

**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, January 5, 2023, 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
Sarah Ashley	Assistant Secretary
Todd Kuehn	Assistant Secretary
Michael O'Hair	Assistant Secretary

Also present were:

Andy Mendenhall	District Manager
Brenden Crawford	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

- Ms. Becky Dakin inquired as to a SOLitude scope of work for Pond 3.
- Mr. John Gambianni addressed his concerns with the ponds and non-operational aeration system.
 - Mr. Wolf noted the aeration is hard to see as they are at depth and move the water upward; when it windy or any wave action it is very difficult to see them. Two days ago, when he checked he could see the 14 working.

- Ms. Sharon Long noted Pond 3 is the focus of most residents right now, but the other ponds are not in good shape either.
- Ms. Beverly Fultz addressed the water retention pond behind her noting in the past two years it has constantly deteriorated with a line of reeds around the outside of the bank; they have not been sprayed and nothing has been done. Mowing along the pond is not going down as far as it should be and has been in the past two years.
- Ms. Glenda Wiles noted Pond 6 is doing very well and there is not one problem she can see. She thanked Mr. Mendenhall for some Brazilian Pepper removals.

FOURTH ORDER OF BUSINESS**Approval of Consent Agenda Items**

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

Ms. Ashley MOVED to approve the consent agenda and Mr. Wolf seconded the motion.
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- Mr. DeWitt inquired if they include guests in the list of also present.
 - Mr. Mendenhall noted they could, usually they are identified within the text itself. It is a Board preference.
 - The consensus is to continue listing within the text of the meeting.
- Mr. DeWitt noted on page three – there was a question Mr. Mendenhall was going to confirm.
 - Mr. Mendenhall noted yes, the Trustee fee is once per year.
 - Mr. Wolf inquired if this a combined fee for both accounts.
 - Mr. Mendenhall noted that is correct.
- Mr. DeWitt inquired if there was clarification on the Superior Architectural proposal regarding the railing.
 - Mr. Mendenhall noted he does not have clarification on this item.
 - Mr. Johnson noted he attempted to get an answer, but Bob is sick and was unable to answer the question. He noted another item requiring clarification is “the top of the wall should be repainted”, it does not say will be repainted.
 - Mr. Mendenhall noted there is an additional question into Superior about some of the billing.

On VOICE vote, with all in favor, the motion was approved. 5/0

FIFTH ORDER OF BUSINESS**New Business****A. Discussion of 2023 Gazebos Repairs/Updates Using Reserve Funds**

- Mr. Wolf addressed the gazebos identified in the reserve study.
- Mr. Wolf suggested they look at replacing what really needs to be replaced with safety-wise being number one. The walkway bridges, gazebos, and await the results of the spring Reserve Study.
- Mr. Kuehn inquired if Mr. Chang has looked at any of the bridges.
 - Mr. DeWitt noted he spoke with Mr. Chang yesterday and he said he has been onsite and visited the bridges that were brought to the Board's attention. He is writing the report and will have it for the next meeting.

SIXTH ORDER OF BUSINESS**Old Business****A. Consideration of Memorialization Policy**

- Mr. Mendenhall noted if they will recall from the previous meetings, this has been discussed and this was an opportunity for the Board members to take a good look at the policy that was presented and bring any final thoughts to this meeting prior to any adoption.
- A discussion about a future board's ability to change or cancel a memorial ensued. Ms. Reiss advised the Board that a future board has the latitude to make changes.

On MOTION by Mr. Wolf seconded by Mr. O'Hair, with all in favor, the Memorialization Policy was adopted.

SEVENTH ORDER OF BUSINESS**Staff Report****A. Aquatic Services Report****i. Pond 3 Discussion****a. SOLitude Detailed Report on Pond 3****b. SOLitude Detailed Report on Pond 3 Aeration System****c. Discussion of Second Opinions / Alternate Vendors**

- Ms. Liz Rocque, SOLitude briefed they are continuing with treatments and are going to be putting the airboat in one more time and after that it should just be a regular boat that is needed for the treatment of the hydrilla. Discussion ensued on the timing and content of reports.

- Mr. Wolf noted by contract SOLitude manages the invasive species. They lily pads and gold spike rush are not invasive, so they do not get sprayed. If they want them to take it out, they have to either amend the contract or tell SOLitude specifically.
 - Ms. Ashley inquired if it is okay for the non-invasives to be in the ponds.
 - Ms. Rocque addressed the lily pads and reeds noting they are native species to Florida and beneficial. They assist with nutrient uptake and the slowing of erosion. SOLitude can only treat a pond twice a month at maximum, they label is the law and they cannot apply more than they are legally allowed to. Many times, they do have to be reactive as they cannot treat until they see it. There is nothing they can put on a bank to prevent torpedo grass, alligator grass or primrose from growing. For algae they can only treat a pond every 14 days and they must follow the label to prevent an adverse reaction such as a fish kill. The chemicals are safe for wildlife, a fish kill happens due to the removal of oxygen caused by the decomposing plants.
- Mr. Kuehn addressed the invasive species and natural habitat plants. If he is understanding, the more natural plants in the ponds it will limit the invasive species coming in.
 - Ms. Rocque noted especially on the littoral shelf. If the littoral shelf is full of native species, it pushes out the invasives.
 - Ms. Rocque noted they cannot remove native species from a littoral shelf; it is against SWFWMD regulations. It is not recommended to remove them from the banks outside of a littoral shelf for reasons mentioned.
- A link will be added to the Forest Creek CDD website on what is invasive and what is not.
- Mr. DeWitt addressed the aerators noting SOLitude services those and is on contract for quarterly inspections and maintenance.
- Ms. Rocque noted she does not have an update for Pond 16 but noted it has been sprayed by Andrew and it just needs some time to decompose. He can do additional treatments as necessary, but she believes they had decided to wait until it was dead, and it would be up to the Board if they wanted to entertain a proposal for removal of the island.
- Mr. Wolf noted when they get into February and March, SOLitude's ability to spray is limited when they see the Sand Hill Cranes nesting.

- Ms. Rocque noted they are supposed to stay 400 feet away from them and a lot of houses are within the 400 feet. It is against the law to disturb the cranes in any way and make them leave a nest.

B. Landscape Services Report

i. Field Inspection Reports

- Mr. Mendenhall noted Mr. Crawford is in attendance. Guillermo had jury duty today so there is no representative from Yellowstone.
- Mr. Crawford noted the report was included in the agenda package and inquired if there were any questions.
- Mr. Wolf addressed cutting the grass for access to the dog pot and inquired if the dog pot is in the right place.
 - It was requested Mr. Johnson looked to see where it could be moved to. Mr. Johnson noted he thinks it could just be pulled forward.
 - Mr. Wolf noted it would be good to have a trash can by the pier to keep the dog pot from being filled with trash.
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 - ADA mats on sidewalks were addressed with it being noted Site Masters has handled this in the past.

ii. Yellowstone Valve Repair Proposal

- Mr. Mendenhall addressed the Yellowstone valve replacement that was done between meetings.

On MOTION by Mr. Wolf seconded by Ms. Ashley, with all in favor, the Yellowstone valve repair in the amount of \$934.68 was ratified. 5/0

- Mr. DeWitt noted this repair was completed on December 30th. A mistake was made by the tech turning off the irrigation that did not allow them to turn the irrigation back on until Tuesday.

C. Attorney's Report

- Ms. Reiss noted she has no specific report but knows they had a question about the bank accounts with regard to the Trust Indenture. She inquired if this has been resolved.
 - Mr. Mendenhall reported Inframark has been talking with Hancock and trying to explain the clerical error to them and have not had any success as yet. In speaking with Ms. Reiss regarding the legality of using the clause within the Bond Indenture that says if the fees or terms change the CDD has the right not to have to hold the funds there. Ms. Reiss has suggested they first talk with Hancock to see if they will let them out of it, before making a decision on their own. Inframark has gone to Hancock with that question which they have not answered yet. They are waiting for Hancock to let them know if they will cut the fee or let the CDD know if they can back out of the agreement. If for some reason, neither of those two works for them, it will come back to Ms. Reiss and she can give them advice on how we notify them, what could the CDD do and what can they not do. Inframark is set to go if the end result is that they have to switch banks.

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D. District Engineer

E. Operations Manager

i. Operations Report

- Mr. Johnson noted he has a couple of items that are not on his report. Egis has issued a check for the back gates at \$9,975 on December 27th. It is the proposal minus the \$2,500 deductible. The Christmas lights were taken down last night at the front gate and the concrete pad to the conservation area was poured yesterday.
- Mr. DeWitt noted the cart charger was intentionally unplugged over a weekend. Also, there were flyers posted on trees along Forest Creek Trail and all happened between December 4th and 9th. There was other activity going on in the neighborhood over on Charles Partin, but they are not sure if it is related. He requested if anyone sees something say something.
 - Mr. Wolf noted there has been an uptick in stuff like that, but there is only so much that they can do to be preventive. There is camera coverage at the pool and at the gate. If residents notice something has happened but did not see it happen, they need to let Mr. Johnson or somebody know.

ii. Superior Architectural Solutions – Fence Repair - \$1,500

- Mr. Wolf noted the proposal still states can be reattached.
- Mr. Johnson will follow up on the proposal.

On MOTION by Mr. Wolf seconded by Mr. DeWitt, with all in favor, the repair the west monument fencing in the amount of \$1,500 was approved contingent up confirming the railing will be installed and the top of the fence will be painted.

iii. Proposals

a. Site Masters Proposal for Concrete Slab Aristotle Park

- It was requested Mr. Johnson confirm the price and try to obtain an additional proposal.
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b. Gate Pros Railing Proposal – Amenity Center

- Mr. Wolf noted the railing has a longstanding problem and probably does need to be replaced but at this cost to go from wood to metal should they get another bid.
- Mr. Kuehn inquired if it is for the entire railing.
- Mr. Johnson noted it is and reported there are no other bids because he cannot find anybody to bid.
- Ms. Ashley suggested fencing companies. Mr. Mendenhall noted they can contact a couple of fencing companies.
- Mr. Johnson noted for the Red Rooster gate, the only he has been told is they will get to it before the end of February.

F. District Manager

- Mr. Mendenhall reported he heard from Manatee County and finance has approved and submitted the reimbursement for the monument. They said to give up to 45 days for the check.
- Mr. Mendenhall noted he spoke with Mr. Paul Graffani at Custom Reserves, and they sent an email this morning about setting up a time to come out. He spoke with them about a week giving them the timeline of when the budget was and how the District needed

information in advance of that. They are on track for that, and they should be setting up the onsite meeting shortly.

- Mr. Wolf noted he can send Mr. Mendenhall the Reserve Fund spread sheet to provide to Custom Reserves since the one in the Reserve Study was adjusted by the Board in the past to account for errors in the Reserve Study.

i. Egis Insurance Recommendations

- Mr. Mendenhall reported they met onsite with two representatives from Egis prior to the renewal and Egis had given a spreadsheet/list of some items/property that was not covered and some property where they were making suggestion to change coverage. It was received as part of the package and includes highlights of purple and yellow. There is a tan also that he reached out to Egis on for clarity. He thinks that one is the suggested change numbers.
 - Mr. Wolf noted the reserve study will give them updated costs to replace things and they will have that before they do the next budget. He would like to take the action to come to the Board given the Egis property schedule and what they recommended for that value. First, they need to define what is really covered in there. He will come back with a spreadsheet so the Board can look at the numbers.
- Mr. Mendenhall reported he received a graphic for the monument. He will forward it to the Board.

EIGHTH ORDER OF BUSINESS

Supervisor Requests

- Mr. O'Hair addressed the agenda item for Second Opinions and Alternate Vendors for pond, wetlands and conservation areas maintenance.
 - Mr. Mendenhall reported they did contact two companies, and both have been onsite. They primarily focused on Pond 3 and some of the current issues. In addition, these are companies that Mr. Mendenhall is familiar with the principals of the company, and they are qualified firms. Both previously worked for Aquatic Systems at one point.
 - The main objective was to obtain an honest opinion on Pond 3. What should be done and what could be done different.
 - Mr. Mendenhall addressed the reporting with SOLitude noting this is happening with other districts as well, where they have been doing something and then pulled it back. In another district they asked for monthly reports and it was very expensive.

- Mr. Mendenhall has not heard back from Sitex or Lake Brothers yet, once there is a formal report he will distribute it to the Board.
- Mr. Wolf reported the street flags will be up on January 16th.
- Mr. Wolf noticed a lot of people on social media asking questions that can be found in the policies and rules. He suggested adding a link to the Policies and Rules page on the website.
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- Mr. DeWitt reported Gladiator pressure washed the other three monuments on December 9th which coincided with a removal that Yellowstone was doing on Fennemore, so they pressure washed that area also at no cost.
- Mr. Mendenhall noted the formal request to FEMA has been submitted and they are waiting to hear back from FEMA.

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 was adjourned. 5/0

 2-2-23

Joseph DeWitt, Chairman