

**MINUTES OF MEETING
STONEBROOK
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Stoneybrook Community Development District held a Regular Meeting on April 27, 2021 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
Mike DeBrino (via telephone)	Assistant Secretary
Phil Olive	Assistant Secretary
Philip Simonsen	Assistant Secretary

Also present, were:

Chuck Adams	District Manager
Dan Cox (via telephone)	District Counsel
John Vuknic	Golf Superintendent
Jeff Nixon	Golf Pro
Tony Pires	Woodward Pires & Lombardo (WPL)
Lenora Brakefield	WPL
Bill _____	HOA
Mark Russet	HOA

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 9:02 a.m. Supervisors Huff, Brady, Olive and Simonsen were present, in person. Supervisor DeBrino was attending via telephone.

SECOND ORDER OF BUSINESS

Public Comments (5 Minutes)

There were no public comments.

THIRD ORDER OF BUSINESS

Interview with Attorneys Interested in District Counsel Position

Mr. Tony Pires, of Woodward Pires & Lombardo, thanked the Board for the opportunity to interview for the District Counsel position. He introduced his colleague, Ms. Lenora Brakefield and gave a brief synopsis of his professional background and experience representing Special Districts and CDDs.

Ms. Brakefield discussed her credentials and stated, after becoming the resident expert on Sunshine Laws and public records at her previous firm, she joined WPL where, along with Mr. Pires, she is one of three attorneys specializing in governmental work. She stated that, generally, Mr. Pires attends meetings while she serves as backup coverage and they keep each other informed on client matters.

Mr. Pires stated the third team member is an associate that primarily represents Cities and, in his experience, no matter the size or scale of a local government, they all have the same issues, it is just a difference of size and scale. In addition to representing several CDDs, WPL also represents Collier County.

Mr. Pires responded to previously-submitted questions regarding his attendance and participation at meetings, legal fees, working relationship with the District Manager, experience regarding Paycheck Protection Program (PPP) loans, familiarity with bonds and bond issuances, the future of CDDs in Florida, CDD termination, disposal of assets, compliance with Sunshine Laws, in terms of communication between the Board and District Staff, and delegating too much authority to one individual.

Asked about the per phone call and email rates for contacting him, Mr. Pires stated WPL charges a minimum of \$110, does not overbill its clients and keeps very detailed records. Ms. Brakefield noted that she and Mr. Pires were currently representing the Tax Collector in a slip and fall case, have extensive civil litigation experience and would be ready to represent the District if a terrible situation occurred and litigation was necessary.

Ms. Huff thanked Mr. Pires for answering all the Board's questions. She reviewed the one-way communication process that the Board adheres to and stated he would be notified of the Board's decision.

Mr. Pires and Ms. Brakefield left the meeting.

Ms. Huff posed the following questions to current District Counsel, Mr. Cox:

Ms. Huff: Why did you recommend that the District file for bankruptcy, even though Florida never granted protection, costing the community \$25,000?

Mr. Cox: Years ago, when the District was in a financially-negative position, there is a provision under Florida Law, where CDDs can petition the Governor to file for bankruptcy. The CDD went through the process twice, under two Governors, and both petitions were denied. Fortunately, the District had a relationship with Mr. Carter at the time, that allowed him to purchase the bonds from the then bondholder and restructure them in a way that eliminated almost \$6 million worth of District debt.

Ms. Huff: Why did you represent the bondholder and the District?

Mr. Cox: I did not represent the bondholder and the District.

Ms. Huff: Okay, you represented the District but you had a relationship with the bondholder.

Mr. Cox: That was disclosed openly, freely and, if the Board had informed me that that was a concern, I would have arranged for a different Counsel to service the District.

Ms. Huff: Why did you insert a clause in the contract that the District could not refinance the bonds, costing the District \$150,000 in interest?

Mr. Cox: I did not put that provision in the bond, the bondholder that restructured the bonds inserted it in the contract and that was fully disclosed, prior to the Board's acceptance of the bonds.

Ms. Huff: So, there was a clause in there that we could look to do that but at the discretion of the bondholder to accept it or not.

Mr. Cox: That is correct.

Ms. Huff: There are no further questions.

Mr. Cox noted a number of instances over the years where his recommendations greatly benefitted the District, voiced his desire to continue working with the District and stated that Mr. Pires would do a good job for the District if it is the Board's consensus to switch attorneys.

Ms. Huff polled the Board for their input regarding the District Counsel position.

On MOTION by Mr. Simonsen and seconded by Mr. Olive, with all in favor, engaging Woodward, Pires & Lombardo for District Counsel services, was approved.

Mr. Adams would notify Mr. Pires of the decision and provide him with the transition files. Mr. Cox would bring Mr. Pires up to date. Ms. Huff thanked Mr. Cox for his service to the District.

FOURTH ORDER OF BUSINESS

Golf Course Staff Reports

A. Golf Superintendent

Mr. Vuknic reported the following:

- The mulch was delivered and the annuals would be changed the second week of May, unless it starts to rain heavily.
- Mulch and pine straw applications would commence the second week of May as well.
- The spring and summer flowers would be a salvia/vista mix.
- Fuel, shipping, fertilizer, lumber, etc., costs and prices are increasing.

Ms. Huff noted that Staff should be cognizant of that for budgeting purposes.

- Monday Closures: The golf course is typically closed on Mondays, from May to mid-September, for spraying and maintenance but it did not close in 2020 because of COVID-19.

Mr. Nixon stated the golf course is having a successful season and, although the course conditions are good, he wanted the maintenance level of the golf course to remain high; therefore, he approves of the Monday closures. Ms. Huff asked if the golf course could be open some Mondays if the maintenance projects are accomplished. Mr. Vuknic replied affirmatively. The Monday closures would commence on May 10th. The golf course would be open on Memorial Day, Independence Day and Labor Day.

B. Golf Pro

Mr. Nixon gave the following update:

- Yesterday, golf was above budget by slightly over \$10,000, with four days left in April.
- He anticipated that being over budget by \$45,000 to \$50,000 for April.

- **Update: Century Link Phone Service/Comcast**

After making inquiries, Mr. Nixon stated that he concluded that neither Century Link nor Comcast is interested in the account. The phone system is antiquated and must be replaced. He has a good working relationship with Steve, at Florida Communications, as they provide good customer support. He would obtain an estimate and proceed from there.

- Spark Golf, a social-media based organization that caters to golfers aged 25 to 45, starts its league tomorrow and would play nine holes every Wednesday thereafter, at 5:30 p.m.
- Tee Times: The golf course currently observes crossovers whereas, last summer, straight tee times were observed, which worked out very well. Straight tee times would be observed again, as it allows for a reduction in staffing and facilitates early tee times; 7:00 a.m., tee times would commence on May 1st.
- Junior Golf was doing well.

Mr. Vuknic stated he is looking forward to the Fire-tracker and AJGA events slated for July. Some Board Members are housing some of the AJGA Staff.

Ms. Huff stated she is looking for volunteers to house two additional AJGA officials.

- Leases: The cart lease must be renewed.

Regarding the tent, Mr. Nixon stated it would be taken down in mid-July, cleaned, stored and re-erected on October 1, 2021.

FIFTH ORDER OF BUSINESS

Update: Pro Shop Remediation

Ms. Huff stated that there was no update except that she received the results of the air quality test and the results were good. Since the air quality is fine and it is not a budgeted expense, there is no need to commence the remediation project this summer. The insurance claim that was filed was denied. The claim information from Christine and Andy was pending. Ms. Huff suggested the District obtain its own estimates before commencing on the project.

SIXTH ORDER OF BUSINESS

Update: Community Landscape Committee

Ms. Huff stated a \$13,100 estimate was received from LandConsult, LLC, for landscape renovation. She suggested tabling this item until additional estimates are obtained. Discussion

ensued regarding landscape companies. Ms. Huff and Mr. Vuknic would continue to research landscape companies and report their findings.

SEVENTH ORDER OF BUSINESS

Discussion: Corkscrew Pines CPD

Ms. Huff stated she previously forwarded copies of a letter that the HOA sent to the Village of Estero regarding community concerns about the Corkscrew Pines CPD project and noted that the CDD has similar concerns. Asked if it would be beneficial for the CDD to send a letter to the Village, Mr. Adams replied affirmatively. Ms. Huff would draft and forward a letter to Mr. Adams, who would circulate it to the Board for review and then transmit it to the Village.

Ms. Huff stated she informed Mr. Dan DeLisi, the project manager, of the issues that the Board and Stoneybrook have with the project, including the bright lighting, garbage pickup, deliveries and the gas station being open 24 hours a day. She conferred with Mr. Bill Reynolds, Mr. Cox and the owner of the property about the project. A town hall meeting would be held and, once the date is announced, she would have an e-blast sent to residents urging their attendance at the meeting to present a united front in opposition to the 24-hour gas station.

Discussion ensued regarding the gas station project, landscaping, a self-storage facility and a traffic light.

EIGHTH ORDER OF BUSINESS

Consideration of Proposal from LandConsult, LLC for Landscape Renovation Masterplan

This item was discussed during the Sixth Order of Business. This item would be tabled.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of March 31, 2021

Ms. Huff presented the Unaudited Financial Statements as of March 31, 2021. She would check the payroll reports with Crosby to determine the reason for a \$2,500 differential. As the contingencies in the General Fund seemed high to Ms. Huff, Mr. Adams would

investigate the figures and provide an update. Asked if he has an issue with other Counsel’s opinion on a lease that Mr. Vuknic is working on, Mr. Cox stated he would work on it.

On MOTION by Mr. Brady and seconded by Mr. Olive, with all in favor, the Unaudited Financial Statements as of March 31, 2021, were accepted.

TENTH ORDER OF BUSINESS

Approval of March 23, 2021 Regular Meeting Minutes

Ms. Huff presented the March 23, 2021 Regular Meeting Minutes. The following changes were made:

Lines 71 and 72: Delete “despite only being responsible for 20% of the traffic in the area”

Line 118: Change “cart attendants” to “concession staff”

Line 119: Change “Tyler” to “Tylor”

Line 128: Change “Colby” to “Kobie”

Lines 167, 172, 188 and 210: Change “Simonson” to “Simonsen”

Lines 216 and 220: Change “Olive” to “Simonsen”

On MOTION by Mr. Simonsen and seconded by Mr. Brady, with all in favor, the March 23, 2021 Regular Meeting Minutes, as amended, were approved.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Dan Cox, Esquire*

- **Update: Possibility of CDD Sharing County and City PPP Relief Packages**

Mr. Cox stated he could not find a way for the District to share in the County’s stimulus monies but he would continue looking for an avenue with the Village of Estero’s Attorney.

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

There being no report, the next item followed.

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

- I. Irrigation Reports
 - a. High Irrigation Users
 - b. Irrigation Disconnect

These items were provided for informational purposes. Mr. Vuknic and Crosby would coordinate and review the zero consumption users.

II. 1,721 Registered Voters in District as of April 15, 2021

There were 1,721 registered voters residing within District as of April 15, 2021.

III. NEXT MEETING DATE: May 25, 2021 at 6:00 P.M.

- **QUORUM CHECK**

The next meeting will be held on May 25, 2021 at 6:00 p.m.

TWELFTH ORDER OF BUSINESS

Supervisors' Requests

Ms. Huff stated the HOA asked to use the tent that the Board approved for rental purposes. She allowed the HOA to use the tent but insisted that they have insurance. The matter was resolved and the bottom line is that the CDD is willing to rent the tent at \$5 per person and would work with the HOA but this is not a one-for-one item.

Mr. Brady asked for an update on the woman who was hit by a golf ball and asked to be compensated. Mr. Adams stated there was no follow up by the individual.

Ms. Huff stated a sign in the median advertising the Coconut Health Facility should be removed.

Discussion ensued regarding whether there is a need for a joint CDD/HOA meeting.

THIRTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

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

Copeland
Secretary/~~Assistant Secretary~~

Eric L. Huff
Chair/~~Vice Chair~~