

**BOARD OF SUPERVISORS MONTHLY MEETING
OF THE SAN CARLOS ESTATES WATER CONTROL DISTRICT
MONDAY, NOVEMBER 21, 2022 6:00 P.M.**

BONITA SPRINGS CHAMBER OF COMMERCE, 25071 CHAMBER OF COMMERCE DR, BONITA SPRINGS FL 34135

1. **Call Meeting to Order:** Jim Bradford called the meeting to Order at 6:01 PM.
2. **Roll Call of the Board of Officers:** Present are Supervisors Jim Bradford (Jim), Chair; Jennifer Finazzo (Jennifer), Vice-Chair; John Cellucci (John), Attorney Richard Pringle (Richard); Engineer Ron Edenfield (Ron) and Secretary/Treasurer Chris Lawson (Chris) and 11 guests.
3. **Update from Peter DeBaz related to his efforts with FEMA and Hurricane Ian:** Peter introduced himself and provided an update on his efforts with Hurricane Ian issues and FEMA. All the activities we need to perform is covered by the FEMA State of Emergency issued. We are sixty (60) days from that declaration. All the tree removal and plus additional needs for the water system to make improvements and be ready for the next storm, should be recovered from the federal/state government. This could be upwards to \$500,000. He has been coordinating with FEMA plus the State of Florida to ensure that our application is properly completed for maximum results. We met the first milestone which ended today – debris cleanup had to be completed within 60 days. Jim added that Peter and Ron worked together to coordinate the debris cleanup and thanked them for their efforts. A meeting is set up for December 2, 2022 to meet with FEMA for three-four hours and that meeting’s purpose is the review the damage assessment inventory. Every road and project are a separate project, and we need to review each item with FEMA representatives.
4. **Receive Engineer’s Report on District Works:**
 - 3 new permit applications; 1 permit issued and 1 closed permit. Ron’s office is investigating 6 lots for compliance issues. 19 site inspections were conducted.

Hurricane Ian Cleanup: Conducted a tour today of services provided by Gerald’s Tree Service and Thrasher Site. Everything looks satisfactory and is as expected. Some of the debris remains on property which will be removed very soon from the district. He indicated that both contractors were made aware that once the debris was removed from the canals that it is the property of the contractor. It is their responsibility to remove the debris from the area.

5. **Chairs Report:** According to the City of Bonita Springs, there will be additional debris pick up by the FEMA contractors.
6. **Treasurer’s Report:** Bills were presented for payment. The current income and expense, check detail, and income and expense year-to-date comparison reports were presented for the month of November 2022. The current balance in our accounts is \$2,266.58 in the General Maintenance account; and the CIP PH I balance is \$11,360.30. There have been no tax receipts month-to-date. The Lee County Tax Collector has delayed billing the 2022 real estate taxes and we may not receive have sufficient funds in the Bank of America accounts in December but there are sufficient funds in the other SCEWCD accounts to pay all bills that may come forward until the tax revenues are received.
7. **Attorney’s Report:** No additional items to add beyond the agenda items and will address those items as they come up.
8. **Comments from Guests and Public Input:**

Brad Gallagher commented that the companies did a good job cleaning the canals. Who do we contact if there was some unintentional damage done to property as part of the work? Specifically, the water

meter on his property was hit by a felled tree limb. Jim responded that Brad needs to let the district know if there is an expense related to the damage. Richard commented to Brad that he needs to send any damage reports to the Secretary who will circulate the information.

Brad then asked for a status on his mailbox request. Ron responded that he will get the information to him in the next week or so.

He then queried how his ROW became a matter of topic when there were no ROW matters on the district. His gate request was on the Agenda and Richard responded that the gate and ROW matters is all inter-connected. He further went on to discuss the issues of his property access and provided documents to support his comments. Ron stated that his decision for the was based solely on the best use of the ROW. There was ongoing discussion between Brad, Richard, and the Board about the ROW uses, driveways, Board standards, etc. Brad wanted to know why the Board took back the 15' public use of the ROW. Ron commented that the Board should take every step to protect their ROW and that pavement is the District's standard for use of the unpaved roadways. Richard asked Brad if Morris Depew approved the use of gravel for the section of Moriah in question. Brad replied that yes, they did, and he could not get his City of Bonita Springs permit without the approval from Morris Depew.

David began recording the meeting with his camera and Jim stopped the discussion to get clarification if it were allowed and whether permission was needed for a guest recording the meeting. Richard said that the meeting was already being recorded and because the meeting was a public meeting, no prior approval was needed. But once the meeting was closed, then any recording would require approval from the parties being recorded.

David Chase of i5 Fiber. We have the entire area of homes around Strike Ln on our radar and have received numerous requests from the area where Comcast does not have cable service. We would like to put a plan together to build out to every lot to bring fiber to the Community. We will need to obtain approval to use the ROW to provide the service as our infrastructure is underground.

David Nadig referred to the Property Bill of Rights in which #5 is the right to due process and I find the established system for these permits lacking and the Board compensates for this by having property owners redress their issues in front of the Board. The reason I began taking video is because the Board was having sidebars when the property owner was talking and listen. For clarification, Jim commented that Brad passed documents out and Jim was explaining the documents to the other Board members. David disagreed with the way the meeting was being conducted.

David commented that the canal cleaning was performed well, and that Gerald's Tree Service was there several months ago. The workers used the District ROW, but they also crossed his property outside of the District's ROW. He gave Mr. Thrasher permission to do so. But his property is not needed to access the ROW for canal cleaning. He would like the Board to instruct workers where the District ROW is and how they may access the areas needed to perform their work without encroaching on his property. If his property must be accessed by contractors, then be courteous, ask permission, and say thank you. Richard replied to David that he should let the District know that if there is any trespass onto his property by contractors, so they may correct it. David stated that he does not like conflict, so he asked that the contractors be informed where the workers may go and where they should not go.

9. **Old new and unfinished Business:**

- 2021-2022 Budget Amendment – The resolution would amend the FYE 09/2022 budget to the actual expenditures on an accrual basis. The total income, expenditures, and ending balance

changed. The purpose of the resolution is to true up the budget compared to actual income, expenditures, and ending balance.

- Funds Assignment Resolution – The auditor asked that we adopt a Funds Balance Policy to satisfy GASB #54. The policy says that the District will have five categories of funds balance: non-spendable; restricted; committed; assigned; unassigned. The unassigned category is the most liberal and is not limited or restricted as to what you can do with it. Richard went on to describe each of the different categories and provided examples.
- Hurricane Ian - Damage issues/resolution/repairs – A discussion ensued regarding how much will be needed for Hurricane Ian Related expenses. It was decided that \$200,000 needs to be moved from Florida Prime to the Bank of America Operating Account. Richard asked Peter if the Procurement policy had to be adopted at this meeting for FEMA purposes and he said that it could wait.
- 8991 Strike Lane – No action taken. Tabled to the December 2022 meeting.
- Manager Selection - Jennifer provided to the other Board members a proposed job format that John initiated, and she modified for the position to review. The matter will be further discussed at the next meeting.
- Secretary/Treasurer Selection - Jennifer provided to the other Board members a proposed job format that John initiated, and she modified for the position to review. The matter will be further discussed at the next meeting.
- Mileage reimbursement – Jim wanted to adopt a mileage reimbursement procedure that followed the federal rates. Richard said that the Board may need to adopt a mileage reimbursement by Resolution. He also indicated that there might be other reimbursements that while not normally used might be adopted by concept such as food, lodging, etc. Jim authorized Richard to draft a resolution to address all travel/per diem matters using the federal rates for reimbursement that will be brought back to the next meeting.
- Policy and Procedures – No action taken. Tabled to the next meeting.
- 10319 St. Patrick’s Lane Property Damage – Jim stated that the property is outside of the District and subject to their home-owners insurance policy. Richard and Ron agreed that the property line from the edge of the ROW to infinity is his property and the limb was on his side of the property line. He had the opportunity to trim the limb prior to the storm. Any part of the limb that is on the ROW should have been cleaned up as part of the clean-up project.
- Funds transfer for operating expenses – The tax collector postponed collections for the 2022 real estate tax. It was determined that \$30,000 would be needed to pay the operating expenses until tax revenues received.

Motions approved by Board noted in old, new, and unfinished business:

- Jim made a motion to amend the agenda to transfer funds from Florida Prime for general operating expenses. John seconded the motion. Motion passed 3-0.
- John made a motion to adopt the Budget Amendment Resolution 2022-08 for FY 2021-2022. Jennifer seconded the motion. Motion passed 3-0.
- John made a motion to adopt the Funds Balance Policy Resolution 2022-09. Jennifer seconded the motion. Motion passed 3-0.
- John made a motion to transfer \$200,000 from Florida Prime to the Bank of America General Maintenance account to pay for repairs related to Hurricane Ian. Jennifer seconded the motion. Motion passed 3-0.
- Jim made a motion to transfer \$30,000 from funds balance at Florida Prime to the Bank of America General Maintenance account to pay for operating expenses. Jennifer seconded the motion. Motion passed 3-0.

10. Approve the October Monthly Meeting Minutes:

John made the motion to approve the October 17, 2022 monthly meeting minutes. Jennifer seconded the motion. Motion passed 3-0.

11. Approve September 2022 Bank Statement and Financial Reports; October Bank Statements and Financial Reports; November 2022 Bills and Financial Reports: Jim made the motion to approve the 2022 September bank statements and financial reports. John seconded the motion. Motion passed 3-0.

Jim made the motion to approve the October bank statements and financial reports. John seconded the motion. Motion passed 3-0.

Jim made the motion to approve the November bills and financial reports. John seconded the motion. Motion passed 3-0.

12. Supervisor Discussion

Jim wanted to move the public input further down the Agenda. Richard said that Florida law requires the District to provide reasonable public input on all decision-making items coming before the Board. Richard suggested that to have public input on agenda items and then public input on non-agenda items at the end of the agenda. Then the District is honoring its obligation and still being respectful of everyone's time. Changing the format of the Agenda will require Board action per Richard. The matter will be a part of next month's agenda.

13. Adjournment: A Motion was made by Jim and seconded by John to adjourn the monthly meeting. Motion passed 3-0. Meeting adjourned at 8:59 pm.

LOT 709

SET MAG
N.&D. LB7502
TBM #1
ELEV = 11.78'

SET 1/2
I.R. LB7502

N 88°49'50" E 330.00' P.

25'-0" SIDE
SETBACK

25' SIDE YARD

274'-10" TO BLDG

LOT 724

CANAL

L-2

L-6

L-10

L-4

*Set back
Line 2
11/10/18*

E.O.W.: 03/26/2018
TOP OF BERM

60.00'

N.E. R/W

S.E. LINE TRACT 724

15.25' ACCESS EASEMENT
L-3
L-7
L-9

MORIAH LANE
60' EASEMENT (P.)
FRONT SETBACK

97.14'

157.02'

N 45°29'50" W 464.4'

NOT A PA

Gravel OK



From: Type 3 Bang Box info@type3bangbox.com
Subject: Fwd: [EXTERNAL] Gravel roads
Date: January 19, 2021 at 16:28
To: Brad Gallagher bgallagher@naplesgov.com

Good morning all, (please FWD to other board members I have left out)

I would like you all to have the information below from DOT concerning Moriah Lane. In it you will find that Moriah Lane is a privately maintained road inside of Lee county, (not merely an access way. They also state that since it's a privately maintained roadway it does NOT need to meet DOT standards. (This of course brings up another issue of a roadway being blocked by gates, but that is not my concern)

After speaking with DEP about this issue, it has again been told to them by the engineer, that there is some type of stipulation not allowing the use of gravel issued by the DEP.
DEP is unaware of any such issuance, DEP is also not restricting graveling of Moriah Lane, so when you get the opportunity, Please send me this issuance from DEP stating the SCWCD is not allowed to use gravel on the roadways, because they are not aware of any such issuance.

As I have mentioned in the past I'm willing to improve Moriah Lane from its current state by Graveling and maintaining it to the area approved by DEP for Construction. Thank you for your time and see you tonight.

Brad

Brad Gallagher- Owner
Info@Type3BangBox.com
Blue Line Breachers, LLC
1200 Goodlette Rd N, STE 9861
Naples Florida 34101
(863)559-2600

ITAR WARNING: this email may contain or attach defense technical data covered by the U.S. Munitions List and International Traffic in Arms Regulations. US State Dept. authority for export of such technical data from US is required. Re-export, re-transfer, or disclosure to unauthorized parties, including non-US Persons is prohibited.

[Begin forwarded message](#)

From: "Thoman, Nathaniel" <NThoman@leegov.com>
Subject: RE: [EXTERNAL] Gravel roads
Date: January 19, 2021 at 07:25:27 EST
To: BGallagher <xbradlee@aol.com>

Correct.

Nathan Thoman
Project Manager
D.O.T Engineering Services
Mon.-Fri.
7am-3:30pm
239-533-9300
nthoman@leegov.com

From: BGallagher <xbradlee@aol.com>
Sent: Tuesday, January 19, 2021 7:20 AM
To: Thoman, Nathaniel <NThoman@leegov.com>
Subject: Re: [EXTERNAL] Gravel roads

Thank you Nathan and good morning to you,

One last question, since its privately maintained, does that mean it does not need to meet DOT requirements I'm guessing? Ie. the residents are responsible for its upkeep, make up, signage and transitions, etc?

Brad

On Jan 19, 2021, at 07:08, Thoman, Nathaniel <NThoman@leegov.com> wrote:

Good morning Brad.

Moriah Ln is a road in Lee County, however it is not maintained by Lee County.

We consider it a privately maintained road

Nathan Thoman

Project Manager

D.O.T Engineering Services

Mon.-Fri.

7am-3:30pm

239-533-9300

nthoman@leegov.com

From: BGallagher <xbradlee@aol.com>

Sent: Tuesday, January 19, 2021 6:58 AM

To: Thoman, Nathaniel <NThoman@leegov.com>

Subject: Re: [EXTERNAL] Gravel roads

Hello Sir, Would you be able to tell me if Moriah Lane is considered a road in Lee County by DOT? Thank you sir!

Brad

From: Hoffert, Angelica ahoffert@sfwmd.gov
Subject: RE: San Carlos Estates Inquiry
Date: February 3, 2021 at 18:59
To: BRAD GALLAGHER bradsgallagher@aol.com

Yes, it can be gravel or a base course material. Your engineer will have to include the material details.

Thank you,
Angelica S. Hoffert, P.E.
Section Leader-Regulation
South Florida Water Management District
(239) 338-2929 ext. 7731
ahoffert@sfwmd.gov

sfwmd.gov/ePermitting

NOTE:

While the District supports that it is commonplace and convenient to collaborate via email during the pre-application/application process, Permit Applications and Responses to a Request for Additional Information (RAI) submitted via email are not an official submittal (Section 4.4 of Environmental Resource Permit Applicant's Handbook Volume I). For timely and efficient processing of permit applications and RAI responses, please submit online using ePermitting (link above).

From: BRAD GALLAGHER <bradsgallagher@aol.com>
Sent: Wednesday, February 3, 2021 4:53 PM
To: Hoffert, Angelica <ahoffert@sfwmd.gov>
Subject: Re: San Carlos Estates Inquiry

[Please remember, this is an external email]

Thank you. Does stabilization mean gravel is acceptable? I just want that to be 100% clear to them.

Sent from my iPhone

On Feb 2, 2021, at 19:07, Hoffert, Angelica <ahoffert@sfwmd.gov> wrote:

Good evening,

As discussed today. Our agency does not have an issue with the stabilization or pavement of Moriah Ln. However, a permit modification application must be submitted to our agency. I have attached a similar approval we issued in the past, for the same activities elsewhere.

Please let us know if you have any further question.

Thank you,

16 NOV 2021 meeting minutes

David questioned the difference between his gates and the other gates on the perimeter roads. Richard answered that any gate the District installed was permitted by the City of the Bonita Springs. A discussion then ensued regarding access to the perimeter roads and that they are impassable for bicycle use and in some areas, pedestrian use. Richard said that if they are not passable, then maintenance may need to occur. Guest, Judy Tapply, added that during the CIP the Board made the decision not to pave or maintain the roads for financial reasons. The gates were installed to deter the use of the perimeter roads for vehicular traffic allowing only for pedestrian use. The basis for this decision was to limit the liability exposure for the District and to minimize the costs associated with the maintenance of the perimeter roads. Another guest commented that the Board not just focus on Tuck Dr. but also address similar issues on the other perimeter roads because people are trespassing on personal property to get around the gates.

David's other concern with the removal of the gates is the potential for increased traffic on Tuck Dr. which it was not designed for two-way traffic.

David stated that he simply wanted equal treatment for himself and others within the Community. He is unwilling to remove his gates until he knows that there is equal treatment.

A Moriah resident commented that she would not like to see road traffic on Tuck Dr. because there is insufficient space to allow for two-way traffic. She would not want to see increased traffic on Moriah for the same reason and raised safety concerns.

Jim asked about an unusual gate on Moriah which Bill explained.

Any action will be tabled until the January meeting.

Approve authorized signers on the bank accounts:

To add Supervisor Jennifer Finazzo, Chris Lawson and to remove former Supervisor Tapply as authorized signers for the District's financial accounts: Northern Trust Non-Personal Premium MMDA Account ending -1533; SunTrust Bank Business Advantage Money Market ending -0443; Florida Prime Agency Account ending -3380; Bank of America Full Analysis Business Checking Account ending -5681; Bank of America Full Analysis Business Checking ending -7870; Bank of America Loan for San Carlos Estates Water Control.

Luci: DR paved SE
Moriah paved 1 way
Board decided to stop paving
the rest

Culvert repairs: As previously discussed herein, the cost of the repair of the three culverts increased from the previously approved amount.

Service Contracts: Richard stated that the contracts can be approved at the next meeting. Richard explained that the contracts were for one year term that expired 09/30 and until the Board formally approves the extension of the period that they would continue for a 30-day month by month basis so that the District would have the services needed until the Board formally extended the contract term for the remainder of the fiscal year. Jim stated that he would like to approve the contracts monthly so that the Board can ask questions and can address concerns as needed. Gerald's Tree Service will be invited to attend the January meeting to answer any concerns of the Board.

Supervisor Jim Bradford discussed the recent events of vehicles going down Rocky Road and Bonita Bill. He mentioned the ongoing replacement of the reflector signs at the end of each road and their

Amendment are estimated to total \$6,500,000.

Estimated cost details are included in Appendix C – Cost of Improvements.

Administrative Structure

Administrative structure remains unchanged. The Board of Supervisors has three elected Supervisors, one of which is elected to be President. The District retains a Secretary/Treasurer, Attorney, and Engineer by contract.

Allocation Methodology

Costs of the drainage and ancillary road improvements included in this Water Control Plan Amendment will be allocated among the various parcels of real property within the SCEWCD receiving a special benefit from such improvements. Pursuant to Section 298.305(1), F.S., these costs, plus 10 % of the total amount of these costs for contingency purposes, will be apportioned among the benefited parcels based on the number of acres that a particular parcel encompasses.

However, due to the location of certain parcels within the SCEWCD and their proximity to the improvements, not all parcels will receive an equal amount of benefit from the improvements. Accordingly, a benefit assessment formula has been created based on an appraiser's report, which is attached hereto as Appendix G, in order to fairly and reasonably apportion the costs of improvements in relation to the relative amount of the special benefit to be received by each

parcel. The formula divides the benefited parcels into three unit areas which are depicted on the map attached hereto as Appendix H. Under this formula, those parcels located in Unit 1 will have their acreage factored at 67%, parcels located in Unit 2 will have their acreage factored at 40% and parcels in Unit 3 will have their acreage factored at 100%.

Maintenance Cost Assessment

The cost to maintain and preserve the drainage and ancillary road improvements described in this Water Control Plan will be paid from the existing annual drainage tax imposed by the SCEWCD and no increase in such annual drainage tax is necessary at this time in order to maintain the same level of maintenance service for existing capital improvements of the SCEWCD.