

**MINUTES OF MEETING
RIVER RIDGE
COMMUNITY DEVELOPMENT DISTRICT**

The River Ridge Community Development District Board of Supervisors held a Regular Meeting on January 23, 2024 at 1:00 p.m., in the Sound Room at the River Club Conference Center (Second Floor of Fitness Center), 4784 Pelican Sound Boulevard, Estero, Florida 33928, and via Zoom at <https://us02web.zoom.us/j/89848208244> and telephone at 1-929-205-6099, Meeting ID: 898 4820 8244 for both.

Present were:

Bob Schultz	Chair
Terry Mountford	Vice Chair
Robert Twombly	Assistant Secretary
Kurt Blumenthal	Assistant Secretary
Jim Gilman	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Tony Pires	District Counsel
Charlie Krebs	District Engineer
Eric Long	PSGRC General Manager
Ivo Nedelchev	PSGRC Assistant General Manager
Bill Kurth	Premier Lakes
Alan Atkinson	Resident
George E. Rydings	Resident
Jim McGivern	Resident
Larry Fiesel	Resident
Neil Collins	PSGRC President

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 1:00 p.m.

All Supervisors were present.

SECOND ORDER OF BUSINESS

Public Comments: Agenda Items (5 minutes per speaker)

Resident Alan Atkinson indicated that he will reserve his comments regarding mangroves until the Seventh Order of Business.

THIRD ORDER OF BUSINESS**Update: Premier Lakes, Inc. [Alex Kurth]**

Mr. Bill Kurth stated the lakes appear to be in very good shape; the CDD is having a very wet “dry season”. Water levels are up and no significant issues were observed.

A. Discussion/ Consideration of Proposal to Relocate the Nanobubbler for Lake E7-A

Mr. Kurth discussed noise complaints from the Island Sound area about the nanobubbler, which is very close to the buildings. He presented a quote to relocate the nanobubbler to a large opening between the buildings, equidistant and as far from the buildings as possible. He does not believe there is another way to buffer the sound. Mr. Willis stated that decibel readings were taken, and while the readings are below the ordinance requirements, the low humming vibration penetrates into the units at night in a powerful way. It was noted that the equipment would not be moved very far. Mr. Kurth noted that the buildings are very close together and sound reverberates and travels well over water.

Discussion ensued regarding installation of sound barriers, insulation, clusia, etc.

Mr. Kurth suggested relocating the equipment and then re-evaluating. He stated the noise at Lake H1-B is not the nanobubbler; it is the aeration system. He proposed designing a sound baffling wooden cabinet to enclose both units. The noise was measured at 87 decibels (dB). He was asked to research a Zombiebox PeaceMaker enclosure, which have a starting cost of about \$1,249.

Mr. Kurth and the Board discussed canna trimming in front of the tee boxes that grew back too quickly. Mr. Kurth presented a quote for replantings at River 8 and advised against planting bacopa; he recommended other plantings and discussed the reasons. He noted that plantings should be conducive to golf and noted that muhly grass requires maintenance. The quote does not include River 7 as he does not think it affects play. The consensus was that River 7 will be left as is, for now.

Discussion ensued regarding canna harvesting and trimming.

Mrs. Adams stated canna is harvested twice a year, as necessary, at Tee Box 8, in May and October; the last harvesting at River 8 was in May 2023. The consensus was to increase the

trimming cycle to quarterly, as necessary, for River 7 and River 8. Mr. Kurth will provide a quote as soon as possible and the work will be scheduled, as needed.

Mr. Blumenthal recalled that he raised the issue of grasses at Lake E1-A at the last meeting. Mr. Kurth stated half of the lake is within the dedicated littoral area; grasses are well-maintained but they might have spread somewhat. The diffuser and the rapid dropoff of the littoral shelf should limit further expansion. The consensus was that the area looks nice and grasses can be treated if necessary.

Mrs. Adams asked if maintenance for the Florida Power & Light (FPL) drainage ditch was completed in January. Mr. Kurth stated the technicians were there two days ago; the GlenEagles bubbleup structure was worked on at the same time.

Mrs. Adams asked if control structure CB-166 that needs to have debris removed adjacent to Pinehurst Greens Drive was addressed. Mr. Kurth stated the list was sent to Dustin, as some minor things need to be addressed; a confirmation will be emailed to Mrs. Adams when the work is completed.

Discussion ensued regarding the E-7A monthly dye application from January through April.

Mr. Kurth stated the dye will be applied tomorrow. He believes Alex stated the dye would be applied for free during the first year but it is not in the contract. The contract is in its second year; however, Mr. Kurth stated they will continue to do it for free. The Board and Staff thanked Mr. Kurth.

FOURTH ORDER OF BUSINESS

Continued Discussion: Safety Hazard Request Letter [Pelican Sound Dr. and Pelican Sound Blvd. Intersection]

- **Continued Discussion: Traffic Calming**

Mr. Schultz stated that a decision is needed for the peak time for traffic measurements. The consensus was that the second or third week of March is the best time to measure.

This item will remain on the agenda.

- **Consideration of Proposal for Off-Duty Sheriff Detail**

Mr. Willis stated he met with the Sheriff's Department regarding the Agreement from 2010. He presented the current proposal and stated he and Mr. Pires asked for clarification about

enforcement and other issues. The community would not have any say or control over enforcement; rather, deputies are told to use their discretion and work to help the community by issuing warnings, educating drivers, informing residents about golf cart registration, etc., and citations would only be issued for extreme infringements.

Mr. Pires stated the CDD has a separate agreement with the County Commission and has insurance, which allow law enforcement agencies to enter the CDD to issue citations and perform traffic enforcement. This would be a second agreement with the Sheriff, which also has sovereign immunity. As constitutional officers, the Sheriff's Department has full discretion to enforce or not to enforce.

Mr. Willis stated, if the Board decides to proceed, the Board can determine the days and hours of coverage; upon execution by the Sheriff, the CDD would be invoiced monthly.

A Board Member suggested consulting with Mr. Neil Collins and Mr. Eric Long in the decision-making process.

Asked about any positive effects in another CDD, Mr. Willis stated the program helped address issues at the elementary school in front of the community, including physical confrontations, speed enforcement, etc.

Mr. Long stated, over the weekend, a member who lives in Gleneagles reported seeing vehicles traveling at high rates of speed in Pelican Sound every day, sometimes over 50 miles per hour. The member reported instances in which golf carts and walkers had trouble crossing the road safely to the Clubhouse due to distracted drivers; additionally, a yellow jeep was speeding at twice the speed limit. Mr. Long stated he advised the person that the Board is addressing the issues and he will provide an update.

Discussion ensued regarding the need to deter speeding, gain resident cooperation and measure the impacts.

Mr. Willis stated that, in the other CDD, weekly reports were emailed to Staff when the program began; in the beginning, there was a long list of warnings and citations but, recently, the list is much shorter, indicating a great impact.

Mr. Schultz thinks that, before proceeding, the traffic data to be collected in March and the historical traffic data should be evaluated. It was noted that excessive speeders going double the speed limit represent a small percentage but it is important that they be addressed, as it is believed to happen on a monthly basis.

Mr. Willis stated patrols can begin fairly quickly once the agreement is signed and the desired schedule is provided; the schedule can be adjusted on an ongoing basis.

Discussion ensued regarding the deterrent effect of past efforts, hourly and monthly cost, signage, flashing speed limit signage and efforts underway in other communities.

Mr. Blumenthal asked for Mr. Long or Mr. Collins to put this matter on the next PSGRC Board meeting agenda and provide an update at the next CDD meeting as to how to move forward.

Mr. Schultz noted that the PSGRC Board outlined procedures for warnings, fines and loss of privileges for offenders within the community; this will be addressed in the future.

FIFTH ORDER OF BUSINESS

Continued Discussion/Consideration of Proposals to Install Geo-Filter Tube Erosion Barrier System and Sod at Lake E8-A

Mr. Willis stated the Landshore Enterprises, LLC proposal is included in the agenda. He distributed the Anchor Marine Services proposal presented last month. The proposals are parallel comparisons that include sod. Mr. Brian Glynn, of Anchor Marine, met with Mr. Long to ensure the details regarding sod quality and installation.

Mrs. Adams stated \$55,000 is budgeted for the project and contingencies or fund balance can be utilized for the balance.

The Board and Staff discussed the proposals.

Mr. Long stated he walked Anchor Marine to the area; Turnberry Lakes Drive would be used for the entry area and Anchor Marine’s proposal includes repairing damaged sod. He would like to keep the existing pine straw area intact.

It was estimated that the project would take two weeks to complete; it will be scheduled for the first two weeks of May.

On MOTION by Mr. Blumenthal and seconded by Mr. Schultz, with all in favor, Anchor Marine Proposal #2295, in the lump sum amount of \$66,355, was approved.

SIXTH ORDER OF BUSINESS

Continued Discussion/Update: Irrigation Water Resource [Eric Long – PSGRC]

Mr. Long provided the following update:

- The current well will be upgraded, doubling the water capacity. FPL agreed to the terms for installing a new transformer. The paperwork is in place, the check was issued and installation in Turnberry I should be scheduled in the next few weeks.
- Water Science will submit additional well paperwork to the South Florida Water Management District (SFWMD) after Staff reviews it.
- The additional well will provide redundancy. During peak time in summer, the golf course uses over 1 million gallons per day and the community uses approximately 800,000 gallons per day.
- The isolation valves were all replaced. They were used recently due to water main breaks on Pelican Sound Drive and on Masters, eliminating the need to turn off the entire pump station, which was very helpful.

Asked what a new well will cost, Mr. Long stated \$140,000 was budgeted; he estimated it will cost roughly that amount.

Asked what approvals have been given, Mrs. Adams stated the well service and plumbing was approved for \$88,000 with a not-to-exceed amount of \$105,000 in November. She stated Water Science is \$2,300 and the FPL transformer cost is just over \$18,000; no additional approvals are needed at this time.

Asked about the Three Oaks project, Mr. Long stated the renovation completion timeline is not updated. He will plan on the project being completed at the end of summer 2024. Due to El Niño, the golf course was treated twice and another treatment will be applied in two weeks.

SEVENTH ORDER OF BUSINESS

Update/Discussion: Indigenous Preserve and Mangrove Assessment

Referring to the last page of the agenda, Mr. Schultz stated that this subject was addressed at a CDD meeting in April 2022. A motion to assist Island Sound II with the permitting process was approved, since the CDD has experience obtaining permits, in this case, for trimming vegetation in a preserve area. In the event that a permit would be received for trimming in the preserve, it would be up to Island Sound to proceed and, in such a situation, the CDD would not pay any expenses for the trimming or permitting. Additionally, the CDD has been following a

policy that, if a neighborhood desires to proceed with an action or project that impacts in any way the responsibilities and/or infrastructure for which the CDD is responsible, the Neighborhood Voting Representative (NVR) shall inform and request approval from the CDD. In this case, to the best of his knowledge, no request from Island Sound II was received related to this agenda item or the item discussed at the last meeting.

Mr. Atkinson stated his belief that this issue has been ongoing for 20 years. He was advised that the mangroves cannot be trimmed and voiced his opinion that the “Florida Trimming Act” does not prohibit trimming the mangroves; rather, he thinks it actually recommends trimming the mangroves.

Mr. Atkinson asked for his views to be maintained. He complained that the CDD is asking homeowners to pay and expressed his belief that the CDD neglected the area for 20 years. He stated he has documents and he believes that nobody knew about the 2007 exemption because he thinks it is very clear. He asked the Board to review the comments on the 2022 minutes, rescind what they said and look into maintaining the views that homeowners inherited, which, in his opinion, should have been grandfathered in. He feels that the Board and Staff must read the documents. He questioned why homeowners should pay for something that has been maintained.

Mr. Pires asked for a copy of the 2007 exemption that Mr. Atkinson referred to.

Discussion ensued regarding the documents and the land in question.

Mr. Atkinson pointed to lands that he claims are exempt.

Mr. Long stated the land in question is not CDD land.

Mr. Willis stated conservation areas are never exempt.

Mr. Atkinson asked whose land it is.

Mr. Pires read the SFWMD December 1, 2023 email from Mr. Tyler Carlson, as follows: “Good afternoon Mr. Atkinson, I am Tyler Carlson at the South Florida Water Management District and I investigated your mangrove trimming inquiry. I found a District-issued trimming permit (see attached). Your community is authorized to trim the mangroves in accordance with this mangrove trimming plan. According to the plan, the trimming takes place along the shoreline in the District, which is South Florida District, does not permit trimming of upland plants. If you have any other questions pertaining to this permit, please let me know.”

Referring to the attachment, Mr. Pires stated the exempt mangrove trimming looks to be across the bank. The area of mangrove to be trimmed is in the water and outside the property of the CDD.

Discussion ensued regarding the Exhibits.

Mr. Krebs pointed to the river shoreline and stated that exhibit is what Mr. Dex Bender worked on a long time ago to trim the mangroves along the riverfront. They are not on CDD land, and not in the conservation easement.

Mr. Pires stated this exemption modification for Building 16 was issued to WCI in 2007.

Mr. Long stated there is an additional one that is part of the Florida Department of Environmental Protection (FDEP).

Mr. Krebs stated that is not part of the Conservation Easement; the State Mangrove Trimming Act does not apply to mangroves that are inside the Conservation Easement.

Mr. Pires stated the properties that appear to be subject to the permit are the properties generally depicted in purple.

Mr. Long indicated an area that is not mangrove, with buttonwoods, that is upland area.

Mr. Krebs stated that area is on the river.

Mr. Pires stated the areas subject to the permit are outside the boundaries of the CDD. Mr. Krebs concurred.

Mr. Pires stated it appears that the permit was issued to WCI for Building 16. Mr. Krebs believes Building 16 was a reference to a building right behind it and stated, as Mr. Long said, in the past permission was obtained to trim in the area indicated in green, right behind Building 16, but permission has never been obtained to trim in the Conservation Easement, which is indicated in beige.

Mr. Long stated the green area has and will continue to be maintained per the Indigenous Preserve Management Plan (IPRP) that allows the CDD to trim every three to five years, by the Golf and River Club. It was just trimmed in 2023 and it will be trimmed again three years from now as part of the IPRP approved by the Village of Estero; it includes easements from SFWMD and other areas.

Mr. Atkinson asked if the exemption includes the mangroves.

Mr. Krebs stated it does not.

Mr. Blumenthal asked what entity owns the area if the CDD and Pelican Sound do not own it. Mr. Krebs stated it belongs to the State of Florida.

Mr. Pires stated the Trustee is the Internal Improvement Trust Fund.

Mr. Atkinson voiced his belief that the exemption area includes his area of interest.

Mr. Krebs stated it does not include the Conservation Easement; he had a conversation with Ms. Julianne Harris, a SFWMD Environmental Reviewer, about mangrove trimming. Ms. Harris said the State Mangrove Act does not apply to lands inside the Conservation Easement. If there are mangroves outside of the Conservation Easement a request for a mangrove trimming permit can be submitted to the FDEP, under that legislation, but, when it is in a Conservation Easement, that legislation does not apply.

It was noted that the exemption is valid for mangroves within the river, not part of the CDD land. The work that Mr. Long did is for the land that The Club owns that is outside the Conservation Easement.

Mr. Pires stated the State of Florida owns that land and gave permission to trim that area by the DEP permit, for the land in the water.

Mr. Krebs stated the confusing part is that, depending on where the land is, it is subject to different regulations and, once it is inside the Conservation Easement, it is subject to the Maintenance Plan and the restrictions within the easement.

Mr. Atkinson voiced his opinion that the Exhibit looks different.

Mr. Krebs stated the Exhibit is drawn by hand and, in the 16 years since then, Exhibits are more digitized; that area was never intended to be part of the Conservation Easement.

Mr. Atkinson asked for the location of the correct legal Exhibit. Mr. Krebs stated nobody has ever updated that to correctly depict where that is in a digital age; he would need to go back to Dex Bender to see if they can apply for a new permit or update those Exhibits; however, the intent was not to trim the mangroves in the Conservation Easement.

Mr. Krebs stated he vaguely remembered the CDD was helping Park Lewis in 2007; he was trimming mangroves along the river but it was not on CDD owned land.

Mr. Long stated there is an active FDEP permit that supersedes 2007 and 2012 and allows the trimming of the mangroves but not in the Conservation Easement. The land is not owned by Pelican Sound or the CDD; if it is to be trimmed, Island Sound must pursue it and that is what the

proposal, cost estimate and the projected number of years to reach a resolution of the matter refer to.

Mr. Atkinson asked if there are any circumstances under which the CDD can maintain the conservation area.

Mr. Pires stated the CDD might help with materials, such as the letter from Dex Bender and the permit approval letter. The August 2007 letter from Dex Bender states the shoreline lies within the standard Conservation Easement but then it goes on to say “the trimming is limited in scope and does not include the removal or destruction of trees, shrubs or other vegetation as prohibited under Item 3C of the standard Conservation Easement.” He stated the permit also includes an exemption that reads “the mangrove trimming will not involve alteration, defoliation or removal and will be conducted only for a portion of the shoreline behind Building 16. The trimming is limited in scope and does not include ‘the removal or destruction of trees, shrubs or other vegetation’ as prohibited under Item 3C of the standard Conservation Easement.”

Mr. Krebs stated that applies to the mangrove and anything inside the Conservation Easement.

Mr. Long stated the area that impedes Mr. Atkinson’s view is not just mangroves; it includes buttonwoods and other vegetation, so there is some challenge with that. There is an FDE permit for some trimming.

Mr. Krebs stated the Conservation Easement line needs to be staked so that nothing on the other side of the line is trimmed.

Mr. Long referenced the Exhibit and described the various areas in question; the green represents the IDEP, which is maintained every three to five years. The area from the top of the bank to the water is part of the State; there is an old permit and an FDE permit from 2012 that can be used if scientists and ecologists are on site, photos are taken before and after work is completed, etc.

Mrs. Adams stated that would be work that Mr. Atkinson could fund or otherwise pay for.

Mr. Long stated the scientists who developed the assessment plan do not recommend any trimming of the mangroves in certain portions because other foliage would block the view.

It was noted that some of the vegetation that residents object to is inside the Conservation Easement.

Mrs. Adams stated the Exhibit and the 2012 FDE Permit will be attached to the meeting minutes.

Mr. Krebs will email the 2012 FDE Permit and the Indigenous Preserve Management Plan that Pelican Sound has had with the Village of Estero since 2016, which allows trimming within the Indigenous Preserve Areas, to Mr. Pires.

Mr. Atkinson asked for the prohibition against entering the Conservation Areas to be put in writing. Mrs. Adams stated it will be reflected in the minutes.

Mr. Atkinson thanked the Board and Staff for their assistance.

Resident George E. Rydings stated he is very familiar with the matter. He voiced his belief that thousands of dollars were raised and asked if the vegetation can be cut if proper permissions are obtained and the CDD approves it. Mr. Krebs stated the only way he can see getting permission would be to modify the Conservation Easement, which would cost tens of thousands of dollars, with no guarantee of success. If the CDD were the co-applicant, it would likely require the purchase of Off-site Mitigation Credits, hiring environmentalists, assessing the area, etc. He stated a wetland would be impacted and there is no guarantee that the State would allow the modifications.

Mr. Schultz reiterated that the motion passed in April 2022 states that, if Island Sound II receives a permit from the proper regulatory agency, the CDD will allow Island Sound II to perform the trimming activities at its own expense.

It was opined that the CDD would set a precedent by assisting.

EIGHTH ORDER OF BUSINESS

Continued Discussion: Stormwater Management Plan

Mr. Krebs stated the field work for topography behind Sea Side was done over the holidays. When he receives the data he will finish the plans, send Mr. Adams an application for signature and start the permit process with the Village and with the SFWMD. He estimated that, because low-lying areas that are not part of water management will be re-graded, it will require a 60-day review and approval process. The goal is for grading work to be done without piping; work would be done at the end of dry season, with the work to be done in May. Once the topography is received, the schedule will be emailed to Mr. Pires for easements; the CDD will be

the applicant and The Club will be the owner. The permitting process for The Masters will be completed in preparation for improvements in the Fiscal Year 2025 dry season.

Mr. Long asked if access would be through the golf course for The Masters. Mr. Krebs stated he has not looked at that yet; yard drains do not require heavy equipment so a drainage easement might be used for access. Mr. Krebs stated he is looking at three areas in The Masters and it is likely that only yard drains will be needed. Once the topography is received, he will see if fill is needed, whereas, in Sea Side, the area is being filled because vegetation was removed from the indigenous area and the underlying land was still left low.

Mr. Mountfield voiced his belief that fill might be needed along the eighth fairway. Mr. Krebs stated he will inspect the area. He believes the easements were there but the Developer never installed drainage; depressions will be filled if needed.

Discussion ensued regarding the two projects, permitting and the possibility of completing the two similar projects over two fiscal years.

Mr. Krebs will research it and have Tom obtain the topography.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2024-01, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Lee County Supervisor of Elections Begin Conducting the District’s General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date

Mrs. Adams presented Resolution 2024-01. Seats 3, 4 and 5, currently held by Kurt Blumenthal, Terry Mountford and Robert Twombly, respectively, will be up for election at the November 2024 General Election. Candidates must be a citizen of the United States, at least 18 years of age, a legal resident of Florida, reside within the CDD and be a registered voter in Lee County. The candidate qualifying period is noon, June 10, 2024 to noon, June 14, 2024.

Mr. Adams stated the Form 1 will be received and submitted electronically.

Mr. Pires stated the Form 6 is not required for CDD Board Members.

Mr. Adams and Mr. Pires discussed the required annual ethics training courses. Mr. Adams stated a link to the Florida Commission on Ethics website, which offers free courses that meet the requirements, will be emailed to the Board.

On MOTION by Mr. Blumenthal and seconded by Mr. Gilman, with all in favor, Resolution 2024-01, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Lee County Supervisor of Elections Begin Conducting the District's General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date, was adopted.

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2023

A. Budget Variance

B. Breakdown

Mrs. Adams stated she will redo these items.

C. Proposed Budget 2023-2029 [5 Year Plan]

Mrs. Adams presented the Unaudited Financial Statements as of December 31, 2023.

Regarding the "Other contractual" line item, on Page 2, Mrs. Adams stated the "Street sweeping" and "Street lighting" line items will be re-coded to the General Fund; the financials will be updated accordingly.

Mrs. Adams stated she emailed Accounting to determine why the Special Revenue Fund Series 2022A and Series 2022B account balances do not match; all vendors were paid for those projects.

Mr. Blumenthal questioned the balance of approximately \$75,000 in the "Loan account 2019" line item. He noted that the \$71,448 in "Series 2022-A note" does not agree with the detail showing that \$62,000 in unexpended funds remain. He asked if all the money was spent.

Mrs. Adams stated the only project awaiting payment is the gate valve replacement project for \$88,000, plus an additional \$15,000, which will bring it over the \$800,000, so the additional money will come from the Special Revenue Fund.

Mr. Adams stated the accounts were spent down; Accounting will do the reconciliation. A balance of just under \$14,000 remains on the 2022-A note. The 2022-D note is in the negative. The difference will come from the General Fund.

Mr. Blumenthal asked what the amount in the "Loan account 2019" relates to. Mrs. Adams will research it. Mr. Adams believes it is a booking error and the funds will roll into surplus fund balance.

Mr. Adams stated, as of December 31, 2023, investments were made in the Insured Cash Sweep account for the General Fund and the Special Revenue Fund, in the amounts of \$20,000 and \$295,000, respectively. Mr. Blumenthal asked why one check was written for \$300,000 and one check was written for \$25,000. Mr. Adams thinks that a \$5,000 administrative fee was charged; he will research it.

The financials were accepted.

ELEVENTH ORDER OF BUSINESS

Approval of November 28, 2023 Regular Meeting Minutes

The following changes were made:

Line 65: Change "when" to "before"

Line 142: Change "geotube" to "Geotube®"

Line 267: Change "seat" to ", Mr. Mountford's"

On MOTION by Mr. Blumenthal and seconded by Mr. Gilman, with all in favor, the November 28, 2023 Regular Meeting Minutes, as amended, were approved.

- **Active Action and Agenda Items**

Items 8, 12, 18, 20 and 23 were completed.

Item 2: Change "Childers" to "Long"

Item 5: Mr. Krebs will follow up with Brenda.

Item 6: Mr. Pires will follow up with Mr. Long.

Item 16: Change "geotube" to "Geotube®"

Item 17: Request a revised proposal credit for concrete restoration work at Glen Eagles, where Mr. Long performed concrete repair.

TWELFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Woodward Pires & Lombardo, P.A.

There was no report.

B. District Engineer: Hole Montes, Inc.

There was no report.

I. Key Activity dates

II. NEXT MEETING DATE: February 27, 2024 at 1:00 PM

○ QUORUM CHECK

All Supervisors confirmed their attendance at the February 27, 2024 meeting.

THIRTEENTH ORDER OF BUSINESS

**Supervisors' Requests and Public
Comments (5 minutes per speaker)**

Mr. Gilman asked for an update on the apartments under construction. Mr. Krebs will check and provide an update.

Mr. Adams stated that Mr. Krebs registered as an interested party related to the permitting process so that he will receive information.

Mr. Blumenthal wished to recognize that today is Mr. Jim McGivern's last meeting because his term as President of Pelican Sound Board expires in a few days. He has been a diligent attendee of all meetings and the Board was happy to work with him all these years. Mr. Schultz stated he expects that Mr. Neil Collins will attend in the future.

Mr. Long introduced Mr. Ivo Nedelchev, the new PSGRC Assistant General Manager.

FOURTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 2:56 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair

ATTACHMENTS

Exhibit & 2012 FDE Permit

(Referenced in Seventh Order of Business

Indigenous Preserve and Mangrove Assessment Update/Discussion)



Florida Department of Environmental Protection

South District Office
P.O. Box 2549
Fort Myers, FL 33902-2549

ATTACH Copy
to Lewis

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel J. Vinyard Jr.
Secretary

VIA ELECTRONIC MAIL

September 21, 2012

Pelican Sound Golf and River Club
c/o W. Dexter Bender and Associates
4470 Camino Real Way, Suite 101
Fort Myers, FL 33966
plewis@dexbender.com

Re: Lee County - ERP
File No. 36-0309040-002
Modification of 36-0309040-001

Dear Mr. Llewellyn:

Your request to modify this permit has been received and reviewed by Department staff. The proposed permit modification(s) includes:

The addition of 6,750 square feet of mangroves to the previously authorized mangrove trim area.

After thorough review by staff, the proposed modification(s) is not expected to adversely affect water quality and will not be contrary to the public interest, provided the permit is amended as follows:

PROJECT DESCRIPTION:

From: The trimming of 9,199 square feet of mangroves.

To: The trimming of ~~9,199~~ 15,949 square feet of mangroves as depicted in the attached drawings.

Since the proposed modification(s) along with the above amended permit conditions and monitoring requirements are not expected to result in any adverse environmental impact and water quality degradation, the permit is hereby modified as requested. By copy of this letter and the attached drawings, we are notifying all necessary parties of the modification.

This letter does not alter the permit other than as described above. This letter and referenced enclosures must be attached to the original permit.

This modification is hereby granted unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes, (F.S.), before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition or an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this permit automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities under this permit until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time have expired.

Under Rule 62-110.106(4), Florida Administrative Code (F.A.C.), a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Rules 28-106.111(2) and 62-110.106(3)(a)(4), F.A.C., petitions for an administrative hearing by the applicant or any of the parties listed below must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than

those entitled to written notice under Section 120.60(3), F.S., must be filed with 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition with 21 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

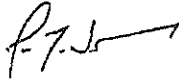
- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules and statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

The action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This permit constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

Sincerely,



Jon M. Iglehart
Director of District Management

JMI/pc

3 pages attached: 2 valid drawings & 1 voided drawing

cc: U.S. Army Corps of Engineers

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document, including all copies, was mailed before the close of business on September 21, 2012, to the above listed person(s).

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged.

Muree Vidrine

September 21, 2012

Clerk

Date



PERMIT USE ONLY, NOT FOR CONSTRUCTION

July 23, 2012 1:46:28 p.m.
Drawing: PELI2.DWG



W. DEXTER BENDER & ASSOCIATES, INC.
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS 239-334-3680

APR 06 2012

PELICAN SOUND

SHEET

SECTION 30
TOWNSHIP 46
RANGE 25

PROPOSED TRIMMING PLAN



-  Existing Trim Area
-  Proposed Trim Area
-  Mangrove Trimming Area (9,199 sf)
-  Mangroves (0 Trimming (26,024 sf))

VOID



W. DEXTER BENDER & ASSOCIATES, INC.
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS 239-334-3680

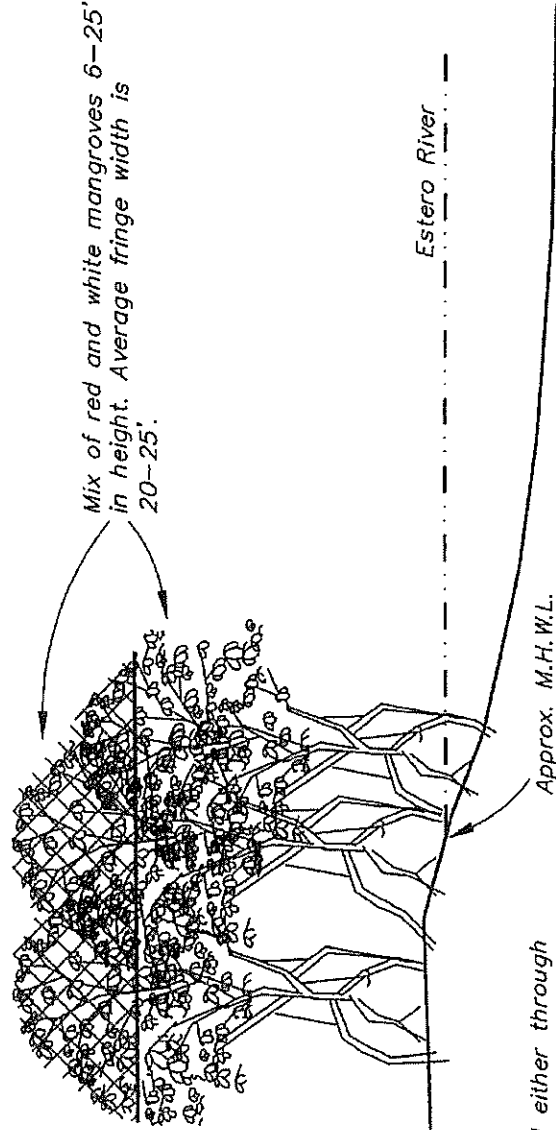
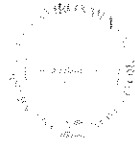
PERMIT USE ONLY, NOT FOR CONSTRUCTION

12:29:46 p.m.
Drawing: PELI2.DWG


PELICAN SOUND

SHEET

MANGROVE TRIMMING PLAN CROSS SECTION



Mangroves to be trimmed either through topping and/or lateral limb removal so that no more than 25% of foliage is removed annually. No mangroves to be trimmed below 6' as measured from the substrate.

 Trim Area

Approx. M.H.W.L.

Estero River

Uplands

**PERMIT USE ONLY,
NOT FOR CONSTRUCTION**

October 25, 2011 11:13:39 a.m.
Drawing: PEL12SEC.DWG



**W. DEXTER BENDER
& ASSOCIATES, INC.**
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FORT MYERS 239-334-9680

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