

MINUTES OF MEETING

**SILVERLEAF COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS MEETING MINUTES**

**Monday, September 9, 2024, at 1:00 p.m.
3805 Shimmering Oaks Dr
Parrish, FL 34202**

Board Members in attendance via conference call or in person:

Paul Gressin	Chairperson
Lawrence Powell	Vice Chairperson
Frank Davis	Assistant Secretary
Timothy Abramski	Assistant Secretary

Also present via conference call or in person:

Venessa Ripoll	PFM Group Consulting LLC	
Jasmin Barone	PFM Group Consulting LLC	(via phone)
Rick Montejano	PFM Group Consulting LLC	(via phone)
Alan Rayl	Rayl Engineering	
Caleb Wingo	Rayl Engineering	(via phone)
Meredith Hammock	Kilinski Van Wyk	(via phone)
Savannah Hancock	Kilinski Van Wyk	
Various Residents		

FIRST ORDER OF BUSINESS

Organizational Matters

Call to Order and Roll Call

The Board of Supervisors Meeting for the Silverleaf Community Development District was called to order at 1:00 p.m. Ms. Ripoll proceeded with roll call and confirmed quorum. Those in attendance are outlined above.

Public Comment Period

There was a question from a resident regarding clarification about non-refundable fees.

Ms. Hancock noted this was concerning the fees for someone wanting to place a fence on an area that had a District easement. This would only be assessed at the time of application.

There were no further public comments.

SECOND ORDER OF BUSINESS

General Business Matters

**Consideration of the Minutes of the
August 5, 2024, Board of Supervisors
Meeting**

The Board reviewed the minutes.

ON MOTION by Mr. Powell, seconded by Mr. Davis, with all in favor, the Board approved the Minutes of the August 5, 2024, Board of Supervisors' Meeting.

Consideration of the Minutes of the August 5, 2024, Auditor Selection Committee Meeting

The Board reviewed the minutes.

ON MOTION by Mr. Powell, seconded by Mr. Davis, with all in favor, the Board approved the Minutes of the August 5, 2024, Auditor Selection Committee Meeting.

Public Hearing on the Adopting Rules and Rates

- a. **Public Hearing on the Adopting Rules and Rates**
- b. **Board Comments**
- c. **Consideration of Resolution 2024-10, Adopting Easement Variance Policy**

Ms. Ripoll called for a motion.

ON MOTION by Mr. Gressin, seconded by Mr. Powell, with all in favor, the Board opened the Public Hearing on the Adopting Rules and Rates.

Ms. Ripoll stated this Public Hearing was regarding the Easement Variance Policy.

Ms. Hancock noted this is the same policy that was reviewed at the June and July meeting and the fee has been set at \$75.00. This offsets the District's costs, which could include legal costs, engineering costs, and the recording of the document to the County.

There were no Public comments.

There were no Board comments.

Ms. Ripoll called for a motion to close the Public Hearing.

ON MOTION by Mr. Gressin, seconded by Mr. Davis, with all in favor, the Board closed the Public Hearing on the Adopting Rules and Rates.

Ms. Ripoll called for a motion.

ON MOTION by Mr. Gressin, seconded by Mr. Davis, with all in favor, the Board approved Resolution 2024-10, Adopting Easement Variance Policy.

It was noted this policy will be effective immediately. It will be placed on the website and any questions can be asked via the website.

Update on Wetland Credits

Ms. Hancock and Mr. Rayl have been in contact with the Developer's Counsel. This has been by way of email and phone. The information packet was reviewed by District Counsel prior to sending. They are awaiting a response regarding the wetland credits. If a response is not received, alternate steps will be taken. This could include calling the Bond Company.

Ms. Hammock stated they are hopeful they can come to an agreement with the Developer's Counsel.

There was a discussion regarding communication with the Developer's Counsel and recouping the funds.

Mr. Rayl gave an overview of the permitting from the Developer's side and what that includes prior to the project and once the projects are certified complete. This should be inclusive of any monitoring maintenance reports and upkeep required during that timeframe. The last monitoring maintenance report received was 2018, when it was noted that exotic species were interfering with completion. Now, everything is complete and has been transferred to the District's O&M budget. However, the Developer did not give a clear and complete project within their report and filing. Under the Developer, this never reached success criteria. In speaking with an environmental consultant, in order to get to the success point, it would take redoing everything and starting from scratch. The other option is to use the mitigation bank credits that are now available that equal the mitigation impact. This allows no further work to be done and to keep the current preservation. However, both of these options, are more than the amount of the surety at this point. This relates to one violation. There have been other violation letters as well in regard to flood plains. Multiple points of contact have been contacted at this point.

Ms. Hammock noted District Counsel is trying to come to an amicable solution. District Counsel would like to give this another week for a response.

There was a discussion on how this impacts the budget and the litigation option.

Ms. Hammock noted she will give a weekly update.

Discussion and Report on Two Open Drainage Connections

Mr. Rayl gave an overview of these drainage connections and the maintenance work that has been done on them. The current design system does not match the engineer design on record. The first step is to try and vacuum these drain lines out.

Mr. Gressin asked Mr. Rayl to compose a letter for the CDD stating that the defect is in the original design, which was inherited from Neal, should the vacuuming not suffice. This would mean ripping out the current lines and replacing them. This would allow recourse to get it rebuilt by Neal.

Mr. Rayl confirmed.

Ms. Hammock stated there are statutes of limitation that would need to be reviewed in order to see if anything could be recouped from the Developer or not.

Mr. Rayl gave a brief description of the current design and what the different issues may be. The lowest cost option is the storm sewer jetting.

Deep Creek Storm Sewer Jetting Proposals

Mr. Rayl noted the lowest cost proposal was from Orange Industrial Services in the amount of \$4,524.00. He noted it could be 60+ days before an invoice is received.

ON MOTION by Mr. Gressin, seconded by Mr. Davis, with all in favor, the Board approved the Deep Creek Storm Sewer Jetting Proposal from Orange Industrial in the amount of \$4,524.00.

Discussion of Drainage Easements/Flowage Easements

Mr. Rayl stated this all ties to maintaining the vegetation in these areas. The vegetation holds the soil in place. This has happened in other communities and causes significant issues. He reviewed the language in the paperwork and what it means. Although some of these areas have been landscaped in the past, it is not the recommendation to remove anything of significance within the flowage easements. The drainage easements that are there for access, it is okay to mow and maintain around them.

A resident had a question regarding having a drain and a swale on a property.

Mr. Rayl noted that is in relation to a Southwest Florida Water Management violation and it is a common practice with properties that abut environmental lands. It is a CDD requirement to maintain. He stated these areas have been surveyed and these should be regraded to restore the swale section. A contractor will be contacted once all survey shots have been collected. Rayl

Engineering is in consistent contact with Southwest Florida Water Management to gain information on all issues/violations within the community.

There was a discussion regarding meeting with Southwest Florida Water Management inspector when they come out to review the community issues and how those inspections and violations are communicated.

Review and Consideration of the Grau & Associates Audit Letter

Ms. Ripoll noted that the Board chose Grau & Associates, at a previous meeting, as the auditing company. Their letter has been received.

Ms. Ripoll called for a motion.

ON MOTION by Mr. Powell, seconded by Mr. Davis, with all in favor, the Board approved the Grau & Associates Audit Letter.

Discussion of Westcoast Payment

Mr. Gressin stated that Westcoast was retained to do the grading on Deep Creek. They billed the HOA and the bill was paid. However, the project has not yet been accepted as completed. The HOA has requested that Westcoast cancel the bill previously given to them, and to rebill the CDD. Westcoast has not responded. The HOA requested a copy of the Westcoast documents, which Mr. Gressin provided to them. Until the project was accepted complete, the payment cannot be reversed or paid. This has been communicated to the HOA.

Ms. Ripoll stated that the Westcoast did reach out to the CDD for payment. They want payment from the CDD prior to reimbursing the HOA their monies.

Mr. Rayl confirmed the work has been completed satisfactorily at this point, although it was not originally.

There was a brief discussion regarding the amount charged as there were issues with the work done.

Ms. Hammock stated the best course of action is for District Counsel to work with Rayl Engineering and to contact West Coast regarding the work that was done to communicate the issues that took place in order to try and negotiate the cost. The job is done correctly, and the contract has been fulfilled.

ON MOTION by Mr. Powell, seconded by Mr. Davis, with all in favor, the Board approved District Counsel to arbitrate with Westcoast on the cost of work done and additional fees imposed.

Review of District Financial Statements

Ms. Ripoll stated the financial statements are comprised of June, July, and August.

THIRD ORDER OF BUSINESS

Other Business

Staff Reports

- District Counsel-** Ms. Hammock reiterated that District Counsel will provide weekly updates on the mitigation of the wetland credits with Neil. The next step after that will be calling the bond.
- District Engineer-** No report.
- District Manager-** Ms. Ripoll stated for the record that she is the Public Custodian of Records. Any requests go through her. She also reminded the Board that the next meeting will be in October.

Supervisor Requests and Audience Comments

Mr. Powell asked for an update on the plant life grant.

Mr. Gressin stated he would contact him for an update.

There was a discussion with a resident regarding the CDD responsibility when it comes to maintaining the drainage easements and asked for clarification on what areas can be trimmed or landscaped.

Mr. Rayl stated that if they are a part of the permitted plans, then they are CDD responsibility. Any flowage easements cannot be landscaped, no trimming allowed. Drainage easements can be trimmed, mowed, and maintained, if needed for access.

FOURTH ORDER OF BUSINESS

Adjournment

There were no additional comments from the Board.

Ms. Ripoll called for a motion to adjourn.

ON MOTION by Mr. Abramski, seconded by Mr. Davis, with all in favor, the September 9, 2024, Meeting of the Board of Supervisors of the Silverleaf Community Development District was adjourned at 2:08 p.m.

Vanessa Rippeel
Secretary/Assistant Secretary

Paul Messin
Chairperson/Vice Chair