

**MINUTES OF MEETING
STONEBROOK
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Stoneybrook Community Development District held a Regular Meeting on January 24, 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
Bill Reynolds	HOA President
Lisa Paul	Property Manager
Al Quattrone	Quattrone & Associates, Inc.
Neale Montgomery	Pavese Law Firm
Joe Mika	Resident
John Crist	Resident
Several other residents	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 9:02 a.m. All Supervisors were present.

SECOND ORDER OF BUSINESS

Public Comments (5 Minutes)

Resident Joe Mika commended the Board and Staff on a nice job revitalizing the community after Hurricane Ian and asked for the trees directly across from his house to be trimmed. In his opinion, hanging limbs on some of the trees are a safety hazard and an eyesore.

He asked when they will be trimmed. Mr. Vuknic will have a crew inspect the area today and cutback the hanging limbs. Ms. Huff stated that, after Hurricane Ian, Staff has been asked to continually inspect and assess the trees in the community.

Terry Merrifield stated he is still being billed for irrigation water that he is not using, despite previously emailing Board Members about it. Ms. Huff stated the Board is working with Crosby Ours to find out why certain residents are being billed incorrectly and, once the issue is resolved, the irrigation billing will be adjusted accordingly.

Discussion ensued regarding inaccurate meter readings, percentage of meters that are incorrectly read, the number of emails sent to the CDD about this, using CDD staff to read meters, switching to electronic meters, re-reading the meters and crediting unjustly-billed residents.

Ms. Huff will discuss this further with Mr. Vuknic after the meeting, email Mr. Adams with what was decided and Mr. Adams will then inform the remainder of the Board via email.

Paul Carvey asked for permission to do the following on CDD property:

- Have his maintenance crew install rocks around an oak tree that he planted last year.
- Trim a portion of a tree in the preserve that is breaking down the fence on his property.
- Have a Christmas palm installed on his property line; he cleared it with his neighbor.

Mr. Vuknic will check the property and email Mr. Adams.

THIRD ORDER OF BUSINESS

Golf Course Staff Reports

A. Golf Superintendent

Mr. Vuknic reported the following:

- There is an issue with a home at 21738 Windham.

Ms. Huff stated, per Mr. Adams, homeowners are responsible for taking care of their property and the CDD does not have to cut the ficus. The homeowner will be notified that they are responsible for cutting the ficus roots on their property line.

- Pro Shop Landscaping: Mulch will be pulled back and Asiatic jasmine will be planted on Monday.

➤ Sod and Irrigation: Morris Landscaping will be on site today to excavate some of the irrigation trenches and finish picking up on Sheridan and Windham. Upon completion, irrigation and sod will be installed. The estimated cost is \$15,000 to \$20,000.

➤ All of the oak and palm trees on the common grounds were recently trimmed.

➤ The intersections are completed; all vegetation was pulled out.

Ms. Huff felt that, at this time, it would be best to just apply pine straw or sod at the intersections and hold off on re-landscaping.

➤ There was vandalism on Hole #7, coming from Portrush. The vandals have been driving through ropes and running over stakes. Staff will continue to monitor the situation.

➤ Staff cleaned out the entire left side of Hole #11. \$20,000 was budgeted to clean out the area between Holes #11 and #12.

B. Golf Pro

Mr. Nixon reported the following:

➤ The golf course was at budget through December but is below budget in January due to the cooler temperatures.

➤ The driving range ball dispenser is currently operational.

➤ Staff is waiting on the bank to clear the card-swipe so the golf course can remain open after the Pro Shop closes at 5:00 p.m.

➤ The fountains were installed on the range last week and look very nice.

➤ Staffing: The golf course is fully-staffed; Pro Shop and cart staff are doing a good job.

Mr. Nixon stated that he and some of his staffers can assist in reading meters. He suggested hiring a full-time irrigation/meter reader and a part-time porter/maintenance person for the Clubhouse.

Ms. Huff feels that the Duffy's parking lot is dark and could use lighting.

Discussion ensued regarding lowering streetlights, trimming nearby trees, Lee County shade requirement, light poles, transitioning to LED lights and funding sources for the lighting.

Per Ms. Huff, Ms. Paul will contact electricians regarding installing lights in the Duffy's parking lot and look into purchasing shutters for the front and back door of the Pro Shop and the concession stand.

FOURTH ORDER OF BUSINESS

**Review of Potential Expanded Outdoor
Patio Area**

Ms. Huff stated she recently conferred with the President of Duffy’s and the General Manager and they are agreeable to the patio expansion and the fire pit and suggested adding Adirondack chairs around it. Construction details and a project timeline were also discussed.

Referencing a handout from Master Z, Mr. Pires referenced a handout and concerns he had with exhibits A, the lease premises, and G, the patio sketch. He recently met with Mr. Nixon and Ms. Paul and discussed how to approach Duffy’s regarding amending the lease to include Exhibits A and G, which must be revised to reflect the new square footage of 5,000, upon completion of the patio.

The Board and Staff discussed the purpose of the patio expansion, project timing, current paver walk, 14’ area necessary for Americans with Disabilities (ADA) compliance, community use and patio furniture.

Asked about the next steps, Mr. Pires stated Paragraph 1.1D and Exhibits A and G in the current lease must be amended to reflect the revised sketch of the patio area and the Board must authorize the expansion and establish rules and regulations. Staff will request a Limited Development Order (LDO) from the Village.

On MOTION by Ms. Huff and seconded by Mr. Brady, with all in favor, authorizing Master Z to revise the patio layout and for Staff to amend the lease and exhibits, was approved.

In response to a resident’s question, Ms. Huff stated that the CDD is paying for the expansion, with a projected cost of \$50,000.

FIFTH ORDER OF BUSINESS

**Consideration of Johnson Engineering, Inc.,
Professional Services Agreement for
Milling and Resurfacing**

Mr. Adams presented the Professional Services Agreement for Milling and Resurfacing. The total compensation is \$103,237, including sub-consultants and reimbursable expenses.

Discussion ensued regarding the LDO application, scope of work, switching vendors and control over the subcontractors.

Mr. Pires made the following suggestions:

Exhibit A, Page 2, Task 2.0: Insert “and submit with coordination and cooperation with the owner,” in the phrase.

On MOTION by Mr. Brady and seconded by Mr. Dalton, with all in favor, the Johnson Engineering, Inc., Professional Services Agreement for Milling and Resurfacing, as amended to include changes described by District Counsel, was approved.

SIXTH ORDER OF BUSINESS

Update/Discussion: CDD Liability for Wall Damages from Hurricane Ian

Ms. Huff recalled that it was previously decided that the CDD is not liable for wall damages from Hurricane Ian. Mr. Pires concurred and stated, under Florida Law, absent being aware of diseased or defective trees or vegetation, there is no liability to the CDD if a tree falls over and causes damage to homeowners’ properties.

SEVENTH ORDER OF BUSINESS

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

Referencing slides, Mr. Al Quattrone stated, for permitting purposes, the Village of Estero asked Quattrone & Associates to obtain authorization and signatures from the CDD to discharge water into CDD wetland preserves and to access CDD roads. He called attention to a permit that was approved in the early 2000s, which shows that the gas station project was designed and intended for drainage to discharge into the water management system as part of the CDD’s master drainage system. He stated, on the condition of the South Florida Water Management District (SFWMD) permit, the water would be pre-treated prior to its discharge into the wetland. The SFWMD essentially approved the design and will issue a permit within the next 30 days.

Mr. Quattrone discussed the plan to widen Stoneybrook Golf Drive with two access points. There will be a driveway connection that goes into the project on Stoneybrook Golf Drive and there will be a few restrictions on when the driveway, going left, because of schoolchildren going to school.

Ms. Huff voiced her concern for residents and schoolchildren who might be inconvenienced by increased traffic in the neighborhood and by fuel and garbage trucks accessing a traffic light in and out of the community.

Mr. Quattrone and Ms. Montgomery responded to questions regarding the site plan of the gas station, widening the road to facilitate a left turn, road restrictions during school hours, signage, original zoning, Firehouse Road, a traffic study, the Village of Estero's permitting process, traffic enforcement, private roads, public roads, whether the Environmental Protection Agency (EPA) approved the project, gas station drainage negatively-impacting the golf course, water quality monitoring, noise control on Corkscrew Road and CDD authorization of the project.

Residents voiced their objections to the project and noted potential issues, as follows:

- Increased traffic exposing schoolchildren to gas fumes, alcohol sales and increased noise and crime.
- Difficulties with law enforcement issuing tickets on a private road with public access.
- Eventual damage to CDD roads caused by heavy tanker trucks.
- Underground tanks potentially contaminating the groundwater and pipe ruptures.

Mr. Brady stated, as elected officials, the Board will likely withhold authorization and prepare to fight the gas station project by proceeding to litigation.

Mr. Pires stated there is a reasonable level of discretion that the Board has with regard to authorizing work in the CDD right-of-way (ROW). The CDD can make its comments known but cannot totally stop the project. In response to a question, Mr. Pires stated, from the SFWMD's perspective, two permits are being applied for; one for the storage facility and one for the gas station site. The SFWMD is not going to allow one without the other and there are additional environmental issues by virtue of information requests in September.

Ms. Huff stated she would like to table the discussion for now and have Johnson Engineering check the EPA's restrictions with regard to the gas station. She suggested Mr. Quattrone attend an HOA meeting before proceeding with the project.

Mr. Adams will contact the EPA, through Johnson Engineering. Mr. Quattrone will forward detailed plans to Mr. Adams and Mr. Pires will then forward them to Johnson Engineering.

The meeting recessed and reconvened.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2023-03, Amending the General Fund Portion of the Budget for Fiscal Year 2022; and Providing for an Effective Date

Mr. Adams presented Resolution 2023-03. This action is necessary to ensure payment of delayed invoices and avoid a finding in the audit.

On MOTION by Ms. Huff and seconded by Mr. Brady, with all in favor, Resolution 2023-03, Amending the General Fund Portion of the Budget for Fiscal Year 2022; and Providing for an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements

Ms. Huff presented the following:

- A. As of November 30, 2022**
- B. As of December 31, 2022**

Mr. Brady asked for clarification of the "Collection fees & discounts" line item on Page 3 of the December financials. Mr. Adams will research it and provide an answer at the next meeting.

On MOTION by Ms. Huff and seconded by Mr. Brady, with all in favor, the November 30, 2022 and December 31, 2022 Unaudited Financial Statements, were accepted.

TENTH ORDER OF BUSINESS

Approval of December 13, 2022 Regular Meeting Minutes

Ms. Huff presented the December 13, 2022 Regular Meeting Minutes.

The following changes were made:

Line 48: Change "Seat 1" to "Seat 5"

Line 140: Insert "Hansen" after "Elizabeth"

Line 199: Change "confirmed" to "wanted confirmation"

Line 201: Insert "not" after "is"

Line 301: Change "Simonsen" to "Brady"

On MOTION by Mr. Simonsen and seconded by Mr. Olive, with all in favor, the December 13, 2022 Regular Meeting Minutes, as amended, were approved.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Tony Pires, Esquire*

There was no report.

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

There was no report.

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

- **NEXT MEETING DATE: February 28, 2023 at 9:00 A.M.**

- **QUORUM CHECK**

The next meeting would be held on February 28, 2023.

Ms. Huff asked for the time of the February meeting to be changed from 9:00 a.m. to 6:00 p.m. Mr. Adams stated the time change will be advertised in the local newspaper and suggested Board Members update their calendars to reflect the new time.

TWELFTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Dalton reported he met with Crosby to review the golf course financials and conferred with Ms. Paul regarding inspection and the maintenance schedule of the recently purchased building.

Discussion ensued regarding Ms. Paul' requesting accounting information from Ms. Marte, monthly reports and the Duffy's payment.

Mr. Brady stressed that the irrigation/water meter issue must be resolved because residents are becoming frustrated with being incorrectly billed. Mr. Adams stated there is dialogue between the utility billing entity, which is the Coral Springs Improvement District (CSID) and the CDD's field crew. Ms. Huff will coordinate with Mr. Vuknic and Crosby.

Ms. Huff stated Juniper Landscaping was recently on site and will commence work in the main entranceway within the next two weeks, starting at the four-way stop signs. She asked them to do a few cul-de-sacs at a time, as she did not want them stripped.

Discussion ensued regarding the streetlights, ball washers and the sand on Hole #13.

Per Mr. Nixon's request, Mr. Adams will include a discussion item on the next agenda related to early payoff of the bond debt in order to re-grass the golf course.

THIRTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Brady and seconded by Mr. Olive, with all in favor, the meeting adjourned at 11:37 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

COP SALI
Secretary/Assistant Secretary

Eli L. Huff
Chair/Vice Chair