

**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 July 17, 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 (via phone/Zoom)	Assistant Secretary
Denise Kempf	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Shane Willis	Operations Manager
Greg Urbancic (via phone/Zoom)	District Counsel
Peter Serena	Troon-General Manager
Dave Underhill	District Engineer
Wendy Weber-Brunson	Bonita National/Community Association Manager
Tammy Campbell	McDermitt Davis
Kristi Wadhams	HOA President/Resident

Residents and/or members of the public present in person or via phone/Zoom were:

Jim Werbeck	Mike Ciberey	Jeff Cutler	Barry Safranek	Cy Braveman
Other residents				

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Willis called the meeting to order at 1:00 p.m. He stated that there are 12 participants on Zoom. Roll call occurred during the Second Order of Business.

SECOND ORDER OF BUSINESS

Chairman's Opening Comments

Mr. Kove welcomed everyone and stated he will enforce the three-minute per person public comments limit. He and Staff provided updates on the following topics:

➤ Weekly Project Update List: Complimented Mr. Willis on the new format.

▪ **Roll Call**

It was noted that Supervisors Grillo, Kove, DiTommaso and Kempf were present. Mr. Vanderhyden attended via telephone.

➤ Road Markings/Fire Hydrant: The project was to be part of the final lift project. Construction funds were to be used for these projects prior to closing out the construction account. Mr. Adams confirmed that this project was completed during the final lift and could be removed from the Operations Report.

➤ Pedestrian Gate Project: The project is completed. Mr. Kove stated it is working great. He commended Mr. Willis and Ms. Weber-Brunson's efforts. He asked for Troon's weekly report notices address residents using white cards to activate the gate, on an ongoing basis.

Regarding the fence permit, Mr. Willis will confirm if it was closed and advise Ms. Weber-Brunson if it can be removed from the fence.

➤ The Americans with Disabilities Act (ADA) black mats were installed and the project is completed. Mr. Willis will process the payment upon receiving the Change Order.

➤ Regarding speed hump signage and replacing the damaged sign, Lykins-Signtek misplaced the order but will complete the work before the end of the month.

➤ Aeration Systems/Wicklows and Hole #13: Mr. Willis reported on Superior's progress treating the lakes and returning some into compliance. This will be a timely process. The technician is addressing the compressor boxes noise levels on Galway and is expected on site this week to address additional complaints.

Discussion ensued regarding efforts to reduce the decibel levels that do not exceed the threshold and Superior collecting the HOA/resident's floating drainage pipes and leaving them on the owner's property at no charge. The owner must pay to have them re-installed.

➤ Littoral Plantings: Due to existing conditions, EarthBalance deferred the project to September or October to ensure a 98% survival rate and chose other colorful plants. This will be an ongoing task for the CDD to address.

➤ The erosion repair project on Foxrock Court was completed. Mr. Willis was asked to inspect the work after the meeting to determine if more grass is needed.

THIRD ORDER OF BUSINESS

Public Comments (3 minutes per speaker)

No members of the public spoke.

FOURTH ORDER OF BUSINESS

Presentation of Audited Financial Statements for the Fiscal Year Ended September 30, 2022, Prepared by McDirmit Davis

Ms. Campbell presented the Audited Financial Statements for the Fiscal Year Ended September 30, 2022 and noted the pertinent information, which included format changes based on new auditing standards. This CDD received an “Unmodified Audit Opinion”, which is the best type the CDD can receive. There were no findings, recommendations, deficiencies on internal control or instances of non-compliance; it was a clean audit.

FIFTH OF BUSINESS

Consideration of Resolution 2023-05, Hereby Accepting the Audited Financial Statements for the Fiscal Year Ended September 30, 2022

<p>On MOTION by Mr. Grillo and seconded by Mr. Kove, with all in favor, Resolution 2023-05, Hereby Accepting the Audited Financial Statements for the Fiscal Year Ended September 30, 2022, was adopted.</p>

SIXTH ORDER OF BUSINESS

Consideration of Amendment to the Engineer’s Report

This item was presented with the Seventh Order of Business.

SEVENTH ORDER OF BUSINESS

Consideration of Requisition to FPL for Bonita Beach Road Streetlighting Removal

Mr. Adams advised that a call was held with Mr. Sanford, the CDD’s Bond Counsel, and other key parties to discuss using construction funds to pay Florida Power & Light (FPL) for the streetlighting project. Mr. Sandford advised that it can be done but the Engineer’s Report must be modified to add specific language for the streetlighting project on Bonita Beach Road.

Mr. Adams stated that the best way to share the FPL costs with the other communities is to proceed with a lease. He suggested adding language in the Supplemental Engineer’s

Report for the sidewalk lighting project to identify this improvement as an approved qualifying capital expense. Mr. Kove agreed. Mr. Adams reviewed and distributed the Construction Account Reconciliation Report and noted the FPL project is included in the Report.

THE FOLLOWING SECTION WAS TRANSCRIBED VERBATIM PER THE CHAIR'S REQUEST

Mr. Kove: Just to clarify to the Board, Dave I'm glad you are here. Once we sign off on the \$130,000 and we negotiate the Lease Agreement, which we will change, there should be no other charges coming through from FPL?

Mr. Underhill: Correct.

Mr. Adams: We are actually going to get that in writing from them. I'm not sure how I think he wants to just cancel the existing contract and there will be an issue of a holding contract with the new approach. Okay. That will be the cleanest way to do it if, in fact, he can do that paperwork at their level. Otherwise, it is an amendment to the existing contract, with an acknowledgement that this one has been closed out.

Mr. Kove: And just to repeat myself for the minutes, everything we have submitted to the construction fund now, there is nothing on hold, everything has been signed off, no surprises, everything has gone through?

Mr. Adams: Yes. The only thing that Dave has in his possession right now is what I had submitted for the FPL. That is the only live one, that is encumbered in the spreadsheet I just gave you.

Ms. Kempf: I have a question. On the amendment that Mr. Underhill is going to do, is it necessary to refer to the other communities?

Mr. Adams: No. The Interlocal Agreement does not come into play.

Mr. Kove: Chuck, for our records, is there a way we can get any of the correspondence from the Bond Supervisor and Dave and you so we have that in our records going forward?

Mr. Adams: For?

Mr. Kove: Any of the conversation that took place in moving this along.

Mr. Adams: Yes, that was pretty much just put into the record. I will have the transcriptionist actually do that verbatim because we had a telephone conversation, we did not actually have an email exchange or any of that. But, as I just laid it out, Dave and Greg are both on, if there is any additions that you feel are necessary.

Mr. Urbancic: It depends how deep we want to go Chuck; this is Greg. I mean, we can go into the essential opinions but I think you outlined it of the basis for being able to do this under

sort of the tax rules that are outlined to us by Bond Counsel. But I think you covered the gist of what actually was recommended by Bond Counsel.

Mr. DiTommaso: Greg, that is understandable but this issue has been a pretty major issue and I just want to make sure all of our I's are dotted and T's are crossed and, you know, at one point we could not use the construction fund, now we can at the guidance of Bond Counsel. Personally, I would just like to have that documented in writing, since we are now using the construction bond and, if that was the guidance from Bond Counsel, I just think it would be prudent to have that in writing.

Mr. Kove: Greg, this is Barry, I would agree, just because we have had so many conversations and emails. I think just for clarity in the future, we have that.

Mr. Urbancic: Yes, I understand that, I just do not know if we are going to get it. I think, Barry, I sort of outlined some of this to you in our email communications. You know, this is sort of a pathway for us to get there. I think if you are asking for it in writing then I think you are going to be told it is not a good cost but that there is a threshold, a diminutive threshold of sort of expenditures on that cost where we can sort of find a way to justify having this cost paid. I guess what I am trying to say is, I do not know whether or not Bond Counsel would put it in writing. I think either Chuck or I can ask, I just do not know that we are going to get it.

Mr. Kove: Can you make that phone call and let us know, and if not, can you put something together with Chuck, just as a final draft to all of this?

Mr. Urbancic: Yes, we can put it as a summary type of thing, Barry. Is that what you are asking for?

Mr. Kove: Yes, lay out what took place.

Mr. Urbancic: Yes, that is fine.

Mr. Adams: I have got a copy of the provision that he was referring to in the IRS because it has been utilized before; not in this project, but another project.

SUMMARY TRANSCRIPTION RESUMED

Regarding scheduling, Mr. Adams stated that he hopes the project can move forward on and be completed within the next week or two, in order for FPL to schedule the project. This will require obtaining approval today to amend the Engineer's Report and for the Chair to approve the requisition and submit it to the Trustee for payment. These items will be presented for ratification at the next meeting.

Mr. Kove asked Mr. Adams to invite FPL Representatives and the Engineer to the next meeting.

On MOTION by Mr. Kove and seconded by Mr. Grillo, with all in favor, authorizing Mr. Underhill to prepare a Supplemental Engineer’s Report that includes a provision for lighting facilities along the Bonita Beach Road section, including what is existing now, and a provision for what the Board has been discussing and planning, going into the future, as a qualifying facility, which will be what is deemed as the sidewalk lighting project, was approved.

EIGHTH ORDER OF BUSINESS

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

This item was presented with the Seventh Order of Business.

NINTH ORDER OF BUSINESS

Continued Discussion: Additional Speed Hump Locations

Mr. Kove advised that Phase 1 is completed and implementing Phase 2 is being considered. He attended the Facilities and Ground Committee meeting and held discussions with the HOA Board. He requested feedback to determine the best move. This will be reviewed again next year.

Mr. Kove listed areas where speed humps are needed, such as between Holes #1 and #2, Bonita National Boulevard and the north and south side of Cavan Court and Antrim Court, He discussed installing two additional stop signs at the corner of Wicklow Court and Cherrywood Court, instead of speed humps.

Board Members discussed cutting back the bushes behind the utility box at the maintenance facility an whether the best way to address speeding is to install cameras and penalize speeders.

Members if the public discussed ongoing traffic concerns at the maintenance facility, installing a speed hump or arm instead of a stop sign, issues due to a blind curve, reasons the Committee identified specific areas and collecting data by installing a traffic speed indicator prior to a camera.

Ms. Kempf suggested the maintenance truck use the main gate. Mr. Serena noted a blind curve in that area.

Mr. Willis stated that there are 20 people attending via Zoom.

Mr. Vanderhyden suggested installing a speed hump between Holes #1 and #2, Cavan Court and Bonita National Boulevard, and temporary speed humps in the other areas until Phase 3 is finalized.

Discussion ensued regarding the deadline to use construction funds, deferring stop sign discussions until the HOA provides clear direction to the CDD, elevating the golf cart crossing and commencing the project at the end of season.

On MOTION by Mr. Grillo and seconded by Mr. DiTommaso, with all in favor, authorizing Staff to pursue adding two speed tables on each side of Cavan Court and Bonita National Boulevard, was approved.

Mr. Willis received direction, upon confirmation from the HOA, to obtain and present proposals at the next meeting to install temporary speed humps and lighting .

Discussion ensued regarding closing out the construction fund and obtaining all speed table permits now regardless of whether they are installed.

TENTH ORDER OF BUSINESS

Continued Review/Discussion: Fiscal Year 2023/2024 Budget

Mr. Adams stated that the proposed Fiscal Year 2024 budget was unchanged since the last meeting. Due to increased operations costs increasing assessment levels, he suggested using \$20,100 of surplus fund balance to offset the assessment increase and to keep the assessment the same as the Fiscal Year 2023 assessments.

Asked if the funds allotted to lake bank erosion repairs is necessary, Mr. Adams replied affirmatively; it is necessary for at least the next year or two. The consensus was to finalize the Fiscal Year 2024 budget, as Mr. Adams suggested.

Mr. DiTommaso asked about the percentages allocated to shared-costs. Mr. Adams stated the percentages are based on the number of door fronts permitted for each neighborhood.

Mr. Adams stated he spoke to Mr. Urbancic about the CDD considering selling its 640 surplus acres, which would require obtaining an appraisal and engaging an Environmental Engineer; the costs would be about \$10,000. Mr. Urbancic is reviewing the terms of the conservation easement to make sure that, once it is sold, the CDD is no longer associated with

it. He expects the process to take 90 to 120 days. Selling the property will provide income and remove the ongoing expenses for all four communities.

Mr. Adams noted that this is the Panther Mitigation Project property comprised of two parcels totaling 640 acres. It must be kept as conservation or agricultural, in perpetuity.

Mr. Willis read a question from Zoom participants asking if the income from the sale of the property will be divided amongst the communities in accordance with the share-costs percentages. Mr. Adams thinks there is a very strong argument for this to happen.

Mr. Urbancic stated the primary concern is to make sure there is no requirement that the CDD cannot eliminate and no continuing obligation on the CDD, from a permitting perspective or splitting costs, before selling the property.

Mr. Adams responded to questions and noted the buyer is very interested and calls every two weeks. The consensus was to proceed as suggested.

ELEVENTH ORDER OF BUSINESS**Acceptance of Unaudited Financial Statements as of May 31, 2023**

The financials were accepted.

TWELFTH ORDER OF BUSINESS**Approval of June 19, 2023 Regular Meeting Minutes**

Edits from Mr. Grillo will be given to Admin after the meeting.

The following changes were made:

Line 83: Insert "from Seasons" after "debris"

Line 93: Change "in front of" to "behind" and "Wicklow Court and Galway Run" to "Edenberry Court"

Line 103: Change "He" to "Mr. Adams"

Line 133: Change "He" to "Mr. Urbancic"

Line 159: Change "Mr. Cullens" to "Mr. Eric Culling, FPL Representative"

Line 165: Insert "as representatives from Valencia, Bonita National, Seasons, FPL, Mr. Adams and Mr. Willis" after "attendees"

Line 183: Change "future" to "current"

Line 261: Change "He" to "Mr. Kove"

On MOTION by Mr. Grillo and seconded by Mr. Kove, with all in favor, the June 19, 2023 Regular Meeting Minutes, as amended to include these and other changes previously submitted, were approved.

Mr. Kove thanked the HOA Board for attending and Mr. Underhill for his support.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

- A. **District Counsel: Coleman, Yovanovich & Koester, P.A.**
- B. **District Engineer: Banks Engineering, Inc.**

There were no District Counsel or District Engineer reports.

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

- **NEXT MEETING DATE: August 21, 2023 at 1:00 PM [Fiscal Year 2024 Budget Adoption Hearing]**
 - **QUORUM CHECK**

All Supervisors confirmed their attendance at the August 21, 2023 meeting.

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

The Field Operations Report was included for informational purposes.

FOURTEENTH ORDER OF BUSINESS

Audience Requests

Comments/Supervisors'

Resident Cy Braveman asked if the Foxrock Court project to connect the downspouts was completed. Mr. Willis stated that the CDD's portion of the project is completed and now it is up to homeowners to engage a vendor to connect their downspout to the CDD's drainage box.

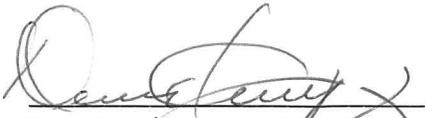
There were no Supervisors' requests.

FIFTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Grillo and seconded by Mr. Kove, with all in favor, the meeting adjourned at 2:36 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair