

**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, April 6, 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
Todd Kuehn	Assistant Secretary
Michael O’Hair	Assistant Secretary

Also present were:

Andy Mendenhall	District Manager
Brenden Crawford	Field Services Manager
Jeff Johnson	Operations Manager
Elizabeth Rocque	SOLitude (via phone)
Mitchell Hartwig	SOLitude (via phone)
Charles Draeger	Yellowstone
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**

- Jim, HOA ARC Chair, requested the Board adopt the HOA design guidelines, mainly in the area of tree and bush replacement.

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

- A. **Consideration of the Minutes of the Board of Supervisor Meeting held March 2, 2023 and the March 24, 2023 Continuation**
- B. **Consideration of Financial Report for February 2023**
- C. **Acceptance of the Audit for Fiscal Year 2022**
- Mr. Mendenhall noted in the Report, that it was a clean audit.

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

- Mr. Wolf noted on page 17 [of the audit] for clarification – under Deposits it states the District’s cash balances are entirely covered by federal depository insurance and by a collateral pool pledged to the State Treasurer per Florida Statutes Chapter 280, “Florida Security for Public Deposits Act”. On page 23 there is a table that talks about the FY 2022 assessments but the table only list Phases 1 and 2; he did not find a Phase 3. He does not know if the table is mislabeled or if there is a table missing.

On VOICE vote, with all in favor, the motion was approved. 4/0

**FIFTH ORDER OF BUSINESS** **New Business**

**A. Discussion of Reserve Study Report**

- Mr. Mendenhall outlined the discussion at the March meeting and the continuation noting he provided the supervisor questions and comments to Mr. Graham Culkar at Custom Reserves. Mr. Culkar knows the Board timeline for the annual budget.
  - Mr. DeWitt noted he had a conversation with Mr. Culkar yesterday.
  - Mr. Wolf requested a consolidated lists of all questions and comments.

**B. Playground Mats**

- Mr. Mendenhall noted information on the mats has been distributed.
- Mr. Wolf outlined the information on the swing mats.

On MOTION by Mr. Wolf seconded by Mr. O’Hair, with all in favor, the purchase of four swing mats from Rubber Floor King in the amount of \$763.63 from the Reserve Fund was approved. 4/0

**SIXTH ORDER OF BUSINESS** **Old Business**

**A. Playground Signage Discussion – Review of Playground Rules**

- Mr. Mendenhall noted Mr. Johnson coordinated with Egis on playground signage.
- The Board asked Mr. Johnson to procure a two sided sign under the DM expense authority and expense it to the Reserve Fund.
- The sign will be placed on the southside of the sidewalk between the play stations and swing set, perpendicular to the sidewalk.



**SEVENTH ORDER OF BUSINESS****Staff Report****A. Aquatic Services Report**

- Ms. Elizabeth Rocque, Solitude provided an update. For Pond 3, she stated algae are above the treated submersed vegetation and water level is very low. However, as Mr. DeWitt noted there is a recharge well pump that keeps Pond 3 at a specific depth, so the water level is constant.
- Ms. Rocque recommends Sonar®, a fluridone based aquatic herbicide treatment for Pond 3. A single large treatment is preferred but would require all irrigation to be shut down for 30-days. This is not desired especially at this time of year.
- Ms. Rocque noted the other option would be to do three treatments about 3 weeks apart without any irrigation restriction. The cost to do this would be about \$4,500.
- Mr. Wolf inquired as to what has changed now that SOLitude is willing to do this type of treatment on Pond 3 since the Board asked about it months ago but SOLitude didn't recommend it at the time. Ms. Rocque noted she does not know but will ask Mr. Mitchell Hartwig, SOLitude to respond when he joins the call.
- Mr. DeWitt noted previously in speaking with Mr. Hartwig, he agreed SOLitude had responsibility in certain respects to the pond's condition, basically saying SOLitude dropped the ball last summer and going into the fall. A recognition that the District agrees with. There have been conversations with SOLitude in which the District believes there is a financial responsibility like a discounted rate in the event the Board approves Sonar® treatments.
- Mr. Wolf noted Pond 9 also looks bad, exactly like Pond 3 did six-to-nine months ago. A third to one-half is covered with algae. It has been almost a year and the community is upset by the conditions of the ponds. It does not seem the quality of SOLitude's work is meeting District's expectations.
- Mr. O'Hair noted with water temperatures rising, SOLitude appears to be losing ground.
- Mr. Hartwig joined the call and Ms. Rocque reiterated the question regarding what changed with respect to Sonar® treatments. She noted the Board, rightfully so, feels there should be some shared cost associated with this treatment.
- Mr. Hartwig addressed the conversations and that it was on SOLitude for kind of dropping the ball. They brought the airboat out and did chemical treatments that are not in the scope of work. The aspect of sharing the cost is absolutely something SOLitude can do. In terms

of why Sonar® now; it was brought to his attention that it was something the District was interested about a few months ago. Mr. Dewitt reiterated that the Pond 3 level is maintained via the deep well pump.

- Mr. DeWitt noted the discounted cost approach is favorable if the Sonar® is effective. Mr. Hartwig agreed that SOLitude can cover some of the costs.
- Mr. Hartwig noted a single treatment would restrict irrigation for 30-days because at that concentration it would turn grass white and may kill it. Ms. Rocque noted the District is not able to do that; it will have to be three separate treatments.
- Mr. Hartwig noted they had spoke about the grass carp for the hydrilla. Carp would help with that to avoid or reduce future treatments. SOLitude is out three times per month for ponds, and they are treating it every couple of weeks with the legally allowable limit.
- Mr. Wolf addressed concerns with some of the chemicals being used for long periods of time at the maximum rates and if there are more effective chemicals.
- Mr. Hartwig addressed the use of chemicals noting there are more effective others they could use but they are more expensive.
- Mr. Wolf noted the District needs a long-term detailed plan.
- Mr. DeWitt agrees that having a written plan and photographs, having a personal presentation at a Board meeting by SOLitude and follow-up would lend itself for the Board strengthen trust with SOLitude again.
- Mr. DeWitt inquired what the window of opportunity for Sonar® is. Mr. Hartwig noted they can get the Sonar® treatments started right away.
- Mr. Kuehn inquired if they do the three separate applications will there be any irrigation restrictions. Mr. Hartwig noted if they break it into three, they do not have to worry about shutting off the irrigation system. Mr. Hartwig noted once they start treatment more nutrients may be released and more algae may appear. After a treatment they must wait three weeks later, apply again and then three more weeks for the last treatment.
- Mr. Wolf inquired if there is a better chemical for the surface algae than what they have used so far. Mr. Hartwig noted there are but more expensive ones. They can do a different application this time. If they want to continue to use that algaecide it will be expensive, and they will have to talk about it.
- Mr. Wolf noted better chemicals and a better approach will be more palatable to the residents rather than using the same chemicals to get the same results. He would like to see



a plan with the three Sonar® treatments, coupled with the more effective algae chemicals. Could they do a Sonar® treatment now and then at the next meeting discuss cost sharing for the last two so they can get started right away. Mr. Hartwig noted they can get started on that and talk about it more later.

- Mr. O’Hair noted he would like to see a plan of what they can expect at the end of the 21 days.
- Mr. DeWitt inquired if they have experienced this in another neighborhood where they have used this approach with this size lake and the same challenges, So the Board could speak with them and how the issue was approached with their pond. Mr. Hartwig noted they have other communities with these challenges and approaches. He and Ms. Rocque can provide some references for those treatments.
- Mr. DeWitt inquired how SOLitude is going to proceed.
  - Mr. Hartwig noted he and Ms. Rocque will get together after this and discuss a point-by-point of what they are going to do, the approach they are going to make, the expectations and going on from there. They can get it started now and if it something they want them to continue using they will have to have a conversation about it down the road, but they can do a trial period with the stronger algaecide to see the results. Mr. Wolf noted he agrees with that and thinks the rest of the Board does too.
- Mr. DeWitt addressed the order of providing the plans is it would go to Mr. Mendenhall, and he will disseminate it to the Board. He noted if Mr. Hartwig could get that done in a timely fashion it would be tremendous and they would appreciate it. The steps that he is taking that Mr. Wolf outlined is also critical and if they have a reference that is something comparative to Forest Creek that would be important also.

## **B. Landscape Services Report**

### **i. Field Inspection Reports**

- Mr. Crawford noted he wanted to work on getting detailed in the pool area, around the copperleaf and some of the ginger, getting the dead material and weeds cleaned up. It is the same around the basketball court, the weeds are heavy there.
- Mr. Crawford addressed the drainage grate at the culvert in Nature’s Reach. They received a proposal and he wanted to make sure the Board was still okay with moving forward with it. The cost is \$1,764.49.

- Mr. Wolf noted at the last meeting since it is safety related to do it if the cost was within the District Manager’s threshold. The proposed cost is and so the Board concurred with moving forward to get the grate installed.
- Mr. Crawford presented two proposals for pressure washing – Inframark for \$2,090.87 and a quote from Gladiator for \$1,250. However, both quotes are for different scopes. The scope should include all five walk bridges, pier, and larger gazebos re-caulked, repaired and painted as needed.
- Mr. Wolf noted he thinks a better approach would be as a whole package. Mr. DeWitt outlined a whole package – the Pond 3 gazebo, pier, shore gazebo and gazebo near the dog park, and all five walk bridges. The three smaller gazebos should not be part of the package. Obtain quotes for the whole package but the painting portion could be separate.
- Repairs were addressed with Mr. Crawford noting they no longer make the timber synthetic wood planking on the walk bridges, so they are looking for something as similar as possible and have also looked at options of completely resurfacing a bridge and using the older wood planking to repair others.
- Mr. DeWitt addressed the 4640 Summerlake request for plant replacement behind the residence. He noted in lieu of doing that since they are drawing up a program in multiple year phases, Yellowstone will trim the plant, amend the soil and fertilize. This was agreed to by the Board.
- Mr. DeWitt noted the other thing that is critically important is that the new playground has a lot of grass coming up through the mulch and for Yellowstone to treat it.
  - Mr. Wolf noted in looking at the playground he thinks it could use another three- to four-inches of mulch.
  - Mr. Crawford noted the requirement for mulch is eight- to 12-inches. He will measure it.

**ii. Landscape Proposals**

- Mr. DeWitt addressed the Yellowstone proposal to add irrigation to the dog park for \$791.77.

On MOTION by Mr. Wolf seconded by Mr. Kuehn, with all in favor, the Yellowstone proposal for irrigation at the dog park in the amount of \$791.77 was ratified. 4/0



- Mr. DeWitt noted the hedge row had a fungus and was treated.
- Mr. Wolf addressed that a new Yellowstone mower (guy) was cutting private property lawns and was not using the easements to reach the ponds. Mr. Charles Draeger, Yellowstone noted it has been addressed.
- A resident (Dave) addressed Yellowstone driving through his yard to go back to Pond 12 and his backyard was cut 12- to 15-feet for the width of the lot recently.
  - This is the third occasion they have gone through his yard. He noted he has spoken to the Sheriff about the trespassing on his property. If he sees them on/in his yard, he is going to call the Sheriff and is going to press charges for trespassing.
- A resident on Harvest Grove Place, inquired what type of trees they are planning to plant at the end of the cul-de-sac.
  - Mr. DeWitt noted it is in the process of being developed and it will be presented to the Board next month.

**C. District Counsel – No Report**

- Mr. Wolf inquired if Ms. Reiss had any changes to the agreement with Amazon.
  - Mr. Mendenhall noted she was curious as to why Amazon wanted the agreement with the public access nature of the roads. He explained to her that they put the devices in all gate operators.

**D. District Engineer – No Report**

- Mr. DeWitt noted Mr. Chang, District Engineer, Johnson Engineering had previously asked them to monitor the pilings. It is a short term to watch it over the past of months and they are not seeing anything. They have dropped one or two inches at the worst since construction. It does not appear anything is happening with the structures at the moment.

**F. District Manager**

**i. Discussion of District Bank Accounts**

- Mr. Mendenhall reported they have been pressing Hancock Bank to give a straight answer to “do you allow us to be released from that obligation because you are not maintaining to your terms of being competitive and they have had a hard time getting an answer. As part of that process in speaking with them often, today he received that they are willing to adjust what they call their earnings credit allowance which is a credit they get that offsets their fees. What they currently have is a .30 earning credit allowance and they are offering to

increase that to 1.00. Using February as an example at .30, the fee charge would be \$104.08 and moving it to 1.00 it would be \$0.00.

- He noted they have not answered the question of whether they would allow the District to leave, and they do hold the opinion that they are holding up to their terms of being competitive. At this point, he suggests they hold steady and monitor the fees / earning credit allowance. The consensus of the Board agreed.

**ii. Pressure Washing Proposal – Inframark**

- Previously addressed.

**iii. Discussion of Preliminary Fiscal Year 2024 Budget**

- Mr. Mendenhall noted this meeting is usually the introduction of the budget and over the next few months there will be meetings and finer tuned numbers. They are waiting on the Reserve Study numbers as it will guide a lot of the budget.
  - Mr. Wolf noted they need Mr. DeWitt’s input on the R&M – Landscape - Misc.
  - Mr. Wolf noted Ms. Samantha Smith will send an updated draft budget to the Board once the Reserve Study’s FY24 contribution recommendation is known.
- Mr. Mendenhall reached out to the gentleman with the concern about the new playground equipment across from his home.
  - Mr. Wolf noted he also asked for the survey, so he sent him the survey report that was presented to the Board at the June 6, 2022 meeting.
- Mr. Mendenhall sent a letter to Superior regarding the overbilling for the permits. He has not heard anything back.
- Mr. Mendenhall spoke with Egis about the July 29, 2020 damage to the entry monument. They sent a proof of loss form to sign, get notarized, return and then Egis will send a check.
- Mr. Mendenhall addressed FDIC limits for protection of funds. He is awaiting some information regarding protections under QPD (Qualified Public Depository). He outlined the requirements for a QPD.

**E. Operations Manager**

**i. Operations Report**

**ii. Proposals**

**a. ARBORx – Annual Palm Health Gold Program Contract Renewal**

- Mr. Wolf noted it went up less than 10% over last year.



On MOTION by Mr. O’Hair seconded by Mr. Wolf, with all in favor, the ARBORx contract renewal in the amount \$2,135 was approved. 4/0

**b. Gladiator Pressure Cleaning – Bridges**

- Previously addressed.

**c. JB’s Stump & Tree Service – Trimming of 25 Oak Trees**

- Mr. Kuehn noted it is a good price for street trimming of 25 trees.
- Residential trees overhanging roadways was addressed and will be worked with the HOA.

On MOTION by Mr. O’Hair seconded by Mr. DeWitt, with all in favor, the JB’s Stump & Tree Service proposal in the amount of \$3,425 was approved. 4/0

- Mr. DeWitt noted they appreciate Mr. Johnson’s hard work and due diligence.
- Mr. Kuehn noted that maybe next week they can go out to look at some of the sidewalks and ADA mats.
- Mr. Wolf inquired how many of the street lightbulbs replaced are not LED.
  - Mr. Johnson noted to his knowledge they are all LED.

**EIGHTH ORDER OF BUSINESS**

**Supervisor Requests**

- Mr. Wolf reported street flags will be up for National Firefighters Memorial Weekend, May 6<sup>th</sup> and 7<sup>th</sup>.
- Mr. Wolf will be calling in for the May meeting.
- Mr. Wolf addressed the abandoned old playground area. He proposed getting quotes for two 15X15 cement pads, moving the existing gazebo structures to the new pads or install a new structure above them, adding an uncovered cement pad between the two where they could put two charcoal grills. Drainage in the area needs to be addressed also. Separately, a permanent structure for the golf cart in the current area where the cart is parked is needed.
  - Mr. Wolf noted he would like to include getting two new 6-foot tables.
- Mr. O’Hair noted next Tuesday he is meeting with Kingsfield HOA to elicit their cooperation to remove pepper trees along the fence behind Summerlake Circle and Fennemore.

**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 was adjourned. 4/0



---

Joseph DeWitt, Chairman