Electric for streetlight repairs; the expense will be re-coded.

On MOTION by Mr. Morash and seconded by Mr. Stark, with all in favor, the Unaudited Financial Statements as of February 28, 2023, were accepted.

THIRTEENTH ORDER OF BUSINESS

Approval of March 2, 2023 Regular Meeting Minutes

Mr. Mitchell presented the March 2, 2023 Regular Meeting Minutes. The following changes were made:

Line 35: Change “Minor” to “Miars”

Line 130: Change “Mitchell” to “Willis”

On MOTION by Mr. Block and seconded by Mr. Morash, with all in favor, the March 2, 2023 Regular Meeting Minutes, as amended, were approved.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

- A. District Engineer: *Hole Montes*

There was no report.

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

There was no report.

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

- **NEXT MEETING DATE: May 4, 2023 at 3:30 P.M.**
 - **QUORUM CHECK**

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

Mr. Willis presented the Field Operations Report and noted the following:

- 12 hogs were removed in a single night, including several juveniles.
- Complaints were received about residents lining up on Hampton Boulevard since they can no longer park on River Hall Parkway.

Mrs. Adams reported the following:

- The landscape contract expires on September 30, 2023. Sealed bids will be requested.
- The lake and wetland contract’s first year expires on September 30, 2023. Bids will be requested, as the current contractor is not meeting expectations.

Mr. Miars recommended Sitex Aquatics.

FIFTEENTH ORDER OF BUSINESS

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

Mr. Stilwell asked who owns the wells that pump water in the lakes. Mr. Adams stated they are owned by the irrigation entity that GreenPointe created. Mr. Stilwell expressed concern about phosphates affecting lake water quality and the pumps. Mr. Willis stated the lake water quality is tested periodically and there has never been an issue with phosphates.

SIXTEENTH ORDER OF BUSINESS

Supervisors’ Comments/Requests

Mr. Stark stated that a PowerPoint was distributed to the Board Members regarding cameras at the gate for the south bridge at Hampton Lakes. A 200’ berm will block residents’ view of the gate so a request was submitted to meet with RAMCO to explore technology solutions to address breaches at the maintenance gates. Mr. Miars will address the issue.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Morash and seconded by Mr. Block, with all in favor, the meeting adjourned at 4:40 p.m.

CQS AL:
Secretary/Assistant Secretary

Kenneth D. Smith
Chair/Vice Chair