

**MINUTES OF MEETING  
FOREST CREEK  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Forest Creek Community Development District was held on Thursday, October 6, 2022, at 1:00 p.m. at the Forest Creek Clubhouse, 11685 Old Florida Lane, Parrish, FL 34219.

Present and constituting a quorum were:

Joseph DeWitt	Chairman
Walter Wolf	Vice Chairperson
Todd Kuehn	Assistant Secretary
Michael O’Hair	Assistant Secretary

Also present were:

Andy Mendenhall	District Manager
David Wenck	Field Services Manager
Michelle Reiss	District Counsel (via phone)
Number of Residents	

*The following is a summary of the discussions and actions taken at the October 6, 2022, Forest Creek CDD Board of Supervisors meeting.*

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

- Mr. Mendenhall called the meeting to order, and a quorum was established.

**SECOND ORDER OF BUSINESS**

**Opening Prayer**

- Mr. Kuehn opened the meeting with a prayer.

**THIRD ORDER OF BUSINESS**

**Audience Comments on Agenda Items**

- Mr. Bob Stewart thanked the Board for repairing the road gutter; he noted the gutter was repaired not replaced.
- Mr. Stewart addressed the Board with regard to dedicating the pocket park to the John E Landi Park in honor of his service.
  - Mr. DeWitt thanked Mr. Stewart for all of his work on this.
  - This item will be discussed later in the meeting.

**FOURTH ORDER OF BUSINESS**

**Approval of Consent Agenda Items**

- A. Consideration of the Minutes of the Board of Supervisor Meeting held September 1, 2022**
- B. Consideration of Financial Report for August 2022**

On MOTION by Mr. Wolf seconded by Mr. DeWitt, with all in favor, the Consent Agenda was approved. 4-0

**FIFTH ORDER OF BUSINESS**

**New Business**

- None.

**SIXTH ORDER OF BUSINESS**

**Old Business**

- A. Monument Replacement Update**
- Mr. Johnson noted he spoke with Bob Dod, Superior Architectural Solutions, yesterday regarding the damage to the fence near monument and he indicated he had no change to the actual monument work; he was still in post hurricane mode.
  - Mr. Wolf noted they do have a deadline on December 15<sup>th</sup>; he does not want to wait until December 1<sup>st</sup> to ask the County if they can have an extension. He would like to have a good date of when it will start to be completed.

**SEVENTH ORDER OF BUSINESS**

**Staff Report**

- A. Aquatic Services Report**
- Mr. Mendenhall noted the pond company was going to attend but due to the hurricane they are out in the field, all hands-on deck and were unable to attend.
  - Mr. DeWitt noted Mr. Johnson had send Mr. Hartwig, SOLitude, an email with concerns of Pond 3 and he did provide a multi-paragraph response after he done some investigation and looking at their records from the past and the current status. Mr. DeWitt summarized the response noting the long-term solution is Triploid Grass Carp and the short-term solution is to chemically treat it.
  - Mr. DeWitt noted the hurricane pushed most of the surface material to south shore and it is now spreading back again, and the temperature is starting to moderate.
  - Mr. Wolf inquired if there is some vegetation, they can put around the ponds along the bank, specifically along Pond 3.
  - Mr. Mendenhall noted typically in situations where the pond recedes in the dry months, engineers and pond companies often recommend native plantings along the bank which are primarily club rush and pickerel weed.

**B. Landscape Services Report**

**i. Field Inspection Reports**

- Mr. Wenck reviewed his report. He asked Site Masters for a proposal for the drainage at Nature’s Reach Park.
- Mr. Wolf noted another area that floods is across from the bike rack.

**C. Attorney’s Report**

- Ms. Reiss reported that the case management conference that was to be held last week in the lawsuit filed by Mr. Styduhar was cancelled due to the storm and has not been rescheduled.

**D. District Engineer**

- None.

**E. Operations Manager**

**i. Operations Report**

- Mr. Johnson reported Gate Pros in on property and getting the gates fixed.
- Mr. DeWitt addressed the holiday lighting noting there is an option on the proposal for \$1,500 if they want to light the entrance signs. If they want to delete the Medjool and add the signs it is an additional \$625 to the proposal making it \$6,975. After discussion it was decided to work with Tim Gay, Holiday Illumination Lights, to keep it at \$6,350.
- Mr. DeWitt addressed the tree inventory that was emailed to all noting they will be trimmed the first week in November.

**F. District Manager**

**i. Consideration of FY 2022 Audit Engagement**

- Mr. Mendenhall outlined the audit engagement noting it is a continuation of the relationship with Grau & Associates. The cost is \$4,000 and is \$100 more than last year.

<p>On MOTION by Mr. Wolf seconded by Mr. DeWitt, with all in favor, the audit engagement for FY 2022 was approved. 4-0</p>
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**ii. Consideration of Tri-Party Succession Agreement**

- Mr. Mendenhall outlined the Tri-Party Succession Agreement from the Trustee.

On MOTION by Mr. DeWitt seconded by Mr. Kuehn, with all in favor, the Tri-Party Succession agreement was approved. 4-0

- Mr. Mendenhall reported for the reserve study they have sent the initial invoice to get started. Once they receive payment they will be in touch and go over the next steps.
- Mr. Mendenhall noted there were a couple of banking related questions at the previous meeting, one being the interest rate being earned on the reserve fund and it is currently 2% as of August 31<sup>st</sup>. Additionally, regarding the fee that Hancock Bank is charging they are looking into a couple of things – 1) what are the options to negotiate the fee with them, and 2) what are the options as far as shifting funds to other banks. He noted as part of the refi Hancock Bank required they maintain an account with them.
  - Mr. Wolf noted it also states as long as Hancock maintains a competitive rate.
  - Mr. Mendenhall noted there was also a question regarding where they are with the bond and whether there are refunding opportunities or when there would be. He spoke with Ms. Rhonda Mossing, MBS, and the Series 2013 Bonds are not callable until 2024. There may be challenges with the low par amount.
- Mr. Mendenhall addressed the hurricane and opportunities for getting reimbursement or getting things taken care of. Manatee County defers to FEMA and from a FEMA perspective there is quite a bit of information on chasing down those opportunities. He noted the Inframark District Manager in Fort Myers has had success working with an attorney that is very familiar with the process and filing all the right paperwork to make it happen. He was provided the attorney's information, resume and such. He inquired what path they would like to go down.
  - Mr. Wolf noted for the FEMA process they have to register to get started, but they need to determine if there is enough of a cost for them to pursue it. FEMA has two categories – A) debris removal and B) emergency protective measures.
- Mr. DeWitt reported as of now Yellowstone was onsite this morning and will be through Sunday as needed for storm debris cleaning and pickup and provided a not to exceed of \$5,000. There are proposals from Yellowstone and Alan's Tree Service. For the Yellowstone proposal they inventoried trees that they felt were priority ones, priority one

being needs addressed immediately, there were twelve (12) priority ones. Yellowstone gave a firm number of \$15,000 for the twelve (12) trees.

- Mr. DeWitt outlined the tree locations as listed on Yellowstone proposal #252681.
- Alan's Tree Service provided a verbal quote of a not to exceed of \$10,000.
- Mr. Mendenhall addressed the FEMA requirements to submit noting they must have latitude and longitude of the location, picture or video showing that it is public, if the contractor is taking off limbs and trunks, in itemizing it they have to have the diameter of each one.
- Mr. DeWitt noted he will be walking the property again tomorrow.
- Yellowstone has indicated if their proposal is approved, they will be onsite tomorrow and will work through Sunday. If not approved, they will be moving south.

Mr. O'Hair MOVED to approve the Yellowstone proposal not to exceed \$15,000.

- Mr. Wolf addressed insurance coverage noting he thought they had added a \$20,000 or \$40,000 general coverage.
  - Mr. Mendenhall will reach out to determine if it was added. He noted he has forwarded the FEMA manual and the information for the attorney who does the consulting.
  - Concerns were raised of Yellowstone and Alan's being able to do the FEMA requirements at this time.
- Tree/debris pick-up was addressed – Guillermo has stated FEMA will pick-up cut trees and debris. Alan's has stated they will not be able to pickup the cut trees and debris.

There being no second, the motion died.

- Mr. DeWitt inquired if they want to select a vendor or a number and do their due diligence with respect to the insurance question, the FEMA questions, and they need to ask Alan's when they can get onsite.

- Mr. DeWitt reported the littoral shelf on Pond 16 moved from its old location to behind John’s house. SOLitude was onsite yesterday and are aware.
  - Mr. Mendenhall noted typically they cannot move it back; it will retransplant where it currently is, or it will die.
  - Documenting for possible FEMA reimbursement was addressed.

On MOTION by Mr. Wolf seconded by Mr. O’Hair, with all in favor, District Management to have the eleven (11) priority trees removed at a cost not to exceed \$10,000 was approved. 4-0

- Mr. Wolf and Mr. Johnson will document the trees.
- Mr. Kuehn noted they need to discuss irrigation and getting the pump up and running.
  - Mr. DeWitt noted they had made the decision to turn the pump station off prior to the storm and to leave it off in anticipation of getting the neighborhood cleaned up.
  - Mr. DeWitt noted Yellowstone started today and indicated they will be working through Sunday. Some debris is in the street gutters, and they were trying to avoid it going into the street/storm drains, so they have left the water off.
  - Mr. Wolf noted he thinks the criteria to turn back on is once most of the debris is picked up. What he read in the county guidelines is that they will pick up what is prepared or bagged, but if it is a pile of debris, they will wait for one of the three vendors they are hiring to pick it up.
  - The consensus is to schedule irrigation from midnight Friday night through Saturday at noon and then 7PM Saturday to Sunday morning and then again from 7PM to midnight on Sunday. They will send an email notification to residents.
- Discussion ensued on dedicating and renaming the pocket park to the John E Landi Park and the placement of a singular granite post with a plaque. The funding will come from donations. It was suggested they speak with District Counsel to determine if this is something they need to codify. This item tabled to next month.

**EIGHTH ORDER OF BUSINESS**

**Supervisor Requests**

- Mr. DeWitt recognized all the folks who were out raking, pruning and doing work. He also recognized Mr. Stewart for bringing the park request to the Board.
- Mr. Wolf noted he would like to have those names recognized in a motion of appreciation at the next meeting.

- Mr. Wolf noted he was to meet with the gentleman for the playground today and was unable to due to issues from the storm that he was addressing in Fort Myers.
- Mr. DeWitt noted there are at least four sidewalk panels in the conservation area that are raised.
  - Mr. Johnson noted he asked Site Masters to get them a proposal for the four once the tree is removed.
- Mr. Wolf addressed getting surveys done on the pedestrian bridges to see which have to have the planks replaced.
  - Mr. Wolf noted this is something he and Mr. Johnson can do.
- Mr. DeWitt noted Mr. Johnson is going to handle the street signs in-house.
- Mr. Wolf addressed a pad at the pavilion but noted they would discuss next month.
- Mr. O’Hair thanked the residents who helped to rake and clean things up. He noted he thinks they are in a very blessed community that they avoided the damage that they see all around them.
- Mr. Mendenhall noted he heard back from Christina, EGIS Insurance, and unless they had debris that fell on an asset, they do not have any coverage that necessarily help them out from an insurance perspective.

**NINTH ORDER OF BUSINESS**

**Adjournment**

There being no further business to come before the Board,

On MOTION by Mr. Wolf seconded by Mr. O’Hair, with all in favor, the meeting adjourned. 4-0

 11-3-22  
Joseph DeWitt, Chairman