

**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 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:

Joe DeWitt	Chairperson
Walter Wolf	Vice Chairperson
Sarah Ashley	Assistant Secretary
Todd Kuehn	Assistant Secretary
Michael O’Hair	Assistant Secretary

Also present were:

Andy Mendenhall	District Manager
Michelle Reiss	District Counsel (via phone)
Phil Chang	District Engineer (via phone)
Jeff Johnson	Operations Manager
Mitchell Hartwig	SOLitude
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 October 3, 2023**
- B. **Consideration of Financial Report for September 2023**
- D. **Consideration of Charles Sweetser Invoice for Additional Work**

Mr. Wolf MOVED to approve the consent agenda as amended to remove C., note that D. should be paid from the Reserve Fund, and add Symbiont Service Corp Geothermal Annual Contract for \$1,000 from the General Fund Contracts-Pool/Spa Geothermal and Mr. DeWitt seconded the motion.

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

C. Consideration of Motion to Assign Fund Balance

- Mr. Wolf addressed his conversation with Mr. Ruben Nesbitt regarding the Motion to Assign Fund Balances.
 - Include moving \$250,000 from unassigned General Fund to the unassigned Reserve Fund. The total unassigned remains \$973,042.

On MOTION by Mr. Wolf seconded by Mr. DeWitt, with all in favor, the Motion to Assign Fund Balance as amended FY 2023 **Assigned Fund Balances** - General Fund (001) Operating Reserves - \$167,103, Reserve Fund (003) Reserves – Capital Projects – 105,934, Reserves – Gazebos - \$19,214, Reserves – Irrigation Distribution & Pump System - \$36,414, Total Assigned Fund Balance - \$328,665. **Unassigned Fund Balances** - General Fund (001) Unassigned General Fund (001) \$59,935 and Reserve Fund (003) Unassigned Reserve Fund (003) \$913,107 Total Unassigned Fund Balance \$973,042 was approved. 5/0

- Mr. Wolf addressed the annual gate code change.
 - Mr. Kuehn noted it is semi-annually.
 - Mr. Johnson noted they did it at the end of last year and left the old code active until February.
- The consensus of the Board is to change the gate code leaving the old code active for 60-days and making the voice code active right away.
- Mr. Wolf inquired if they need to follow a structured process to change an existing policy. He noted something in the policy mirrored a State law that has changed. The State law for golf carts has changed from 14 years or older and now requires a driver's license, learner's permit or be 18 years old.

- Mr. Mendenhall addressed referencing the Statute rather than being verbiage. He inquired if the Board would need to go through a public process for this policy change.
- Ms. Reiss noted she would notice it as a public hearing and if there were any other rule amendments, they could do them at the same time.
- Mr. Wolf noted he will review the rules.

FIFTH ORDER OF BUSINESS

Staff Report

A. Aquatic Services Report

- Mr. Mendenhall noted in addition to the report there is an update from SOLitude regarding the Triploid Grass Carp.
 - Mr. Wolf read Mr. Hartwig's email regarding the carp.
 - Mr. Hartwig addressed the additional permitting requirements from the County for mitigation areas.
 - Mr. Wolf noting none of the District plans show Pond 3 as a mitigation area and he would challenge SFWMD to show them where it was designated a mitigation area.
 - Mr. Chang noted as far as he knows Pond 3 is not mitigation; there is a wetland/island in the western part of the pond.
 - Mr. DeWitt inquired if Mr. Hartwig has followed up with his Supervisor.
 - Mr. Hartwig noted he has not. He noted they can reach out to them to inquire.
 - Mr. DeWitt inquired if they have provided any documentation to that effect.
 - Mr. Hartwig noted they have not.
 - Mr. DeWitt requested Mr. Hartwig follow up with them to find out what documentation they have and if they will share it with Mr. Hartwig and the Board and then they can follow up with the District and SFWMD has on record as far as the County is concerned. He inquired if SOLitude has installed all of the barriers needed for Pond 3.
 - Mr. Hartwig noted they have.
- Mr. DeWitt noted the pond is looking really well right now. They are doing a nice job.
- Mr. Chang noted he pulled up the permit and there is only one wetland/mitigation area that is one acre. The pond is about 20 acres and is identified by SFWMD's permit as a wet detention area.

B. Landscape Services Report

i. Field Inspection Reports

- Mr. Mendenhall inquired if the Board had any questions.
 - Mr. Wolf noted Issue 9 and asked if that is an active stormwater pipe as it is not shown on the Stormwater Plan.
 - Mr. Wolf noted for Issue 14 should Pond 9 not Pond 19.
- Mr. Wolf noted 4306 Forest Creek Trail, the last house has an issue with erosion along their property. The resident noted he is having a landscaper look at the erosion on the side of house where Yellowstone mowers use to access the pond. He is looking to install a retention wall and added some dirt, but the landscaper was not sure five feet was going to be far enough away from the house and may have to go into CDD property. He noted they need to have Yellowstone to stop using this area as an access area; they need to use the easement on Mr. Wolf's property as they have in the past.
 - Mr. DeWitt noted Mr. Johnson looked at five areas with Mr. Alvarez and this was one of them. They reviewed where it was eroded from mower traffic. Mr. Johnson also showed him specifically where they are supposed to access the area.
- Mr. DeWitt reported they anticipate the palm tree trimming next Tuesday and Wednesday. Thereafter the mulch approved last month will be installed. Additionally, Yellowstone asked what the Board preferred for the complimentary landscaping at John Landi Park; he told them Copperleaf. If there is extra sod, they will use it for the dog park.

C. District Counsel

- None.

D. District Engineer

i. Memo & Ditch Dredging Quotes

- Mr. Chang addressed his memo included in the agenda book regarding the site visit and the three permits that require the inspections. The ditches along Forest Creek Trail and the ditch between Charles Partin way and Cedar Knoll Place have overgrown vegetation as well as silt. He developed a scope of work and provided to three vendors.
 - Site Masters of Florida, LLC: \$53,500.00
 - Finn Outdoor: \$55,700.00
 - Consolidated Land Services, Inc.: \$100,374.98

- Mr. Chang noted based on the proposals received they would recommend Site Masters. Once the work is completed, they will be able to submit the appropriate form to SWFWMD to indicate the Stormwater system is operating properly.
- Mr. Wolf noted it was a good report.
- Mr. DeWitt thanked Mr. Chang for the report. He inquired as to Mr. Chang's experience once the contractors are onsite and addressing the scope of work. Since they are to be in compliance with SWFWMD if they were to reveal some additional work that would need to be done, does Mr. Chang anticipate any type of contingencies that he would recommend such as a dollar contingency.
 - Mr. Chang noted he did not want to include a request as part of the quotes for a specific contingency. There is a possibility once they start excavating, it may reveal things which were not visible. It is always good some contingency with this type of a project of \$10,000 to \$20,000.
 - Mr. DeWitt inquired as to Mr. Mendenhall's experience with these types of projects.
 - Mr. Mendenhall noted that he has not had a community where they have actually done the excavating and hauling off. The more common thing he has seen is with the eutrophic ponds that are 30 years old and dead due to silting but those districts have not gone to that final step. They have researched it and the price dissuades them.
 - Mr. DeWitt inquired if he was recommending a contingency
 - Mr. Mendenhall noted he would.
- Mr. DeWitt inquired if Site Masters provided their availability.
 - Mr. Chang noted he did not talk to them about a specific month
 - Mr. DeWitt addressed the dry season being January and February and remediation being included in the scope of work.
 - Mr. Wolf noted they will need to coordinate with Mr. Johnson how they are going to bring in and take out equipment.

On MOTION by Mr. Wolf seconded by Mr. O'Hair, with all in favor, the Site Masters LLC for stormwater system ditch dredging in an amount not to exceed \$70,000 from the Reserve Fund was approved.

- Mr. Wolf addressed irrigation heads that appear to be outside the District's fence along Summerlake. In looking at the plats respective tracts owned by Fire Creek and Kingsfield to the south and east of Summerlake Circle abut each other. However, border fencing between the subdivisions are not on the tract boundaries so ownership of the area in between where the irrigation heads are is unclear. Ownership needs to be determined first.
 - Mr. Chang noted he can take a look at it.

E. Operations Manager

i. Operations Report

ii. Proposals

a. Always Green Tree Service – Medjool Palms - \$1,540

- Mr. Wolf noted this contract replaces ArborX that went out of business.

On MOTION Mr. Wolf seconded by Mr. DeWitt, with all in favor, Always Green Tree Service annual Medjool Palms injection contract in the amount of \$1,540 from General Fund, Contracts-Palm Health was approved.

- Mr. DeWitt noted they sought out other companies and this one is an offshoot of ArborX with a number of the same employees. They spoke with another arborist, and he had a different approach, he provided all the documents, but Mr. DeWitt and Mr. Johnson felt Always Green Tree Service would be the better company.

b. Symbiont Service Corp - \$1,100

- Mr. Wolf noted this is the annual contract and was included in the amended consent agenda.

c. Charles Sweetser – Slabs - \$6,030

- Mr. Johnson outlined the proposals for slabs.
- Ms. Ashley addressed the 4" thickness noting there are County ordinances regarding concrete.
- Mr. DeWitt noted they will still need to root prune the Magnolia, add some top soil and pitch it towards the basketball court, lay sod pitching it towards the basketball court so there are plenty of permeable area that will soak up the rain, to avoid ponding on the pavilions.

- Mr. Johnson noted he has requested a proposal from Yellowstone for the root pruning, additional topsoil and sod.

On MOTION by Mr. Wolf seconded by Mr. O'Hair, with all in favor, Charles Sweetser proposal for three slabs for gate boxes in amount not to exceed \$7,000 was approved.

d. Yellowstone – Valve and Valve Box Repairs - \$1,107.83

- Mr. Johnson outlined the Yellowstone proposal noting the valve box is not associated with this valve, they are in two different areas.
- Mr. O'Hair inquired if \$500 is a common price for a 2" valve.
 - Mr. Johnson noted he cannot say it is the lowest price you can find, but that type of valve is expensive.

On MOTION by Mr. Wolf seconded by Mr. O'Hair, with all in favor, Yellowstone proposal to replace irrigation valve and valve box for \$1,107.83 was approved.

- Mr. Johnson addressed the sprinkler heads noting he met with Vaughn, the irrigation supervisor, and seven different zones control those sprinkler heads along the perimeter. Five of the zones they can readily get to. Two are in an overgrown wooded area by the Red Rooster gate behind Pond 17. They found 59 heads in the five zones they could walk. As discussed earlier, they are not sure where the property line is, they do not know if there is a reason the heads are there, and they need to do some more homework before they address it.
- Mr. Wolf noted they do know the heads are part of Forest Creek's irrigation, and they know someone has been mowing the area, but not the District.
- Mr. O'Hair addressed giving the presentation at Kingsfield trying to include them on the pepper trees, the fence line was one of the key areas. Their impression was residents have fences and beyond that to the CDD's black fence they interpret that as being their buffer zone. However as noted on country plats, both Forest Creek and Kingsfield tracts abut.
- Mr. Johnson noted the question comes back to do they need to continue entering it.
- Mr. Wolf asked what is broken that needs to be fixed?
- Mr. Kuehn noted it sounds like they have been doing it for a long time.

- Mr. O’Hair noted he does not think it hurts to have Mr. Chang follow up to see where the property line is.
 - Mr. Johnson inquired if it is worth paying to have a survey done. That would be the next step.
 - Mr. Mendenhall noted Mr. Chang might be able to easily see an obvious large area that is not the CDD.
 - Mr. Wolf noted if they look at the County plats and maybe some of the original site plans it shows the fence being built right on the line, but something does not add up there.
- Mr. O’Hair noted Yellowstone knew about this when they queried them about the sprinklers going off on the opposite side of the fence. Is there any other place where it is doing this that Yellowstone knows of.
 - Mr. Johnson noted he has not asked specifically if he knows of any other spots, but he will.
- Mr. Kuehn inquired about the sprinklers in zones in the wooded areas.
 - Mr. Johnson noted when the zones are on, you can hear them.
 - Mr. Kuehn noted it might be wise to turn those two zones off.
- Mr. Wolf suggested deferring the Yellowstone proposal until they get more information.

F. District Manager

- Mr. Mendenhall reported they were notified by Spectrum that with the Wi-Fi system people were downloading things. They gave a warning letter to stop or be stopped. He is researching to see how other communities have dealt with this issue. They will reach out to Spectrum, explain the situation, and ask what they recommend. Also to see if Spectrum can provide more information regarding the downloads such as when it is happening.
- Mr. Wolf noted these are Spectrum routers and they should be able to tell them how to configure the router to prevent downloads from specific sites and limit the size of downloads.
- Mr. Wolf inquired about the status of the Suncoast account
 - Mr. Mendenhall noted not yet. He received an email clarifying some information so hopefully they will have a solid update soon.

SIXTH ORDER OF BUSINESS

Supervisor Requests

A. Discussion of Email Service Provider (Mr. Kuehn)

- Mr. Kuehn addressed the use of the free Mailchimp and the limitation of only two mailings per month. He is familiar with Mailchimp and would prefer the Essentials at \$15 per month which gives them 5,000 emails and would be 15 emails per month.
- Mr. Wolf noted they do have a budget line item for Internet Website, and they could put it under that.

Mr. Kuehn MOVED to go with the Essentials plan from Mail Chimp for website hosting and Mr. Wolf seconded the motion.

- Mr. Wolf noted he asked Mr. Mendenhall to check with the CDD website, which offers nicer email.
- Mr. Mendenhall noted he spoke with Mr. Ted Saul and what they currently have available for their Level 1 which is schools, but they do not have it available for CDDs just yet.

On VOICE vote, with all in favor, the motion was approved to come out of the Website Hosting line item.

B. Discussion of Pepper Tree Grant Filing (Mr. O'Hair)

- Mr. O'Hair reported on October 25th he and Mr. Johnson met with two representatives from Manatee County for a site visit and they approved the project. She followed up the next day with an email with a punch list of the next steps he has to do, and being approval in the meeting minutes to go for a Neighborhood Grant to remove the Pepper trees. In addition to that, Mr. Johnson has the three quotes, and he just has to start plugging everything into their punch list and apply for it. The University of Florida recommends that cutting the trees down only be done from January through August.
- Mr. Kuehn inquired if it is going to be done in thirds.
 - Mr. O'Hair noted he has it in two sections. The section behind Cedar Knoll and the section behind Fennemore. The bids came in at \$18,000, \$15,000 and \$9,500. The County will match 50% of the lowest bid up to \$10,000.

On MOTION by Mr. Wolf seconded by Mr. O'Hair, with all in favor, submission of request for Manatee Neighborhood Grant for Brazilian Pepper Tree remediation was approved.

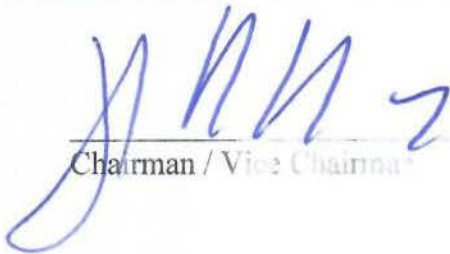
- Mr. DeWitt inquired if Mr. O'Hair should contact the low bidder to let them know where they are in the process and ask if he can count on them to hold their bid.
- Mr. O'Hair noted he will do so after he has County approval.
- Mr. Wolf noted the Veteran's Day flags will be up and probably an event at the flagpole on November 11th.
- Mr. Wolf noted they have two deferred lighting proposals for the garage and the entrance.
- Mr. Mendenhall reported Mr. Chang confirmed Site Masters can get started in January on dredging.

SEVENTH 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.



Chairman / Vice Chairman