

**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 May 20, 2024 at 1:00 p.m., at the Bonita National Golf and Country Club, 2<sup>nd</sup> Floor of the Clubhouse, 17501 Bonita National Blvd., Bonita Springs, Florida 34135 and via Zoom at <https://zoom.us/j/94315901673> and telephonically at 1-305-224-1968, Meeting ID: 943 1590 1673 and Passcode: 555333, 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:**

Chuck Adams (via phone/Zoom)	District Manager
Shane Willis	Operations Manager
Greg Urbancic (via phone/Zoom)	District Counsel
Megan Magaldi (via phone/Zoom)	District Counsel
Jared Brown	District Engineer
Wendy Weber-Brunson	Bonita Nat'l Community Assoc. Manager
Kristi Wadhams	HOA President/Resident

**Residents present (in person/via phone/Zoom):**

Joan Straub	David Straub	Jeffrey Cutler	Ken Eberhart
Bill McCormick	Greg Mitchell	Jim Werbeck	Stephen Holtzman
Tamara Jorstad	Barry Safranek	Dan Westervelt	Dave Holtzaple
Ralph Tayman	Robyn Kove	Joel Koenig	John Wharton

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Willis called the meeting to order at 1:00 p.m. Supervisors Kove, DiTommaso, Grillo and Kempf were present. Supervisor Vanderhyden attended via phone/Zoom.

**SECOND ORDER OF BUSINESS**

**Chairman's Opening Comments**

Mr. Kove welcomed all meeting attendees and thanked the HOA and Troon Representatives for participating in the meeting.

Mr. Kove noted that he and Mr. Adams met with Troon, at their request, to discuss initial plans for pickleball courts at Bonita National and to build out into the lake behind the driving range. They both gave direction as to what would be needed for the CDD to approve this. Several angry residents contacted Mr. Kove and Mr. Willis a week later asking why the CDD approved Troon's plans without having a Board meeting. As this was not the case, he contacted Troon and Ms. Wadhams to handle the situation. He noted that Troon and the HOA will be handling this going forward and that the CDD has no opinion at this time.

Regarding installing sidewalk lights, Mr. Adams stated that Mr. Culling, of Florida Power & Light (FPL), advised that FPL completed its design work last week and is transitioning to preparation of the contract, which is expected this week. He will present a contract agreement at the next meeting.

Regarding obtaining designs and proposals to install low lights at the median, Mr. Willis expects to present a Bently Electric proposal and scope of work at the next meeting. The design plans will be in the center median, from the beginning of Bonita National to the Fire Station.

Mr. Kove asked for questions from the attendees. Mr. Willis reported that about sixteen participants were attending via phone/Zoom and about eighteen were attending in person.

No members of the public spoke.

Regarding the solar lights installed on Wicklow, Mr. Willis stated that, since this is new to the area, the AV-Tech Rep is working with the vendor, who will be installing a different motion sensor, if issues continue, then they will install an optical eye.

Regarding the stop signs for Antrim and Wicklow, Mr. Willis has no new updates, as there is still a backlog for signage throughout the County. Mr. Willis was asked to encourage the County to push through the permit process.

Mr. Kove requested feedback to the request to install two solar lights across the golf cart crossing, signage prior to Kovan and Bonita National Boulevard and a stop sign at the pedestrian crosswalk. Ms. Kempf stated her understanding that solar lights would be installed at the crosswalk, not a stop sign. Mr. Werbeck stated that was the plan but they recommended that the Board have the Engineer designing it advise them as to what would work best.

Mr. Willis suggested thinking of this as one intersection, similar to the one at the maintenance facility. He presented another option, which is to install a solar light at the

pedestrian crosswalk and another one on the south side, by the cart crosswalk; one would be activated with a push button and the other with a motion sensor. Regarding safety, Mr. Mitchell stated he is agreeable to either option, as long as it alerts people and avoids accidents.

Mr. Vanderhyden and Mr. Kove stated that they are in favor of Mr. Willis' suggestion.

Mr. Willis presented language for a motion, which Mr. Kove moved; however, discussion continued before the motion was seconded.

Mr. DiTommaso asked if Mr. Brown will determine where to install the raised pavement marker (rpm) lights at the pedestrian crosswalk, to ensure correct positioning for all the various traffic flow needs. Mr. Willis stated that, although this is not required nor is a permit, since the rpm lights are low voltage and are being installed on a private roadway, he will have Mr. Brown review and comment on the AV-Tech plans and present them at the next meeting. He noted that this scope is the same as the one the Board approved at the maintenance facility.

Discussion ensued regarding further delays resulting in not using construction funds to fund the project and HOA attendees commenting on the ability to modify what the Master HOA voted on in its meeting to mirror the CDD project scope. A suggestion was made to approve a not-to-exceed amount based on the cost of the prior pedestrian crosswalk to allow Mr. Willis to enter into a contract with Av-Tech now, so the project can be funded using construction funds, and presenting the plans for ratification at the next meeting.

Mr. Urbancic advised Mr. Willis to obtain a second on the existing motion and open public comments.

The earlier motion was withdrawn. Mr. Willis presented wording for a new motion.

**Mr. Willis opened public comments.**

In response to a question about the amount, Mr. Willis stated that the prior project was \$20,000; for this, he added the cost for the additional rpms.

In response to a question, Mr. Willis explained how the golf cart crossing equipment and the pedestrian crosswalk equipment works.

**Mr. Willis closed public comments.**

**On MOTION by Mr. Kove and seconded by Mr. DiTommaso, with all in favor, installing a pedestrian crosswalk in the area of Covan and approving the plans, subject to ratifying the plans at the next meeting, in a not-to-exceed amount of \$23,000, was approved.**

▪ **Continued Discussion/Update: Panther Property Salability**

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

Mr. Adams stated that the realtor conveyed the rancher's lease offer of \$8,000 per year, with the rancher being responsible for all maintenance and staying in compliance with the Panther Mitigation permit. He told the realtor to increase the lease amount, which he declined and, instead, asked the CDD to counter-offer. Mr. Adams thinks the \$8,000 lease amount is extremely low but he does not know where to find comps for this property. He asked the Board to consider this and give direction later in the meeting. If all parties agree to proceed, the next step is to obtain approval from the South Florida Water Management District (SFWMD).

Regarding the proposed Fiscal Year 2025 budget, behind the Seventh Order of Business, Mr. Adams discussed the following:

- Approving the proposed Fiscal Year 2025 budget today is strictly for the purpose of setting the public hearing date.
- He used \$23,000 of surplus fund balance to keep the assessments at a certain level.
- He thinks the lease counter-offer should be between \$30,000 to \$50,000 and noted the rancher's maintenance program is typically an annual burn.
- The proposed Fiscal Year 2025 budget will be reviewed in detail at the next meeting.

In response to a question, Mr. Adams discussed the reason for recommending to the Board to create an unexpended budget line item for lake bank restoration projects. He thinks that the \$150,000 assigned to the lake bank erosion budget line item is overbudgeting.

Chairman's Opening comments continued:

Regarding status of installing plants around the compressor boxes, Mr. Willis stated that he will check on this, as he thought that was already done. An order was placed with LandCare to replace the plantings along the median with colorful ones and, once the grub infestation is eradicated, the damaged sod will be replaced.

Regarding painting the crosswalks, Mr. Willis stated the contract was completed. He confirmed that work on the schedule and he will send it to Ms. Weber-Burnson upon receipt.

Regarding the Fourth Order of Business, Mr. Willis was asked to provide more detail in the Report regarding Lake 4.

Mr. Kove asked for Mr. Nott to inspect the ground fault circuit interrupters (GFCI) to ensure they are working properly.

Regarding the downed sign, Mr. Willis will notify the City of Bonita Springs.

**THIRD ORDER OF BUSINESS****Public Comments (3 minutes per speaker)**

HOA President and resident Kristi Wadhams asked about installing signage directing large car transport trucks to use the turning lane at the Season's entrance on Bonita Beach Road, to avoid damaging landscape. Mr. Urbancic stated it would require the CDD obtaining approval and ensuring that any proposed signage is in accordance with the appropriate traffic guidelines and requirements. Mr. Brown agreed with Mr. Urbancic's response.

In response to the suggestion of installing cameras and holding those that cause damage accountable for damage to CDD property, Ms. Weber-Burnson stated that proposals to add to the camera system are being obtained; one will be installed to face Bonita Beach Road.

Resident Greg Mitchell stated that Bonita National is trying to understand its liability if an alligator approaches someone fishing in the lakes. Since the CDD owns the lakes, he asked for the CDD's lake policy, specifically what are CDD responsibilities and what are not, so he can make a recommendation to Bonita National. Mr. Willis stated that CDDs typically do not have enforcement capabilities and, therefore, do not implement rules on fishing. Mr. Kove confirmed Mr. Willis' statement and stated that information on this was given to Jim.

Mr. Urbancic stated that, regarding liability, it falls under the Common Law principle of which there really is no duty to warn of wildlife in their natural habitat. However, since the tragedy at Disney several years ago, it comes down to a negligence analysis s to, 1) did the CDD have a duty to protect an individual; 2) did the CDD breach that duty and 3) was the breach the approximate cause of injury.

Mr. Urbancic stated that, since there are so many factual considerations, District Counsel typically advise CDDs to post signage or provide education or a combination of both to help make sure that people do not enter areas where there is potentially dangerous wildlife. It is not a strict liability where the CDD is ultimately responsible if someone is attacked. There are caps on the CDD's potential exposure since the CDD is a governmental entity and under the State's Limited Waiver Sovereign Immunity, which is \$200,000 per occurrence and \$300,000 in the aggregate. There is always the possibility of a claim but very few are approved by the Florida Legislature. He recommended periodically examining existing signage and determining if more is needed and/or distribute or post educational materials on the CDD website.

The Board and CDD and HOA Staff noted the following regarding this matter:

- In prior discussions, concerns were voiced that any signage would not be atheistically pleasing, as signage would be required on all lakes, not just certain lakes. There was also concern about what entity would maintain them.
- It was noted that Ms. Weber-Burnson addresses the matter in her emails to residents and includes the HOA Alligator Statement in the package to new tenants, new owners and new employees. Mr. Urbancic provided examples of the actions taken by other CDDs.
- Ms. Weber-Burnson will research the ability to print language on the guest pass and, if unable, she will distribute flyers.
- The HOA is part of the Statewide Nuisance Alligator (SNAP) Program, which is proactive in removing nuisance alligators. During a recent visit, the trapper indicated that people are feeding the alligators, which is illegal; alligators typically swim away from people.
- The HOA should decide how it wants to control residents fishing behind their homes.

A resident suggested implementing a Lake Usage Policy, as other activities, aside from fishing, are occurring in the ponds. Mr. Willis stated that, when speaking to residents, he always clarifies that these are CDD stormwater ponds, whose sole purpose is to collect run-off water, they are not there for recreational or aesthetic purposes.

- Regarding the CDD's stance on residents re-stocking the ponds to fish, Mr. Urbancic stated that, since the CDD is responsible for the water in the lakes, fish should not be stocked by anyone without approval from the CDD and the SFWMD, as it could affect the CDD's maintenance responsibilities under the permit. Mr. Willis stated that, typically, a licensed authorized vendor is engaged to re-stock CDD lakes.

Resident Tamara Jorstad asked for the CDD's help identifying any  $\frac{3}{4}$ -acre parcel available to install an 8' cell tower and that is accessible by maintenance trucks. She stated that it would be revenue-producing for communities. Mr. Willis stated she must submit a proposal to the CDD first for approval before discussing it with others.

**FOURTH ORDER OF BUSINESS****Presentation of Annual Quality Assurance Audit: Lake Maintenance**

Mr. Willis stated that this is the first Annual Quality Assurance Lake Maintenance Audit that District Management has produced for the CDD. The purpose is to provide a historical

document to the CDD each year; it also ensures the aquatics vendor and the Operations Manager are on site and that CDD assets are being maintained. He noted the following:

- Regarding Photo 4, on Page 6, Mr. Willis stated that the comment is incorrect, he has no proof the homeowner sprayed, killed and removed the littorals in Lake 4.

Board Members discussed how they want to address this and similar issues in the future. The Board consensus was for Ms. Weber-Burnson to send an e-blast to the residents and ask if the homeowner did this; upon confirmation, an educational letter will be sent to the homeowner explaining the CDD stormwater system, advising them that they altered the system and include a proposal to replace the littorals, which Mr. Willis thinks will be \$300 to \$400.

Ms. Kempf voiced concern that the chemicals used might have affected the soil. Mr. Willis will ask Mr. Nott to inspect the soil and determine if it needs to be tested.

- Lakes 11 and 14 were identified as probably needing lake bank remediation within the next three to five years and Lakes 19, 12 and 22 will likely need remediation within the next two to three years or sometime in the future.

Discussion ensued regarding the current “Lake bank erosion” budget line item where some funds were repurposed for other projects; Staff’s recommendation to create a new reserve line item in the Fiscal Year 2025 budget for lake bank restoration projects, which will avoid a drastic assessment increase; various causes of lake bank erosion and inputting littoral and lake bank remediation projects in the Geographic Information System (GIS) program.

**FIFTH ORDER OF BUSINESS**

**Operations Update: Landscape**

This item was discussed during the Second Order of Business.

**SIXTH ORDER OF BUSINESS**

**Continued Discussion/Update: Panther Property Salability**

This item was presented during the Second Order of Business.

Mr. Willis stated that he agrees with Mr. Adams that the lease offer is very low and with Mr. Adams’ recommendation that the offer should be \$30,000 to \$50,000 per year.

Mr. DiTommaso asked if the CDD will still be responsible for liability on the land. Mr. Willis will ask Mr. Urbancic. Mr. Willis stated that the lessor would assume the maintenance costs of the land under the easement which the CDD owns, in addition to paying the CDD

\$8,000 per year. Mr. Willis will inform Mr. Adams of the concerns about using the same realtor and requesting comps in writing to consider at the next meeting.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2024-02, Approving a Proposed Budget for Fiscal Year 2024/2025 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date**

Mr. Willis presented Resolution 2022-04. The proposed Fiscal Year 2025 budget will be reviewed at the next meeting.

**On MOTION by Mr. Grillo and seconded by Mr. Kove, with all in favor, Resolution 2024-02, Approving a Proposed Budget for Fiscal Year 2024/2025 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 19, 2024 at 1:00 p.m., at the Bonita National Golf and Country Club, 2<sup>nd</sup> Floor of the Clubhouse, 17501 Bonita National Blvd., Bonita Springs, Florida 34135; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.**

**EIGHTH ORDER OF BUSINESS**

**Consideration of Resolution 2024-03, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2024/2025 and Providing for an Effective Date**

Mr. Willis stated, since the original January and February 2025 meeting dates will fall on national holidays, the Board will consider those meeting dates at a future meeting.

**On MOTION by Mr. Grillo and seconded by Mr. Kove, with all in favor, Resolution 2024-03, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2024/2025 and Providing for an Effective Date, was adopted.**

**NINTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of March 31, 2024**



The financials were accepted.

**TENTH ORDER OF BUSINESS**

**Approval of April 15, 2024 Regular Meeting Minutes**

Mr. Willis stated that his edits and the edits Ms. Kempf emailed will be provided to Management for processing.

**On MOTION by Mr. Grillo and seconded by Mr. Kove, with all in favor, the April 15, 2024 Regular Meeting Minutes, as amended to include edits submitted to Management, were approved.**

**ELEVENTH ORDER OF BUSINESS**

**Staff Reports**

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

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

There were no District Counsel or District Engineer reports.

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

- **1,339 Registered Voters in District as of April 15, 2024**
- **NEXT MEETING DATE: June 17, 2024 at 1:00 PM**
  - **QUORUM CHECK**

All Supervisors confirmed their attendance at the June 17, 2024 meeting.

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

This item was presented the Fourth Order of Business.

**TWELFTH ORDER OF BUSINESS**

**Audience Requests**

**Comments/Supervisors'**

Mr. Willis stated about 16 participants attended via phone/Zoom and 12 in person.

There were no audience comments or Supervisors' requests.

**THIRTEENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Grillo and seconded by Mr. Kove, with all in favor, the meeting adjourned at 2:40 p.m.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair