

**BOARD OF SUPERVISORS MONTHLY MEETING MINUTES OF THE
SAN CARLOS ESTATES WATER CONTROL DISTRICT AGENDA**

TUESDAY February 18, 2025 6:00 PM.

GULF SHORE CHURCH, 25300 BERNWOOD PKWY, BONITA SPRINGS FL 34135

1. Call Meeting to order. 6:00p.m.

2. Roll Call of the Board of Supervisors: Chair and President, Jim Bradford (Jim); Vice-Chair and Vice President, Jennifer Finazzo (Jennifer) and Supervisor, James Gilchrist (James); Engineer Ron Edenfield , Attorney Richard Pringle, John Cellucci, Manager and Superintendent of Operations, Shanelle Cruz Secretary/Treasurer and guests: 40 (approx.)

3. Pledge of Allegiance and Invocation.

4. Receive Engineer's Report on District Works:

- Applications

Open: 34 Approved: 2 Finalized: 2 Inspections: 11

Does not include any inspections done by the manager.

- Have received 3 proposals for the Strike Lane striping. John (manager) may add some more proposals in his report. Also expecting additional bids this week.
- Issues at 24442 Stillwell that the District had been working with the City of Bonita Springs on have been resolved. The applicant revised their plans to update them and reflect the encroachments into the right of way.
- Have issued a 2025 water control plan draft to the board. In the water control plan the engineer has completed 6 project summaries that will be used to submit for grant applications and support grant applications.
- Engineer will continue to work with Peter Debaz on the FEMA issues for both Ian and Milton. The executive order for Ian was extended by the Governor until the middle of April, Executive order 22218.

5. Manager's Report

- As the Engineer mentioned we have 3 bids for the painting and striping of mainly strike lane and each road north and south in the first 1500 feet. The bids range from \$39,000 to \$117,000. We will continue to look for more companies.

- Have contacted FPL a number of times since October to fix some lights. Contacted again on January 25 and suggested I would tie a yellow ribbon around the poles if that would help

the lineman. About five days later the lights were fixed. Anyone that sees streets light out on Strike let us know and the manager will call FPL.

- All the fobs have been sold out. Had to call the factory and order 20 more. Another 4-6 weeks lead time. A few people have asked for them, I have your paperwork and when they come in, I'll reach out to you. I have put on the website as a reminder, please provide an email or phone number when you send in your copies of registration and your drivers license, because other than that , I've got to hand deliver and find you versus calling or emailing you to let you know your fob is in.

- As Ron (Engineer) mentioned I personally inspected 5 different permits under various phases of construction and took photos, did measurements and sent them back up there. This is saving us a lot of time and money as I can do it faster than the Engineer coming all the way down from Fort Myers.

- The final draft of the water control plan has been completed. Essentially details all the engineering work plan and the projects that will be the upgrade from the original plan of 2005. We've always upgraded every year the MS-4 permit, but now the entire plan has been revised.

- The plan includes 6 projects which have been submitted to a grant policy institute. They have a review board tomorrow in Punta Gorda, I'm going to go and answer questions based on the 6 projects submitted.

- We have billed the City of Bonita Springs for their water discharge structure and Stillwell canal, just like we do with the Brooks.

- Something brought to my attention by board member James Gilchrist, three weeks ago he was talking with David Nadig, who said that he had submitted photos and information on April 19, 2022 to former Chairman Ben Bogacz regarding some issues from Preferred Concrete and a pipe that was periodically putting discharge in the canal. It never really got reviewed by the previous board but when I found out I immediately talked to Ron (engineer).

- I'd like to ask David Nadig who has a PHD in chemistry and has property across from Preferred concrete to volunteer to look at this pipe that comes out, and the next time we have a big rainstorm, he can work with us, myself and the engineer to take pictures to try to capture some of the water coming out of the pipe and then we'll be able to start doing some measurements of turbidity and how it is impacting our canal system. Once this is done we can then calculate a cost to Preferred Concrete and send them an invoice.

- Since Hurricane Ian in 2022 the board has received \$317,447.45 in FEMA reimbursements. This will be geared for cleaning up some of the perimeter canals, damages to the weir and some other issues within our infrastructure.

- The only other board that collected was in 2017 and it was around \$35,000.

- Chairman asked Treasurer to confirm FEMA amounts received.

6. Chair's Report

7. Treasurer's Report

- BOA Phase 1 account and Northern Trust account have been closed and funds deposited into Cogent Bank

- Mailed the City of Bonita Springs an invoice for their usage of our canals.

- Financials are being completed on time now as bank statements are received timely.

- Signature cards for James Gilchrist have been requested.

8. Attorney's Report

- Today's meeting was rescheduled from yesterday due to holidays, as was the January meeting and both were properly advertised.

- I have a number of things to say related to other items on the agenda and will save my comments until the items come up.

9. Amendments to the Meeting Agenda – None

10. Public input on Business Agenda items

- Donna Matthews questioned if the district would be responsible for cleaning up debris pushed on to Bermuda Park or if the City of Bonita would be. Chairman said the District will take a look and determine what to do and make appropriate phone calls.

11. Business Agenda Items

a. Meeting Minutes Approval – January 21, 2025 Board Meeting

Jennifer motioned to approve, James seconded the motion, all voted in favor- Motion approved.

b. Financial Reports Approval – 01/31/25 Bank Statements and 01/31/25 Financial Reports

Jennifer motioned to approve, James seconded the motion, all voted in favor- Motion approved.

c. I-Five Fiber Presentation on Fiber Optic Installation in SCEWCD area.

- Scott Jackson, a representative from I-five Fiber gave presentation on fiber optic installation for high speed internet and the possibility of bringing it to the district and the costs and benefits of it.

d. Public Records Policy continued from Jan. 21, 2025 Board meeting

- Attorney Pringle discussed the proposed policy that was continued from the last board meeting .

Jim motioned to approve, Jennifer seconded the motion, all voted in favor- Motion approved.

e. Landowner's Voting Policy continued from Jan. 21, 2025 Board Meeting

- Attorney Pringle discussed the proposed policy that was continued from the last board meeting.

- At the last landowners meeting there was discussion about the voting procedure that was used with regard to aggregating and counting landowner votes in the supervisors election. The attorney recommended for the board to adopt a policy to clear up how the voting process is going to take place prior to the next landowners meeting.

- The Board directed the attorney to prepare a policy and there was discussion regarding there being more than one way to define aggregating of acreage for voting purposes. The Board gave direction to use the Lee County property appraiser's information on a per parcel basis, essentially to minimize mistakes and the possibility of mistakes being made.

- It is a board decision and as long as the board adopts a policy that it applies equally and fairly and equitably to everyone across the board, the attorney believes the policy will be a good benefit for the district.

- Jim motioned to approve the policy as written

- James added a comment that he is not in favor of how the policy is written as he can not come to a conclusion that when the policy say cumulative, that it is not a summation of total land by unique owners of the parcels.

- James believes that it would be easy to write a script that could look up the parcels through the property appraisers website to aggregate the count and do it in a meeting in an efficient manner.

- Attorney pringle indicated that the board can use 2 options to adopt the process of aggregating votes and there has been a great deal of public input on the topic. He

suggested using the per parcel basis to avoid mistakes. One mistake could be a math error and supervisor Gilchrist's suggestion could be a solution for that.

- The other concern (from Attorney Pringle) relates to parcels that are owned by multiple owners, and making sure that there is a total agreement when you are aggregating parcels in the ownership of the two parcels.

- There was discussion among the board and the attorney regarding the unique types of ownership in the district and how to confirm ownership for properties owned via trust or businesses and how that would work for purposes of aggregation, As well as the benefits of aggregating multiple parcels versus the risk of a mistake being made.

- Supervisor Gilchrist proposed to hold off on voting on the voting policy for a month and to possibly get together with Secretary/Treasurer to look at the ownership records and look into writing a small software script to aggregate the data.

- The manager mentioned that from his review of records from over 40 years the approach to voting has been different almost every year.

- Chairman Bradford said the voting policy will be postponed for another month to allow James the opportunity to review.

- Supervisor Finazzo questioned what the cost of writing a software program would be and what the accuracy would be as it can take 30-45 days for Leepa to update.

- Attorney stated since we were in February it would not hurt to postpone the vote on the policy to allow James the opportunity to come up with something different.

f. Informal Permit Request from 24231 Melaine Lane to install video recording cameras in SCEWCD swale and right of way.

- Clayton Varner is the owner of the subject property and has an improvement pole with a camera on it in the districts right of way, which did not have the board's approval.

- Attorney Pringle sent a letter to the landowner that requested the improvement be removed as they did not have approval. The cameras were removed but not the pole, and then later the cameras were reinstalled. A second letter was sent saying the improvement was essentially illegal as it did not have the board's approval to exist. From one of the correspondences from Mr. Varner it appeared he was making an informal application for the board's approval of the poles and cameras in the district's right away. It was sent via email to the District's general mailbox.

- Discussion amongst the board of what if anything City of Bonita code enforcement would do. The Engineer stated the City defers to the District on all matters related to the right of way, etc.

- Statement made that the manual doesn't allow mailboxes, but since the US postal Service requires them the board deferred on mailboxes. The handbook will be updated to address mailboxes.

- Supervisor Gilchrist made a motion to deny the informal request and to inform the applicant to follow the standard application process. Supervisor Finazzo seconded the motion. All were in favor, motion carried.

g. Montiero v. San Carlos Estates Water Control District – Lee Circuit Court Case No, 24-CA-007843

- Chairman turned the mic over to attorney to discuss.

- There was a special meeting to go into executive session to discuss the litigation that was not filed by the district. To clarify, Mr. Monteiro filed a lawsuit against the district. Someone had stated previously at the last board meeting that the district was suing Mr. Monteiro and that is absolutely incorrect.

- Special counsel has been retained due to the additional litigation and the board went in executive session to discuss the litigation, as is authorized by the law.

- The District's insurance policy should cover the litigation, as indicated by the adjuster.

12. Public Input

- Homeowner requested to move their mailbox, the Engineer will meet with homeowner to determine where it can be moved.

- Homeowner questioned how the voting would be counted for the bill passed by Rep Botana and when it would take place.

- Homeowner questioned if the fiber cable falls under the District because of where they would put cables. Thanked board for postponing vote on voting policy. Reminded landowners of the town hall meeting with Adam Botana regarding the local bill.

- Homeowner questioned if each owner was supposed to vote individually on the petition and if they were being received.

- Candace was asked to step up to the mic as she was behind the mailing.

- 400 letters were sent out with the assistance of neighbors and many were hand delivered that lived locally.

- John stated we were close to 50% of landowners responding to petition.

- Homeowner brought the petition to the meeting and asked who to give them to. They were instructed to give them to Secretary.

- Homeowner made a comment that she believes it's good that are limiting traffic through the Stillwell gate.

- Homeowner thanked everyone for helping to get the word out regarding the petition and keeping control of our neighborhood.

- Homeowner requested to get a copy of the draft water control plan.

13. Supervisor Comments

- Supervisor Gilchrist mentioned that owners can go into google maps and tell that it is a closed road.

14. Adjournment

Jim motioned to adjourn, Jennifer seconded, all in favor. Adjourned 7:23pm