

**MINUTES OF MEETING
BEACH ROAD GOLF ESTATES
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Beach Road Golf Estates Community Development District held a Regular Meeting on December 19, 2022, at 1:00 p.m., at the Bonita National Golf and Country Club, 2nd Floor of the Clubhouse, 17671 Bonita National Blvd., Bonita Springs, Florida 34135 and via Zoom at <https://us02web.zoom.us/j/82952595001> and telephonically at 1-929-205-6099, Meeting ID 829 5259 5001, for both.

Present at the meeting were:

Barry Kove	Chair
Daniel DiTommaso	Vice Chair
Joseph Grillo	Assistant Secretary
Denise Kempf	Assistant Secretary

Also present were:

Shane Willis	Operations Manager
Greg Urbancic (via telephone)	District Counsel
Andy Nott	Superior Waterway Services, Inc.
Peter Serena	Troon-General Manager
Jim Werbeck	HOA President/Resident
Richard Slattery	HOA
Bill McCormick	Resident
Timothy Vanderhyden	Resident
Sam Wise	
Numerous Residents	

DUE TO TECHNICAL DIFFICULTIES, AUDIO WAS NOT AVAILABLE

FOR A PORTION OF THE MEETING

THE MINUTES WERE TRANSCRIBED FROM THE DISTRICT MANAGER'S NOTES

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Willis called the meeting to order at 1:03 p.m.

Mr. Willis, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Daniel DiTommaso and Ms. Denise Kempf

Supervisors Kove, Grillo, DiTommaso and Kempf were present. One seat was vacant.

Chairman's Opening Comments

Mr. Kove greeted the Board, residents present and then provided updates of various projects underway.

▪ **Discussion of Aeration System Upgrade**

This item was an addition to the agenda.

Mr. Kove introduced Mr. Nott. Mr. Nott gave a 20-minute update on the aeration system upgrade project.

Mr. Kove asked Staff to source the cost to install clusia hedges around all the aeration systems for beautification purposes.

Mr. Grillo asked why the pipes in the lakes are various sizes. Mr. Willis explained that they were probably installed during lake excavation and were cut "below the waterline" during various times of the year resulting in pipes of different lengths. Mr. Grillo asked Staff to ensure all pipes in the lakes are cut below the waterline. Mr. Nott stated he will inspect and cut the pipes as needed.

THIRD ORDER OF BUSINESS

Public Comments (3 minutes per speaker)

Resident Timothy Vanderhyden asked if the CDD can recoup funds from the street lighting equipment. Mr. Kove explained that this option is being explored as part of ending the project.

FOURTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors, Daniel DiTommaso [SEAT 3] and Denise Kempf [SEAT 4] (*the following to be provided in a separate package*)

Mr. Urbancic explained Sunshine law, ethics code and the following items:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
 - I. Form 1: Statement of Financial Interests**
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - III. Form 1F: Final Statement of Financial Interests**

D. Form 8B – Memorandum of Voting Conflict

The Zoom connection disconnected.

Mr. Willis made several attempts to reconnect the Zoom connection and internet but was unable to re-establish the connection. The consensus of the Board was to continue the meeting. District Counsel agreed that no significant budgetary action was taking place so the meeting could continue.

FIFTH ORDER OF BUSINESS

Consider Appointment of Qualified Elector to Fill Seat 5 Vacancy; *Term Expires November 2026*

Mr. Kove nominated Mr. Timothy Vanderhyden to Seat 5. No other nominations were made.

On MOTION by Mr. Kove and seconded by Mr. Grillo, with all in favor, the appointment of Mr. Timothy Vanderhyden to fill Seat 5, was approved.

• **Administration of Oath of Office to Newly Appointed Supervisor**

This item was presented following the Eleventh Order of Business.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2023-02, Designating Certain Officers of the District, and Providing for an Effective Date

Mr. Willis presented Resolution 2023-02. Mr. Grillo nominated the following slate:

- | | |
|---------------------|---------------------|
| Barry Kove | Chair |
| Daniel DiTommaso | Vice Chair |
| Chuck Adams | Secretary |
| Joseph Grillo | Assistant Secretary |
| Denise Kempf | Assistant Secretary |
| Timothy Vanderhyden | Assistant Secretary |
| Craig Wrathell | Assistant Secretary |

No other nominations were made. Prior appointments by the Board for Treasurer and Assistant Treasurer remain unaffected by this Resolution.

On MOTION by Mr. Grillo and seconded by Mr. Kove, with all in favor, Resolution 2023-02, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Continued Discussion/Update: Beach Road Lighting Project

Mr. Kove explained the project status. The Board discussed hiring a new Engineer for the sidewalk light project.

TRANSCRIPTION FROM AUDIO COMMENCED

Mr. Kove voiced his opinion that, until the CDD has a clear analysis of what is being done, it must stop the light project as it exists right now. He asked if the Board Members had any comments they felt should be documented in the minutes.

Ms. Kempf felt that the CDD is always comparing Palmira and what the CDD might be doing. Mr. Kove stated that those are sidewalk lights and the initial vendor who built the community installed them, not Florida Power & Light (FPL). One side is lit more than the other. Mr. Kove wants to ensure that both sides are lit properly and that it does not create an issue with any residents. Ms. Kempf stated they hope FPL will be able to provide a selection of sidewalk lights, without having that added expense. Mr. Kove stated he told Mr. Adams that he hoped they can copy the lights in front of Valencia and use the same design, which are not FPL lights, as he believed it will enhance the area.

The Board heard public comments on this matter.

A resident stated he likes the lights in Valencia versus what the CDD has now.

Mr. Grillo stated part of this involved talking about reflectors on the road. Mr. Kove stated that Mr. Adams is aware but the sidewalk lights need to be installed first. He believed FPL might require another photometric study.

Mr. Kempf believed the CDD should go out to bid or evaluate several companies, if a study is needed. Mr. Kove agreed and asked Mr. Willis to advise Mr. Adams of this.

A resident asked what will happen to the existing LED lights and if the CDD will retain them. Mr. Kove stated the CDD leases the poles and part of this project will be to negotiate

with FPL to remove them; the construction fund will be used to facilitate this project as quickly as possible.

Mr. DiTommaso asked if there is design criteria for sidewalk lighting, as he believed it was more decorative; in his opinion, another study should not be required. Mr. Kove agreed and stated they need to hear from FPL about what they can and cannot do; the CDD has the option to buy the lights and be in charge or maintain. He wants District Counsel to push FPL as the CDD does not want the poles up for another two years; a meeting with FPL should be scheduled as quickly as possible.

Mr. Vanderhyden stated, as an HOA member up north, he found it far more feasible for the HOA to own the poles than to deal with the local utilities and it was far cheaper to install and maintain them. Mr. Kove agreed, and stated that the CDD might need this Agreement to go forward with FPL and to make anything work.

Ms. Kempf asked who will obtain the permit. Mr. Kove stated Mr. Adams will obtain it and he will push to make the FPL meeting public. The Board is aware of Bonita Landings, Seasons and Valencia's thoughts on this matter and ensured the lighting will be in line for all communities, where it is not too bright.

EIGHTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of October 31, 2022

Mr. Willis presented the Unaudited Financial Statements as of October 31, 2022. The Board asked Mr. Willis to have all of Fox Rock Court inspected and repaired, if necessary, as construction funds are being used to repair the others. Mr. Willis stated he will speak to Lennar; however, he believed some home warranties expired and this could explain why some homes were being repaired and others were not.

The financials were accepted.

NINTH ORDER OF BUSINESS

Approval of November 14, 2022 Regular Meeting Minutes

Mr. Willis presented the November 14, 2022 Regular Meeting Minutes. Mr. Grillo's edits were submitted to Management.

Ms. Kempf stated she did not make the motion on Line 101. Mr. Willis believed she did make the motion but he will verify and, if warranted, make the appropriate correction.

The following change, which was the same as the change submitted by Mr. Grillo, was made:

Lines 25 and 177: Change “Tang” to “Tayman”

On MOTION by Mr. Grillo and seconded by Mr. DiTommaso, with all in favor, the November 14, 2022 Regular Meeting Minutes, as amended, were approved.

TENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Coleman, Yovanovich & Koester, P.A.*

This was addressed during Item 10C.

B. District Engineer: *Banks Engineering, Inc.*

There was no report.

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

Mr. Willis stated that Mr. Adams will return to the office on January 2, 2023.

A resident noted the District Engineer has not participated via Zoom in months and asked if he is on retainer. Mr. Willis stated that the District Engineer participates when needed and bills accordingly. Mr. Kove recalled that, at the last meeting, the Board approved engaging a new Engineer by the end of 2022 to handle new projects. Mr. Willis believed the existing District Engineer will handle the current in progress projects that will go through the construction fund, until they are completed. Mr. Kove asked Mr. Willis to confirm with Mr. Adams if Banks Engineering needs to be involved with the new sidewalk project and, if not, Mr. Adams should commence the hiring process immediately and not wait until next month. It was noted that the CDD might likely have two District Engineers for a while.

Mr. Willis stated that District Counsel wanted to emphasize the importance of the Sunshine Law and highly recommended the new Supervisors read the materials in the Supervisors package. Due to the technical issues, the Board Members were instructed to contact Mr. Willis with their questions and he will relay them to District Counsel to answer.

- **NEXT MEETING DATE: January 9, 2023 at 1:00 P.M.**
 - **QUORUM CHECK**

All Supervisors confirmed their attendance at the January 9, 2023 meeting.

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

The Field Operations Report was not in the agenda package. It will be emailed to the Board before the end of the week.

ELEVENTH ORDER OF BUSINESS

**Audience
Requests**

Comments/Supervisors'

Resident Bill McCormick noted erosion on the beaches and that the CDD did not use Accurate and engaged an outside company to handle this issue. He asked if the CDD or Lennar paid for this. Mr. Kove stated the CDD paid. Mr. Willis stated that it was paid for from the construction funds.

Mr. McCormick asked if any homeowners become responsible for their part of the beach erosion if beach erosion continues after Lennar turns it over to the CDD. Mr. Willis replied affirmatively and stated, at some point District Counsel, the District Manager and the Board need to discuss developing a community policy on how the CDD responds to this. He explained the CDD and homeowner areas of responsibility. He noted that 90% of the erosion damage is from run off from homeowner property to the lake bank. The builders did not install drainage pipes and the CDD cannot make or pay for repairs for private property.

Mr. Kove felt that the HOA or homeowners will eventually need to replace the cheap sprinkler heads Lennar installed behind the lanais, as they are causing a lot of the erosion. The cost will be about \$60 to \$70. HOA President Jim Werbeck stated residents must pay for that.

▪ **Administration of Oath of Office to Newly Appointed Supervisor**

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

Mr. Willis, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Timothy Vanderhyden. He will review the Supervisor’s package after the meeting.

Mr. Kove asked Mr. Willis to ensure the CDD website is properly updated.

TWELFTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Grillo and seconded by Mr. Kove, with all in favor, the meeting adjourned at 2:31 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair