

**MINUTES OF MEETING
STONEYBROOK
COMMUNITY DEVELOPMENT DISTRICT**

A Regular Meeting of the Stoneybrook Community Development District's Board of Supervisors was held on Tuesday, January 23, 2018 at 9:00 a.m., at the Stoneybrook Community Center, 11800 Stoneybrook Golf Drive, Estero, Florida 33928.

Present and constituting a quorum were:

Ed Harland	Chair
John Blakeley	Vice Chair
Chris Brady	Assistant Secretary
Lewis Frith	Assistant Secretary
Eileen Huff	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Dan Cox (<i>via telephone</i>)	District Counsel
John Vuknic	Golf Superintendent
Jeff Nixon (<i>via telephone</i>)	Golf Pro
Jim Boesch	Resident and Village of Estero Mayor
Jack Mancini (<i>via telephone</i>)	Realtor
Greg Larson	Resident
Eugene Michael	Resident
Rusty Harris	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 9:04 a.m. All Supervisors were present, in person.

SECOND ORDER OF BUSINESS

Public Comments: (5 Minutes)

Mr. Greg Larson, a resident, stated a particular oak tree near his home was so magnificent that it made up for the shortfalls in the landscaping. He expressed his anger and dissatisfaction that the tree was recently eradicated and he strongly resented that he was denied the opportunity to dissuade the CDD. The back of his home looked horrible and his wife was so distraught that she wanted to sell the property. Mr. Larson asked what the CDD planned to do. Mr. Harland stated that the trees were removed to facilitate repair work to the cart path, prior to the storm; the

goal was to complete the stump grinding process and install more viburnum in that location; Mr. Larson was welcome to plant a tree in his own yard. Discussion ensued regarding the hurricane, tree roots, liability, the cart path and the golf course. Mr. Larson argued that, even if the reason was valid, he was disappointed that he was denied the opportunity, as a landowner, to listen and he deserved to be told, in writing, before something was done. Ms. Huff stated that the issue was discussed openly, in three meetings, and Mr. Larson had the right to plant a tree on his property.

Mr. Jim Boesch, a resident and Village of Estero Mayor, stated, regarding the Preserves, the Preserve people were ready to proceed and asked about executing a resolution to convey the Preserve to the City. He stated that, even though the property was designated in perpetuity, the Village Attorney suggested adding a reverter clause to the arrangement with the County, which would stipulate that there was a hold over the life of the property that it must come back to the community. Mr. Harland asked if there was any funding that would come back to the CDD, as far as directing District Counsel to draft the Agreement, or would it be more cost-effective to transfer the property. Mr. Boesch stated that the process could entail that Mr. Harland, Mr. Reynolds and the District Manager coordinate their efforts and make sure that all issues were resolved, prior to meeting with the County Commissioner, and it was up to them to resolve the conditions that were being requested with regard to the property; ultimately, the maintenance of that property would become broader and broader. Ms. Huff stated that the County would maintain the Preserves. Mr. Brady confirmed that maintenance of a 20/20 property was the County's responsibility. Mr. Harland asked Mr. Cox if the Board could legally proceed. Mr. Cox stated that, from the point of a reversionary clause, there was a Statute providing that, if you donate, by quit-claim deed, property to a local government, be it a County, City or Special District, and the local government fails to use that property for the purpose it was conveyed for, there was an automatic reversion and the District could add verbiage regarding the maintenance issue into the deed. A Board Member asked how much was in the HOA budget for maintenance. The answer was \$24,000 per year but upwards of \$28,000 to \$30,000 was desired. Mr. Adams called for a motion to authorize Staff to work through the process of conveying the property to Lee County Parks and Recreation who oversaw the County's 20/20 program. Discussion ensued regarding the County's purchase of the Edison Farms property, a conservation easement, runoff, permitting and the 20/20 program. Ms. Huff motioned that the Board was authorizing Mr. Adams to approach the County for a closer examination of the Preserve conveyance. Mr. Adams

stated the prior motion would be modified, to do an exploratory to ensure that the County was on board and look at the practical sense of the transfer.

On MOTION by Mr. Brady and seconded by Mr. Frith with all in favor, authorizing Staff to contact the County for further investigation regarding the conveyance of the Preserves and report findings to the Board, were approved.

Mr. Eugene Michael, a resident, presented before and after photographs of the canal behind his home. He recalled that after Mr. Brady and Mr. Harland visited his property to view the canal, Mr. Harland stated that an Engineer would be dispatched to evaluate the canal. The canal was never examined and erosion was spreading. Mr. Harland stated that he contacted the District Engineer’s office and was told to direct the District Manager to write a purchase order. Discussion ensued regarding the canal, erosion, drainage and an easement. Mr. Harland stated that the Board was comprised of laypeople and needed to have Engineering assess the area and give their professional opinion of what was occurring. Mr. Michael stated that the erosion was 15’ from where it used to be and was starting to encroach onto other people’s yards. Mr. Adams would follow up with the District Engineer and apprise the Board.

Mr. Rusty Harris, a resident, stated that he was new to the community and his residence abutted the Preserve, which was contained by a fence. He recently spotted a 6’ alligator against the fence and wanted to know who was responsible for fixing the fences. Mr. Harland stated that the CDD was responsible and would have the fence repaired. Ms. Huff stated that a bid for the repairs was previously obtained and the fence would be repaired.

THIRD ORDER OF BUSINESS

Discussion/Update: Hurricane Irma Recovery

Mr. Vuknic provided the following update:

- With the exception of one more item, the Hurricane Irma Recovery effort was completed
- Currently, the District expended \$113,380; the CDD \$95,000 and the golf course \$17,725
- 32 blowovers would be utilized for the trees inside the golf course boundaries
- Stump grinding would cost \$6,425
- Large pieces of tree debris would be cleared out of the way
- The palmetto trees would be trimmed and the ficus trees would be pruned

- Flowers would be installed to fill gaps and stump removal would occur today
- The estimate for the roof repair and mold damage in the offices would be submitted today and contained two quotes; \$5,453.50 for the expansion of the two offices by 2½' and \$4,482.25 for all the repairs.

Ms. Huff stated that a mold survey was completed after the hurricane and mold growth was discovered in the offices. Among other repairs, the ceiling and light fixtures must be replaced. Mr. Brady recalled a previous discussion regarding whether the District was eligible for Federal Emergency Management Agency (FEMA) assistance. Mr. Adams stated that, since there was a \$10,000 deductible and because the damage was a part of the wind event, the cost would balance out. He believed that the office expense should be equally shared between the three funds. In response to a Board Member's question, Mr. Vuknic stated that the total bill was just under \$10,000. Discussion ensued regarding the dimension of the offices, expansion, the cost for mold removal and necessary repairs.

- The quote to repair the fences was approximately \$54,000.

Mr. Vuknic stated that the contractor would require a 50% deposit and work would commence within three weeks of approval. Discussion ensued regarding repair costs, insurance coverage and whether the fence was a golf course or a common ground expense. Mr. Adams stated that in some areas, where the fence abutted the golf course, the District operated it and, in other areas, the fence was assigned to the Association, through the facilities Maintenance Assignment Agreement. He would submit an insurance claim, monitor the adjuster's response and provide an update at the next meeting.

On MOTION by Mr. Brady and seconded by Ms. Huff with all in favor, proceeding with fence repairs, in a not-to-exceed amount of \$29,995, and authorizing Staff to file an insurance claim, were approved.

On MOTION by Ms. Huff and seconded by Mr. Frith with all in favor, proceeding with stump grinding, in a not-to-exceed amount of \$6,500, was approved.

Mr. Adams stated that Management was still trying to file the District's grant reimbursement application with CRC.

FOURTH ORDER OF BUSINESS

Continued Discussion: Potential Selling Alcohol from Beverage Carts

Mr. Nixon expected to have an update by week’s end and would submit it to Management for comments, prior to submitting it. The Statute gives up to 90 days to issue an opinion; therefore, a response should be received by mid-year.

FIFTH ORDER OF BUSINESS

Continued Discussion: Stoneybrook Preserve Turnover

This item was addressed during the Second Order of Business.

SIXTH ORDER OF BUSINESS

Continued Discussion: Road Leading to Pinewoods Elementary

Mr. Cox stated that Three Oaks Parkway was being reviewed; however, City Staff had yet to respond with regard to the Landscape Maintenance Agreement revision. Mr. Adams stated that there were no updates from The Village regarding how they would treat the street turnovers and adjacent landscaping.

SEVENTH ORDER OF BUSINESS

Discussion: Lake Bank Erosion on Windham Run, Lake No. 28

This item was not addressed.

EIGHTH ORDER OF BUSINESS

Discussion/Consideration: Second Request for Payment from Carly Fassett, 21533 Langholm Run

Mr. Harland stated that Ms. Carly Fassett, a resident, submitted another request for reimbursement for the cost of trimming the live oak that was adjacent to her property. The Board denied reimbursement because the homeowner failed to contact the Board prior to trimming the tree. Mr. Adams would send a follow-up email informing Ms. Fassett that her second request for payment was denied.

▪ **Golf Course Staff Reports – Golf Pro**

*****This item, previously Item 10B, was presented out of order.*****

Mr. Nixon provided the following report:

- January was a good month and he was extremely optimistic that golf course attendance would improve within the next 90 days as northern temperatures would bolster tourism
- There were several positive reviews of the golf course; there were 207 players the other day and the average was 4 hours and 20 minutes.
- Replacement of the failing ice component in the ice machine, in front of the snack bar, was recommended; the cost would be \$8,000
- In addition to golf course success, the District was experiencing good momentum due the additional fitness programs
- The afterschool program was working well and was providing a day care for District employees' children
- Staff was continuing to devise a program to support Junior Golf and the community
- Proofs of the new scoreboard facility were sent to the Board
- This weekend the Golf Course would host 104 players from Chicago

Mr. Blakeley stated that the rebate amount of \$2,464 for 1,232 rounds was not included in the budget report and should be added. Ms. Huff asked how long it would take to receive the ice machine after placing an order. Mr. Nixon replied within two weeks or by mid-February. In response to a question, Mr. Nixon stated that ice machines generally last five to six years. Discussion ensued regarding a scoreboard donation by Mr. Jack Mancini, a local Realtor. Ms. Huff thought a "Stoneybrook Golf" logo could be placed on the back of the scoreboard with the words, "Donated by Jack Mancini", at the bottom. Mr. Nixon agreed to coordinate with Mr. Mancini and requested an email with a directive of how the verbiage should read. He would send a follow-up email to the Board.

*****Mr. Nixon left the meeting.*****

*****Mr. Mancini left the meeting.*****

▪ **Golf Course Staff Reports – Golf Superintendent**

*****This item, previously Item 10A, was presented out of order.*****

Regarding the mold and roof repairs, Mr. Vuknic stated that the \$5,453.50 estimated price was just for the expansion and he was awaiting an email from the contractor with remediation details. A 50% deposit would be required. Mr. Adams stated that the bid was standard and the 50% was for the materials. In response to a question regarding processing payment, Mr. Adams stated that the bid must be codified in a contract, executed and forwarded to Management, along with a Certificate of Insurance (COI), a W-9 and the initial deposit

invoice. Mr. Adams would send an email to Mr. Vuknic specifying the documents needed. Mr. Adams stated that there were three proposals:

- Remediation Proposal for \$3,573.09 for cleaning, hazardous material remediation and water extraction
- Electrical Proposal for \$4,115.17
- Expansion Proposal for \$5,453

The proposals totaled \$13,823.75. Mr. Adams would split the cost evenly between three funds. Mr. Harland stated that the repairs should proceed, as he did not want to risk workers' compensation claims for mold exposure. The Board discussed capping repairs at \$14,000.

On MOTION by Mr. Frith and seconded by Mr. Harland with all in favor, proceeding with mold remediation repairs, for an additional total amount of \$13,823.75, was approved.

Mr. Frith asked if the fence was on Preserve property or CDD property. He stated that most states would categorize the fence as a "property line fence", for which both parties could be responsible for upkeep and maintenance and, since the fence was on the dividing line, he was against the other entity removing the fence after the District expended \$30,000 on it.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of November 30, 2017

Mr. Harland presented the Unaudited Financial Statements as of November 30, 2017. In response to a Board Member's question, the financials were one month behind because of the holidays and the timing of today's meeting. The January financials would be presented at the February meeting. Mr. Harland wanted to know why the "Lake bank erosion" line item, at \$40,000, was missing. Mr. Adams would investigate and provide an update. Mr. Harland directed Mr. Adams to confer with Mr. Nixon and Mr. Vuknic regarding billing, late fees, etc. Mr. Adams stated that all bills were stamped upon receipt; there was no excuse for late payments and it was a matter of the bills being transmitted to Management in a timely manner.

TENTH ORDER OF BUSINESS

Golf Course Staff Reports

A. Golf Superintendent

B. Golf Pro

These items were addressed following the Eighth Order of Business.

ELEVENTH ORDER OF BUSINESS

Approval of December 12, 2017 Regular Meeting Minutes

Mr. Harland presented the December 12, 2017 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

- Line 39: Insert "Preserve/Edison Farms" in the blank space
- Line 40: Change "company" to "property"
- Line 41: Insert "original owner" in the blank space
- Line 44: Insert "Corkscrew Road" in the blank space
- Line 45: Change "Locklee Road" to "Immokalee Road"
- Line 58: Change "gulf side" to "golf side"
- Line 63: Change "breeding mosquitoes" to "breeding mosquitoes"
- Line 80: Change "The resident" to "Ms. Huff"
- Line 104: Insert "of debris" after "piles"
- Line 104: Change "Mr. Boesch" to "Mr. Sheinhold"
- Line 135: Change "someone noted" to "Mr. Frith noted"
- Line 141: Insert "oak" before "trees"
- Line 255: Change "and" to "through"

On MOTION by Mr. Harland and seconded by Mr. Blakely, with all in favor, the December 12, 2017 Regular Meeting Minutes, as amended, were approved.

TWELFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

There being no report, the next item followed.

B. District Engineer

There being no report, the next item followed.

C. District Manager

i. High Irrigation User's Report

This report was provided for informational purposes. Mr. Blakeley stated that Lloyd complained that his November or December bill was unusually high and asked if there were any issues. Discussion ensued regarding water consumption, faulty water meters, rate increases and bill amounts. Mr. Adams stated that Lloyd’s situation was subsequently resolved and Staff should focus on the meters that failed to register, as it meant lost revenue.

ii. Irrigation Disconnect List

This report was provided for informational purposes.

iii. NEXT MEETING DATE: February 27, 2018 at 6:00 P.M.

The next meeting will be held on February 27, 2018 at 6:00 P.M, at this location.

THIRTEENTH ORDER OF BUSINESS

Supervisors’ Requests

Mr. Brady stated that a homeowner residing at 21500 Berwich Road forwarded a bill for under \$300 to him because the in-house landscapers accidentally ran over a potable water valve on his property; the bill was subsequently forwarded to Mr. Adams. Mr. Adams stated that the resident would be reimbursed from the General Fund. Mr. Brady would notify the resident that a check would be sent within 30 days. Secondly, Mr. Brady recalled previous discussions regarding whether the fort or playhouse was on CDD property or not. Mr. Reynolds stated that Staff was working on that and it would be on the February agenda. Discussion ensued regarding an Architectural Review Committee (ARC) filing, plots and a surveyor.

Mr. Harland stated that a resident asked for CDD approval to build a 12:1 slope on the sidewalk so that his spouse could safely navigate her wheelchair on the south side of their home. He would also appeal to the ARC and the HOA. Ms. Huff stated that the Board should make sure that the ARC received the required documentation to do that so that it does not affect CDD property. Discussion ensued regarding disabled residents, CDD requirements and golf course liability.

FOURTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Harland and seconded by Mr. Brady,
with all in favor, the meeting adjourned at 11:05 a.m.**


Secretary/Assistant Secretary


Chair/Vice Chair