



Board of Directors Meeting
September 28, 2024 at 1:00pm
17350 Nalle Rd
North Fort Myers, FL 33917
Bayshore Fire Department Station 131

Zoom: <https://us02web.zoom.us/j/87422317850?pwd=hH0exBMhl5Q4fLkdtquzt4X5b7hs64.1>
Passcode: 486050

Zoom Attendees:

Rob Morgan, Kim Stempel, Franco Marini, Mike Marciano

In Person Attendance:

Denise/Ron York
Cindy/Butch Presson
Adelle Smith
Renee Celaya
Don Tate
Bryson/Tammy Clarke
George Pattee
Richard Quinn

ROLL CALL OF OFFICERS

Officer roll call took place at
Board members present are as follows:
Michael Vitch (President) 1:00
Denise Fitzpatrick 1:00
Jonah Ketola 1:00

I. CALL TO ORDER (Vitch @ 1:05)

Public Comments/Questions - these will be ongoing through topic discussions, instead of holding all comments for the end of the meeting.

II. WELCOME/SIGN-IN (Vitch @ 1:05)

III. BOARD REPORTS (Vitch @ 3:11)

A. Approve Minutes from 8/31/2024
Motion by Vitch to approve August Minutes
Motion seconded by Ketola
Unanimously Approved
Motion approved @ 3:12

B. Financial Report (Vitch @ 3:12)
09/28/24
OP \$21,637
RES \$157,712
SAV \$2,055

C. CCR Violations Cited

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IV. COMMITTEE REPORTS (Vitch @ 3:13)

A. Sales and Leases/Welcome Committee

16460 Oakview (Defreitas/Bohlen) - closing on 10/4/2024

B. ARC: (all permit status as listed on 8/27/2024) (Vitch @ 3:15)

Construction Projects Currently In Progress:

18110 Riverchase (Stewart)

Construction in progress

18151 Riverwind (Hinojosa)

CO issued 9/16/24 - Construction bond refunded

16420 Oakview (Haring)

New build - docs required/fees due

1. Dock repair planking with railings and water - awaiting Federal, State, and County clearances before Board vote - [remains tabled pending permits](#)
2. Enclosure around well / water filtration system - filtration system must be removed within 7 days from Drainage Easement - permit fees due. Was fined and paid.

16730 Oak Grove (Harbaugh)

-Solar project permit in review

-HVAC replacement - permit issued

18160 Riverchase (Presson)

Open Generator permits for electrical work and propane tank burial - [work complete / permits open](#)

18240 Riverchase (Tate) - EV charging port. Permit closed

New Projects:

18240 Riverchase (Tate)

Pool enclosure window retrofit - permit In Review

[Motion by Ketola to approve pool enclosure window retrofit](#)

[Motion seconded by Vitch](#)

[Unanimously Approved](#)

[Motion approved @ 3:19](#)

V. OLD BUSINESS

A. SFWMD Notice of Violation (NOV) and Settlement Terms negotiations

Receipt of revised Settlement Letter on 9/17/2024 with reduced civil penalties and SFWMD staff costs: \$12,146.00.

7-Day Response Letter sent back on 9/25/2024 (attached to email)

All provision responses approved by Engineering, Land-Use and HOA attorneys.

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B. Legal and engineering discussion on HOA responsibility for the ERP.

This will include a discussion on what happens to the HOA if it cannot pay for the remediation project required by SFWMD.

Board recommends passage of a Statutory Special Assessment to start in 2025
30% quorum (25 votes) is required for a vote to pass

C. HOA Long-Term Financial Health - remains poor with Special Assessments, or large increases in annual assessments, well beyond 10%

D. Legal options for Special Assessment Payments

Establish statutory language - legal is drafting such language

E. Cross Creek Environmental

Cross Creek was here on 9/27/2024 for retention pond, littoral zone and large drainage easement monthly maintenance.

F. Lot 76 legal case Mediation 9/6/2024

No resolution reached - adjourned to a later date following a 4 hour / 45 minute session with the mediator, insurance companies and attorneys

H. Expanded DE and CE contracts

Estimates:

Aquagenix \$9,800

Cross Creek \$19,200

Earth Tech (turned down estimate)

Motion by Vitch to terminate Aquagenix and enter into a contract with Cross Creek; will request a discount in pricing

Motion seconded by Ketola

Unanimously Approved

Motion approved @ 3:53

The current CE maintenance contract expired on 9/1/2024; it can be renewed as is, or with the expansion of services.

I. RO Wastewater Discharge

RO Wastewater may not be discharged into the retention ponds. All owners will be sent specs for proper engineering of the RO discharge water filtration requirements.

Specs will be sent to all residents for burying a filtration system specific for RO wastewater discharge.

VI. NEW BUSINESS

A. Tree Trimming Estimates

Four (4) estimates requested

All Around Tree Specialists - \$12,800; will request a discount in pricing

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B. Next Board Meeting

Saturday, October 26, 2024, at 9am

VII. FINAL PUBLIC COMMENTS/QUESTIONS

VIII. ADJOURNMENT @ 3:56

Open Question Forum

Tyler Bailargeon and Richard DeBoest
Bankruptcy explanation
Claim of lien

Ron Edenfield @ 1:07 (intermittent time responses):

-Explanation of his role with SFWMD

-Question by Butch Presson: Why not composite samples of ponds/discharge?

Answer: Water quality under our existing ERP is determined by volumetric calculations of the Surface Water Management System

-December 2025 legislation changing; any permit modifications must be submitted before this date, to remain grandfathered under the water quality standards and SFWMD rules and regulations in effect from 1993. Current rules and regulations are far more stringent.

Volumetric/water quality

-Drainage easements provide water/quality treatment: the entire surface water management system, including all drainage easements, even on individual parcels is an HOA responsibility to maintain.

-DE and CE boundaries to be reaffirmed by a boundary survey, topographical survey and Lidar study; in order to formulate a conceptual plan for remediation throughout the community

-Permit modification will be considered where a return to permitted specs cannot occur. This must be accomplished before 12/2025

Ron York (Lot 63)

Original survey

New stakes/incorrect placement (new survey)

How accurate was the previous survey? - a repeat survey will be carried out by RMEC contractors

Bryson Clarke

-Should we use the previous survey company that did the initial survey? We must have a new set of eyes on the data performed by a neutral third-party surveyor

Can you permit just the one piece for storage? Water storage volume may require retention pond expansion. if need be we can so modify, as long as it's submitted before 12/2025.

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-How do we rectify if the third survey is different from the other two? RMEC will
How long before we will

Renee Celaya:

Can I maintain it until a decision is made?

It should be made fair across the board.

Permit from Army Corp

What will it look like once returned to permit approval?

Cindy Presson (Lot 13)

-If we paid the first company, are we owed money back?

No, their data was validated by them and SFWMD.

Have the individual property owners been approached to remediate the issue?

-The sole permit holder is the HOA. the HOA has had enforcement and maintenance requirements since inception, that it has failed to do.

-Will the verbiage include an introduction to explain why this is such a critical issue?

Yes

Butch Presson

Maintained in what capacity?

-Return to the original survey, why can't we just do that?

There are some parcels where the clearing of CE's has been extensive, and approved by prior Boards. All DE's in the community have never been maintained by the HOA, and virtually all are out of original permitted specs re: grading

-Do they give you an allowance for sediment in the pond? Responded to by RMEC engineering.

Adelle Smith

-Infractions are based on previous surveys, what happens when a new survey shows as different?

Any changes will be laid out in the conceptual plan for remediation, and addressed with SFWMD for response

-Does technology affect the outcome of the survey?

Possibly

-Has anyone ever tested our water, and will we have the same expectations?

Water testing is under new SFWMD rules and regulations, which we do not want to meet. they are much more stringent than the volumetric formula standards.

-Once the new survey is done, what kind of time frame are we looking at?

We're likely looking at a conceptual plan for remediation to go to SFWMD in early 2025. Given the extent of community issues, the total remediation timeframe is expected to be five (5) years.

Amy Thibaut (Land-Use attorney) @ 1:46

-Explanation of ERP and maintenance responsibility which are violations of the permit.

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We are bound to the original permit in 1993.

Don Tate:

Is there a certain amount of modification where you jump into a new type of permit? Yes

Richard Quinn (Lot 5)

-Pins/monuments on the current lot, why aren't they using those? Many parcels have missing pins and monuments, including the streets

-If the issue is volume, is the horse pasture a common element?

The horse pasture is not under HOA authority

-What do we have to have 12/2025 to stay within the deadline?

Unknown with certainty; either a submitted remediation plan or an accepted remediation plan.

-Where do the wetlands fall within the date?

Wetland remediation will be part of the initial conceptual plan. Some wetlands cannot be replaced, and there may be a need for mitigation credits. An ecologist will have to operate within the community to aid RMEC in formulating this data.

Josh Dorsey has offered to utilize some of his land for drainage/water retention. Much appreciated.

Ron York has offered (if needed) to utilize some of the horse pastures for storage. Much appreciated.

Jonah Ketola

-Will cleaning up help with drainage?

Yes, with both drainage and volume. Many DE's are heavily overgrown and obstructing water flow and volume. Many are out of grade, and preventing water flow in the direction of the original ERP. There are also multiple missing and buried drainage structures, that will have to be made functional.

George Pattee

-We have two surveys, what is wrong with having a third company?

Survey cost? Haley-Ward (who bought out Bean, Whitaker, et al) bid this survey for \$46k. Galdo Group bid it for \$12k. RMEC will use a survey company that they are comfortable with, for rendering a neutral opinion.

-For compliance, we must conduct the survey? Yes

First step, have a third party survey and then determine a plan. Agreed

Get the system into compliance or modify permit. Agreed

Adjournment at 4pm.

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