

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

The Board of Supervisors of the River Hall Community Development District held a Regular Meeting on February 1, 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
Megan Magaldi (via telephone)	District Counsel
Greg Urbancic (via telephone)	Coleman, Yovanovich & Koester
Charlie Krebs	District Engineer
Robert Rewis	Fire Chief
Andy Nott	Superior Waterway Services (Superior)
Kim Tempesta	Resident
Gary Stillwell	Non-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 Kim Tempesta distributed and read her written response to Mrs. Adams' January 25, 2024 letter regarding the Lake 3-5B Embankment, Erosion, Drainage Inspection Report. Ms. Tempesta's letter advised that she engaged a contractor to extend drain pipes from two existing bubblers through the CDD's land behind her property and into the lake, asked for written approval to access CDD property to do so and asked for the specifications of the drainage tube material. The letter also informs of a sinkhole that developed 10' below her

property line that should be filled in, as she believes it poses a danger to workers and is attracting critters onto her property.

Mrs. Adams stated that she spoke with Ms. Tempesta before the meeting and discussed the work that needs to be done and the type of material that should be used. Staff provided the necessary repair information, urged Ms. Tempesta to abide by the District Engineer's recommendations and informed her that the CDD does not maintain any landscape vegetation in the rear of the lots and that the property owner/resident is responsible for all repairs up to the high-water mark of the lake bank and is also responsible for the sinkhole repairs.

Ms. Tempesta countered with her belief that, before her home was constructed, an irrigation head planted 10' below her property line caused the huge hole, so it is a CDD problem. She is willing to have the pipes extended to her bubbler system; however, it is her understanding that the CDD will handle all mitigation at the lake banks. Mrs. Adams stated the erosion over the past few years is due to neglect and Ms. Tempesta is responsible for the maintenance of the property up to the lake bank itself. Ms. Tempesta stated that she will not be scapegoated for work that she thinks the CDD should have done at the lake bank before her house was built. She questioned if backfill was put down prior to Hurricanes Irma and Ian and insisted that the area in question is not her property. Mrs. Adams stated the letter that she sent to Ms. Tempesta on January 25, 2024 informed her that the Board directed the District Engineer to inspect the property and submit a written report of what needs to be done. Ms. Tempesta was given 30 days to resolve the issues and, if she does not, the CDD will make the repairs and send the homeowner an invoice for reimbursement for the cost of the repairs.

Discussion ensued regarding the cause of the erosion, two adjacent homes, the bubbler system, the grass line, Juniper and ultimate responsibility for the repairs.

Mr. Mitchell suggested that Ms. Tempesta read the Covenants and Restrictions, which outline specific provisions that require the homeowner who lives next to and on property adjacent to a pond to maintain the area up to the water's edge. He stated the contractor has the Board's permission to enter CDD property to make the repairs.

Mr. Adams will email a copy of the Covenants to Ms. Tempesta.

Ms. Tempesta stated she will itemize the scope of work since the repairs went from running two pipes to also filling the sinkhole. She asked for an extension to complete the work.

Mr. Mitchell stated that is fine.

- **Lake Update – Superior Waterway Services (Superior)**

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

Mr. Nott reported the following:

- The lake is treated several times per month. Crews were on site for a few days in January working on the problem banks.
- There is significant improvement on the southern lakes that have not yet been developed. Crews are re-sloping the bank and cleaning up.
- Residents called about the untreated water lilies in Lake 2-2E. Crews have responded and continue to treat them.
- Since water levels are up, torpedo grass will soon be sprouting. Although it will be a challenge, crews will continually treat them.
- All in all, the property looks good.

Asked if the builders are doing what they are supposed to be doing and installing the correct sod down to the water line, Mr. Nott replied affirmatively.

**THIRD ORDER OF BUSINESS**

**Developer Update**

There was no update.

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2024-02, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Lee County Supervisor of Elections Begin Conducting the District’s General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date**

Mr. Adams presented Resolution 2024-02. Seats 1, 2 and 3, currently held by Mr. Asfour, Mr. Morash and Mr. Mitchell, respectively, will be up for election at the November 2024 General Election. Interested parties should qualify with the Supervisor of Elections (SOE) during the candidate qualifying period, which runs from noon, June 10, 2024 to noon, June 14, 2024.

**On MOTION by Mr. Morash and seconded by Mr. Asfour, with all in favor, Resolution 2024-02, Implementing Section 190.006(3), Florida Statutes, and**

**Requesting that the Lee County Supervisor of Elections Begin Conducting the District's General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date, was approved.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Disclosure Technology Services LLC, EMMA Filing Assistance Software as a Service License Agreement**

Mr. Adams presented the Disclosure Technology Services LLC, EMMA Filing Assistance Software as a Service License Agreement. He stated the software is specific to the bond issue and is highly recommended by Management. The annual license fee is \$1,500 and it will cost \$4,500 for the three bonds, which will be reflected in the Fiscal Year 2025 budget. The maximum amount is \$5,000.

**On MOTION by Mr. Block and seconded by Mr. Stark, with all in favor, the Disclosure Technology Services LLC, EMMA Filing Assistance Software as a Service License Agreement, was approved.**

**SIXTH ORDER OF BUSINESS**

**Consideration of Proposals to Replace Construction Gate at West Entry to Cascades**

Mr. Willis presented a \$14,332.80 proposal from Carter Fence to replace the construction gate at the west entry to the Cascades. He recommended replacing the cattle fence with two decorative fences.

Discussion ensued regarding the existing gates and installation timeframe.

**On MOTION by Mr. Stark and seconded by Mr. Morash, with all in favor, the Carter Fence proposal to replace two decorative gates, in the amount of \$14,332.80, was approved.**

**SEVENTH ORDER OF BUSINESS**

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

Ms. Magaldi stated a response from the County regarding the traffic control project remains pending.

