

**MINUTES OF MEETING  
HERITAGE BAY  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Heritage Bay Community Development District was held Thursday, December 5, 2024 at 9:00 a.m. at the Heritage Bay Clubhouse, located at 10154 Heritage Bay Boulevard, Naples, Florida 34120.

Present and constituting a quorum were:

Edwin Hubbard	Chairperson
F. Jack Arcurie	Vice Chairperson
Steven Bachenberg	Assistant Secretary

Also present were:

Justin Faircloth	District Manager
Albert Lopez	District Engineer ( <i>Remotely</i> )

*Following is a summary of the discussions and actions taken.*

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Faircloth called the meeting to order, and called the roll. A quorum was established.

**SECOND ORDER OF BUSINESS**

**Approval of Agenda**

Mr. Hubbard requested addition of the following items:

- Veranda III Tree Issue as Item 8A.
- CDD Signage for Lake 30B as 8B.

There being no further requests,

On MOTION by Mr. Arcurie, seconded by Mr. Bachenberg, with all in favor, the Agenda for the Meeting was approved, as amended. (3-0)
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**THIRD ORDER OF BUSINESS**

**Public Comments on Agenda Items**

There being no members of the public present, the next order of business followed.

**FOURTH ORDER OF BUSINESS**

**Engineer's Report**

**A. Club Pools Discharge of Water – Collier County Dewatering Protocol**

**i. Engineering Proposal for Club Repairs at Lake 7 & Other Remote Pools**

- Mr. Lopez provided an update on actions since the last meeting with an inspection with Mr. Hubbard on site and conversations with SFWMD, and discussed the need to ensure the piping from pools directed to the lakes is perforated.
- Mr. Faircloth inquired whether Mr. Lopez had obtained anything in writing from SFWMD to confirm this directive since it contradicts information from the County and other regulatory entities. Mr. Lopez noted he was awaiting confirmation of this in writing from SFWMD. Mr. Lopez noted that hard pipe connections to the lake are not allowed unless it is confirmed they are perforated pipes per this new guidance by phone only from SFWMD.
- Mr. Lopez noted that an exploration would be necessary to determine whether the pipes connected are perforated. Mr. Lopez apologized that he did not inform the Chair in advance of the meeting, but it was new direction from SFWMD in recent conversations prior to the meeting. Mr. Hubbard noted he was disappointed to be finding this out at the meeting and not informed sooner.

*The record shall reflect Mr. Lopez exited the meeting.*

**FIFTH ORDER OF BUSINESS**

**SOLitude Lake Management**

**A. Monthly Inspections & Service Reports**

**i. November 14, 2024 Field Service Review**

The reports were presented for review by the Board.

- Mr. Maher discussed his lake management plan for Lakes 30A & B, noting they will cut twice and spray once per month.
  - Mr. Maher also discussed how they could approach addressing the torpedo grass and littoral mitigation area on the west bank of Lake 20.
- B. Lake 19 Aqua Range Maintenance Plans in Conjunction with Club Management**
- Mr. Maher discussed his management plan for Lake 19.

- Mr. Hubbard requested SOLitude remove the lagoon plants on Lake 19 and just leave the canna growing up the bank.
  - Mr. Hubbard provided comments on the management of the fluff by the Club.
  - Mr. Hubbard discussed communications with the Quarry on Lakes 30A & 30B, regarding cutting of pondweed by boaters and a fishery survey by SOLitude.
- C. Removal of All Willows, Plants & Grasses in Northwest Corner of Lake 14 Littoral Shelf**
- Mr. Maher noted he was still waiting for lake levels to decrease in order to complete the work.

*The record shall reflect Mr. Maher exited the meeting.*

**SIXTH ORDER OF BUSINESS**

**Legal Update**

**A. Update on Potential to Challenge FEMA Ruling Precluding Return of Funds from Hurricane Irma**

On MOTION by Mr. Hubbard, seconded by Mr. Arcurie, with all in favor, staff was authorized to proceed with a contract with the DLC for further action against FEMA from the Hurricane Irma Application, subject to review by District Counsel, with the authorization of two phases in an amount not to exceed \$25,000 for each phase, once the Board authorizes proceeding with the next phase with the chairperson being authorized to approve the final contract based on recommendations by District Counsel. (3-0)

*The record shall reflect the Board recessed the meeting for a short time.*

**B. Letter to Resident Regarding Lake Bank Damage**

- Mr. Hubbard discussed his proposed letter to a homeowner, and the Board was in agreement to send the letter to the homeowner.

**SEVENTH ORDER OF BUSINESS**

**Old Business**

**A. Infrastructure & Facilities Management Report**

- Mr. Hubbard requested closer review of the pagination of the document to ensure the headings line up going forward.
  - i. Potential Projects for Consideration – Summer 2025**
- Mr. Hubbard discussed the Lake 7 washout noting that CSEI would repair the area at no charge.

- Mr. Hubbard noted updates he would make to the report.
  - a. **Copeland Southern Enterprises, Inc. Lake 18 Proposal**
- Mr. Faircloth noted CSEI updated their proposal after feedback from the Club not to install the conduit at a cost of \$67,000.

On MOTION by Mr. Hubbard, seconded by Mr. Bachenberg, with all in favor, the revised CSEI Proposal for Lake 18 in the revised amount of \$67,000, was approved. (3-0)

**EIGHTH ORDER OF BUSINESS**

**New Business**

- A. **Veranda III Tree Issue**
  - Mr. Hubbard discussed the Veranda III item, and the Board was in agreement for Mr. Hubbard to send them a letter regarding the leaning tree on the bank of Lake 6.
- B. **CDD Signage for Lake 30B**
  - Mr. Hubbard inquired about the need to install signage at the Lake 30B outfall. He referenced a call from Mr. Reitz at Quarry who noted teens had been observed climbing on the rocks to fish by the outfall. Mr. Faircloth will follow up with District Counsel to determine recommendations.

**NINTH ORDER OF BUSINESS**

**Field Service Review – November 14, 2024**

Mr. Faircloth reviewed the report with the Board and answered questions.

**TENTH ORDER OF BUSINESS**

**Manager’s Report**

**A. Approval of the Minutes of the November 7, 2024 Meeting**

Mr. Faircloth presented the Minutes of the November 7, 2024 Meeting, and requested any additions, corrections or deletions.

- Mr. Hubbard noted there was no mention of the Collier County dewatering protocol under the engineer's report in the minutes, although under item 8D it states it was covered earlier in the meeting.

There being no further discussion,

On MOTION by Mr. Hubbard, seconded by Mr. Arcurie, with all in favor, the Minutes of the November 7, 2024 Meeting were approved, as presented. (3-0)

**B. Acceptance of Financial Report as of October 31, 2024**

There being no comments or questions,

On MOTION by Mr. Bachenberg, seconded by Mr. Arcurie, with all in favor, the Financial Report as of October 31, 2024 was accepted, as presented. (3-0)

**C. Review & Discussion of Action Items on District Manager’s November 7, 2024 “Open Items” Report**

Mr. Faircloth reviewed the Action Items List with the Board.

- Mr. Faircloth inquired about the desire of the Board to continue using paper agenda packages, and noted that Inframark was willing to provide iPads for the Board's use at future meetings. The Board was in agreement to continue receiving paper agenda packages.

**ELEVENTH ORDER OF BUSINESS**

**Supervisor Comments**

- Mr. Bachenberg inquired about the use of lifts behind the condominium buildings, and discussion ensued with Mr. Hubbard noting the proper lifts which were allowable that would not cause damage to the lake bank.

**TWELFTH ORDER OF BUSINESS**

**Chairperson Comments**

- Mr. Hubbard commented on Quarry items, drainage, CPH, and homeowner communication.

**THIRTEENTH ORDER OF BUSINESS**

**Audience Comments**

There being no audience members present, the next order of business followed.

**FOURTEENTH ORDER OF BUSINESS**

**Adjournment**

There being no further business,

On MOTION by Mr. Hubbard, seconded by Mr. Bachenberg, with all in favor, the meeting was adjourned at 11:28 a.m. (3-0)



Edwin Hubbard  
Chairperson