

**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 September 5, 2024 at 3:30 p.m., at the River Hall Town Hall Center, located at 3089 River Hall Parkway, Alva, Florida 33920.

Present were:

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

Also present:

Chuck Adams	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Greg Urbancic (via telephone)	District Counsel
Charlie Krebs	District Engineer
Tim Bramwell (via telephone)	Bond Counsel
Robert Rewis	Fire Chief
Bob Glandorf	Resident/HOA Turnover Committee
Cheryl Brill	Resident/HOA Turnover Committee
Sally Shown	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 Bob Glandorf stated that he and resident Cheryl Brill are representing the HOA Steering Committee related to turnover of the HOA and the golf course. They understand there is land owned by the CDD to be landscaped and maintained by the HOA but they have not been doing it for many years. It appears now that they are maintaining the land and will continue to do so. The Steering Committee would like to know what the arrangements are and if there is

anything they need to do, if the HOA is required to maintain all of it, if pieces are being taken care of by someone else and who might eventually be required to take care of it.

Ms. Brill stated the Steering Committee wants to know the terms of the arrangement between the CDD and the HOA and how long it will apply.

Mr. Asfour stated the Agreement is in perpetuity, as stated in the governing documents. It was noted that the HOA stopped maintaining the areas.

Discussion ensued regarding the HOA resuming maintaining the areas “next year” because of running at a deficit and not having the funds.

It was noted that communications are documented in emails.

Mr. Willis stated the governing documents read, “These plots that may or may not be owned by the CDD are to be maintained by the HOA in perpetuity.” He will send this information for future reference. Mr. Robert Nelson, of GreenPointe, had advised that he was trying to rectify these matters and, last month, he advised that the HOA Board will maintain these areas going forward. Mr. Nelson is currently working on the Hampton Lakes portion of it.

Mr. Glandorf stated some previously neglected trees near his home were finally trimmed, and numerous plants were installed on the strip of CDD land on Windsor Way. He asked if there are any other arrangements that they should be aware of.

It was noted that there are no informal arrangements. District Counsel has confirmed that the HOA is aware of its responsibilities.

Mr. Block asked if the HOA should be taking care of stormwater drainage. Mrs. Adams replied affirmatively; if they are not CDD-owned pipes, the HOA is responsible for maintaining them. Mr. Willis will email the drainage map and additional information.

Mr. Stark noted that the Covenants also state that the HOA will maintain all grassed properties. There are some large swaths of preserve with grassed areas at the edge, such as on River Gulf; these scattered grassed lands on preserve plats are maintained by the HOA.

THIRD ORDER OF BUSINESS

Presentation of Audited Annual Financial Report for Fiscal Year Ended September 30, 2023, Prepared by Berger, Toombs, Elam, Gaines & Frank

Mr. Adams recalled that Ms. Stonebraker presented the Audited Annual Financial Report for the Fiscal Year Ended September 30, 2023 and accompanying disclosures in detail at

the last meeting. Board Members elected to defer acceptance in order to further review the Audit. The Audit was already submitted timely to meet statutory requirements. Any material changes can be submitted to the State.

A. Consideration of Resolution 2024-10, Hereby Accepting the Annual Financial Report for the Fiscal Year Ended September 30, 2023

On MOTION by Mr. Asfour and seconded by Mr. Morash, with all in favor, Resolution 2024-10, Hereby Accepting the Annual Financial Report for the Fiscal Year Ended September 30, 2023, was adopted.

FOURTH ORDER OF BUSINESS

Update: Superior Waterway Services, Inc. Treatment Report – Andy Nott

Mr. Nott presented the July 2024 Treatment Report and highlighted the following:

- The lakes were inspected and several were treated twice for Chara and algae.
- Treatments were applied for weeds and grasses. Algae is normal and frequently treated.

A. Discussion/Consideration of Service Agreement Palm Tree Removal

Mrs. Adams confirmed that unassigned fund balance will be used for this expense.

On MOTION by Mr. Asfour and seconded by Mr. Block, with all in favor, the Service Agreement for Palm Tree Removal, in a not-to-exceed amount of \$9,800, was approved.

Mr. Nott stated crews might wait until October in the hopes that the waters recede.

FIFTH ORDER OF BUSINESS

Developer Update

Mr. Adams stated that there is no update.

SIXTH ORDER OF BUSINESS

Continued Discussion/Update: Proposed Traffic Control Project on Parkway for Proposed Townhome Project

Mr. Krebs stated that Mr. Barraco emailed himself and Mr. Adams regarding the median modifications discussed at the last meeting. The median near the proposed entrance would be

closed and a new median across from one of the proposed entrances would be opened. The Developer authorized the District Engineer to file an Amendment to the approved plans, subject to Board approval.

Discussion ensued regarding the existing median, the proposed change and traffic flow.

A Board Member noted that the significant changes accomplish the desired results.

Referring to an exhibit, Mr. Adams identified the locations of three proposed entrances and the existing median. It was noted that the revision eliminates the need for U-turns.

The consensus was to proceed with the Amendment.

On MOTION by Mr. Morash and seconded by Mr. Asfour, with all in favor, proceeding with the proposed project and authorizing the District Engineer to file an Amendment, were approved.

SEVENTH ORDER OF BUSINESS

Update: Lee County’s Sunshine Extension Project

There was no update. This item will remain on the agenda.

EIGHTH ORDER OF BUSINESS

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)

These items were included for informational purposes.

C. Supplement #3 to River Hall Community Development District Engineer’s Report (Dated October 25, 2005) and Supplement #1 (Dated November 15, 2019; Revised July 2, 2020) and Supplement #2 (Dated February 2, 2023; Revised July 25, 2023)

D. Fifth Supplemental Special Assessment Methodology Report for Assessment Area 5

Mr. Adams stated that Items 8C and 8D were presented at the last meeting.

E. Consideration of Resolution 2024-11, 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

Mr. Adams presented Resolution 2024-11.

The Public Hearing was opened.

- **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.**

No affected property owners or members of the public spoke.

- **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.**

The Board, sitting as the Equalizing Board, had no questions and made no changes.

The Public Hearing was closed.

On MOTION by Mr. Morash and seconded by Mr. Block, with all in favor, Resolution 2024-11, 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.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2024-12, Supplementing Its Resolution 2005-18 by Authorizing the Issuance of its River Hall Community Development District Capital

Improvement Revenue Bonds, Series 2024 (Assessment Area 5) in an Aggregate Principal Amount Not Exceeding \$8,000,000 for the Purpose Acquiring And Constructing Assessable Improvements; Delegating to the Chair or Vice Chair 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 Sixth Supplemental Trust Indenture; Approving U.S. Bank Trust Company, National Association as the Trustee, Bond Registrar and Paying Agent for Such 2024 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. Bramwell presented Resolution 2024-12, known as the Delegation Resolution, which accomplishes the following:

- Authorizes the 2024 principal amount of bonds not exceeding \$10,000,000.
- Approves, in substantial form, certain documents needed to market, price and sell the bonds, including the Sixth Supplemental Indenture, Bond Purchase Contract, Preliminary Limited Offering Memorandum and the Continuing Disclosure Agreement.

➤ Authorizes the Board to engage FMS Bonds, Inc., as Underwriter and authorizes the Underwriter to market the Bonds using the Preliminary Limited Offering Memorandum.

➤ Sets forth the parameters within which the Chair or Vice Chair can enter into the Bond Purchase Contract, as follows:

Maximum Principal Amount: Not to Exceed \$10,000,000

Maximum Interest Rate: Maximum Statutory Rate

Underwriter's Discount: Maximum 2.0%

Redemption Provisions: the 2024 Bonds shall be subject to redemption as agreed by the District and the Underwriter in the Bond Purchase Contract.

Final Maturity Date: Maximum Permitted by Law

The following change was made to Resolution 2024-12:

Title, Section 2 and where appropriate: Change "8,000,000" to "\$10,000,000"

Mr. Mitchell asked if the Developer intends to pay off any previous debt prior to issuance of this bond. Mr. Adams replied affirmatively; as described at the last meeting, an outstanding note will be paid off prior to or concurrently with issuance of this bond.

Mr. Asfour asked if there were assessments on land related to the previous debt. Mr. Adams replied affirmatively and stated that those assessments will be paid and new assessments applied; no subordination will occur.

Mr. Urbancic stated the Resolution will be updated to correct Section 2, as noted.

Mr. Bramwell stated that no bond proceeds will be utilized in conjunction with the Developer's payment of any previous debt prior to the issuance of this bond.

Mr. Asfour asked what "any other entity listed above" refers to, in the italicized text at the bottom of Page 42, which reads, "Neither the Builders nor any other entity listed above is guaranteeing payment of the 2024 Bonds or the 2024 Assessments. None of the entities listed herein, other than the Landowners, has entered into any agreements in connection with the issuance of the 2024 Bonds."

Mr. Urbancic stated that he interprets the language to include the Landowners because they are not guaranteeing the bonds and voiced his opinion that the language needs further clarification. He noted that Landowners are obligated to pay assessments but not to guarantee that all Landowners will pay their assessments. He noted that the CDD's typical Agreements include a Collateral Assignment Agreement, Completion Agreement, Acquisition Agreement

and True-Up Agreement. The comment above will be marked and reviewed to ensure that it conveys the meaning intended.

Mr. Asfour stated he will continue voting against new bond issuances, especially because, in his opinion, the Developer has the money to subsidize improvements themselves.

On MOTION by Mr. Stark and seconded by Mr. Morash, with Mr. Stark, Mr. Morash, Mr. Mitchell and Mr. Block in favor and Mr. Asfour dissenting, Resolution 2024-12, as amended, Supplementing Its Resolution 2005-18 by Authorizing the Issuance of its River Hall Community Development District Capital Improvement Revenue Bonds, Series 2024 (Assessment Area 5) in an Aggregate Principal Amount Not Exceeding \$10,000,000 for the Purpose Acquiring And Constructing Assessable Improvements; Delegating to the Chair or Vice Chair 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 Sixth Supplemental Trust Indenture; Approving U.S. Bank Trust Company, National Association as the Trustee, Bond Registrar and Paying Agent for Such 2024 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. (Motion passed 4-1)

TENTH ORDER OF BUSINESS

Consideration of FMSbonds Inc. Rule G-17 Disclosure Letter

On MOTION by Mr. Morash and seconded by Mr. Block, with Mr. Morash, Mr. Block, Mr. Mitchell and Mr. Stark in favor and Mr. Asfour dissenting, the FMSbonds Inc. Rule G-17 Disclosure Letter, was approved. (Motion passed 4-1)

ELEVENTH ORDER OF BUSINESS

Consideration of Resolution 2024-13, Ratifying the Action of the District Manager in Re-Setting the Date of the Public Hearing on the Proposed Budget for Fiscal Year 2024/2025; Amending

Resolution 2024-06 to Reset the Hearing Thereon; Providing a Severability Clause; and Providing an Effective Date

Mr. Adams presented Resolution 2024-13. He noted that the Budget Public Hearing must be rescheduled because it was not properly advertised. He suggested canceling the October meeting and scheduling the Public Hearing on Monday September 30, 2024.

Mr. Urbancic stated, if documentation is complete, the pre-closing on the bonds can occur on the same day.

On MOTION by Mr. Asfour and seconded by Mr. Morash, with all in favor, Resolution 2024-13, Ratifying the Action of the District Manager in Re-Setting the Date of the Public Hearing on the Proposed Budget for Fiscal Year 2024/2025; Amending Resolution 2024-06 to Reset the Hearing Thereon for September 30, 2024, at 3:30 p.m., at the River Hall Town Hall Center, located at 3089 River Hall Parkway, Alva, Florida 33920; Providing a Severability Clause; and Providing an Effective Date, was adopted.

TWELFTH ORDER OF BUSINESS

Consideration of Resolution 2024-14, Accepting the Certification of the District Engineer that the 2020A Project is Complete; Declaring the 2020A Project Complete; Finalizing the Special Assessments Securing the District's Series 2020A Special Assessment Bonds; Providing for the Update of the District's Assessment Records; Providing for Severability, Conflicts and an Effective Date

Mr. Mitchell presented Resolution 2024-14. Mr. Krebs stated that he has one more Requisition to close out the Construction Account.

This item was deferred to the next meeting.

THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of July 31, 2024

Mr. Adams presented the Unaudited Financial Statements as of July 31, 2024.

It was noted that Revenues are at 101% of budget due to the \$10,200 in interest earnings from the Bank United Surplus Investment Account.

The financials were accepted.

FOURTEENTH ORDER OF BUSINESS

Approval of August 1, 2024 Regular Meeting Minutes

The following changes were made:

Line 111: Change “100” to “95”

Line 112: Change “one” to “202”

Line 359: Add “maintenance” after “landscaping”

On MOTION by Mr. Asfour and seconded by Mr. Block, with all in favor, the August 1, 2024 Regular Meeting Minutes, as amended, were approved.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

A. District Engineer: Hole Montes

Mr. Krebs stated that the requirement related to gopher tortoise monitoring and relocation ended last week; no turtles were trapped for the last mound and the CDD has no further obligations. Mr. Willis stated the fence installation is confirmed; installation will take four days and will begin on September 10, 2024. It was noted that the black silt fence was utilized in trapping efforts.

B. District Counsel: Coleman, Yovanovich & Koester

There was no report.

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

Mrs. Adams stated that a letter was sent to Ashton Oaks regarding the pipe blockage noted on the Structure Inspection Report. While speaking with the Property Manager Sherry Summers and Elaine, the HOA President, Ms. Summers was instructed to take the steps necessary to complete the project.

- **UPCOMING MEETING DATES**
 - **September 30, 2024 at 3:30 PM [Budget Adoption Hearing]**
 - **November 7, 2024 at 3:30 PM [Regular Meeting]**

○ **QUORUM CHECK**

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

Mr. Willis reported the following:

➤ Pictures from GulfScapes regarding Mr. Asfour’s concerns about the portable fence and the hedge are pending. The resident expressed concern about the appearance but the fence was installed according to specifications.

Discussion ensued regarding the resident’s complaint.

Mrs. Adams stated the Bougainvillea will take time to grow; the CDD will not maintain it. It was noted that the CDD was not required to install the fence; however, the purpose of the fence is to deter trespassing, not to provide privacy.

Mr. Asfour stated that he will follow up with the resident.

Mr. Willis stated the CDD spent \$120,000 on the hedge and the fence.

SIXTEENTH ORDER OF BUSINESS

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

Resident Sally Shown asked if the back gate will be operational soon. Mr. Stark stated that is a Hampton Lakes HOA matter. He thinks the HOA has electric and that RAMCO has been working there.

Discussion ensued regarding access to the area, permits, etc.

Ms. Shown asked if River Hall will be turned over in December 2025. Mr. Mitchell replied affirmatively. Mr. Asfour believes that Hampton Lakes will be turned over on the same day, December 6, 2025, and that the Amenity Center will be turned over on November 8, 2025.

SEVENTEENTH ORDER OF BUSINESS

Supervisors’ Comments/Requests

There were no Supervisors’ comments or requests.

EIGHTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Asfour and seconded by Mr. Stark with all in favor, the meeting adjourned at 4:20 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair