

**MINUTES OF MEETING
STONEYBROOK
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Stoneybrook Community Development District held a Regular Meeting on April 25, 2023 at 9:00 a.m., at the Stoneybrook Community Center, 11800 Stoneybrook Golf Boulevard, Estero, Florida 33928.

Present were:

Eileen Huff	Chair
Chris Brady	Vice Chair
Phil Olive	Assistant Secretary
Philip Simonsen	Assistant Secretary
Adam Dalton	Assistant Secretary

Also present:

Chuck Adams	District Manager
Tony Pires	District Counsel
Jeff Nixon	Golf Pro
John Vuknic	Golf Superintendent
Lisa Paul	Property Manager
Lee County Sheriff Representative	
Elaine Sipos	Resident
Buddy Bonouo & Ashley Monge	Residents
Elizabeth Hanson	Resident and HOA Board President
Other Residents	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 9:00 a.m. Supervisors Huff, Brady, Olive and Dalton were present, in person. Supervisor Simonsen was not present at roll call.

SECOND ORDER OF BUSINESS

Public Comments (5 Minutes)

A resident reported that the aerator on Lake #7, behind Stratham Loop and Stoneybrook Drive, is not operational. He commended the Board on having the bottle palms installed at the entrance. He voiced his opinion that the tree lighting needs to be adjusted. Mr. Vuknic will view the lighting and purchase and install new bulbs to make the necessary adjustments.

Resident Ashley Monge apologized for the time, energy and resources spent on the cypress tree removal matter and stated, had she and her husband known there was an issue, they would have discussed it with the Board sooner. She explained why, in her opinion, the trees behind her home had to be cut down. She presented an approval letter from the HOA and voiced her opinion that the trees should not have been planted so close to her home in the first place.

Supervisor Simonsen arrived at the meeting.

Ms. Monge stated she and Mr. Monge obtained permission from the HOA before removing and replacing the trees behind their home and have already spent a significant amount doing so, only to learn that they had the wrong type of trees planted, which must now be removed and replaced with cypress trees, at their expense. She invited the Board to tour her property to view the perceived damage caused by the cypress trees voiced her hope that the Board will find a resolution that works for both the CDD and her family.

Ms. Huff stressed the importance of obtaining a land survey before making any changes. The HOA had no right to approve tree removal on CDD property and that Ms. Monges' property does not go to the lake. Mr. Pires stated, under Florida Law, a property owner can prune roots and branches on their private property but not on someone else's property, like the Monges did to CDD property. There are two tracts behind the Monge property that are owned fee simple by the CDD. Mr. Brady stated the first issue is with the Monges' and then there is an overall issue with the cypress trees and how to proceed. The CDD inherited the tree issue from the County.

Discussion ensued regarding the Lee County Ordinance related to trees and vegetation, the County's list of acceptable trees, the need to confer with the HOA and Architectural Review Committee (ARC) about their approval of the tree removal, fining authority, amount the Monges' expended, the HOA undertaking some of the expense and finding a solution.

Ms. Huff stated the Board must review all data and make a determination at the May meeting. Ultimately, those trees must be removed and other trees planted in their place. This item was tabled to the next meeting.

Resident Elaine Sipos stated she previously asked the Board what to do about a large tree near a fire hydrant and her property and Mr. Simonsen advised her to ask the Fire Department what to do. The Fire Department told her to ask the CDD and the City for assistance removing the tree.

Discussion ensued regarding the tree removal process, the need for a utility company to repair irrigation lines, the fire hydrant, obtaining a survey of the property and ARC approval.

Ms. Huff reported about recent damage to the ball field. The perpetrators confessed and a parent expressed willingness to pay for the damages. Although she doubted malicious intent on the part of the teenagers, she feels strongly that a police report should be filed. She introduced the Lee County Sheriff’s Department CDD liaison.

Discussion ensued regarding filing a police report in vandalism cases, restitution, deferred charges, how best to make the repairs and the HOA joining in on the police report since the ball field is owned by the HOA.

On MOTION by Ms. Huff and seconded by Mr. Dalton, with all in favor, going forward, promptly filing a police report for any vandalism on CDD-owned land, was approved.

It was decided that Ms. Huff will work with the HOA to file the police report for this incident, as well. It was noted that, if restitution is made, charges are not usually pressed but the police report is necessary in case the perpetrator commits other acts.

Mr. Vuknic will provide the estimated cost of the repairs.

THIRD ORDER OF BUSINESS

Golf Course Staff Reports

A. Golf Superintendent

• Discussion/Consideration of Long-Range Camera Estimates

Mr. Vuknic distributed and reviewed a proposal from Carter Fence for the railing that will be installed along the back patio of Duffy’s. He reported the following:

- Restoration of the restrooms commenced.
- Flowers were installed; the flower beds in the front were made larger.
- The Village of Estero completed the walking path.
- New irrigation must be installed in front of Duffy’s because it was removed so the path could be constructed.

Ms. Huff stated the Village is responsible for the repairs since they removed the irrigation. She contacted County representatives and Mr. Willems, from the Village, about the walking path, irrigation, the easement and utility boxes.

➤ Pine straw delivery is expected in May. It will be installed in the front and back of the community. The cost is \$1,500.

Asked if pine straw will be installed between Holes #11 and #12, Mr. Vuknic replied no.

➤ Palm tree trimming will occur in May.

➤ The new landscaping is progressing nicely. Resident comments have been favorable.

➤ Quotes to remove ficus bushes from three sections were obtained. It will cost \$5,000 to install clusia hedges in each section. Staff will ensure 10' to 12' between the wall and plantings.

Ms. Huff provided the following updates:

➤ She will post the planting time periods on social media.

➤ Crosby resigned; her last day will be May 5, 2023. Ms. Leslie Garcia was hired and is well-qualified. Board Members are urged to introduce themselves to Ms. Garcia.

➤ Meter readings will be conducted by Mr. Brian Freeman.

➤ Certain customers/residents are still not receiving irrigation bills.

Discussion ensued regarding waiving late fees, penalty rates, irrigation credit, power surges and a new Stoneybrook irrigation g-mail account.

Mr. Vuknic discussed the long-range camera installations.

Discussion ensued regarding camera features, the HOA installing a camera at the ball field and other areas, surveillance signage, HOA wall repairs and calusa installations.

Mr. Adams will obtain and email wall repair proposals to the HOA.

B. Golf Pro

Mr. Nixon reported the following:

➤ Revenues have been solid; April caps off a really good season.

➤ In May, revenue spreadsheets and proposals will be submitted for consideration in the Fiscal Year 2024 budget.

➤ Old Corkscrew Golf Course will go completely private as of January 1, 2024, which should increase Stoneybrook's revenues.

Ms. Huff asked about a rate increase. Mr. Nixon stated a 20% increase, across the board, is being considered.

➤ Since more residents are playing golf, they would like them to join the leagues.

➤ The Junior programs are going well.

➤ The range has been exceptional.

Discussion ensued regarding the golf ball machine, re-filling the balls, quantity of balls per bucket, upcoming holiday closures and land bridge repairs.

Mr. Dalton will research a device that alerts the Pro Shop to refill the ball machine.

- On Thursday, Architect Rodney Cole will tour the golf course with Mr. Nixon.

FOURTH ORDER OF BUSINESS

Update: Development Order, Zoning and Permit Matters Relating to Commercial Parcel in Northeast Portion of Community [Corkscrew Pines]

- A. Improvements on Stoneybrook Golf Drive**
- B. Infrastructure Approval**
- C. Discussion/Consideration of Application for Village of Estero Building and Permitting Services**

Mr. Pires stated he was provided with a draft of deed restrictions for the property along Corkscrew Road by the landowner, who will only consider offers from storage facilities and will prohibit gas stations and convenience stores. He has made several edits to the forms of documents received from the landowners’ attorney and included covenants that include the CDD in the discussions of the transaction. Mr. Pires reviewed and discussed the sections of the deed restriction, including the CDD’s enforcement rights, conveyance and use.

Mr. Pires suggested approval, in substantial form, and a second motion authorizing the execution of the application and adding “subject to recording of covenants and restrictions in the substantial form document” verbiage.

On MOTION by Ms. Huff and seconded by Mr. Brady, with Ms. Huff, Mr. Brady, Mr. Olive and Mr. Dalton in favor and Mr. Simonsen dissenting, the deed restriction document, in substantial form, was approved. (Motion passed 4-1)

On MOTION by Ms. Huff and seconded by Mr. Brady, with Ms. Huff, Mr. Brady, Mr. Simonsen and Mr. Dalton in favor and Mr. Olive dissenting, authorizing the execution of the Application for the Village of Estero Building and Permitting Services, subject to recording of covenants and restrictions in the substantial form document, was approved. (Motion passed 4-1)

Discussion ensued about the deed restriction, Village of Estero Application and potential buyers of the property.

FIFTH ORDER OF BUSINESS

Continued Discussion: Early Payoff of Bond Debt for Golf Course Re-Grassing

Ms. Huff stated the CDD is \$145,000 over the amount that it had at the same time last year and suggested making another payment to lower the balance owed.

Asked what is being proposed exactly, Ms. Huff stated the CDD making one additional bond payment to reduce the amount owed to proceed with re-grassing the golf course.

Discussion ensued about making additional principal payments, the payment amount, accelerated interest, accrued interest and the special revenue fund.

On MOTION by Ms. Huff and seconded by Mr. Simonsen, with all in favor, authorizing Staff to make an additional principal bond payment on May 1, 2023, was approved.

SIXTH ORDER OF BUSINESS

Consideration of Updated Rules and Regulations to the First Amendment to Amended and Restated Stoneybrook Clubhouse Restaurant Lease

Mr. Pires presented the Updated Rules and Regulations to the First Amendment to Amended and Restated Stoneybrook Clubhouse Restaurant Lease.

Ms. Paul stated she forwarded the updated Rules and Regulations to Duffy's and they accepted them; everything seems to be in order.

Discussion ensued regarding the fire pit, written approval from the landlord for displays etc., patio maintenance responsibility, awnings, umbrellas and sealing the pavers.

SEVENTH ORDER OF BUSINESS

Discussion/Consideration of ProShop & Duffy's Bids

Ms. Paul reported the following:

- She pursued/requested additional bids for the parking lot lights and all electricians are inundated with work; Bentley Electric is still the lowest at \$9,000.
- Two additional electrical bids are pending and will be added to the list upon receipt.

➤ Regarding the painting, Northern Contracting is the lowest bidder.

Ms. Huff stated she would rather have the work performed as soon as possible and suggested engaging Bentley Electric to replace the parking lot lights.

Discussion ensued regarding trimming the trees to prevent them from restricting the lights, maintenance, retrofitting the light poles and the shutters.

Ms. Paul to research having the light poles retrofitted and provide an update at the next meeting.

On MOTION by Ms. Huff and seconded by Mr. Brady, with all in favor, authorizing Staff to engage Northern Contracting to paint the building, cart barn, new backdrop, two starter shacks and the golf ball dispenser, in a not-to-exceed amount of \$17,500, was approved.

EIGHTH ORDER OF BUSINESS

Discussion/Consideration of Walkway Replacement on Stoneybrook Drive

Ms. Huff stated she asked the HOA to provide a lineage and has yet to receive one. She asked if the walkway replacement on Stoneybrook Drive will be combined with the common ground landscaping project. Mr. Adams anticipated that the walkway replacement will occur concurrently with the curbs, gutters and roadway resurfacing. He will ensure that it is in Johnson Engineering’s scope of work.

Discussion ensued regarding the walkway replacement project, parking lot expansion, removing handicap parking spaces and a resident injured on the walking path near Berwich.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements

Ms. Huff stated she conferred with Mr. Pinder about the delays in the financials and that Board Members need to receive the agenda books sooner. She presented the following:

- **as of February 28, 2023**
- **as of March 31, 2023**

Ms. Huff voiced her opinion that the numbers are not valid so there is no need to review them. She requested updated financials from the Accounting Department by the end of the week. Once received, any Board Member questions related to the financials should be emailed to Mr. Adams who will disseminate them to the rest of the Board.

Ms. Huff presented the March 28, 2023 Regular Meeting Minutes.

The following changes were made:

Line 24 and throughout: Change "Choffe" to "Cioffi"

Line 25 and throughout: Change "Scaober" to "Schober"

Line 69: Change "the loop" to "Sheridan"

Line 79: Change "calusa" to "clusia"

Line 129: Change "re-sale" to "re-zone"

Line 151: Change "Mr. Reynolds" to "Mr. Simonsen"

Line 220: Change "was mailed" to "will be mailed" and change "Wyndham" to "Windham"

Line 221: Change "the letter" to "a draft letter"

On MOTION by Mr. Dalton and seconded by Mr. Brady, with all in favor, the March 28, 2023 Regular Meeting Minutes, as amended, were approved.

▪ **Supervisors' Requests**

This item, previously the Twelfth Order of Business, was presented out of order.

Mr. Simonsen stated Juniper did not prep any of the flower beds in the cul-de-sacs before installing plantings. Ms. Huff will speak to Juniper.

Mr. Brady voiced his opinion that the Board needs to develop an overall plan for the cypress trees and that the Board should be more sympathetic to homeowners. He suggested keeping this item on the agenda.

Discussion ensued regarding the Monges' tree removal issue, the need to obtain surveys, Lee County requirements, the irrigation system, ficus removal, making sure residents understand that they cannot arbitrarily cut trees down.

Ms. Huff will draft and email a letter about the cypress trees to Mr. Pires for review and have it distributed to the Board.

Ms. Huff asked Mr. Adams to obtain the current tree/vegetation requirements from Lee Village and present it at the next meeting. She asked the Board Members to email their ideas and theories to Mr. Adams before the next meeting.

Mr. Dalton felt that, since so many improvements are being made and several long-term discussions are taking place, the Board should consider drafting a 20-year plan and coordinate more with the HOA.

Ms. Huff will confer with Elizabeth about scheduling a joint CDD/HOA meeting.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Tony Pires, Esquire*

- **Update: Sunshine Law**

This item was deferred to the next meeting.

B. District Engineer: *Johnson Engineering, Inc.*

There was no report.

C. District Manager: *Wrathell, Hunt and Associates, LLC*

I. Discussion: Public Participation by Call-In or Virtual

II. 1,776 Registered Voters in District as of April 15, 2023

III. NEXT MEETING DATE: May 23, 2023 at 6:00 PM

- **QUORUM CHECK**

TWELFTH ORDER OF BUSINESS

Supervisors' Requests

This item was addressed following the Tenth Order of Business.

THIRTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Huff and seconded by Mr. Olive, with all in favor, the meeting adjourned at 11:30 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/~~Vice Chair~~