

**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, November 3, 2022, at 1:00 p.m. at the New Hope Baptist Church, 9422 Old Tampa Road, Parrish, FL 34219.

Present and constituting a quorum were:

Joseph DeWitt	Chairman
Walter Wolf	Vice Chairperson
Sarah Ashley	Assistant Secretary
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)
Jeff Johnson	Operations Manager
Number of Residents	

*The following is a summary of the discussions and actions taken at the 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**

- When will yard waste from the hurricane be picked up, when will the front fence be fixed and if there are any plans to fix benches around the big lake?
  - Manatee County website states residential hurricane waste has to be out by November 9<sup>th</sup> for collection. The front entrance fence will be fixed soon, and benches will be inspected and repaired.

- Mr. John Griesi, Parrish Fire District Fire Commissioner, addressed two situations – state law regarding no parking within fifteen feet of a fire hydrant and cars parking on both sides of the street hindering emergency vehicles. A reminder will be emailed to residents.
- Numerous residents were in favor of renaming and dedicating the park to Mr. Landi.
- Concerns with the amount of phosphates being put into the lakes during fertilization.
  - Yellowstone does not fertilize the banks or easements around lakes. Any fertilizer would enter the ponds through storm drains from residential runoff.
- Has towing of cars parked on the street overnight been stopped and there are a lot of commercial vehicles?
  - No, towing has not stopped. Commercial vehicles in driveways overnight are under HOA rules.

**FOURTH ORDER OF BUSINESS**

**Approval of Consent Agenda Items**

- A. **Consideration of the Minutes of the Board of Supervisor Meeting held October 3, 2022**
- B. **Consideration of Financial Report for September 2022**
- C. **Consideration of Motion Assigning Fund Balance FY 2022**
- Mr. Mendenhall addressed item 4.C. regarding the Motion Assigning Fund Balance for FY 2022.

Mr. DeWitt MOVED to approve the Consent Agenda and Ms. Ashley seconded the motion.

- Suggested amendment to Financial Report for September 2022:
  - 1) Amending the Motion to Assign Fund Balance FY 2022 - changing General Fund Operating Reserves to \$167,103 per the adopted FY 2023 budget and changing the Reserve Fund Reserves – Capital Projects to \$147,363 and
  - 2) Reserve Fund Statement of Revenues, Expenditures and Changes in Fund Balance sheet - correcting fund balance rows to reflect the assignment of \$147,373.

Mr. DeWitt MOVED to accept the amendment to the motion and Ms. Ashley seconded.

On VOICE vote, with all in favor, the amended motion as stated above was approved. 5-0

**FIFTH ORDER OF BUSINESS**

**New Business**

**A. Discussion of Renaming and Dedicating the Park to Mr. Landi**

- Mr. Mendenhall addressed a memo forwarded to the Board from Ms. Reiss.
- Ms. Reiss noted the only prohibition she found in state law was naming a park after a living person. She noted if the Board were in favor they could go ahead with renaming the park and suggested adopting some guidelines for future requests.
- Mr. Wolf volunteered to take the provided Deltona Policy and tailor it for Forest Creek draft policy to consider.

Mr. Wolf MOVED to rename the pocket park, Tract 601, to the John Landi Park and authorizing volunteers to install a marker and Mr. DeWitt seconded the motion.

- Mr. Kuehn noted he is against the renaming as it would not fit the theme of the community. He agrees that Mr. Landi did a great job, and he has the utmost respect in that regard, but naming a park after him sets a precedent for the future. He addressed doing benches in the past, noting that may work out better.

On VOICE vote, Mr. Wolf, Mr. DeWitt, Ms. Ashley and Mr. O’Hair voting aye and Mr. Kuehn voting nay, the motion was approved. 4-1

- Mr. Wolf addressed how the CDD should segregate the hurricane cleanup costs, since they were not in the FY22 budget. He suggested it be paid out of the Reserve Fund account for now and reimbursed with the funds from FEMA.

On MOTION by Mr. Wolf seconded by Ms. Ashely, with all in favor, to fund all Hurricane Ian clean-up work (debris clean-up, tree/branch removal, sidewalk repairs, legal fees to garner FEMA funding, etcetera) from the Reserve Fund was approved. 5-0

**B. Holiday Clubhouse Decorating & Lighting – Volunteer Park**

- Mr. DeWitt noted it is the same committee/crew as in the past. They will start staging the decorations on Wednesday of Thanksgiving week and setup on Friday, Saturday and Sunday.

**C. Semi-Annual Entry Gate Code Change**

- After discussion by the Board, Mr. Johnson will change the gate code effective Monday, November 7<sup>th</sup> but also keep the old code for 60 days. Email notification will be sent to residents.

**SIXTH ORDER OF BUSINESS Old Business**

**A. Monument Replacement Update**

- Mr. Johnson noted the only thing he is waiting on is for the contractor to come back to do the final touch-up work.
  - Mr. DeWitt noted some mulch has been spread in that area, irrigation has been looked at but will be looked at again. Mr. DeWitt noted the additional landscaping, mulching, irrigation, pressure washing, and fence repair will be run through operations. Mr. Alvarez will provide a proposal for the replacement of 16 to 20 plants.

**SEVENTH ORDER OF BUSINESS Staff Report**

**A. Aquatic Services Report**

- Mr. Mendenhall noted a SOLitude representative is in attendance.
- Mr. Mitchell Hartwig introduced himself.
- Mr. Wolf inquired about what is in Pond 3 so he can research it.
  - Mr. Hartwig noted there is hydrilla, eel grass, and algae.
  - He noted they have tried to use a boat to treat, and the tech has had issues with getting stuck due to the vegetation. He has scheduled a tech with the airboat for the 16<sup>th</sup>.
  - Triploid Grass Carp and barriers were addressed.
  - It was noted with the use of the boat and airboat to do treatments, it should take a couple of months to see improvement.
  - SOLitude to provide a proposal to remove the surface debris with the mobitrac and for Triploid Grass Carp.

**B. Landscape Services Report**

**i. Field Inspection Reports**

- Mr. Guillermo Alvarez, Yellowstone introduced himself.

- Mr. Wenck reviewed his report noting it has reduced quite a bit since Yellowstone has been doing a good job. The issue he is having is regarding trimming the decorative grasses, Mr. Alvarez has said they are scheduled to do this late January, early February.
  - Mr. DeWitt noted going forward these will be cut vertically and off the sidewalk for safety purposes. The once-a-year trimming seems to be satisfactory, if going forward the grasses have gotten too big, they can take part of them out or move off the sidewalk.
- Mr. Wenck addressed the water retention at Nature’s Reach Park noting he still does not have a proposal from SiteMasters.
- Mr. Wenck reported his role with Inframark has changed and they will be transitioning someone else into Field Services.
- Mr. Mendenhall noted his name is Brenden Crawford and he has been with Inframark for about five years.
  - Mr. Wolf stated Mr. Wenck has done a good job.
  - Ms. Ashely stated yes, thank you.
  - Mr. DeWitt stated it has been a pleasure working with you and we hope we see you periodically.

**C. Attorney’s Report**

- Ms. Reiss noted she has nothing additional.

**D. District Engineer**

**i. Rate Schedule Increase**

- Mr. Mendenhall noted Mr. Chang had nothing to report on today, so he did not attend.
- Mr. Mendenhall addressed the Johnson Engineering Professional Services Hourly Rate Schedule Increase.

On MOTION by Mr. Wolf seconded by Ms. Ashley, with all in favor, the Johnson Engineering rate schedule increase was accepted. 5-0
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**E. Operations Manager**

**i. Operations Report**

- Mr. Johnson reported:

- The small metal fence near the front gate monument has been wobbly for a while, he has repaired it twice and it lasts a couple of months. Superior has been asked to give a quote.
- The Red Rooster gate is locked in the open position on the entrance side because the reader failed. A new reader is on order.
- Mr. Wolf addressed the Hazardous Weather Plan and inquired if Mr. Johnson noticed anything that needed to be changed.
  - Mr. Johnson noted he wanted to compliment the volunteers. People showed up to help him whenever he needed it. Mr. Tom Wallenta helped him pull all of the gates and do everything he needed for the gates.
- Mr. Kuehn addressed the ‘missing cat’ signs.
  - Mr. Johnson will remove them.

**ii. Yellowstone Hurricane Ian Debris Removal**

- Mr. Mendenhall noted he reached out to another company for a proposal for the debris removal to have a comparison but has not heard back yet, they said it would be two to three days.
- Yellowstone quotes #257031 and 260073 for Hurricane Ian debris removal were presented.

On MOTION by Mr. Wolf seconded by Ms. Ashley, with all in favor, the Yellowstone debris removal quote 257031 in the amount of \$4,892.50 from the reserve fund was approved. 5-0

On MOTION by Mr. Wolf seconded by Mr. DeWitt, with all in favor, the Yellowstone debris removal proposal 260073 in the amount not to exceed \$6,900 from the reserve fund was approved. 5-0

**iii. Site Masters Proposal – Sidewalk Repair - \$3,600**

- Of the four panels proposed to be replaced, Mr. Kuehn noted only three may need to be replaced.

On MOTION by Mr. Wolf seconded by Mr. DeWitt, with all in favor, the Site Masters proposal to remove and replace sidewalk panels broken by fallen trees during Hurricane Ian in an amount not to exceed \$3,600 from the reserve fund was approved. 5-0

**iv. Illuminations Holiday Lighting**

- The US301 entrance holiday lighting proposal was discussed.

On MOTION by Mr. Wolf seconded by Mr. O’Hair, with all in favor, the Illuminations holiday lighting proposal in the amount of \$6,975 from the general fund was approved. 5-0

**v. Superior Architecture – Fence Repair**

- Previously addressed.

**❖ Gladiator Pressure Cleaning**

- Mr. Mendenhall noted this was a late proposal that they should have all received.

On MOTION by Mr. Kuehn seconded by Ms. Ashley, with all in favor, the Gladiator Pressure Cleaning proposal for the three additional entrances in the amount of \$625 from the general fund was approved. 5-0

**F. District Manager**

- Mr. Mendenhall addressed engaging with the gentleman who handles the FEMA reimbursement requests. The firm is Disaster Law and Consulting (DLC). Currently the District is compiling all the proposals and invoices related to Hurricane Ian.
- Mr. Kuehn addressed the trees and stumps.
  - Mr. DeWitt noted he has not verified that he has got everything, but if he has the amount billed, it is at \$8,000.
  - Ms. Ashley noted there are trees by her house that are dangerously close to electrical wires, and she is surprised they have not fallen on the wires.
  - Mr. DeWitt noted they will look at them and take pictures.
- Mr. Wolf noted DLC estimated about ten hours. His rate is \$250 per hour but he gets \$1,000 back from FEMA.
  - Mr. Mendenhall noted it is an hourly rate and he can submit it to FEMA as well and FEMA will pay a portion.

On MOTION by Mr. Wolf seconded by Ms. Ashley, with all in favor, the DLC engagement was ratified. 5-0

- Mr. Mendenhall addressed Hancock Bank and the fees they are charging the District. They are required to stay with them because of the bond but within the verbiage it does state as long as they remain competitive, and their fees are not competitive. They have yet to get a satisfactory answer from Hancock Bank and the head of accounting is recommending they move relationships from the banking perspective, and she is recommending Valley National, going forward with the fact that it is not a competitive fee. She also suggests touching base with District Counsel to get her input.
- Mr. Mendenhall noted he spoke with the Board members individually regarding a slight increase in Mr. Johnson's compensation. Discussion ensued on the matter of increase to Mr. Johnson.

On MOTION by Mr. Wolf seconded by Mr. O'Hair, with all in favor, an increase of \$1.50 per hour effective November 11<sup>th</sup> was approved. 5-0

- Mr. Wolf noted Mr. Johnson needs to look at the park benches as there is some wear and tear and rust showing.

## **EIGHTH ORDER OF BUSINESS**

### **Supervisor Requests**

- Mr. Wolf reported they are still waiting on the building permit process for the playground. The County had asked for better detail on the site plan. He got the vendor and Mr. Chang engaged and Mr. Chang is updating using the CAD drawings. He also requested a quote for a sign with all the ages and such on it.
- Mr. DeWitt thanked everyone for their hard work before, during and after the hurricane. He thinks the neighborhood has recovered quite well. He will pursue the stump grinding with Allen to see what kind of number he gets. Additionally, the large conservation area took a beating. The canopy is mostly gone in certain areas; they will need to look at it and what they can do going forward with the area. He noted SOLitude does spray the area for invasives.
  - Mr. Kuehn inquired if they are sure the leaning pine tree is stable enough.
  - Mr. DeWitt noted Yellowstone's arborist gave the first opinion on it and said it is fine, let it root back in completely and it would stay where it is. Allen said the same thing. He does understand it is right next to the sidewalk.



- Mr. Wolf noted there was a tree leaning in place at Nature's Reach that he had Mr. Johnson look at and it was taken down.
- Mr. Wolf noted on his and Mr. Johnson's action items list is to look at the bridges.
- Mr. Wolf addressed the end of the year expenditure report – he took those for the actuals versus the budget for last year in the over and under for the general fund.
- Mr. Kuehn noted his appreciation for the volunteers and all the clean-up.

**NINTH ORDER OF BUSINESS**

**Adjournment**

There being no further business to come before the Board,

On MOTION by Mr. Wolf seconded by Ms. Ashley, with all in favor, the meeting adjourned at 2:58 p.m. 5-0

 12-1-22  
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Joseph DeWitt, Chairman