

**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, October 24, 2017 at 1:00 p.m., in the Sound Room at the River Club Conference Center (Second Floor of Fitness Center), 4784 Pelican Sound Boulevard, Estero, Florida 33928.

Present at the meeting were:

Bob Schultz	Chair
Terry Mountford	Vice Chair
James Gilman	Assistant Secretary
Larry Fiesel (<i>via telephone</i>)	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Tony Pires	District Counsel
Charlie Krebs	District Engineer
Bill Kurth	LakeMasters Aquatic Weed Control, Inc.
Dave Robson	Johnson Engineering
Mallory Clancy	Johnson Engineering
Jim Whitmore	PSGRC General Manager
Rich Thomas	Resident
Asina Bachrach	Resident
Residents	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:03 p.m. Supervisors Schultz, Mountford and Gilman were present in person. Supervisor Fiesel was not present at roll call. Supervisor Haase was not present.

SECOND ORDER OF BUSINESS

Public Comments: Agenda Items (5 minutes per speaker)

There being no public comments, at this time, the next item followed.

THIRD ORDER OF BUSINESS**Continued Discussion: Traffic Calming**

Mr. Adams stated that the only project still outstanding was the cross-walk at Pelican Sound Drive, which was pushed back, due to the lack of signage, following the storm. The crosswalk warning signs, with the flashing lights, were on backorder and Mr. Adams did not want the pavement markings installed until those signs were in place. This was tentatively scheduled for December 4 but the contractor would attempt to complete it sooner. Hurricane Irma created signage issues.

FOURTH ORDER OF BUSINESS**Continued Discussion: Water Quality in Lake E4-A, H1-B & E7-A**

Mr. Kurth stated that Lake 1 was the reclaimed pond between Sounds 2 and 3 and reported the following:

Lake E4-A: Has been problematic for a very long time. It was a golf course irrigation lake that had effluent added and was extremely high in both phosphorous and nitrogen but with phosphorous, in particular, being the driver for algae growth. For a long time the lake had major surface algae problems. Six months ago, a new and beneficial form of a bacteria sock was installed and was extremely successful. The lake went from always having surface algae to almost never having it. A bacteria grower that dumps in automatically was tried but the system on Lake E4-A was not operating properly; it has water in it and grows bacteria but does not dump in the lake, which was why the lake has algae. After the hurricane, the lakes should have been checked and now the pump is not operating. The algae were sprayed today and socks would be added until the bio-generator could take over. A combination treatment would be administered to catch up where lacking, since the pump burned out. The pump would be replaced at no cost. The lake appearance should improve shortly. The hoses that popped out during the hurricane must be reburied.

Lake H1-B: Had a little algae growth. Sonar was applied and, when killing the slender spikerush, it typically floats and generates algae growth; however, thus far, no worsening or improvements were observed with the bio-generator, which is operating.

In response to a question, Mr. Kurth stated that, a sock is a soluble packet that contains bacteria spore, an accelerator and food, which is placed into the lakes, and meant to combine all

of those ingredients together to give a super boost. Bacteria multiples very rapidly and given the right environment, it grows even better; therefore, it is one company's way of providing a healthier charge of bacteria. The result of using the sock method in Lake E-4A was miraculous. State-wide LakeMasters is switching the bacterial programs to the new sock method, which contains things to enhance the spread of bacteria.

In response to a question, Mr. Kurth responded that Lake H1-B now has a growth so it was programmed to dump live bacteria growing in the container into the lake, every two days.

****Mr. Fiesel joined at the meeting, via telephone.*** .*

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

Lake E7-A: Mr. Kurth inquired if anyone was here today from Lake E7-A, since he had not been there since the hurricane. Mr. Adams stated that he drove by today and the lake looked good. Mr. Kurth recalled fish kills a year ago, due to toxic algae, which was able to be controlled. The beneficial plants around the lake recovered and were now in good condition since the water level was back up and the water clarity improved. The lake would be monitored and, if discoloration is noticed, proactive action should be taken to control the plankton so that it does not have an adverse effect on fish.

FIFTH ORDER OF BUSINESS

Consideration of Annual Report Form for Individual NPDES Permits for Municipal Separate Storm Sewer Systems – Year 6

Mr. Dave Robson, of Johnson Engineering, introduced his colleague, Ms. Mallory Clancy.

Mr. Robson explained the National Pollution Discharge Elimination System (NPDES) Report and why it was necessary. The NPDES is part of the Clean Water Act (CWA), which is a federal program. It was enacted, in a staggered fashion, in heavily populated areas, such as big cities. High density population areas were required to obtain permits to discharge their stormwater systems into either state or federal waters, meaning into the natural water body systems that surround those cities and towns. Lee County joined this NPDES program in the late 1990s and, in 2004, Lee County petitioned CDDs, as another governmental entity. The District

joined with Lee County in the program. A permit is issued for five years and the only way to get out of the permit is to quit discharging stormwater. The Federal Department of Environmental Protection (FDEP) runs the program for the State of Florida, for the Environmental Protection Agency (EPA) and sometimes has trouble getting permits completed in five years, thus a District could end up with a Year 6. In this case, the previous permit for Cycle 3, which ran from October through September, ran into the Cycle 4 permit, which runs from May through April, since the new permit was reissued on May 1. Currently, the year runs from May through April but that left a gap from October through April. This Annual Report represents all the activities the District does, as it relates to its stormwater system and pollution reduction. The NPDES program aims to reduce the amount of pollutants that flow into the natural water bodies. Mr. Robson works with the District Manager, who maintains the District's records of activities and lake maintenance. The lake maintenance personnel underwent training, which qualifies them to inspect for illicit discharges and illegal dumping, into the stormwater system. The permit requires reactive investigations when an illicit discharge or illegal dumping is reported and must be investigated. It also expects proactive investigations wherein the Permittee inspects areas that are likely to have illicit discharges or illegal dumping.

Mr. Robson presented the Year 6 Annual Report.

In response to a question, Mr. Robson stated that the Report would be sent to Tallahassee, once completed.

Mr. Adams stated that Mr. Pires noted an error on Page 3 of the Report, which needed to be corrected as follows:

Page 3, under "Type of Structure", "MS4 pipes/culverts (miles)": Change "(miles)" to "(linear feet)"

Mr. Adams pointed out that the Report was not a full year Annual Report; seven months was included thus, it was a partial-year Report and reflected approximately 58% of the data, compared to the reports from prior years.

Mr. Robson stated that, on Page 2, the District must indicate how much was spent, which is one of the metrics used in the federal programs; the EPA wanted the amount spent to increase. He discussed the budget for the next reporting year, which would not be the entire fiscal year. May through April would be the new reporting period; thus, reporting would not coincide with the District's fiscal budget. If the District expected spending less, a letter should be attached to

the form on the Annual Report, to ensure there was no confusion, related to the partial reporting year.

On MOTION by Mr. Gilman and seconded by Mr. Fiesel, with all in favor, the Annual Report Form for Individual NPDES Permits for Municipal Separate Storm Sewer Systems – Year 6, as amended, and authorizing the District Manager to execute and transmit to the County, were approved.

****Mr. Robson and Ms. Clancy left the meeting.****

▪ **Storm Water System Design and Recent Performance Presentation and Discussion**

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

Mr. Krebs summarized how the Pelican Sound Water Management System operated and that it was designed to meet criteria set forth by the South Florida Water Management District (SFWMD). A map of the areas affected by the recent storm event and the recent rainfall amount was referenced, throughout his presentation. The most water was experienced in area B-1. Pelican Sound was at the low end of the Estero River.

Ms. Asina Bachrach, a resident, stated that the first rain was on Sunday, August 27 and there was 13” of rain. She was flooded in her car, near Masters, and it was not safe to drive out and risk stalling. That was two weeks prior to the hurricane. She inquired why nobody “made an application for emergency declaration”. Everyone saw that the hurricane was coming across and knew it was going to hit so she wanted to know why the District did not make an application. Mr. Krebs replied that SFWMD puts out a Notice that a storm is coming and applications were being taken, if anyone wanted to pump down their system,. An entity cannot file an application until an Emergency Declaration is made. Mr. Adams stated that the District received an e-blast the Thursday or Friday before the storm, at about 5:00 p.m., with the specifics for the applications; however, much information was required for the application and the contractors already evacuated. Ms. Bachrach inquired if one could go back to SFWMD and ask if they could rework their notification process. Mr. Adams stated that different efforts were underway and the one that would have the most impact for the District was the Village-wide study that the Village of Estero is conducting’ that report was expected sometime next year. SFWMD was conducting a study on the Imperial River and Spring Creek, which would have more of an impact on Pelican Landing. Water was across Bonita Beach Road for over ten days.

Discussion ensued regarding resident expenses, homes, flood insurance, Village of Estero study and staff, hiring MRI Underwater Specialists (MRI) to inspect the systems and evaluate the maintenance of the systems, Lee County's discharge rate, holding everyone to the same standards, the Estero River east of the Meadows being a giant water basin, system design and flow, perimeter berms and elevation levels, meeting with SFWMD to determine if a spillway could be provided, water flowing into the water basin and not enough fail safe in the pipe, strong flow through the pipe, delays in flow, 25-year storm events, diversion of water, discharge from the future development across the street, taking away from two basins, Lake E-1 increase, interested party on the permits, weekly reports from Lee County regarding applications, the District's boundaries and potential discussions with SFWMD regarding making improvements and the required permits.

A Board Member viewed the recent situation as a warning and suggested preparing an action plan that provides options and the cost to make corrections. Mr. Krebs felt that it was a testament to how well the District's system was performing. No homes were flooded and the system held and contained the water and recovered; therefore the issue now should be how to improve the system. Discussion ensued regarding the County monitoring water elevations, the District being at the low end of the Estero River, emergency flows and drainage connections between the two lakes.

Regarding Mr. Krebs' statement that no homes were flooded, Ms. Bachrach stated that water was close, in the back and in the front of her house and another two hours of rain would probably have resulted in water in her garage and house. Mr. Krebs stated that is always a possibility, if rains last longer, and the District was seeking ways to improve the system. He understood but could not use Ms. Bachrach's anecdotal evidence.

In response to a resident concern, Mr. Adams stated that, during a storm, debris would float in front of a control structure but it was constantly being checked and cleared, especially after Hurricane Irma and the storm two weeks earlier. In nature areas, some natural material would end up in the water and, due to the velocity of the water it would get caught in front of the control structures.

Ms. Bachrach asked how much more water could they have received before the water reached houses. Mr. Krebs had no idea and reiterated the 5, 10, 25 and 100-year storm event calculations concerning the elevations, etc. The perimeter berms were higher than the 25-year storm level, due to the esthetics and security and the drainage basin follows Oak Run. The

buildings are higher and create an unintended berm and the street becomes the storage area. There was not a natural, intended or planned way for the water to come from one lake to the other lake, other than through the pipe. The streets and surrounding areas are not at an elevation that it would create a river to connect the two. The streets and buildings all create that barrier to keep water in.

Mr. Rich Thomas, a resident, spoke to a maintenance crew at the lake, after the storm, and was told that the drains were 75% clogged and one was 100% blocked. He wanted to know if there were any issues regarding the drainage system being clogged and not being cleaned properly. Mr. Krebs stated it was the first time he was hearing about a 100% blockage. Mr. Adams replied that there a couple on the review report were identified as 75% to 100% blocked. Most everything was 25% or less, which was the criteria; if it did not exceed 25%, it was not cleaned, as it would not impact the flow dramatically and was a standard on all of the projects. Regarding flow, Mr. Adams stated that it was checked by several people and every one of them was flowing; the water bubbled up, which was the indicator.

Mr. Krebs stated that, with respect to The Masters, the photos he saw showed that the roads to The Masters were completely under water and the report stated that the pipe between E-1E and E-3A was flowing, if there were street drains blocked at 100%, it would have not affected The Masters because, if those roads were completely under water, unless every street inlet in The Masters was blocked, that water would have found an inlet. One or two series of inlets being clogged, would not have improved the drainage of The Masters since that whole road was underwater. If the road was not completely flooded and some areas were holding water and some areas were dry, that would be a case where one could say, this was holding water because the pipes were clogged and that is why there was water between this point and that point. The fact that it completely went under, it would have found another inlet to go to and would get to the surrounding lakes.

A resident felt that the discussion was difficult to follow.

Ms. Bachrach stated that, from The Masters to the Guard House, the main street was flooded and stayed flooded. Mr. Krebs stated that Ms. Bachrach must understand that, until the lakes dropped, the water in the road could not drop. Just because the rain stopped did not mean that water was not being received from the land; land that was still draining water into those lakes, even after the rain stopped. There was a lot of water. When discharging water at only 10 or 20 cubic feet per second, it takes a long time for the water to flush out; therefore, it is

deceptive to see a pipe flowing water downstream, which causes one to wonder why the water is not coming down or drying faster. E-1 is a very large drainage area and, even without the water going down, it takes a long time. Discussion ensued concerning possible stagnation in the water, no evidence of stagnation, water in the lakes, standing water, blockages and equalizing the system.

A resident asked about discharge. Discussion ensued regarding control structures and improving them, the drainage areas going through control structures, SFWMD permitting, the discharge amount allowed, a 25-year storm, trying to obtain permission to discharge two days prior to the storm, advising the State that it must more proactive in advance of the situation. Mr. Krebs stated that, until Thursday or Friday, the State was wavering as to where the storm would hit. The resident stated that they knew it would be South Florida and that the process appeared flawed. Mr. Adams suggested to the resident that if he felt strongly enough about this, he should reach out to his local Water Management District Representative, Rick Barber. The more individuals they heard from would have a greater impact. Discussion ensued regarding the need to make changes. This would be a permanent agenda item.

Mr. Schultz suggested the following Action Items:

- The Board will take this under study
- Schedule inspections and cleanouts
- At the next meeting, Mr. Krebs to present a proposed study plan of those items that need to be studied, and the Board would task someone to conduct the study

*****The meeting recessed at 2:53 p.m.*****

*****The meeting reconvened at 3:02 p.m.*****

SIXTH ORDER OF BUSINESS

Irrigation Supply System Definition of Description and Definition of Limits of Responsibility

Mr. Schultz stated that, regarding the Maintenance Agreement for the irrigation system, The Club has agreed to take care of the system, through the Maintenance Agreement.

Mr. Krebs stated that, for single-family homes, the connection would go to the meter box and, for multi-family it would be to the point of the connection for the service line. There were places wherein the tap coming off the service line would be the end of the service.

Mr. Schultz stated that part of the conversation was that the point of connection was between the Right-of-Way (ROW) and the public utility, wherein it taps in, which would be the end of the District's responsibility.

Mr. Krebs referred to Exhibit B. Discussion ensued regarding the points of connection, one valve servicing more than one house, ROWs and easements, the River Ridge system maintained by The Club on the District's behalf, The Club taking the expense of fixing a certain number of valves because there were individual valves in each unit and multi-family units have gate valves further away in the road, Turnbury's valves under the parking lot, ROW public utility easements and putting them all into the River Ridge umbrella, which would require easements since it was part of Hammock Green. Today's focus was on the valves at the point of connection, at the T. For the next meeting, this must be provided to Mr. Krebs, in written form. A memo would be supplied by Mr. Krebs or Mr. Pires. Discussion ensued regarding the Condominium Association, maintaining the valves and who is responsible for maintaining them, valves coming off the line and to the community, the District maintaining the valve coming into the community and the valve at that T.

Mr. Schultz referred to Exhibit B, wherein Mr. Krebs referenced five different valves and on each one of them he indicated 'end-District maintenance and service connection privately owned and maintained after a 4" gate valve typical'. Mr. Schultz wanted to know if Mr. Thomas was of the same understanding and was in agreement with Exhibit B. Mr. Thomas replied affirmatively. A survey was completed for 69 houses, which determined that approximately 18 oak trees were in the ROW and were close to interfering with the utilities. One was very bad; therefore, in the future, it was Mr. Thomas' opinion that all 18 were at severe risk and one or two could go bad. Mr. Schultz asked Mr. Krebs prepare a Memorandum and recommended details and parameters for the next meeting. Graphical representation was good. Mr. Schultz agreed more with Mr. Thomas regarding this matter than with Mr. Krebs. Mr. Krebs would prepare the Exhibits and Mr. Pires would prepare the Memorandum and provide it to Mr. Schultz.

SEVENTH ORDER OF BUSINESS

Storm Water System Design and Recent Performance Presentation and Discussion

This item was presented following the Fifth Order of Business.

EIGHTH ORDER OF BUSINESS

**Storm Damage Responsibility Caused To
or By Street Trees Within Right-of-Ways**

Mrs. Adams asked if everyone had the Memo. The Board replied affirmatively with the exception of Mr. Mountford who forgot his copy.

Mr. Pires stated that general rule was, if a tree on your property falls onto someone else property and was not known to be diseased, defective or damaged prior to it falling, the party with the tree would not be responsible for the property onto which the tree fell.

A Board Member asked who was responsible for removal, restoration of where the tree was and any other utilities destroyed if a tree falls due to a storm and remains on the CDD's property or ROW. Mr. Pires replied that, if the tree fell on District property and it was a District road, it would be the District's responsibility. If a resident removes a tree on their own accord, the District has no obligation to reimburse them.

It was noted that, in Glen Eagles, a massive tree fell on the road and was removed so traffic could pass through. The one on the main road was removed by The Club and Greenscapes did some removal. Some stumps remained, which were the District's responsibility, per the agreement with The Club. If a tree fell on private property, removal was the solely the owner's responsibility. Discussion ensued regarding the irrigation issues, root damage versus storm damage, ROWs and the oak trees, the walkway owned by the District, oak trees impeding driveways within the ROWs, aesthetics versus a dangerous condition and the obligation of the District, unsightly conditions, utilities within the ROWs, adjoining properties, buffer and street trees and having one Development Order (DO), etc.

A resident stated that the District had a responsibility for dangerous situations and asked "when would it become a dangerous situation". Mr. Schultz replied that situations are all considered on a case-by-case basis.

Mr. Krebs stated that, under the Lee County and Estero County Land Development Code, landscaping is not allowed to be put into the utility easement. Now that it was an established utility easement, which was there by a previous DO, replacement landscaping must be outside the easement. Trees in the ROWs are owned by the District. Discussion ensued regarding trees falling on District property, the Maintenance Agreement, restoring the land, reimbursements by the District and stump removals. There were approximately 12 trees that fell under this category. Mr. Adams stated that the cost for stump removal would be \$20 to \$250 each. Funds were available should the Board choose to reimburse. Discussion ensued regarding District ROWs,

common areas and which party would pay for the trees. In this case, there were three stumps remaining in the ROW. Mr. Adams did not believe the District paid for ROWs prior; only in the common areas where the District maintains. Mrs. Adams stated that the part of the tree that fell into the road would be the District's responsibility because it maintains the road but, if it was a resident's property, the resident must pay for it.

A Board Member stated that storm damaged trees in the ROW should be removed since funds to cut trees and remove stumps was available. Tree stumps for approximately 12 trees in the ROW must be removed by the District. Mr. Adams wanted to know how the Board Member came to that conclusion, since there were trees in ROWs everywhere and it did not mean that the owner of the road owned the tree. He totally disagreed. Discussion ensued regarding the cost and who would pay.

Mr. Adams stated that this was inconsistent with how it was handled in the past; there were other hurricanes and the District was never confronted with a bill for removing a stump or stump grinding but, if the Board wanted to change the policy, it could. On a go-forward basis, there was a need to address funds in the fund balance and/or budget, to address these kinds of issues and, whether the District decided to claim ownership because the trees were in the ROW, was another matter. Mr. Adams suggested this be revisited and suggested completing the necessary work and determining who would pay for it could be addressed later. Discussion ensued regarding who would complete the work and when.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2018-1, Amending the General Fund Portion of the Budget for Fiscal Year 2017; and Providing for an Effective Date

Mr. Adams presented Resolution 2018-1. The budget amendment was necessary to ensure that the District did not exceed its budgeted appropriation levels and to avoid a finding in the audit.

On MOTION by Mr. Schultz and seconded by Mr. Mountford, with all in favor, Resolution 2018-1, Amending the General Fund Portion of the Budget for Fiscal Year 2017; and Providing for an Effective Date, was adopted.

TENTH ORDER OF BUSINESS

Discussion/Consideration: Timo Brothers, Inc., Interlocking Pavers and Concrete Proposal

Mr. Adams presented the \$251,495 Timo Brothers, Inc. Interlocking Pavers and Concrete proposal.

A Board Member suggested assembling a package consistent with how The Club would take care of its renovation project and bring the community up to some level of consistency. An approach was necessary and would be addressed at a later time. He suggested deferring this until the complete package was received.

Discussion ensued regarding the proposal, the work to be done, the age of the pavers, trying to achieve consistency with replacing pavers that matched the old ones, pavers at the entrance, repairing broken pavers, the proposal amount and the availability of the contractors.

Mr. Adams would use the value engineering process to determine if he could get the price reduced. The District could also seek a three-year short-term loan from Florida Community Bank. Discussion ensued regarding the loan option.

ELEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of September 30, 2017

Mr. Adams presented the Unaudited Financial Statements as of September 30, 2017.

TWELFTH ORDER OF BUSINESS

Approval of August 22, 2017 Public Hearing and Regular Meeting Minutes

Mr. Adams presented the August 22, 2017 Public Hearing and Regular Meeting Minutes and asked for any additions, deletions or corrections. The following written changes were provided by Mr. Pires but not stated on the record:

Line 24: Delete entire line

Line 60: Change “appropriation” to “and appropriate”

Line 61: Insert “per ERU” after “\$129.23”

Line 218: Change “commitment” to “revisions” and insert “the PSGRC” after “and”

On MOTION by Mr. Schultz and seconded by Mr. Gilman, with all in favor, the August 22, Public Hearing and Regular Meeting Minutes, as amended, were approved.

A. Action/Agenda Items

This item was not addressed.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

There being no report, the next item followed.

B. District Engineer

There being nothing additional to report, the next item followed.

C. District Manager

i. Annual Key Activities

The 2017 Key Activity Dates Report was provided for informational purposes.

ii. NEXT MEETING DATE: November 14, 2017 at 1:00 P.M.

Mr. Adams stated that the next meeting will be held on November 14, 2017 at 1:00 p.m., at this location.

FOURTEENTH ORDER OF BUSINESS

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

Mr. Mountford stated that the flood issue was extremely important. There was a big problem and he wanted to make it better; it could not be put off and every option must be explored. Mr. Adams would have Mr. Krebs make suggestions and, from those suggestions, he would determine which were easy, cost-effective and could be completed right away. Anything requiring a long time, such as permanent modifications, modeling reviews, etc., would be included in the next agenda.

Mr. Gilman stated that an extension of the sidewalk from the Jimmy John's parking lot was requested so pedestrians could walk to the shops. Mr. Adams was surprised that the interconnect was not required when developing that road, since it was drawn in with the crosswalk improvement. A proposal, pricing it in two parts would be obtained. Although they are two separate items, financing could be obtained and price breakout of the two amounts so everyone would be assessed for the one outside of the gate and the one inside the gate would be assessed to Pelican Sound, only.

FIFTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Schultz and seconded by Mr. Gilman,
with all in favor, the meeting adjourned at 4:08 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair