

**BEACH ROAD  
GOLF ESTATES  
COMMUNITY DEVELOPMENT  
DISTRICT**

**November 18, 2019  
BOARD OF SUPERVISORS  
REGULAR MEETING  
AGENDA**

# Beach Road Golf Estates Community Development District

## OFFICE OF THE DISTRICT MANAGER

2300 Glades Road, Suite 410W • Boca Raton, Florida 33431

Phone: (561) 571-0010 • Toll-free: (877) 276-0889 • Fax: (561) 571-0013

November 8, 2019

Board of Supervisors  
Beach Road Golf Estates Community Development District

### ATTENDEES:

Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.

Dear Board Members:

The Board of Supervisors of the Beach Road Golf Estates Community Development District will hold a regular meeting on November 18, 2019, at 1:00 p.m., at the Bonita National Golf and Country Club, 2<sup>nd</sup> Floor of the Clubhouse, 17671 Bonita National Blvd., Bonita Springs, Florida 34135. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments
3. Update: Lake Bank Erosion Repair Project
4. Update: Potential Streetlighting on Bonita Beach Road
5. Acceptance of Unaudited Financial Statements as of September 30, 2019
6. Approval of August 19, 2019 Public Hearings and Regular Meeting Minutes
7. Staff Reports
  - A. District Counsel: *Coleman, Yovanovich & Koester, P.A.*
  - B. District Engineer: *Banks Engineering, Inc.*
  - C. District Manager: *Wrathell, Hunt & Associates, LLC*

- NEXT MEETING DATE: December 16, 2019 at 1:00 P.M.

### ○ QUORUM CHECK

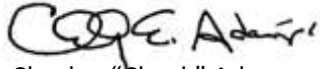
Russell Smith	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> PHONE
Alex Hinebaugh	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> PHONE
John Moran	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> PHONE
Steve Gabor	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> PHONE
Mike Rollins	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> PHONE

8. Audience Comments/Supervisors' Requests

9. Adjournment

Should you have any questions, please do not hesitate to contact me directly at 239-464-7114.

Sincerely,



Chesley "Chuck" Adams  
District Manager

**FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE**

**CALL-IN NUMBER: 1-888-354-0094**

**CONFERENCE ID: 8593810**

**BEACH ROAD GOLF ESTATES  
COMMUNITY DEVELOPMENT DISTRICT**

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**BEACH ROAD GOLF ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
FINANCIAL STATEMENTS  
UNAUDITED  
SEPTEMBER 30, 2019**

**BEACH ROAD GOLF ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND  
BALANCE SHEET  
SEPTEMBER 30, 2019**

	General Fund	Debt Service Fund	Capital Projects Fund	Total Governmental Funds
<b>ASSETS</b>				
Cash	\$ 97,382	\$ -	\$ -	\$ 97,382
Investments				
Revenue	-	1,341,357	-	1,341,357
Reserve	-	1,039,338	-	1,039,338
Sinking	-	1,700	-	1,700
Interest	-	93	-	93
Prepayment	-	14	-	14
Construction	-	-	4,850,243	4,850,243
Due from other governments	7,393	-	-	7,393
Total assets	<u>\$ 104,775</u>	<u>\$ 2,382,502</u>	<u>\$ 4,850,243</u>	<u>\$ 7,337,520</u>
<b>LIABILITIES</b>				
<b>Liabilities</b>				
Accounts payable	\$ 9,277	\$ -	\$ -	\$ 9,277
Developer advance	1,983	-	-	1,983
Accrued taxes payable	61	-	-	61
Total liabilities	<u>11,321</u>	<u>-</u>	<u>-</u>	<u>11,321</u>
<b>DEFERRED INFLOWS OF RESOURCES</b>				
Deferred receipts	7,393	-	-	7,393
Total deferred inflows of resources	<u>7,393</u>	<u>-</u>	<u>-</u>	<u>7,393</u>
<b>FUND BALANCES</b>				
Restricted for:				
Debt service	-	2,382,502	-	2,382,502
Capital projects	-	-	4,850,243	4,850,243
Unassigned	86,061	-	-	86,061
Total fund balances	<u>86,061</u>	<u>2,382,502</u>	<u>4,850,243</u>	<u>7,318,806</u>
Total liabilities, deferred inflows of resources				
Total liabilities and fund balances	<u>\$ 104,775</u>	<u>\$ 2,382,502</u>	<u>\$ 4,850,243</u>	<u>\$ 7,337,520</u>

**BEACH ROAD GOLF ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCES  
GENERAL FUND  
FOR THE PERIOD ENDED SEPTEMBER 30, 2019**

	Current Month	Year to Date	Budget	% of Budget
<b>REVENUES</b>				
On-roll assessments	\$ -	\$ 161,722	\$ 134,803	120%
Off-roll assessments	-	34,294	60,146	57%
Intergovernmental mitigation and monitoring	3,697	16,078	86,400	19%
Non-governmental mitigation and monitoring	-	46,612	-	N/A
Interest	4	163	-	N/A
Total revenues	<u>3,701</u>	<u>258,869</u>	<u>281,349</u>	92%
<b>EXPENDITURES</b>				
Supervisors	-	1,507	-	N/A
Management/recording	3,333	40,000	40,000	100%
Financial accounting services	1,292	15,500	15,500	100%
Audit	-	-	3,000	0%
Dissemination agent	417	5,000	5,000	100%
Trustee fees	-	10,467	10,850	96%
Legal	2,800	11,377	10,000	114%
Engineering	250	850	5,000	17%
Postage	82	1,658	300	553%
Printing & reproduction	83	1,000	1,000	100%
Legal advertising	1,468	2,656	1,500	177%
Annual district filing fee	-	175	175	100%
Insurance	-	5,665	5,750	99%
Other current charges	65	730	650	112%
ADA website maintenance	-	139	-	N/A
Website	-	635	615	103%
Total professional & admin	<u>9,790</u>	<u>97,359</u>	<u>99,340</u>	98%
<b>Operations</b>				
Mitigation maintenance and monitoring	19,904	127,833	160,000	80%
On site preserve monit & rep	1,280	1,940	-	N/A
Total operations	<u>21,184</u>	<u>129,773</u>	<u>160,000</u>	81%
<b>Other fees and charges</b>				
Property appraiser	-	1,199	1,003	120%
Tax collector	-	157	1,505	10%
Total other fees and charges	<u>-</u>	<u>1,356</u>	<u>2,508</u>	54%
Total expenditures	<u>30,974</u>	<u>228,488</u>	<u>261,848</u>	87%
Excess/(deficiency) of revenues over/(under) expenditures	(27,273)	30,381	19,501	
Fund balance - beginning	113,334	55,680	192,358	
Fund balance - ending	<u>\$ 86,061</u>	<u>\$ 86,061</u>	<u>\$ 211,859</u>	

**BEACH ROAD GOLF ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCES  
DEBT SERVICE FUND SERIES 2015  
FOR THE PERIOD ENDED SEPTEMBER 30, 2019**

	Current Month	Year to Date	Budget	% of Budget
<b>REVENUES</b>				
Assessment levy: on-roll - net	\$ -	\$ 1,631,209	\$ 1,368,568	119%
Assessment levy: off-roll	241,351	371,309	628,199	59%
Interest	3,617	41,283	-	N/A
Total revenues	<u>244,968</u>	<u>2,043,801</u>	<u>1,996,767</u>	N/A
<b>EXPENDITURES</b>				
Principal	-	530,000	530,000	100%
Principal prepayment	-	5,000	-	N/A
Interest	-	1,446,360	1,446,485	100%
Total expenditures	<u>-</u>	<u>1,981,360</u>	<u>1,976,485</u>	200%
<b>Other fees and charges</b>				
Tax collector	-	1,582	-	N/A
Total other fees and charges	-	1,582	-	N/A
Total expenditures	<u>-</u>	<u>1,982,942</u>	<u>1,976,485</u>	100%
Excess/(deficiency) of revenues over/(under) expenditures	244,968	60,859	20,282	
Fund balance - beginning	2,137,534	2,321,643	2,296,569	
Fund balance - ending	<u>\$ 2,382,502</u>	<u>\$ 2,382,502</u>	<u>\$ 2,316,851</u>	



**BEACH ROAD GOLF ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
CAPITAL PROJECTS FUND SERIES 2015  
FOR THE PERIOD ENDED SEPTEMBER 30, 2019**

	Current Month	Year to Date
<b>REVENUES</b>		
Interest	\$ 8,218	\$ 109,037
Total revenues	<u>8,218</u>	<u>109,037</u>
<b>EXPENDITURES</b>		
Capital outlay	-	1,163,539
Total expenditures	<u>-</u>	<u>1,163,539</u>
Net increase/(decrease), fund balance	8,218	(1,054,502)
Beginning fund balance	4,842,025	5,904,745
Ending fund balance	<u>\$ 4,850,243</u>	<u>\$ 4,850,243</u>

**BEACH ROAD GOLF ESTATES  
COMMUNITY DEVELOPMENT DISTRICT**

**6**

**DRAFT**

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

The Board of Supervisors of the Beach Road Golf Estates Community Development District held multiple public hearings and a regular meeting on August 19, 2019 at 1:00 p.m., at the Bonita National Golf and Country Club, 2<sup>nd</sup> Floor of the Clubhouse, 17671 Bonita National Blvd., Bonita Springs, Florida 34135.

**Present at the meeting were:**

Russell Smith	Chair
Alex Hinebaugh	Assistant Secretary
Mike Rollins	Assistant Secretary
Steve Gabor	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Greg Urbancic	District Counsel
Dave Underhill	District Engineer
Stew Furman	Resident/Master HOA Director

**Residents present were:**

Ida Carlton	Paul Carlton
Brian Portnoy	Tom Sandy
Carol Leon	Paul Fazey
Vicky Datzmun	Ronald Baum
Richard Cohen	Susie Werbeck
Peter Roe	Steve Laguinski
Larry Tomlin	Alan Goldberg
Eugene Colucci	Paul Curty
Shelley Sethman	Mary Ellen Jones

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 1:00 p.m. Supervisors Smith, Hinebaugh and Rollins were present, in person. Supervisor Gabor was not present at roll call. Supervisor Moran was not present.

**SECOND ORDER OF BUSINESS****Public Comments**

There being no public comments, the next item followed.

**THIRD ORDER OF BUSINESS****Public Hearing on Adoption of Fiscal Year  
2019/2020 Budget****A. Proof/Affidavit of Publication**

The affidavit of publication was included for informational purposes.

**B. Consideration of Resolution 2019-10, Relating to the Annual Appropriations and  
Adopting the Budget for the Fiscal Year Beginning October 1, 2019, and Ending  
September 30, 2020; Authorizing Budget Amendments; and Providing an Effective  
date**

Mr. Adams stated that the main adjustment to the Fiscal Year 2020 budget, compared to Fiscal Year 2019, was the inclusion of \$200,000 for lake bank erosion repairs to commence a multi-year phased-in program of repairing the lake banks that the District Engineer identified as in need of repairs. Mr. Smith stated that the Developer authorized the use of \$200,000 this year and \$200,000 next year from the construction account to fund lake bank maintenance, after which the CDD would maintain the lake banks. Referencing the District Engineer's Lake Bank Erosion Report and Cost Opinion, Mr. Adams stated it would cost \$500,000 to \$600,000 to complete the washout repairs, using an under-drain method, involving collecting water at the top of the bank through a yard drain collection system, conveying it below grade through either a 6" or 8" corrugated plastic piping and burying it 15' to 20' into the lake, which would be unsightly. Removal of the \$200,000 would decrease the assessment over the prior year.

**On MOTION by Mr. Smith and seconded by Mr. Rollins, with all in favor, the  
Public Hearing was opened.**

**Mr. Gabor arrived at the meeting at 1:09 p.m.**

Mr. Stew Furman, a resident and Bonita National Master HOA Director, stated he recently requested a formal audit of the books and records of the CDD from the Auditor General of Florida, met with three members of State Legislature and submitted a list of items he wanted changed on the CDD and HOA statutes. He formally protested the three-minute rule

77 and stated that everyone on the Board was a Lennar employee except Mr. Rollins and Mr.  
78 Moran. He questioned Staff's involvement. Mr. Adams confirmed that Wrathell Hunt and  
79 Associates LLC (WHA), the District Management firm, performs the accounting for the District  
80 and represents a few other Lennar CDDs. Mr. Underhill stated that Banks Engineering is  
81 Lennar's primary engineering firm for Bonita National.

82 Mr. Furman: Mr. Adams, have you been to all of the CDD meetings?

83 Mr. Adams: Yes.

84 Mr. Furman: Other than today, how many residents have appeared?

85 Mr. Adams: Very few.

86 Mr. Furman: I would say that the most you have had are two; Mr. Moran and I.

87 Mr. Adams: Do you have public comments; this is going nowhere.

88 Mr. Furman: I am trying to get a record. You are not a Supervisor?

89 Mr. Adams: No, I am trying to move this along.

90 Mr. Furman: You can see that there are probably 100, 150 residents here. I assume now  
91 that all the ponds have been completed. I think Tract 8 was the last pond and also there is \$4.8  
92 million in the construction budget. Can I ask if that is correct?

93 Mr. Adams: You know that is correct.

94 Mr. Furman: I know that but I am not supposed to be testifying.

95 Mr. Adams: I am not testifying either. No more questions. Make your statement please  
96 and let us move on.

97 Mr. Furman: Okay. Remember, this is a record. That means someone on the other side  
98 is going to listen to this. So they do not want to do it, that's fine. Don't get upset, it is just the  
99 first stage. The next election of the CDD is not this November but the following November, at  
100 which time, two Supervisors will be elected by the residents so a notice would go out in June  
101 for qualifications and expressions of interest. He stated that November 2020 is when the four-  
102 year statute of limitations on litigation or claims for defective material construction can be  
103 made and residents would be able to take control of the CDD and the Master HOA. Mr. Furman  
104 stated that there are a number of agreements between Lennar, the CDD and the HOA; all of  
105 them between, basically, employees of Lennar and Lennar has been attempting to transfer  
106 their liability to the CDD for what looks like defective construction or breach of a warranty,  
107 either expressed or implied, and there was another agreement, that was entered into in 2017,

108 between the CDD and the Master HOA, where the Master HOA takes over the cost of the  
109 ponds.

110 Mr. Furman: The erosion costs, from what I can gather in prior years and actually in this  
111 year, was \$19,750. Is that correct?

112 Mr. Adams: It was in the budget.

113 Mr. Furman: The total estimated amount of erosion reclamation, the way I calculate it is  
114 \$664,471. That number includes some Lennar contribution; however, there is a major  
115 difference of opinion between the splits between the ponds and homes. Currently, the  
116 \$664,471 must be paid by the CDD, which indirectly means by the residents. It is a big shell  
117 game and if they are talking about spending \$200,000 a year, for three years, the number is  
118 going to be substantially higher.

119 Mr. Furman commented that the engineering report was seven pages long and, as a  
120 former engineering and construction company executive, he believed such reports should be  
121 substantially longer and should include other remedies besides what was proposed, such as  
122 riprap and bio-engineered living shorelines. He opined that residents should engage their own  
123 engineer.

124 Mr. Furman: You are withdrawing the increase in the assessment by \$145,000?

125 Mr. Smith: The \$200,000 is being struck from the budget--

126 Mr. Furman: --because the \$145,000 net of Lennar's money comes out to \$192,000, I  
127 think. So there is not going to be any increase in the assessment. Correct?

128 Mr. Smith: Correct.

129 Mr. Furman: Why are we having this resolution?

130 Mr. Smith: We have to adopt the budget.

131 Mr. Furman: I understand. You changed the budget. Let me explain why that is  
132 important. Under Section 197.3632, if they had passed the increase, that increase stays forever  
133 unless you want to increase it again at a hearing, so in other words, that total number, they  
134 wouldn't have to do anything, yet they would collect it every year, year after year.

135 Mr. Furman voiced his opinion that, in November 2020, the CDD has the right to 'go  
136 after' Lennar and there is no agreement or waiver between the CDD and Lennar. In other  
137 words, the CDD did not give up their rights and residents would then inherit those rights and  
138 should be mindful of the four-year statute of limitations.

139 Ms. Ida Carlton, a resident, shared that this was her first experience with a CDD and  
140 understood that, although residents owned the ponds, technically they had no say in their  
141 management and that residents contributed to the CDD for the maintenance of the ponds and  
142 other ongoing projects.

143 Ms. Carlton: I would like to know who you represent. Are you representing us, as a  
144 community, because you are funded with our money?

145 Mr. Urbancic: The answer is that these four people that are sitting in front of you are  
146 Supervisors or public officials so they are the Supervisors of the District. Mr. Chuck Adams is a  
147 consultant, hired by the Board. He is the District Manager. I am the attorney, hired by the  
148 Board and Dave Underhill is the Engineer hired by the Board. So, the three of us are all  
149 contractual employees working with the Board.

150 Ms. Carlton: And who are your fiduciary duties to?

151 Mr. Urbancic: Personally, I represent the Board of Supervisors.

152 Ms. Carlton: What about the Board of Supervisors? Who are your fiduciary duties to?

153 Mr. Smith: In a broad view, we represent the District. We are appointed to represent  
154 the interest of the interests of the Beach Road Golf Estates (BRGE) CDD, which is Bonita  
155 National. And just a little bit of background, the CDD is a unit of government that is established  
156 by the Developer for the purpose of, in perpetuity, maintaining and funding the infrastructure  
157 in the community. The CDD funded the construction of the utilities, the roadways and the  
158 stormwater management system and then retained management of the roads and the  
159 stormwater management system. As per Florida Law works is, the Developer, because there  
160 aren't residents in the community in the beginning, appoints Developer representatives to sit  
161 on the Board and then, as time moves on and the community becomes occupied, resident  
162 members begin to take those seats and ultimately, it is a fully resident-represented Board. The  
163 current Board consists of three Developer-appointed representatives and the goal is to oversee  
164 and maintain the infrastructure. That is why there are the operations and maintenance (O&M)  
165 assessments, which is the main topic of discussion in today's meeting. Because the District  
166 owns the ponds, the Board commissioned the District Engineer to conduct a study of the lake  
167 bank erosion to see about remedying the issue because it is the Board's job to maintain the  
168 infrastructure and to oversee these issues and correct them if there are problems.

169 Ms. Carlton: How many other communities besides ours are in your District?

170 Mr. Smith: Just this one.

171 Ms. Carlton: And it is our money that funds this District?

172 Mr. Smith: The way it works is there are municipal bonds that are sold at the beginning  
173 of the project, in this case, it was \$31 million and then those bonds are apportioned over the  
174 entire community based on an assessment methodology. Different units get different amounts  
175 of that debt based upon their unique benefit from that debt and, as the community is being  
176 built out, as people move in, they start assuming their portion of that debt and the Developer  
177 pays its portion of the debt for all of the land it continues to own and, ultimately, when the  
178 community is built out, the Developer does not own any more land, the residents own all the  
179 land and are, at that point, paying all of the remaining debt. Separate from that, there is an  
180 operations and maintenance assessment, which is the topic of discussion at today's meeting. It  
181 is separate from the debt service and it is to cover the operations and maintenance of the  
182 infrastructure. So if there are repairs that need to be done or if there are operations and  
183 maintenance to be conducted on the infrastructure that the District owns, then those  
184 assessments are levied to the community and that money goes to fund the operations and  
185 maintenance of those elements of the infrastructure.

186 Ms. Carlton: Okay. I am assuming that you gentlemen on the Board collect a salary from  
187 the monies collected?

188 Mr. Smith: No.

189 Ms. Carlton: So you are volunteers?

190 Mr. Smith: Yes.

191 Ms. Carlton: Do you collect a salary from Lennar?

192 Mr. Smith: Yes. We receive no compensation from the CDD for serving on the Board.

193 Ms. Carlton: Alright. That is basically all I wanted to know. I would hope in the future  
194 that you cooperate more with our representative and give him his just respect.

195 Mr. Paul Carlton, a resident, stated that every year, on his tax bill, a huge amount of his  
196 money goes to the CDD and he thought it unfair that the Board refuses to answer his questions.  
197 Mr. Smith stated that, although Board Members were not obligated to answer any residents'  
198 questions during public comments, all reasonable questions do get answered and even the  
199 Board of County Commissioners does not take any questions during their meetings.



Mr. Brian Portnoy, a resident, stated that, in April 2018, Lennar sent a representative named Mr. Eric De La Cruz to a town hall meeting that was attended by several hundred homeowners and explained that Lennar was aware of the erosion issues and instructed homeowners, along with the property manager from Icon Property Management, to file a warranty claim on Lennar's website and assured everyone that those claims would be addressed and remedied. However, currently, the Developer and builder are attempting to transfer liability and the cost of those repairs from themselves to the CDD, at which time, the CDD will transfer those costs to the Master HOA. Lennar controls the entire CDD and the Master HOA because they hold a majority of the seats on both Boards. He concurred with Mr. Furman's accusation that the whole thing is a type of shell game, where Lennar appears to be using its control of the seats of the Master HOA and the CDD to off-road their responsibility from themselves onto residents, as homeowners. Mr. Portnoy reviewed written responses from Lennar employees to individual homeowners based on a variety of written communications that homeowners sent to Lennar in regard to lake bank erosion and stated that, for 2½ years, homeowners have been trying to get the erosion behind their homes addressed and repaired and Lennar came up with a myriad of excuses, such as it is rainy season, the water level in the lakes are too high, it is too difficult to get sod or get accurate grading to show up. For 2½ years these were the types of excuses that homeowners had to deal with yet, this very weekend, Lennar miraculously managed, in the height of rainy season with the lakes as high as they have ever been, to repair the washout behind the model homes and get it sodded, in order to finalize sales. He expressed his opinion that Lennar has lost its moral compass in fulfilling warranty claims and believed that residents purchased their homes in good faith and expect those homes to be stable and to not to fall into the lake behind it. He believed that the cost of the repairs to correct this erosion problem caused by Lennar's negligence and exacerbated by their intentional delays are the sole responsibility of this builder.

Mr. Tom Sandy, a resident, stated he attended the meeting in 2018 and was assured by Mr. De La Cruz that his warranty claim against Lennar was going to be handled. Mr. Mark Hamilton reiterated that the issues would be resolved and requested that he and his neighbors stop opening warranty claims, which he cancelled as he believed that Lennar would make the repairs. He stated that he paid a premium for a lot on the water, which Lennar profited from; however, the lake view seems to be engulfing his home and nothing is being done about. He

231 stated that he would like to see the State investigate this because he felt that it is  
232 underhanded. The erosion has nothing to do with the quality of his house and everything to do  
233 with the stability of his house, which was purchased from Lennar not from the CDD.

234 Ms. Carol Leon, a resident, stated that she attended the meeting that Mr. De La Cruz  
235 appeared at and felt that the only reason he appeared was because one or two weeks prior to  
236 the meeting, she contacted the South Florida Water Management District (SFWMD) to report  
237 the issues and was informed by Ms. Melissa Roberts, a Regulatory Service Center Administrator,  
238 that Lennar had to comply and repair the erosion after buildout. A SFWMD representative was  
239 then dispatched to the District to photograph the lakes and then shortly after that Mr. De La  
240 Cruz appeared at the beginning of the meeting, made his assurances and has not really been  
241 seen since.

242 Paul Fazey, a resident, stated that, with regard to erosion, there is a classified A and B,  
243 based upon severity, and the erosion between his home and his neighbor's home was not  
244 classified. He stated, whether it is A or B, not everyone has been identified. He hoped that they  
245 are all being identified.

246 Ms. Vicky Datzmun, a resident, stated that she closed on her home on June 27, 2019,  
247 before the lakes rose and the start of the rains and the failure to warn was her issue. Secondly,  
248 she had been an owner for only six weeks, had not received a mailed notice of today's meeting  
249 and learned of it on Facebook. She felt that, in today's technology, it would have taken Icon less  
250 than two minutes to send Management an updated list of property owners.

251 Mr. Ronald Baum, a Bonita Landings resident, stated it was unfortunate that Bonita  
252 National residents were dealing with the same exact scenario and situation as those in Bonita  
253 Landings and his community, one week prior to the start of rainy season, in 2017, some erosion  
254 work was completed, which washed away one week later, and one week before the rainy  
255 season in 2018 and 2019, the same thing occurred. He shared that his O&M fee is \$420 and  
256 would soon increase to \$620 and voiced his frustration that he has never seen a builder at this  
257 stage of construction walk away from its commitments and liabilities and transfer it to the  
258 homeowners.

259 Mr. Richard Cohen, a resident, read a summary of a letter that he wrote to Bonita  
260 National, as follows:

261 “As a property owner at Bonita National, I am objecting to the proposed increase in the  
262 annual CDD dues. The O&M assessment for the soil erosion repair and damage expense that  
263 Lennar is responsible for should be paid by Lennar. There was new information about \$200,000  
264 for the next two years but this could far exceed it especially if riprap is used. This expense is a  
265 component of the original Lennar Community Development cost, which the Bonita National  
266 property owners already paid for. Lennar represented to the property owners the ponds and  
267 the lakes were already developed and are trying to downstream this upfront expense to the  
268 Bonita National property owners. This representation was relied upon by the Bonita National  
269 property owners in their decisions to enter into a contract with Lennar by purchasing their  
270 property. This false representation was relied on by the Bonita National property owners when  
271 purchasing their homes and was already paid for by the Bonita National homeowners. Lennar  
272 represented that the ponds and the lakes were properly developed, the costs finalized and paid  
273 for by Bonita National property owners and they should honor their representations and  
274 commitments.”

275 Ms. Susie Werbeck, a resident, stated that this October would mark two years since she  
276 purchased her home in Bonita National and paid the premium to have the lake view. She voiced  
277 her opinion that Lennar, in its infinite wisdom, decided to put the homes on Monaghan Run  
278 close together, which causes issues, whereas, other streets in the community with executive  
279 homes are not quite as close and probably have no maintenance issues. Constructing more  
280 houses on premium lots means more money for Lennar and in doing so residents have an  
281 erosion problem that is so severe that the grasses are too high and cannot be mowed or weed-  
282 whacked because the workers would fall into the water. She shared that the grass in her  
283 backyard is not maintained and, when it rains, all of the water backs up in her lanai, damaging  
284 carpets and furniture, and she feels that Lennar is responsible and is very irritated by the  
285 response of Lennar’s representative that all backyards are similar.

286 Mr. Peter Roe, a resident, stated he bought a house on Monaghan Run over one year  
287 ago and, two months prior to the expiration of the warranty, he had his home inspected and  
288 received a 139-page report, as opposed to a seven-page report from the District Engineer. The  
289 inspection report identified a significant erosion issue behind his home and, due to his  
290 persistence in dealing with Lennar representative, it took several visits for workers to properly  
291 repair his backyard by filling in the erosion area with riprap, followed by new sod applications

and landscaping mesh underneath. The runoff is still there but it seems to be diverted and the solution is temporary. The point was, on three occasions Lennar accepted responsibility and sent workers out to fix the problem, under warranty.

Mr. Steve Laguinski, a resident, stated that, in 2018, he wrote numerous emails and sent several photographs to Lennar representatives and did not stop until he reached the Vice President. In the end, some repair work was performed behind his and his neighbors' homes. He felt that an under-drain system and a 4" pipe was insufficient in remedying the issues. There was a tremendous amount of water coming off the roofs of most homes, concentrated into a very small area, going towards the lake and the lakes are designed with a very smooth bank. The water will have to be contained which would require easements from each of the homeowners. Residents should be informed of what diameter-sized catch basins would be used and other related information since it is their monies which will be expended to make the repairs.

Mr. Larry Tomlin, a resident and President of the Golfers Association, stated that there are approximately 117 instances of erosion on the golf course, created by the ponds. He commented that several individuals in attendance were well-educated, had brilliant minds and were not afraid to talk potential buyers out of purchasing Lennar homes and could alert local news media of the erosion issues in Bonita National as a public interest story. He urged the Board to relay that message back to Lennar and stated it will stop here at Bonita National.

Mr. Alan Goldberg, a resident, questioned the diversion of \$400,000 to fix the District's erosion problem and asked if those funds were earmarked for something else that residents should be aware of. Mr. Smith stated that the funds were earmarked to fund the construction of the infrastructure for the rest of the community and Lennar will use the \$400,000 in the construction account for lake bank repairs. As to whether \$4.8 million will be used for the lake banks, Mr. Smith explained that there was originally \$26 million in the construction account and, as the community is built, the Developer requisitions requisitionable improvements, such as roads, stormwater, landscaping, perimeter landscaping, infrastructure improvement that are requisitionable by the Developer and that has taken place at the beginning and there are some that are yet to be done and there is a definite plan for the balance of the monies.

Mr. Goldberg: What does the plan entail?

Mr. Smith: It is detailed in the Engineer's Report for the bond issuance; for the roads, for the ponds etc., there are improvements that have been built but have not yet been requisitioned and the erosion was not part of the original construction fund.

Mr. Goldberg: If there is an issue with one of the ponds, which I wrote a letter to Mr. Adams requesting a water quality testing of a pond behind my home because all of a sudden dead fish were floating in the pond, I never got a response. Can testing be done in that pond to see what the issue is?

Mr. Adams: It is not uncommon to have fish kills in Florida, particularly in the summer, when there is a lot of water runoff. For it to be isolated to one pond and more than likely isolated to one species, it is very likely that the weakness of that species and the runoff are the reasons behind the fish kill, which would be handled.

Mr. Goldberg: Who is responsible for the cleanup?

Mr. Adams stated that the District has a maintenance assignment agreement with the association, so the association's contractor would pick the dead fish out of the lake and remove them.

Mr. Gene Colucci, a resident, stated his background is in engineering and it has taken a lot of effort to get the infrastructure around his house completed; however, the backyard is unacceptable in that the lake behind it has grown and there are several \_\_\_\_\_ and water purity and ph issues. It has taken Lennar 3½ years to place sod in the backyard of his home. Whatever was there was washed away and it is unsightly again. Lennar and their engineers have failed to put solar water disinfection in place, filtering systems, spray heads with pumps, leveled the lakes to make them equal and collected water samples under the surface to check for breeding ground for insects, bacteria and viruses.

Mr. Paul Curty, a resident, asked how Lennar's plan of action will be conveyed to residents, as it relates to erosion, and, regarding the long-term debt, with interest rates being at an historical low, at what point in time would it make sense for the CDD to consider refinancing the debt and get a lower rate. Mr. Smith stated the bonds are typically underwritten with similar terms and, in this case, they are able to be refinanced after ten years and, since the bonds were issued in 2015, refinancing can occur in 2025, if interest rates are favorable.

Mr. Shelley Sethman, a resident referenced a June 25, 2019 press release from Lennar and stated that there is a backlog of 19,000 homes and a backlog dollar value of \$7.7 billion and revenues of \$5.6 billion. He encouraged residents to go to Lennar.com and peruse the financials, their Board of Directors and President to see who they are dealing with, as they have a lot at stake.

Mr. Furman stated, although erosion issues are common in Florida, it is a matter of how much and what methods are employed to control it. He is unsure if Lennar's proposal will work but knew that there is a four-year statute of limitations that Lennar is attempting to extend. He encouraged residents to consider making a contribution to acquire an independent engineering study, due the problems with the homes and with the lake bank. He stated that, in November 2020, residents could sue Lennar, on behalf of the CDD, for the negligent work which the CDD paid for and homeowners are now paying back. An audience member asked when the lakes were conveyed to the CDD. Mr. Furman stated that it must have been an oral agreement as he could not locate a documented agreement. Tract 8 was just turned over in March and when that happens, Lennar bills the CDD, the CDD pays Lennar and Lennar gives them a deed. He believed it is something that must be looked into by the Auditor General. As to how much money it would cost homeowners to engage an independent engineer, Mr. Furman stated it depended on the scope of the work.

**On MOTION by Mr. Smith and seconded by Mr. Rollins, with all in favor, the Public Hearing was closed.**

Mr. Smith stated that the erosion issue is a difficult one and Lennar deals with it in every community, as does every other Developer in Southwest Florida. It is one reason why there is a stormwater management system in the CDD, as a mechanism by which it can be maintained over time. He stated that Lennar engaged a District Engineer and secured several permits and approvals required to develop the projects. They are heavily inspected and the community has been built and inspected in accordance with the plans and specifications that is verified by its engineers and municipal inspectors. He thanked the residents for attending today's meeting and stated that all comments would be relayed to Lennar's management.

In response to a Board Member's question, Mr. Smith stated that the resolution is to consider the budget for 2020; the \$200,000 O&M assessment that was previously advertised as a result of the last meeting would be removed.

Mr. Adams presented Resolution 2019-03 and read the title.

**On MOTION by Mr. Smith and seconded by Mr. Gabor, with all in favor, Resolution 2019-10, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2019, and Ending September 30, 2020, as amended to remove \$200,000 for lake bank erosion repair; Authorizing Budget Amendments; and Providing an Effective date, was adopted.**

#### **FOURTH ORDER OF BUSINESS**

**Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2019/2020, Pursuant to Florida Law**

##### **A. Proof/Affidavit of Publication**

The proof of publication was included for informational purposes.

##### **B. Mailed Notice(s) to Property Owners**

The affidavit of mailing and copies of the mailed notices were included for informational purposes.

##### **C. Correspondence from Property Owners**

Correspondence from property owners was included for informational purposes.

##### **D. Consideration of Resolution 2019-11, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2019/2020; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

Mr. Adams explained that the assessment was essentially being adopted consistent with the budget that was just adopted and the assessments would be the same amount as they were in the current year. There was no change in the assessments.

**Mr. Adams opened the public hearing.**

No members of the public spoke.

**Mr. Adams closed the public hearing.**

Mr. Adams presented Resolution 2019-11.

**On MOTION by Mr. Smith and seconded by Mr. Gabor, with all in favor, Resolution 2019-11, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2019/2020; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

#### **FIFTH ORDER OF BUSINESS**

#### **Acceptance of Unaudited Financial Statements as of June 30, 2019**

Mr. Adams presented the Unaudited Financial Statements as of June 30, 2019. In response to a question, Mr. Adams stated that the Panther Mitigation Project would end in June 2020. The financials were accepted.

#### **SIXTH ORDER OF BUSINESS**

#### **Approval of July 15, 2019 Regular Meeting Minutes**

Mr. Adams presented the July 15, 2019 Regular Meeting Minutes.

**On MOTION by Mr. Rollins and seconded by Mr. Hinebaugh, with all in favor, the July 15, 2019 Regular Meeting Minutes, as presented, were approved.**

#### **SEVENTH ORDER OF BUSINESS**

#### **Staff Reports**

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

There being nothing to report, the next item followed.

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

There being nothing to report, the next item followed.

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

Mr. Adams stated that the CDD is proceeding with the photometric survey related to potentially adding lighting to Bonita Beach Road; it was in the hands of an electrical engineer.



- **NEXT MEETING DATE: September 16, 2019 at 1:00 P.M.**

The next meeting will be held on September 16, 2019 at 1:00 p.m.

**EIGHTH ORDER OF BUSINESS****Audience  
Requests****Comments/Supervisors'**

Ms. Mary Ellen Jones, a resident, voiced her opinion that, although there may not be a conflict of interest, the appearance of a conflict of interest is very high because Lennar is heavily represented within every entity at Bonita National and, currently, residents have no say and no control.

**NINTH ORDER OF BUSINESS****Adjournment**

There being no further business to discuss, the meeting adjourned.

**On MOTION by Mr. Rollins and seconded by Mr. Gabor, with all in favor, the meeting adjourned at 2:37 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

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Chair/Vice Chair

**BEACH ROAD GOLF ESTATES  
COMMUNITY DEVELOPMENT DISTRICT**

**7C**

BEACH ROAD GOLF ESTATES COMMUNITY DEVELOPMENT DISTRICT		
BOARD OF SUPERVISORS FISCAL YEAR 2019/2020 MEETING SCHEDULE		
LOCATION		
<i>Bonita National Golf and Country Club, 2<sup>nd</sup> Floor of the Clubhouse, 17671 Bonita National Blvd., Bonita Springs, Florida 34135</i>		
DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 21, 2019 <b>CANCELED</b>	Regular Meeting	1:00 PM
November 18, 2019	Regular Meeting	1:00 PM
December 16, 2019	Regular Meeting	1:00 PM
January 13, 2020*	Regular Meeting	1:00 PM
February 17, 2020	Regular Meeting	1:00 PM
March 16, 2020	Regular Meeting	1:00 PM
April 20, 2020	Regular Meeting	1:00 PM
May 18, 2020	Regular Meeting	1:00 PM
June 15, 2020	Regular Meeting	1:00 PM
July 20, 2020	Regular Meeting	1:00 PM
August 17, 2020	Public Hearing & Regular Meeting	1:00 PM
September 21, 2020	Regular Meeting	1:00 PM

**Exceptions**

\* January meeting date is one week earlier to accommodate Martin Luther King Jr. Holiday