

**BOARD OF SUPERVISORS MONTHLY MEETING
OF THE SAN CARLOS ESTATES WATER CONTROL DISTRICT
MONDAY, OCTOBER 17, 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 6:00 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 5 guests.
3. **Receive Engineer's Report on District Works:**
 - There was 1 new permit application and 3 closed permits. There is one permit application that Ron recommended denial for a fence and gate across the ROW. It is inconsistent with the District's policy and rules and would obstruct the District's ability to protect and maintain the ROW. The recommendation is that the property owner refile and extend the roadway from the end of pavement to the driveway and connect the driveway at that point. Then the property owner could put a gate and fence on his property.

Hurricane Ian Cleanup: Inspected area shortly after the storm came through particularly the canal system and then culverts looking for issues causing imminent concern for flooding. A number of trees that were down crossing ROW and/or canal that could create issues. Contacted four companies for the clean-up and received responses from 2 firms and one opted not to participate. There are a few proposals, and the Board Chair has the authority to approve the work under the emergency authorization. Ron did get into contact with County point person coordinating the cleanup. There are a couple of options: immediate clean-up at self-pay or participate with county contractors to participate in the cooperative procurement process which would take a longer period of time but could save the District funds. Ron felt that our conditions are such that we can take the time to participate with the county. Ron answered questions from guests and Supervisors. Richard added that part of what the process that is satisfying the competitive bidding process for Florida laws and FEMA rules. The estimated cost of clean-up is \$200,000.

4. **Chairs Report:** Ron and I (Jim) spent a lot of time reviewing the District and Ron already said most of what he had to say. He thanked Ron for his report. A lot of the signs were damaged or blown away and Mike is in the process of replacing them. The gates were damaged, and they operate intermittently. The recommendation is to replace both units from Action Door and Gate.
5. **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 October. The current balance in our accounts is \$1,027,465.29. We have received no revenue from the tax collector in the past two months. October bills totaled \$29,200. We should have sufficient funds in our general maintenance to pay our expenses until such time we begin to receive tax revenues. There are sufficient funds in the short-term assigned emergency funds (\$50,000) and the unassigned funds (\$837,000) to pay for any hurricane-related expenses should the need arise before we receive any reimbursements from the local, state, or federal government.
6. **Attorney's Report:** No additional items to add beyond the agenda items and will address those items as they come up.

7. **Comments from Guests and Public Input:** Mike Bradford discussed the signage repair. There were 8 missing signs and 13 more signs in the community. Jim said to discuss it further with him with pictures since there is approval already for the emergency replacement. Other road signage that is storm-related damage will be repaired. David asked if we could get some “No littering” signs in the community. Jim told Mike to order a couple of No Littering signs in addition to his list.
8. **Old new and unfinished Business:**
- 2021-2022 Budget Amendment Resolution – No action taken. This matter was tabled to the next meeting.
 - Funds Assignment Resolution – No action taken. This matter was tabled to the next meeting.
 - New Signature Cards for Florida Prime Fund, Bank of America, and Northern Trust – Paperwork was presented for Board approval and signature removing Ben Bogacz as an approved signer and adding John Celluci for all of the District’s banking and investment fund accounts.
 - 10/06/2022 Emergency Meeting motion(s) ratification – Richard provided an overview of the emergency meeting that was held on 10/06/2022. The Board took action to authorize the Chair to enter into agreements, including with government agencies, FEMA, vendors, any services that the District might need connected to Hurricane Ian and the impact of Hurricane Ian on the District. Under the law, in a regular Board meeting, the Board needs to ratify that action the Board took at the Emergency meeting.
 - Hurricane Ian - Damage issues/resolution/repairs – Engineer already outlined and had no additional comments. Chair Jim Bradford is authorized to act on behalf of the District for anything related to Hurricane Ian storm damage.
 - Detention Pond Maintenance - Ron said that the filter swamp is performing as it should. For the other two detention areas on the north-side of Strike that a pond in that area would be a tremendous benefit and create a deeper water body. He discussed that benefits of the idea further and referenced other such projects in the area. He will evaluate the project further and will bring it back to the Board. There was discussion between the guests and Ron on the subject matter.
 - Culvert Cleaning Project (Competitive bids) - Jim would like to think about a one-year project to clean all the culverts in the District. Ron suggested that the clean-up be completed and address it. Jim commented that he hopes that some of the expense be attributable to the storm damage but his choice as the Chair and one member of the Board would be that the culverts cleaning be completed before the next rainy season. General discussion between the Board, guest(s) and Ron continued on the topic.
 - 8991 Strike Lane - The landowner had padlocked the ROW access in two places to prevent the District from accessing and surveying the ROW/canal for storm damage. Richard researched the prior activities related to the property. There were documents entered into by the prior owner and the District when the parcel was removed around 1998 from the District as an accessible parcel. The Settlement Agreement together with the recorded easement will become the basis for the District’s basis for the District’s activities and authorization to use a drainage and ROW easement that was created. He plans to review them with the landowner’s attorney before he brings the matter back to the Board for action. In addition, he will discuss that the landowner will need to remove the steel cable and padlocks. Richard believes that there are a number of violations related to the landowner’s usage of the ROW.
 - Brad Gallagher Gate Request - Brad questioned Ron’s recommendation and questioned him as to his knowledge of the history of his property and gate request. He further discussed the CIP PH classification for his property and the benefits/costs of such classification. Richard responded to his comments which had been previously discussed with him. The classification and assessment are because he has access on a paved road. The issue is that there is a wetlands area that interferes with his ability to access his property from the paved road. Richard further stated that not blocking

Moriah Lane is what Ron is recommending by denying installation of a gate on Moriah as requested. Further discussion between Brad, the Board, and Richard continued. Richard detailed the normal policy and District rules for the installation of a driveway permit for an unpaved road. The rule is that owner is required to extend the paved roadway from the closest paved roadway location up to their driveway location. That is the standard of the District for the unpaved road. Brad continued to press the matter for the gate. Jim then made a motion that the Board no longer approve new gate installations on any of the perimeter roads. Richard brought the discussion back to the fact that his access is on a paved road and everything else is being discussed are options. The standard for unpaved roads is that if a landowner wants to use an unpaved road for a driveway use, then it must be paved up to the driveway. Jim made a motion to rescind the previous action taken for the use of Moriah Lane by Brad Gallagher and that if he wants to use Moriah Lane as his primary access, the driveway application must be submitted to include the paving of the unpaved section of Moriah Lane to his access point.

- Permit #469 24100 Whip O Will Request for refund – The property owner had submitted a driveway permit application for a secondary driveway. They decided not to proceed with the application and requested a refund of the permit application fee. Richard said typically there is no refunding of an application fee. Jennifer asked if the application states that the fee is non-refundable. Should they change their mind to proceed, the permit can stay open. For transparency's sake, the current language on the checklist/application will be updated to state that the permit application fee is non-refundable.
- Manager Selection - No action taken. This matter was tabled to the next meeting.
- Secretary/Treasurer Selection - No action taken. This matter was tabled to the next meeting.
- Mileage reimbursement – No action taken. This matter was tabled to the next meeting.

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

- Jim made a motion to adopt the Bank of America Bank resolution/signature card. John seconded the motion. Motion passed 3-0.
- Jim made a motion to adopt the Northern Trust Bank resolution/signature card. John seconded the motion. Motion passed 3-0.
- Jim made a motion to adopt the Florida Prime Fund resolution/signature card. John seconded the motion. Motion passed 3-0.
- Jim made the motion to ratify actions taken in the October 6, 2022 Emergency meeting. John seconded the motion. Motion passed 3-0. Below are the actions that were approved at the October 6, 2022 meeting: “...*Jim made a motion that authorizes the Chair Jim Bradford to make emergency purchases and to enter into agreements for the purchase of goods and services related caused by Hurricane Ian, including any other issues that need to be handled that has not been identified at this time. John seconded the Motion. The Chair asked for public input and there was none. A vote was called, and the motion passed 3-0.*

Jim also made a motion authorizing the Chair to act and to enter into agreements on behalf of other districts, including other governmental agencies such as FEMA, SFWMD, FDEP, State of Florida, Lee County, City of Bonita Springs, and any other such agencies as necessary to deal with Hurricane Ian impacts on the Districts ROW's and any issues concerning the SCEWCD. John seconded the motion provided that other Board member(s) can assist without any violation with the Florida Sunshine Laws. Jennifer also seconded the motion. A call for public input was made and there was none. The vote was taken. Motion passed 3-0.”

- Jim made a motion that the Board will not approve any new gate installation request on any of the perimeter roads within the District. John seconded the motion. Motion passed 3-0.

- Jim made a motion to rescind the previous action taken for the use of Moriah Lane on behalf of Brad Gallagher and that if he wants to use Moriah Lane as his primary access, the driveway application must be submitted to include the paving of the unpaved section of Moriah Lane to his access point. Jennifer seconded the motion. Motion passed 3-0.
- Jim made a motion to authorize the attorney and engineer to take whatever action is necessary to follow through with the rescission motion for the current driveway access for Moriah Lane for the property owned by Brad Gallagher. John seconded the motion. Motion passed 3-0.
- John made a motion to deny the request for a refund of the permit fee for issued permit #469. Jennifer seconded the motion. Motion passed 3-0.
- Jim made a motion to have a resolution prepared authorizing mileage reimbursement using the higher rate between the federal or state reimbursement rate to Board members, district employee(s), and specific individuals acting on District business retroactive to the beginning of the 09/30/2023 fiscal year. John seconded the motion. Motion passed 3-0.

9. **Approve the September 17, 2022 Annual Landowners Meeting Minutes; the September Monthly Meeting Minutes:** Jim made the motion to approve the September 17, 2022 Annual Landowners meeting minutes. John seconded the motion. Motion passed 3-0.

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

Jim made the motion to approve the October 6, 2022 emergency meeting minutes. John seconded the motion. Motion passed 3-0.

10. **Approve September 2022 Bills; September 2022 Financial Reports; October 2022 Bills and October 2022 Financial Reports:** The bank statements were not received, and the September reports are not complete and will be brought to the next meeting. John made the motion to approve the October 2022 bills and October 2022 financial reports. Jennifer seconded the motion. Motion passed 3-0.

11. **Adjournment:** A Motion was made by Jim and seconded by John to adjourn the monthly meeting. Motion passed 3-0. Meeting adjourned at 8:08 pm.