

**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 November 14, 2022, 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 and via Zoom at <https://us02web.zoom.us/j/85618785926> and telephonically at 1-929-205-6099, Meeting ID 856 1878 5926, for both.

**Present at the meeting were:**

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

**Also present were:**

Chuck Adams (via telephone)	District Manager
Shane Willis	Operations Manager
Greg Urbancic (via telephone)	District Counsel
Bill McCormick	Resident
Jonathan Ehret	Resident
Al Hanson	Resident
Ralph Tayman	Resident
Jim Werbeck	HOA President/Resident
Wendy _____	HOA
Residents	

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 1:00 p.m. Supervisors Kove, Grillo, DiTommaso and Kempf were present. Supervisor Leyon was not present.

**SECOND ORDER OF BUSINESS**

**Chairman's Opening Comments**

**AUDIO COMMENCED DURING THE CHAIRMAN'S OPENING COMMENTS**

Mr. Kove stated, after Board discussion, he will motion and ask the Board to vote on whether to continue the Bonita Beach Road streetlight project, as it exists, or to stop it immediately. He expressed his opinion, as follows:

- Each Board Member has a responsibility to represent this community and it is important that they be vigilant in making decisions and considering how decisions affect neighboring communities.
- In the last two years, the CDD inherited the lighting project from a Lennar-led Board.
- The Lighting Agreement was signed by a Lennar CDD Board Member in September 2020.
- When the initial plan was analyzed and put into place, the neighboring communities were not considered and the go-forward concept was not available; it was more of a design plan, reaching City guidelines and photometric studies.
- As many new homes in this development have been built over the last two years, especially on Bonita Beach Road, it has impacted many residents in a negative way.
- It would be best to stop the current lighting project and move forward with a new sidewalk project and design that would meet the community's safety needs and concerns.

Mr. Kove stated he will ask Mr. Adams some of the questions others raised before opening the discussion to the rest of the Board.

Mr. Kove asked how the Construction Fund would be affected with regard to canceling the Agreement with Florida Power & Light (FPL), if the Board decides to stop the lighting project, given the monthly dues owed, installation charges and starting a new project.

Mr. Adams stated the Construction Fund should have approximately \$750,000 remaining when the three or four projects on the table are completed. Those funds should be available to make the additional improvements along Bonita Beach Road. The CDD could pay for and own the lighting system, if so desired, or lights could be leased as proposed in the streetlighting project. It might be possible for FPL to convert the Agreement and change the scope, given that the installation was not done and the CDD was not billed for the project and, in the process, potentially forego the Agreement's penalty buyout provisions. Another option would be to utilize the Construction Fund to dismantle and remove existing improvements and install a new improvement, such as a sidewalk lighting system, which the CDD would own outright, in which case the monthly power bill would be paid to FPL and the CDD would be responsible for engaging an electrical contractor for any repairs and maintenance.

Asked who would be responsible for negotiating with FPL, Mr. Adams stated he would assist a Board liaison in that regard. Mr. Kove stated he would like to serve in that capacity and asked if District Counsel would be involved. Mr. Adams replied affirmatively.

Mr. Kove voiced his opinion that an aggressive stand must be taken and the Board should know exactly how to proceed and know the cost and how to mitigate it, going forward.

Discussion ensued regarding officially declaring a vacancy for the vacant seat and how this would affect any vote taken on this project today. Mr. Urbancic stated the first step is to declare the seat vacant. This item will be included on the next agenda.

Mr. Grillo stated he supported the lighting project in 2015, when the community was largely undeveloped and the streets were very dark and unmarked at night, but, since that time, the amount of construction has brightened the road tremendously. He noted the reflectors and the roadway markings on the side of the road improve visibility. He sympathized with affected residents and expressed support for ending the project.

Mr. Kove stated he and Staff met with FPL several times over the past two years in the hopes of attaining changes that would make the project work but without success.

Mr. DiTommaso felt that, while further delays might not be well-received, the priority is doing what is right for the community. He expressed support for stopping the current project and exploring other options for improving road safety and sidewalk lighting. He believes the use of the Construction Fund is critical.

The consensus was that sidewalk lighting improves street visibility tremendously.

Ms. Kempf expressed support for discontinuing the project.

Resident Bill McCormick expressed his agreement and thanked the Board.

**Mr. Adams left the meeting at 1:15 p.m.**

Mr. Willis stated a plan, managed by Staff from inception to completion, will help alleviate some of the concerns; he stated additional funds might be recovered by selling some materials back to FPL.

Regarding the question of the costs associated with canceling the Agreement, Mr. Kove stated, while only estimated figures are known, a motion is needed to stop the project and continue discussions with FPL. Further analysis will be done and the intent is to utilize the Construction Fund, which might not be available if the decision is delayed.

**On MOTION by Ms. Kempf and seconded by Mr. Grillo, with all in favor, immediately stopping the Bonita Beach Road streetlight project and authorizing Staff to research a sidewalk lighting project for Bonita Beach Road, was approved.**

Mr. Kove noted the process was time-consuming and all avenues were researched to gather the necessary information. He thanked the Board and stated he will work with Staff and report on the ramifications, when possible.

Asked if FPL could be held responsible for some of the installation costs, given that the lights were installed without permitting from the City, Mr. Kove stated District Counsel is aware of that and it is one of the subjects to be addressed.

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

Resident Jonathan Ehret stated the majority of his questions were addressed at the Bonita Landings CDD (BLCDD) meeting and asked if any of his contributions are allocated toward capital improvements inside the Bonita National gates. Mr. Kove stated they do not.

Mr. Ehret stated that the majority of the BLCDD Board is still controlled by Lennar but one resident is on the Board and another will join shortly. He felt that, while it made sense to give Beach Road Golf Estates CDD (BRGECDD) control when the other communities were being developed, it might be time to reconsider that Agreement with regard to the BRGECDD making decisions for non-roadway related matters.

Mr. Ehret asked if the Developers can be charged fees for advertising. Resident and HOA President Jim Werbeck stated it is likely written into the Developers' language. Mr. Willis stated that Developers in most CDDs have similar stipulations.

Mr. Kove asked Mr. Urbancic whether the Agreement should be rewritten, in light of the upcoming negotiations with FPL.

Mr. Urbancic discussed the Cost Sharing Agreement, which was intended to handle those public aspects of projects that need to be handled and that began as an Interlocal Agreement between governmental entities and one HOA; he saw no reason to reinvent that document and stated it was heavily-negotiated.

Regarding signage, Mr. Urbancic stated he will review the Declarations to determine the Developer's rights in this regard.

The Developer's rights to install signage and to increase the number of units developed within the community were discussed.

Resident Al Hanson expressed his opinion that weeds are taking over the pond on Hole 13. Mr. Willis stated he will inspect the pond and advise, accordingly. Littorals were installed on the littoral shelf. Mr. Hanson stated he will attend the inspection.

Regarding road markings and fire hydrants, Mr. Kove recalled that Lennar was asked to install additional reflectors. Mr. Willis stated he contacted Mr. Tommy Dean, of Lennar, regarding reflectors and blue markers to be installed and fire hydrants to be painted; he will request an update.

Regarding street signs, Mr. Kove recalled that the HOA expressed concern about poles that were recently installed. Mr. Willis discussed issues related to the signs and poles that were incorrectly installed and are the wrong colors. He stated that he reinstalled several signs and he and Richard, from the HOA, removed old construction signs that were left on the side of the road. While the sign at the speed hump is 3" smaller than the frame bracket, he installed it for now for safety reasons and reordered the sign and will install it as soon as it is received. The HOA also ordered some signs for the sign before Bridgetown Court; Lykins will install those when the HOA signs are installed.

Regarding the speed humps and the front pedestrian gate, Mr. Willis stated that issuance of City and County permits might take more than 90 days because permits for hurricane cleanup projects are the top priority. The conduits were installed so, once the permit is received, Carter Fence will install the structure and connect the gate; all materials are ordered and on hand.

Mr. Willis stated, if not for Hurricane Ian, the gate would have been installed in October. Mr. Kove stated Mr. Willis has been diligent in ensuring the project is prioritized. Mr. Willis stated permit delays have been widespread in Southwest Florida.

Mr. Kove stated, while some residents complained because they believed there is an algae bloom in the lake, that is not true; weeds in the lake were sprayed and are decomposing. Mr. Willis stated, per Florida law, the lakes can only be treated every 14 days and it takes five days following treatment for any results to be observed and, while the decomposing material looks like algae, the yellowish material is dissolving into the water column as it is designed to do. Mr. Kove stated, while it looks like a scum on the water, it is not algae. Staff is monitoring the lakes and will inspect Lake 13.

Discussion ensued regarding the benefits of aerators and installation of aerators.

Mr. Willis stated aerators will be installed in the most problematic lakes first. Mr. Kove stated the new aerators being installed by Superior Waterway are much quieter and smaller but the Board expressed concern that residents bothered by the noise might unplug the units. Mr. Serena was directed to ensure that residents understand the importance of aeration.

Mr. Werbeck stated he will speak with Management about sending an HOA communication advising residents that aerators are being replaced and advising them not to unplug units or place items on top of the units. Mr. Willis stated he will email the aerator information sheet to Mr. Werbeck.

Mr. Kove stated LandCare was asked to remove the green wraps from trees that were moved.

Resident Ralph Tayman stated five lakes have no aeration. Mr. Willis stated all lakes will have aeration added, in conjunction with the ongoing project. Aerators are being installed in order of necessity. The lakes were measured for acreage and depth by a top aeration specialist. Mr. Kove stated this project represents the CDD's biggest investment in aeration for the next ten years. He voiced his opinion that the project should have been done from the beginning and no corners were cut.

A resident reported that a street sign at Fox Rock Court and Galway needs to be replaced. Mr. Willis stated that is an HOA matter; installation of new poles was done through Construction Fund. Mr. Kove noted Richard is having hurricane-damage signs replaced.

A resident asked about the function of drains on Bonita Beach Road that are being cleaned by LandCare. Mr. Willis stated those are outfall drains; landscaping cannot be installed around those drains but decorative rock will be installed in the vicinity.

Discussion ensued regarding improving the safety and beautification of the drains and the sewer inspection following Hurricane Ian to address debris.

Mr. Willis stated sewer inspections will be during the dry season, beginning in February; he will review the documents and advise.

**FOURTH ORDER OF BUSINESS**

**Continued Discussion/Update: Beach Road Lighting Project**

This item was discussed during the Second Order of Business.

**BEACH ROAD GOLF ESTATES CDD  
FIFTH ORDER OF BUSINESS**

**November 14, 2022**

**Consideration of Resolution 2023-01, Declaring a Vacancy in Seat 5 of the Board of Supervisors Pursuant to Section 190.006(3)(b), Florida Statutes; and Providing an Effective Date**

Mr. Willis presented Resolution 2023-01.

**On MOTION by Mr. Kove and seconded by Mr. Grillo, with all in favor, Resolution 2023-01, Declaring a Vacancy in Seat 5 of the Board of Supervisors Pursuant to Section 190.006(3)(b), Florida Statutes; and Providing an Effective Date, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of September 30, 2022**

Mr. Willis presented the Unaudited Financial Statements as of September 30, 2022.

The financials were accepted.

**SEVENTH ORDER OF BUSINESS**

**Approval of October 17, 2022 Regular Meeting Minutes**

Mr. Willis presented the October 17, 2022 Regular Meeting Minutes.

Ms. Kempf asked if non-resident meeting attendees should be acknowledged as non-residents in the minutes. Mr. Willis stated the meetings are open to the public; those who speak are required to be noted in the minutes, if they identify themselves. Asked if attendees are required to state where they are from, Mr. Urbancic stated it is not required.

The following changes were made:

Line 54: Change "County" to "City"

Line 64: Delete "and is expected on site next week"

Line 66: Insert "once scheduled" after "complete"

**On MOTION by Mr. Grillo and seconded by Mr. Kove, with all in favor, the October 17, 2022 Regular Meeting Minutes, as amended, were approved.**

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

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

There was no report.

Mr. Kove thanked Mr. Urbancic for his assistance and direction in the lighting project and stated his involvement will be needed going forward. Mr. Urbancic suggested scheduling a call with Mr. Adams to develop a plan for approaching FPL.

Mr. Kove suggested those in attendance look at the lights at Palmyra at night to get a vision of what the project might look like on one side. He noted that there is no sidewalk from Seasons to Bonita National, on the north side, so it will be necessary to decide if the project will include both sides of the road.

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

There was no report.

Mr. Kove asked if a new Engineer would or should be used for the new project. Mr. Willis stated he did not want to speak on the District Manager’s behalf but he believed it would make sense to wait until a new District Engineer is engaged, if the Board wishes to do so.

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

- **NEXT MEETING DATE: December 19, 2022 at 1:00 P.M.**

- **QUORUM CHECK**

The next meeting will be held on December 19, 2022.

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

The Field Operations Report was distributed for informational purposes. Many items were discussed earlier in the meeting. Mr. Willis noted the following:

- Hurricane replacement trees and sable palm replacements along Galway will be installed the week of November 18, 2022.
- Regarding aeration installation, all materials were received a month ahead of schedule; the project might be completed in December. An update will be given, once completed.

Ms. Kempf asked if the fire hydrants will be tested or painted. Mr. Willis discussed fire hydrant testing and stated he will research this CDD’s requirements and advise. Fire hydrants and road markings will be repainted. Mr. Kove stated he asked for some sidewalks to be repainted before the Construction Fund is depleted.

**NINTH ORDER OF BUSINESS**

**Audience  
Requests**

**Comments/Supervisors’**



Mr. Kove thanked the residents in attendance for their participation and suggested they each give their contact information to Mr. Willis.

A resident stated he does not see the difference between the CDD and the HOA, in that the CDD is addressing signs, fire hydrants and road maintenance, which he thinks should be under the purview of the HOA.

Mr. Willis stated the CDD generally addresses matters related to public property and the HOA generally manages private property. As a public entity and a governmental organization, the CDD has elections and is governed by Florida Statute 190. Both entities can own and operate the same types of property and how the Developer designed and established the CDD determines which entities own which assets.

Mr. Kove stated the HOA has a signed Agreement that delineates the HOA's and the CDD's maintenance responsibilities.

Mr. Urbancic stated HOAs and CDDs perform similar functions; some communities are established with a CDD to facilitate some aspects of the project.

Mr. Kove stated many people think there is no difference between the HOA and the CDD. Mr. Willis stated if the HOA owns streets, it can restrict access while the CDD cannot, generally speaking.

A resident asked if the existing tubing will be removed in conjunction with the aeration project and noted that alligators were observed biting the aeration hoses. Mr. Kove stated Andy believed the tubing to be thicker than what was originally utilized by Lennar.

Mr. Willis stated the alligators are attracted by the vibrations in the water; his understanding is that the alligators move on once they realize the tubes are not food. Asked how the tubes are weighted down, Mr. Willis stated it is his understanding that the tubes have built-in weights to allow them to sink.

Resident and HOA member Richard Slattery introduced Wendy and stated she is replacing John in the C.A.M. office.

**TENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Grillo and seconded by Mr. Kove, with all in favor, the meeting adjourned at 2:15 p.m.**

  
Secretary/Assistant Secretary  


  
Chair/Vice Chair