

**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 June 19, 2023 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://zoom.us/j/94341134325> and telephonically at 1-305-224-1968, Meeting ID 943 4113 4325, for both.

Present at the meeting were:

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

Also present were:

Chuck Adams	District Manager
Shane Willis	Operations Manager
Greg Urbancic (via phone/Zoom)	District Counsel
Dave Underhill	District Engineer
Wendy Weber-Brunson	Bonita National/Troon HOA Manager/Community Association Manager
Nancy Dagher	Bonita National/Troon Membership & Lifestyle Director
Jim Werbeck	Resident
Mile Ciberey	Resident
Stu Fuhrmann	Resident/Valencia Liaison
John Worton	Resident
Jeff Cutler	Resident
Steve Ludwinski	Resident
Cheri Minor (via phone/Zoom)	Resident
Joel Koenig (via phone/Zoom)	Resident
Other residents	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Willis called the meeting to order at 1:00 p.m. All Supervisors were present.

Mr. Willis instructed the Zoom participants to use their phone when speaking, not the speaker.

SECOND ORDER OF BUSINESS

Chairman’s Opening Comments

Mr. Kove greeted everyone and introduced District Engineer Mr. Underhill and stated he will start the meeting with opening comments, updates, take questions and then the Board Members will discuss the usage of the construction fund with Mr. Underhill for clarity and resolution.

The following topics were discussed:

- Mr. Willis was complimented on his weekly project update list. He was asked to convert it to an excel spreadsheet, which should eliminate questioning the status of a project.
- Pedestrian Gate Project: Ms. Wendy Weber-Brunson, of Troon, stated the electrician is on site today. Mr. Willis will advise the Ramco technician installing the software after the meeting to activate the white cards and notify Troon when completed so Troon can notify residents to use their white card to activate the gate.
- The Americans with Disabilities Act (ADA) black mats, speed hump signage and the damaged front gate Season’s sign are on back order; delays are due to increase in demand.

Mr. Grillo asked if bicyclists using the exit as an access point is still an issue and if it will worsen once the gate is closed. Ms. Wendy Weber-Brunson hoped not and discussed two recent incidents. She was asked for her weekly report to include the number of injuries due people violating the rules and reason certain measures are being taken.

- Mr. Kove discussed the June 7, 2023 Facilities and Grounds Committee meeting at which they discussed installing additional speed humps and stop signs. Speed humps between Holes #1 and #2, Lisburn Court and Bonita National Boulevard and Wicklow Court, in front of the maintenance facilities, are being considered. Mr. Werbeck stated the HOA will review the speed hump proposal at its June 27, 2023 meeting. He deferred including discussion of stop signs.

Mr. Grillo voiced his opinion that speed humps do not deter speeders and that the root cause should be the focus; he believes the straightaways are the issue. He suggested installing

cameras, implementing speed limits and penalizing speeders. The CDD mentioned this to the HOA since this is not a CDD matter.

Mr. Kove asked Mr. Werbeck to advise the HOA that residents are requesting a stop sign at the corner of Bonita National and Wicklow Court, exiting the community, since the speed hump has not deterred speeding.

Discussion ensued regarding the CDD and HOA coordinating installation of speed humps and stop signs and effectiveness of traffic hawks.

➤ Aeration Systems/Wicklow and Hole #13: Mr. Willis noted that removing invasive weeds from Hole #13 and Wicklow is underway; it is a time-consuming process. Weeds are being treated monthly to prevent the water and soil from becoming toxic. Superior is asking the Golf Course Superintendent to redirect sprinkler heads to avoid further ground fault circuit interrupter issues.

Mr. Willis recommended residents report construction debris from Seasons issues to the City Code Enforcement Department. Builders should be installing silt/construction fencing to prevent debris from reaching the lakes.

Mr. Kove asked Mr. Willis to have Superior address the noise levels of the compressor boxes on Galway and Wicklow and adjust them at an angle.

THIRD ORDER OF BUSINESS

Public Comments (3 minutes per speaker)

Mr. Willis stated that there are 12 participants on Zoom.

Resident Cheri Minor reported difficulty hearing what is being said in the meeting. She asked if the weeds behind her home on Edenberry Court will be treated.

Mr. Willis stated that anything under 24" inches is in compliance with the South Florida Water Management District (SFWMD) standards; it is just more noticeable in the dry season. The lakes are inspected monthly and treated, as needed. He will notify Superior.

FOURTH ORDER OF BUSINESS

Continued Discussion/Update: Beach Road Lighting/Sidewalk Lighting Projects

Mr. Kove stated that Mr. Underhill will provide the Board with clarity and the reasons for the denial of the CDD's ability to use \$130,000 from the construction fund for the Bonita Beach Road lighting project. Mr. Adams stated the Board's previous decisions were made based on direction that the construction funds would be available to address this and the meeting minutes reflect that. He asked Mr. Underhill to expand on the reason that use of those construction funds was denied when the Board followed all the protocols.

Mr. Underhill pointed out the following:

- The CDD's Agreement with Florida Power & Light (FPL) was originally a lease Agreement, in which the cost would be shared with the other communities; use of construction funds was never discussed.
- The CDD must acquire improvements that are tangible, such as speed humps, in order to use construction funds.

Mr. Grillo discussed Lennar installing the lights in 2015 and residents complained about the level of brightness. In his opinion, the CDD's removal of the lights should be considered a construction project.

Mr. Urbancic clarified Mr. Underhill's role in certifying the projects defined when the bonds are issued and stated that this expenditure is not part of the original project.

Resident Mike Ciberey asked Mr. Underhill if his opinion would change if there was a monetary buyout at the end of the lease option. Mr. Underhill stated he does not see a benefit to the CDD to justify payment from the construction fund.

Mr. DiTommaso asked Mr. Underhill if he would support payment for the sidewalk lighting project. Mr. Underhill stated that he must review the CDD's FPL Agreement with Mr. Urbancic before he can make a determination.

Ms. Kempf asked Mr. Underhill why he was not at a CDD meeting to properly advise the Board on this matter. Mr. Underhill stated that he was not aware that he was needed at the meeting; the last meeting he attended was two to three years ago.

Mr. Kove asked Mr. Underhill if Mr. Adams advised him of the lighting system plan and expenditures over the last two years. Mr. Underhill replied that he has been trying to obtain a

permit from the City and the first time he was aware of the question of paying for the project out of the construction fund was when he received the requisition from Mr. Adams.

Mr. Grillo read and asked Mr. Underhill to clarify language in Florida Statute 190.007, Section 2, about who can disperse funds. Mr. Underhill stated that the CDD must adhere to the provisions in the Master and Supplemental Trust Indentures. Mr. Urbancic suggested asking Bond Counsel for an opinion or guidance on this matter.

Mr. Vanderhyden expressed his disappointment about the situation, given his belief that District Counsel and the District Manager discussed this for quite some time.

Board Members posed questions to Mr. Adams and Mr. Underhill. It was noted that, overall, FPL and the Electrical Engineer started work on the original project and did not obtain a permit from the City. It is unknown if FPL is exempt from needing a permit to install its own equipment that it is leasing to an entity.

Mr. Urbancic suggested having Bond Counsel explain the issue. Mr. Kove agreed.

Resident Stu Fuhrmann expressed his belief that, if FPL keeps the title, the lights are not a capital expenditure. Mr. Urbancic stated that he must review the Trust Indentures and speak to Bond Counsel.

Mr. Adams discussed the benefits of leasing the FPL equipment and disadvantages of the CDD taking on the capital expense.

Once everything is resolved, Mr. Di Tommaso wants District Staff to ensure that the CDD has written confirmation that the FPL contract is terminated.

Mr. Urbancic will schedule a conference call with Bond Counsel that includes Mr. Adams and Mr. Underhill.

Mr. DiTommaso asked if a third-party audit is done on the construction fund. Mr. Adams stated it is part of the CDD's regular annual audit that is conducted by the third-party auditor.

Mr. Kove opened public comments.

Resident John Worton asked how the lease is still valid if the CDD has not paid on it over the years. It was noted that there is no deadline to construct the facilities.

Resident Steve Ludwinski asked how the CDD's approved meeting minutes are distributed and if the \$130,000 can be incorporated into the new lease agreement. He was

advised that the approved meeting minutes are posted on the CDD website. Mr. Adams previously mentioned this to Mr. Eric Culling, FPL Representative. Regarding whether the CDD can claim the costs through its insurance, Mr. Urbancic did not think it would be a fruitful endeavor.

Resident Joel Koenig asked if the Engineer who designed the lighting has an obligation to provide the CDD with a design that meets a permittable criteria. Mr. Adams did not think the design is not permittable; rather, the City chose not to issue the Limited Development Order (LDO) because of the resident uproar.

Mr. Kove listed the recent roundtable meeting attendees as representatives from Valencia, Bonita National, Seasons, FPL, Mr. Adams and Mr. Willis and stated that the group agreed to proceed with sidewalk lights on one side of the south side of Bonita National and they selected the lights, poles and distance between the poles.

Mr. Adams presented the \$13,000 proposal from Johnson Engineering's Electrical Engineer, Mr. Wright, for service level expectation services, which includes the photometric survey, a few other minor expenses and filing for the permit from the City. The light is the same one as at the entrance of Valencia.

Mr. Kove deferred approval of this item until the other outstanding discussion items are addressed.

FIFTH ORDER OF BUSINESS**Continued Review/Discussion: Fiscal Year
2023/2024 Budget**

Mr. Adams stated that he anticipates assessment levels to increase primarily due to the CDD adding aeration systems to all its lakes but this is dependent on Bond Counsel's direction. The final budget will be set at the next meeting and adopted at the public hearing in August.

Mr. DiTommaso suggested reassigning the "Lake bank erosion repair" funds to offset all or a portion of the assessment increase. Mr. Adams discussed the prior Board's decision to purposely reassign surplus construction funds to cover current lake bank erosion repairs and other projects, instead of the CDD having to use its operating funds.

Asked if the CDD is still obligated to maintain and monitor the panther mitigation property in Labelle, Mr. Adams replied affirmatively but at a significantly reduced cost. He sent the final Report to the three other neighboring CDDs/communities.

Mr. Adams stated a realtor advised him of a cattle baron's interest in purchasing the 640 acres encumbered by a conservation easement. He is researching whether construction funds were used to purchase the property and, if so, any sales proceeds would be applied to reduce the principal amount on the bonds.

SIXTH ORDER OF BUSINESS

Discussion: Littoral Plantings

Mr. Willis stated that EarthBalance scheduled the littoral plantings for the second week in July and is monitoring conditions to ensure the plants will survive. Regarding selection, Mr. Adams stated the emphasis is to choose plantings with colorful flowers.

This topic will remain an ongoing discussion item on the next agenda.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2023-04, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date

On MOTION by Mr. Grillo and seconded by Mr. Vanderhyden, with all in favor, Resolution 2023-04, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of April 30, 2023

Mr. Adams presented the Unaudited Financial Statements as of April 30, 2023. Two requisitions totaling about \$30,000 were processed from the construction fund. The Capital Projects Fund will fund the erosion repair project on Foxrock Court and a few other locations.

Mr. DiTommaso asked if Lennar submitted all its outstanding invoices to the CDD. He wants Lennar to provide written confirmation that there are no other invoices to apply against the construction fund. Mr. Underhill stated that he is not aware of any pending invoices. Mr. Adams stated that this process is part of Mr. Underhill certifying the project complete but, in the meantime, he will email Scott and Construction Manager Tommy Dean about this.

The financials were accepted.

NINTH ORDER OF BUSINESS

Approval of May 15, 2023 Regular Meeting Minutes

Mr. Willis presented the May 15, 2023 Regular Meeting Minutes.

In response to residents commenting that the meeting minutes do not match the discussion, Mr. Willis explained that these are summary minutes transcribed from the recording. The recordings are available.

The following changes were made:

Line 27: Delete "HOA President/"

Lines 28, 42 & 61: Change "Christy ____" to "Kristi Wadhams"

Lines 31 & 105: Change "Resident" to "HOA Secretary"

Line 59: Change "West Mead" to "Westmeath Court" and "Eddie" to "Collier Paving"

Line 63: Change "Cherry Street" to "Cherrywood"

Line 102: Delete "and HOA President"

On MOTION by Mr. Grillo and seconded by Mr. Kove, with all in favor, the May 15, 2023 Regular Meeting Minutes, as amended, were approved.

TENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Urbancic stated that, beginning January 1, 2024, Board Members will be required to complete a four-hour ethics training course. He will provide more details once available.

B. District Engineer: Banks Engineering, Inc.

There was no report.

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

- **NEXT MEETING DATE: July 17, 2023 at 1:00 PM**
 - **QUORUM CHECK**

Supervisors Grillo, Kove, DiTommaso and Kempf confirmed their attendance at the July 17, 2023. Mr. Vanderhyden will not attend.

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

The Field Operations Report was included for informational purposes.

Mr. Kove commended Bonita National on the finished topdressing on all the fairways. Mr. Kove asked to be informed if any residual sand in the parking lot or sewer areas is observed.

Mr. Willis stated that he will include the schedule of the MRI pipe cleaning and repair project in his Report, upon receipt.

ELEVENTH ORDER OF BUSINESS

**Audience
Requests**

Comments/Supervisors'

Mr. Willis advised there are six Zoom participants.

A resident asked for an update on the Foxrock Court erosion repair project, as residents have not been notified. Mr. Willis stated the project is underway.

It was noted that information about the project was part of a lengthy HOA email. The HOA is allotted only a certain number of emails, which prevents sending separate emails for CDD-related items.

Ms. Dagher will include CDD items in the beginning of the email going out this week.

TWELFTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Grillo and seconded by Mr. Kove, with all in favor, the meeting adjourned at 2:59 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair