

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

A Regular Meeting of the River Ridge Community Development District's Board of Supervisors was held on **Tuesday, June 28, 2016 at 1:00 p.m.**, in the **River Room** at the **River Club Conference Center (Second Floor of Fitness Center), 4784 Pelican Sound Boulevard, Estero, Florida 33928.**

Present at the meeting were:

Terry Mountford (<i>via telephone</i>)	Chair
Bob Schultz (<i>via telephone</i>)	Vice Chair
James Gilman	Assistant Secretary
Judy Haase	Assistant Secretary
Tom Schoenheider	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Charlie Krebs	District Engineer
Tony Pires	District Counsel
Jim Whitmore	PSGRC General Manager
Larry Fiesel	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:03 p.m., and noted, for the record, that Supervisors Gilman, Haase and Schoenheider were present, in person. Supervisors Mountford and Schultz were attending via telephone.

On MOTION by Ms. Haase and seconded by Mr. Schoenheider, with all in favor, authorizing Mr. Mountford and Mr. Schultz's attendance and full participation, via telephone, due to exceptional circumstances, was approved.

SECOND ORDER OF BUSINESS

**Public Comments: Agenda Items (5
minutes per speaker)**

There being no public comments, the next item followed.

THIRD ORDER OF BUSINESS

Continued Discussion: Traffic Calming

Mr. Schoenheider asked if Mr. Adams downloaded the data from the radar sign. Mr. Adams was having trouble communicating with the sign and was awaiting a new app.

Mr. Krebs reported that the new signs were installed at the roundabout.

FOURTH ORDER OF BUSINESS

Continued Discussion: Proposed Budget for Fiscal Year 2016/2017

Mr. Adams noted no changes to the budget, since the last meeting. The Fiscal Year 2017 assessments were nearly the amount of the Fiscal Year 2016 assessments, with a decrease in The Meadows assessment. During Fiscal Year 2017, the roadway resurfacing project would commence. The \$200,000 for “Roadway Resurfacing” would remain in the Fiscal Year 2017 budget, to make the principal and interest payment against the loan for the road resurfacing project.

Mr. Adams advised that the Public Hearing for adoption of the Fiscal Year 2017 budget was scheduled for August.

FIFTH ORDER OF BUSINESS

Update: Contract for Curbing Repairs

Mr. Krebs reported that Mr. Pires sent the Bonness, Inc., (Bonness) contract and the President of Bonness was executing it. Mr. Adams confirmed that Bonness did not need to provide a performance bond. As soon as the contract was executed, Mr. Krebs would schedule the work.

Mr. Adams noted that the bid amount was \$63,000, which was significantly less than the \$100,000 amount authorized by the Board. Staff was proceeding to contract with Bonness to commence work after completion of the golf course renovations. Mr. Whitmore expected the renovations to be completed at the end of July. Mr. Adams planned to go out for bids for the resurfacing, in July, and hoped to provide proposals at the August meeting, for award of the contract, along with a term sheet for financing.

Mr. Whitmore asked if the curb repair work was being completed with the cart crossings or during the road repair. Mr. Krebs indicated that, during the curb repairs, curbs would be cut and reformed.

Mr. Adams anticipated completion of the paving in October; paving was expected to take one month to complete.

Mr. Krebs presented a map of the paving area and asked if the Pelican Sound Golf and River Club (PSGRC) could be used as a staging area. Mr. Whitmore suggested that the contractor utilize part of the PSGRC parking lot or the Florida Power & Light (FPL) easement. Mr. Krebs asked if the RV storage area could be used to store the milling machine, as the contractor moved south. Mr. Whitmore suggested storing the equipment behind the FPL gate, on Williams Road, where a tractor trailer was currently being stored. Mr. Whitmore would attend the pre-construction meeting to discuss the best locations, such as the FPL easements in Island Sound and Palmetto Dunes. When the contractor is near Pinehurst, Mr. Whitmore suggested using the PSGRC parking lot as a staging area.

Mr. Schoenheider asked if half of the road would be drivable. Mr. Krebs explained that, like Island Sound, the entire road would be milled and the contractor would close half of the road for paving and allow traffic on the unpaved section. Asphalt could be driven on. A schedule would be mailed or emailed to residents with the days that the contractor would be working in their neighborhood. Mr. Krebs stressed that no one would be completely blocked out of their homes for any significant time. Mr. Adams pointed out that the road must remain clear for emergency vehicles.

In response to Mr. Schoenheider's question, Mr. Krebs stated that the sidewalks were being completed separately from the curb repairs. Mr. Adams confirmed that the sidewalks were part of the grinding program. A few slabs may need replacement but most were being grinded. Mr. Krebs would view the sidewalks for structural integrity and determine whether they must be grinded or replaced. It would be less expensive to grind the sidewalks, if replacement is not necessary. Ms. Haase noticed that the grinding had not commenced and many markings disappeared. Ms. Haase wanted the District Engineer to do something soon, as this matter was ongoing for three months.

Mr. Whitmore asked who owns the FPL easement in Island Sound, which was damaged during the golf course renovation. Mr. Krebs explained that, if the sidewalk was in the right-of-

way (ROW), the CDD has ownership. Mr. Whitmore noted that the golf course owns the easement. Mr. Krebs recommended replacing or repairing the sidewalk to the first seam in the ROW.

Regarding the curbs, Mr. Schultz recalled that, at the last meeting, the Board approved a not-to-exceed amount of \$100,000, because the original bid was \$63,000; however, Mr. Krebs expected the cost to increase, as an additional 250 linear feet was necessary. Since the cost did not increase, Mr. Schultz wondered if Bonness missed the additional 250 linear feet. Mr. Krebs would confirm but explained that there was a \$3,000 to \$4,000 difference in the bid amount between Bonness and Ajax Paving Industries of Florida (Ajax). Mr. Krebs stated that Bonness was supposed to use the District's quantities and bid numbers and the District's bid numbers included the 250 linear feet.

Mr. Schultz requested that the Board review the road paving bid package prior to it being made public. Mr. Krebs had a draft but input from Mr. Adams was necessary regarding items, such as operation hours. Once Mr. Krebs finalized the bid package, it would be distributed to the Board.

In response to Mr. Schultz' question, Mr. Adams confirmed that the sidewalks would be grinded in July.

SIXTH ORDER OF BUSINESS

Consideration of Second Amendment to Amended and Restated Community Development District Systems and Facilities Operation and Maintenance Agreement with Pelican Sound Golf and River Club, Inc.

Mr. Adams recalled that, at the last meeting, the Board agreed to release the PSGRC from any liability, in repairing sidewalks, due to tripping hazards, especially after Mr. Ben Albano's recent trip and fall.

Mr. Pires referred to the following changes to the agreement:

- Paragraph "D": Insert *"maintenance of landscaping in District ROW; maintenance of District signage in District ROW; cleaning, roadway striping and raised pavement marker ("RPM") installation on District roads and streets; and cleaning of District sidewalks"*

- Paragraph “D”: Delete “(including landscaping and sidewalks)”.
- Paragraph “3.C”: Delete “filling pot holes in the streets”
- Paragraph “3.C” Insert “striping and RPM installation on roads and streets”

Mr. Pires advised that, under Paragraph “11”, language was inserted that is required in all contracts with public entities, after July 1, 2016.

Mr. Adams advised that the agreement was in order and satisfied all of the golf club’s concerns.

Mr. Schoenheider asked if liability was limited to \$200,000. Mr. Pires advised that the District has limited sovereign immunity, under the statute, with statutory caps of \$200,000, per individual, and \$300,000, in the aggregate, per incident. The purpose of the amendment was to remove the liability of the PSGRC to maintain the roads. The District has the duty and, therefore, the liability.

Mr. Adams advised that the District owns the sidewalks, roads and curbs but the PSGRC was targeted because slip and falls result in trip hazard claims. Mr. Adams suggested removing the PSGRC from liability by placing the liability under the ownership of the District, since the District has sovereign immunity protections.

In response to a question, Mr. Pires confirmed that, if a resident falls and sues the District, the maximum amount that the resident could receive is \$200,000, unless insurance covers the incident. There is also a claims bill process whereby, the Legislature could override the sovereign immunity, by passing and approving a claims bill, paying a judgment and requiring the public entity to pay; however, claims bills were unusual.

On MOTION by Mr. Schoenheider and seconded by Mr. Gilman, with all in favor, the Second Amendment to the Amended and Restated Community Development District Systems and Facilities Operation and Maintenance Agreement with the Pelican Sound Golf and River Club, Inc., as presented, was approved.

Mr. Schultz stressed that the PSGRC is responsible for notifying the District, upon observation of sidewalk issues, as soon as possible. Mr. Whitmore would take pictures, on a monthly basis, and bring them to each meeting.

SEVENTH ORDER OF BUSINESS

Approval of Unaudited Financial Statements as of May 31, 2016

Mr. Adams presented the Unaudited Financial Statements as of May 31, 2016.

EIGHTH ORDER OF BUSINESS

Approval of May 24, 2016 Regular Meeting Minutes

Mr. Adams presented the May 24, 2016 Regular Meeting Minutes and asked for any additions, deletions or corrections.

The following changes were made:

Line 50: Change “leg” to “lake”

Line 102: Delete “not”

Line 158: Delete “of 1”

On MOTION by Mr. Gilman and seconded by Ms. Haase, with all in favor, the May 24, 2016 Regular Meeting Minutes, as amended, were approved.

• **Action/Agenda Items**

Items 1, 2, 3, 4, 8, 9, 11, 13, 14, 15 and 18 were continued.

Items 5, 6, 7, 10, 12, 16, and 17 were completed.

Regarding Item 7, Mr. Krebs reported that a contractor was replacing all RPMs.

Regarding Item 8, Mr. Krebs received an email from the South Florida Water Management District (SFWMD) regarding the clearing. Ms. Crismond was obtaining proposals from contractors to remove native vegetation from the dry retention area. Mr. Pires requested that Mr. Krebs forward the email to Mr. Adams, for inclusion in the public record.

Regarding Item 9, Mr. Adams would email the curb work and road repaving schedule to residents, once received.

Regarding Item 11, Mr. Adams filed the audit with the State and would present it at a future meeting. It was a clean audit and the District was in a sound financial position.

Regarding Item 12, Ms. Crismond sent an email to Mr. Gordon Brown, a resident, on June 6, 2016, advising that the Board was not taking action on the Palmetto Dunes lake until the results of the Lake E4-A Bio-Zyme[®] treatment are evaluated.

Regarding Item 13, Mr. Adams would provide the Florida Community Bank loan documents, with the bid results, at the August meeting.

Regarding Item 14, Mr. Adams distributed the Capital Improvement Plan (CIP). It was updated to reflect that the resurfacing project would commence in Fiscal Year 2016, with a four year financing, to save one year of interest costs, and anticipating a 4.5% interest rate. Ajax provided an estimate for \$650,000, which could be lower, if it was competitively bid; \$40,000 for pole repainting and new traffic sign inserts and a contingency increased the total to \$700,000.

Mr. Shultz indicated that the first item on the CIP was shoreline/erosion control abatement and asked if more lakes were scheduled to be completed. Mr. Adams expected spot repairs, which could be handled under the current budget and fund balance.

Regarding Item 16, Ms. Crismond clarified that no amendment was necessary to the Lake & Wetland contract. The fern removal, along the dry retention area behind residents' homes, was completed, at no charge. Mr. Adams confirmed that the fern removal was completed but would be considered ongoing. Ms. Crismond contacted Lake & Wetland, this morning, for confirmation. In response to Mr. Schultz' question, Mr. Adams confirmed that the dry retention areas were inspected, last week, as part of the annual lake audit. Mr. Schultz asked if the ferns were dead. Mr. Adams confirmed that ferns were burned out. Ms. Crismond noticed numerous burned out ferns. She did not drive the residents' side of the dry retention area and only performed a spot check. If there were any ferns remaining, Mr. Gonzalo Ayers would notify her.

Regarding Item 18, Mr. Krebs did not touch-up the sidewalks. Mr. Adams had a map of the marked sidewalks and would provide it to the contractor.

NINTH ORDER OF BUSINESS

Other Business

Mr. Schoenheider would not attend the July meeting.

Mr. Adams polled the Board Members and noted that there was no quorum; therefore, the next meeting would be in August. Mr. Adams confirmed a quorum for the August 23 meeting.

TENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

There being no report, the next item followed.

B. District Engineer

There being no report, the next item followed.

C. District Manager

i. NEXT MEETING DATE: July 26, 2016 at 1:00 P.M.

This item was discussed during the Ninth Order of Business.

ELEVENTH ORDER OF BUSINESS

**Supervisors' Requests and Public
Comments (5 minutes per speaker)**

Ms. Haase asked if Lake E4-A was being maintained during the golf course renovation. Mr. Whitmore indicated that it should be maintained, as there was access, on the north side.

Mr. Adams announced that Mr. Larry Fiesel , a resident, ran unopposed for Seat 5 and would be on the Board, following the November election. Mr. Pires explained that Mr. Fiesel becomes a member-elect and, once election day occurs, could not communicate with any current Board Members regarding CDD matters.

TWELFTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Schoenheider and seconded by Mr. Gilman, with all in favor, the meeting adjourned at 1:30 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair