

**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, March 2, 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
Ariana Lento	Inframark - Business Developer
Mitchell Hartwig	SOLitude (via phone)
Guillermo Alvarez	Yellowstone
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

None.

FOURTH ORDER OF BUSINESS

Approval of Consent Agenda Items

- A. Consideration of the Minutes of the Board of Supervisor Meeting held February 2, 2023**

B. Consideration of Financial Report for January 2023

On MOTION by Ms. Ashley seconded by Mr. O’Hair, with all in favor, the Consent Agenda was approved. 5/0

FIFTH ORDER OF BUSINESS

New Business

A. Reserve Study

- Mr. Mendenhall outlined where they are with the reserve study noting the gentleman is available via Zoom for questions and/or discussion on whatever date is convenient for the Board.

SIXTH ORDER OF BUSINESS

Old Business

A. Playground Signage Discussion

- Mr. Wolf reported he let Ryan Rupnarain (Egis) know that they put the new playground equipment in and inquired what was necessary for signage. Ryan provided signage suggestions and a link for labels for the equipment.
- Mr. Johnson will get sign proposals.

B. District Property Inventory

- Mr. Wolf noted he has put together a draft with the idea being to have a single document that lists and locates all the CDD property and major repair/replacement expenses with an estimated replacement cost.
- Mr. Wolf addressed including the tracts for the stormwater system.

**** Brazilian Peppers**

- Mr. O’Hair provided an update on the Brazilian peppers noting the scope of it is a lot bigger than what he thought and bidding this program in its entirety is not feasible and will require a comprehensive multi-year eradication program. Ne noted formulating these section packages in approximate \$20,000 increments will allow the CDD to seek Manatee County grant funding (matching up to \$10,000 per project to remove invasive species). This permits the CDD to \$20,000 of work accomplished for \$10,000 of District dollars. By the April meeting he plans to have the statement of work finalized and the first section (Harvest Grove/Cedar Knoll swale) out for bid. Bidding this section will provide the benchmark data necessary to submit a FY 2024 Manatee County grant request in September.
- Mr. Kuehn inquired as to how many sections.
 - Mr. O’Hair noted it will depend on the benchmark.

- Mr. Wolf inquired if the benchmark would have a combination of cut and chemically treated.
 - Mr. O’Hair noted it will not; it is all cut.
- Mr. Wolf inquired about the use of an insect that only eats Brazilian peppers, noting the data is a couple of years old and has not been updated.
 - Mr. Hartwig noted he does not have updated information on this but he can look into it.
- Mr. Wolf inquired if they should create a line item in the FY24 budget for Brazilian pepper removal.
 - Mr. DeWitt noted that would be the prudent thing to do.
- Ms. Ashley inquired if there are certain areas where they would have to replace any Brazilian peppers removed with other another planting or tree.
 - Mr. Mendenhall noted he does not think so as they are considered non-native and typically the requirement is related to native vegetation.
 - Mr. O’Hair noted all the websites state to remove the Brazilian peppers and let the native species move back in.
- Mr. DeWitt inquired about Brazilian pepper removals behind Pond 13 about 5 years ago.
 - Mr. Wolf noted it was an area between Pond 13 and Kingsfield. The area is a buffer zone along the wetland in Kingsfield that had a lot of Brazilian peppers. The District hired a contractor to cut them down, dig down about a foot, and remove the debris. Due to the weight of the debris, the contractor could not drive on the Pond 12 berm and had to drive across backyards which left depressions.
- It was noted that Brazilian pepper tree chemical treatments are done immediately after cutting and takes about 30 days but does require a two-week follow-up after the first treatment.
- Brazilian peppers can only be cut when not blooming/seeding.

SEVENTH ORDER OF BUSINESS

Staff Report

A. Aquatic Services Report

- Mr. Wolf noted he thought they had discussed, and SOLitude had agreed to check Site 3.
 - Mr. Hartwig noted they are onsite three times per month, and they are taking a look at it every time. They sent pictures of how the site looks.

- Mr. O’Hair addressed the reports and inquired if SOLitude keeps records of what they treat areas with and at what volume the chemical is put down at.
 - Mr. Hartwig noted they have an internal log of the chemical they are applying and notes regarding the species targeted.
 - Mr. O’Hair noted he would like to see a record on the District’s files of what chemicals are being used and what application rate.
 - Mr. Hartwig noted they can provide a general list of the chemicals being used. As to the rates, there are rates on the chemical containers that they abide by which are EPA approved.
- Mr. Wolf inquired if any the sites being worked have been treated for Brazilian peppers.
 - Mr. Hartwig noted they have been treated; it is part of the treatment routine.
 - Mr. Wolf addressed the inventory they are doing of the Brazilian peppers noting it would be helpful to know where they are treating so they are not doubling counting them.
- Mr. Wolf requested with the pond levels being lower if they notice animals burrowing into the bank, they note it on the report.
- Mr. Hartwig noted Andrew was onsite today treating Pond 3 and noted it would be good to have the airboat out again so they will get it out again, probably at the end of the month or first thing next month.
- Mr. DeWitt inquired if Mr. Hartwig is satisfied with the progress being made on Pond 3.
 - Mr. Hartwig noted he is but knows there is still some vegetation. It is not 100% where they would like it to be and is why he wants to get the airboat in again.

B. Landscape Services Report

i. Field Inspection Reports

- Mr. Crawford addressed a culvert that is located in Nature’s Reach and recommended installing some bars to the 4-foot entrance pipe. There are reports of children playing in the entrance. He is in process of getting proposals to add the bars.
 - Mr. Wolf inquired if there is a county standard for the type or spacing.
 - Mr. Crawford noted there is not.
 - Mr. Wolf noted since this is a safety issue, he does not think they need to wait for another meeting to approve it.

- Mr. Crawford addressed an oak tree that was encroaching over the fence behind Pond 17. They received a proposal from Alan's Tree Service to remove the limbs for \$400.

On MOTION by Mr. O'Hair seconded by Mr. Wolf, with all in favor, the Alan's Tree Service proposal in the amount of \$400 to cut limbs behind Pond 17 was approved.

- Mr. Crawford addressed Issue 13 at 4667 Summerlake Circle. Yellowstone provided a proposal to add some Viburnum in the missing areas for \$380.

Mr. Wolf MOVED to approve Yellowstone proposal #289298 in the amount of \$380 for Viburnum at 4667 Summerlake Circle and Mr. DeWitt seconded the motion.

- Ms. Ashely addressed doing something similar with bush replacement as they are doing with the Brazilian peppers. There are places everywhere that bushes need to be replaced or residents want a bush replaced or areas where dead bushes need replaced. The smaller proposals are going to add up quickly if they are not paying attention to where they are putting the bushes.
 - Mr. Wolf noted it comes from R&M – Landscaping but if they know it for the next budget process so they would have an idea of what to put in the budget.
 - Mr. Crawford noted he is planning to be onsite with Yellowstone to do a survey of any trees or plant materials that need to be replaced.
 - It was noted the issue at 4667 Summerlake Circle was brought up by an audience member at the last meeting. Ms. Ashley inquired if they are going to start doing this for every resident comment/complaint.
- Mr. DeWitt inquired about the opinion of those who visited the site.
 - Mr. Alvarez noted there are Wax Myrtles and Viburnum in this area and in between the plants there are some that may have died or missing.
 - Mr. DeWitt inquired if they need hard trimmed or if they are waiting for the winter to pass for them to start to re-foliate again and will they come back.
 - Mr. Alvarez noted he does not think the missing gaps are going to come back but will fill in with what is around it.
 - Ms. Ashley inquired if any other parts of Summerlake has been looked at.
 - Mr. Crawford noted there are many areas on Summerlake that need to be addressed.

- Ms. Ashley inquired why they are only doing this site.
- Mr. Crawford suggested tabling the item so they can get a better idea of what is needed.
- Mr. Wolf suggested replacing only plants that have died out of cycle. For the rest they will do a survey, identify them and put them in next year's budget.
- Mr. DeWitt addressed developing a plan that comprehensively addresses the perimeter border and boundaries and the internal plantings. That in turn has to be turned into a long-term plan and a budget commitment to do replants every year, but you cannot replant the entire property in one year.
- It was noted they are going to stand pat on 4667 for now, they can amend the soil adding fertilizer and maybe trim them out to see how they respond.

Mr. Wolf withdrew the prior motion and Mr. DeWitt withdrew his second.

- Mr. O'Hair inquired why they are concerned about the gaps in the growth.
 - Mr. DeWitt noted he had thought they had to maintain it to the original site plan approved by the county but that was for original construction only, not long-term.
- Mr. Wolf inquired about pads for the playground.
 - Mr. Crawford noted he recommends putting mats underneath to prevent displacement of the playground mulch.
 - Mr. Wolf took an action to ask Ryan at Egis what they think about mats and provide information at the next meeting.
- Mr. Alvarez noted they will begin grass cutting next week along with quarterly trimming.
- Mr. Wolf inquired if the sprinkler heads at the playground were moved.
 - Mr. Alvarez noted there was a proposal submitted.

D. District Engineer

- None.

E. Operations Manager

i. Operations Report

- Mr. Johnson addressed Amazon at the gates noting Amazon does have equipment at the gates that has been there since January 2021; they have it at almost all other gated communities gates. The District's gate maintenance vendor, Gate Pros said the Amazon

equipment does not cause any issues. If the District wants to allow Amazon to continue, Mr. Johnson needs to sign a form and return it to Amazon. The consensus is for Mr. Johnson to sign the form but letting them know the Board can end the agreement if there is a problem. Mr. Johnson noted he was going to provide the agreement to Ms. Reiss to review.

- Mr. Johnson reported:
 - Bathrooms are now unlocked during clubhouse operating hours.
 - Envera has a glitch in their system that they are working on fixing.
 - In his report last month, it noted he had sent a letter for demand of payment, and he has received a check for the smashed barrier arm from the roofing company in the amount of \$670.
 - The new playground equipment has been installed at Nature’s Reach and the playground at the clubhouse is in the process of being removed. Mr. Wolf noted they planned on doing the removal during the initial installation, but the lead guy had to leave for a family emergency. The team left on Thursday and the company is sending another crew down to dismantle it.
 - The damaged Major Turner - Red Rooster exit gates are now back in place. It was requested reflective tape be placed on the end bars, so they are reflective when opening/opened.
 - Mr. Kuehn noted emails are capped at 1,000 per month through Mail Chimp or there will be a \$13 fee. This limits the District to two email blasts per month at no cost.
 - Mr. Johnson continued noting he has placed plastic caps on posts on the pier pilings on Pond 3 and will continue as he gets more caps. He noted his District approved card has a \$1,000 monthly limit which slows down some work. Discussion ensued regarding the limit on the card.

On MOTION by Mr. Wolf seconded by Mr. Kuehn, with all in favor, increase the Operations Manager credit card limit to \$2,000 aggregate (per billing cycle) was approved.

C. District Counsel

- Ms. Reiss noted there were questions last month about parking at the clubhouse, but she does not recall what they wanted to change.

- Mr. Mendenhall noted it was more a discussion of whether the District has the ability to modify the policy if necessary.
- Mr. Wolf noted it was a request for long term parking because they didn't have enough long-term parking for their residence. The use of the clubhouse is for three days maximum temporary parking, not long-term.
- Ms. Reiss noted they could make changes to the clubhouse parking if they wanted to permit longer than three days. She tells all her districts that the onus is not on the Board to make sure everyone's parking needs are met.
- Mr. Mendenhall noted there are not a lot of complaints and the resident who brought it up was unaware of the ability to access the form online. It seems they might not want to solve a problem that does not necessarily exist.
- The consensus of the Board is to keep the policy as is.

E. Operations Manager (continued)

ii. Hoover Pumping Starts Report

- Mr. DeWitt noted Christopher Wethern sent him the report and he forwarded it on. The Monday open cycle from 9 to 2 has been closed. Mr. Wethern did not make any recommendations for improvements.
 - Mr. DeWitt noted he has tracked rapid recycling from January 1 to this date and they have had seven episodes. None are predictable except for three Thursdays which were all coincidentally at 8:13 p.m., 8:30 p.m. and 8:39 p.m. When he talked to Lauren, the Hoover office administrator, she said if they are having a problem, they will get 100's of rapid recycling reports.
 - Mr. DeWitt noted they did contact Betsy, HOA manager to check HOA maintenance assisted residents' watering schedules and also to look at the cottages on what they believe to be overwatering.
- Mr. Kuehn addressed Green Thumb, the HOA landscape vendor parking on Forest Creek Trail.
- A resident suggested removing the bump-outs to create additional parking. It was noted this might be something to look at during future paving.

F. District Manager

- Mr. Mendenhall addressed the FEMA submittal noting the last step is they have to provide the Division of Emergency Management a UEI number. To get the number they have to submit information from the District's W-9 into a website, they then review it and approve it and give a number that is then forwarded to the Division of Emergency Management. It has been submitted and expected shortly.
- Hoover annual preventive maintenance contract renewal for \$3,185.

On MOTION by Mr. Kuehn seconded by Ms. Ashley, with all in favor, the Hoover Pumping Systems preventive maintenance contract renewal in the amount of \$3,185 was approved.

- Superior still needs to do the backfill and refund the permits overcharge for the new US301 entrance monuments.
 - Mr. Wolf noted if they have not been responsive, it is time to start sending certified letters.
 - Mr. Mendenhall noted he went back to the administrator at the firm about the permits and such, and Mr. Johnson had been talking about some of the work that still needed to be completed. The last communication Mr. Mendenhall had, that person reached out to Bob, and no response from Bob.
 - Mr. Mendenhall to send a letter to Superior detailing what is owed, and the dollars associated with it from the aspect of the unfinished work as well as the permit fees that they should not have been billed for.
- Mr. Mendenhall addressed the claim with insurance for Gate Pros invoice of \$12,475 to fix the gates. There is an additional invoice from Gate Pros for the gate card RFID reader that was replaced at \$4,065.

On MOTION by Mr. Wolf seconded by Ms. Ashely, with all in favor, the Gate Pros invoice in the amount of \$4,065 to replace the card reader was ratified.

- Mr. Mendenhall noted an invoice from Yellowstone Landscaping for Nature's Reach for relocating irrigation at a cost of \$473.17. The relocation was needed due to the new playground installation.
 - Mr. DeWitt noted Mr. Johnson has approved it, it just not happened yet.

On MOTION by Mr. Wolf seconded by Mr. DeWitt, with all in favor, the Yellowstone proposal #287323 in the amount of \$473.17 from the Reserve Fund to relocate sprinklers was ratified.

- Mr. Wolf inquired what they should include in the FY24 budget for Hancock Witney bank monthly charges.
 - Mr. Mendenhall noted they are waiting to hear from Hancock is that they agree that they have gone outside of the terms. If they get that in writing they can walk away, if they do not agree they potentially argue with them and try to get out of it by proving their case history, but he has not heard back from them.
 - Mr. Wolf noted they will put the actuals in the FY24 budget and hope to have it resolved by June.
- Mr. Wolf addressed a residential property on Hidden Forest Loop that borders the park. It still has the swing and playground equipment; however the swing is on a District tree.
 - Mr. Johnson noted the swing is on a District tree but after that the line gets a little murky.
 - Mr. Crawford noted he looked up the plat and the swing is on District property, but the play structure is not. He suggested a letter be sent asking them to move the swing. The equipment was originally on District property and the resident moved that on their own.
 - Mr. Mendenhall noted a letter will be sent instructing them to remove the swing from District property.
- Ms. Ashley inquired about the email they received about the playground.
 - Mr. Mendenhall noted the contention is that trees have been removed and they need to do some more research on the area before they can respond.
 - Ms. Ashley noted someone was upset that the tree fell during the hurricane and now they can see the playground and it is bringing their home value down.
 - Mr. Wolf noted a survey was done and the tree that was there would not have blocked their view.
 - Mr. DeWitt noted it would be a courtesy to respond.
 - Ms. Ashley noted the options are they can plant on their property according to the ARC guidelines.
 - Mr. Mendenhall will send a response.

EIGHTH ORDER OF BUSINESS**Supervisor Requests**

- Mr. Wolf noted street flags will be up for the National Vietnam War Veteran's Day which is March 29th.
- Mr. Wolf addressed the US 301 monument insurance coverage. They are going to look at the insurance based on the reserve study. They do know the recent replacement cost is just under \$60,000 and does not include the fence or knee wall. The coverage is only \$40,000 now and he inquired if they should bump it up to \$60,000 now or wait.
 - Mr. DeWitt inquired how much it would impact the premium.
 - Mr. Wolf noted not much. There are seven small decorative columns, two medium columns, the knee wall, and fencing at the US301 entrance. He noted they will also need to add the new playground equipment to the insurance.
- Mr. DeWitt inquired if Mr. Kuehn has started the sidewalk repairs and maintenance review.
 - Mr. Kuehn noted he has not.
 - Mr. DeWitt inquired if they would wait on pressure washing until after the rainy season again this year.
 - Mr. Kuehn noted that is what they decided.
- Mr. DeWitt noted he and Mr. Johnson will review the storm drains.
- Mr. Kuehn noted some of the sidewalks need a mat on them, but he will look at all of that.
- Ms. Ashely noted the new playground seems to be a hit.
- Mr. Kuehn addressed the big dog park noting it is muddy all the time where the drain comes down and every year it seems to get worse. He does not know if sod would be appropriate because of the shade, but it is a mess, and something needs to be done.
 - Ms. Ashley inquired how often the small dog park is used.
 - Mr. Kuehn noted in the summer it does not get used because it is in the sun all day.
 - Ms. Ashley suggested they could rotate the dog parks.
 - Other suggestions were for pads, pea gravel and the like.
- Mr. DeWitt noted he appreciates what they did at Nature's Reach and the process that they had, the organization and participation of the residents. They have talked about another area and should they consider a process like that again.
 - Mr. Wolf addressed adding a pad and picnic tables and add a roof later. The other thing they have considered is if they are going to be pouring cement there, they

could put a cement pad on the other side of the sidewalk, add cinder blocks, some doors and a roof and they have a secure place to park the golf cart.

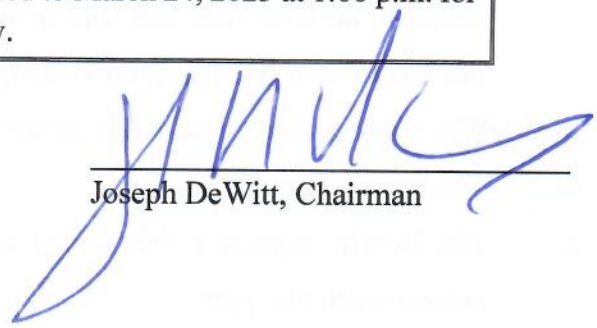
- Ms. Ashley inquired if there is any talk about a basketball court or pickleball.
- Mr. DeWitt noted pickleball is still being discussed.
- Mr. Wolf will work with a committee for a survey.

NINTH ORDER OF BUSINESS

Adjournment

There being no further business to come before the Board,

On MOTION by Mr. Wolf seconded by Ms. Ashely, with all in favor, the meeting was continued to March 24, 2023 at 1:00 p.m. for discussion of the reserve study.



Joseph DeWitt, Chairman