Mr. Stark directed Ms. Magaldi to remind Mr. Urbancic to contact County officials again on February 14 or 15, 2024, if he has not heard from them.

**EIGHTH ORDER OF BUSINESS**

**Discussion/Update: Chestnut Grove Erosion Concerns**

This item was addressed during public comments.

**NINTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of December 31, 2023**

Mr. Adams presented the Unaudited Financial Statements as of December 31, 2023. He reported that a significant amount of cash was moved over to the BankUnited investment account, so the January financials will reflect 30 days' worth of accrued interest.

The financials were accepted.

**TENTH ORDER OF BUSINESS**

**Approval of January 4, 2024 Regular Meeting Minutes**

Mr. Adams presented the January 4, 2024 Regular Meeting Minutes.

**On MOTION by Mr. Morash and seconded by Mr. Asfour, with all in favor, the January 4, 2024 Regular Meeting Minutes, as presented, were approved.**

**ELEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Engineer: Hole Montes**

Mr. Krebs reported the following:

➤ A homeowner recently emailed with concerns about the pavement markings along River Hall Parkway, the sidewalks, the Americans with Disability Act (ADA) mats at the pedestrian crossing and signage.

The sidewalk repairs will commence next week.

➤ Regarding the pavement markings, Mr. Krebs presented Southern Striping Estimate #24-062, in the amount of \$24,206.60.

Discussion ensued regarding the project cost, the funding source, the budget, urgency of the project and deferring it to Fiscal Year 2025.

➤ Regarding the ADA mats, Mr. Krebs stated, if no repairs are made, the mats are considered valid but, if the CDD repairs one side, it must repair the entire intersection. He will obtain pricing so this project can be budgeted in the future.

➤ Regarding a leaning sign and missing signage, Mr. Krebs asked for the Board's permission to authorize staff to repair and replace the signage, at a cost of \$300.

The Board approved Mr. Krebs' request.

• **Continued Discussion: Roadside Catch Basin Ownership Responsibility**

Mr. Krebs stated he has not received any correspondence regarding the catch basins. He noted that Staff filed as an interested party with the South Florida Water Management District (SFWMD) on the Environmental Resource Permit (ERP) application for the townhomes. Mr. Krebs will review all the documents on file and provide an update at the next meeting.

This item will remain on the agenda.

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

Mr. Urbancic stated that he continues to monitor the legislative session and will update the Board as the session progresses. Additionally, he is in receipt of the Board's request to follow up with the County regarding the traffic control project and will do so.

Mr. Urbancic stated Board Members must complete four hours of ethics training before the end of 2024 and it will be an annual requirement. Mr. Adams will resend the Memorandum containing the ethics training and Form 1 filing information to the Board.

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

• **NEXT MEETING DATE: March 7, 2024 at 3:30 PM**

○ **QUORUM CHECK**

All Supervisors confirmed their attendance at the March 7, 2024 meeting.

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

Mr. Willis presented the Field Operations Report and provided updates on the Portico fencing hedge and the Sagitarria Lane fence. He reported the following:

➤ Regarding installation of bougainvillea adjacent to the fence along Portico, Mr. Willis stated there is currently no irrigation but he is working to clarify this with Mr. Bob Nelson and will provide an update at a future meeting.

➤ Mr. Willis stated a resident on Weston Manor Drive turned the preserve behind the home into a "park" and installed fill material/gravel, which is an issue. The property was photographed. Staff will send a cease-and-desist letter that also demands removal of the items.

**RIVER HALL CDD**

**February 1, 2024**

➤ After several discussions with SOLitude disputing invoices, an appropriate email was received with SOLitude acknowledging that they failed the CDD by providing mediocre service and, thus, will not pursue the CDD for payment on \$25,000 worth of invoices.

**TWELFTH ORDER OF BUSINESS**

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

Non-resident Gary Stillwell distributed a handout of a blocking/map from 2007 and stated the County is considering constructing a four-lane highway through River Hall, just south of the FPL right-of-way. He believes the impending project will impact the wetland, a conservation area and several homes and result in substantial noise.

Discussion ensued regarding the roadway project, re-zoning the wetlands/preserves, areas owned by Lee County, wall construction, the Hickey Creek development and eminent domain.

Mr. Urbancic stated he conferred with the Assistant County Attorney about this and he is uncertain if anything is eminent; the project is pending.

**THIRTEENTH ORDER OF BUSINESS**

**Supervisors' Comments/Requests**

Mr. Stark stated, regarding Ms. Tempesta's response, Mrs. Adams should refer her to the HOA's design document, which also describes the irrigation in that area and provides additional information that supports the homeowners being responsible for the repairs, beyond the covenants.

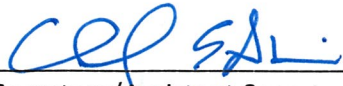
Regarding the fence, Mr. Stark asked Mr. Willis notify the Developer to repair the sidewalk damage at the same time, or shortly thereafter, as the fence installation at the entrance gate on Cascades. Mr. Willis stated that is in the original scope of work for the repairs.

Asked for an update on ambulance service, Fire Chief Robert Rewis stated the County is considering its options and the County Attorney must evaluate the appropriate value of what it might be worth to rent the space; the matter is still undecided.

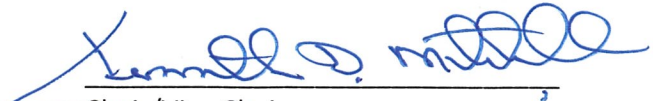
**FOURTEENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Block and seconded by Mr. Asfour, with all in favor, the meeting adjourned at 4:38 p.m.**



Secretary/Assistant Secretary



Chair/Vice Chair