

**MINUTES OF MEETING  
STONEBROOK  
COMMUNITY DEVELOPMENT DISTRICT**

A Regular Meeting of the Stoneybrook Community Development District's Board of Supervisors was held on Tuesday, November 14, 2017 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                       | Golf Pro            |
| Diane Comeau                     | Resident            |
| Nicola Verna                     | Resident            |
| Bob Sheinhol                     | Resident            |
| Tom Fisher                       | Resident            |

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 9:03 a.m. All Supervisors were present, in person.

**SECOND ORDER OF BUSINESS**

**Public Comments: (5 Minutes)**

Ms. Diane Comeau, a resident, stated that she was speaking today on behalf of her neighbor, Ms. Becky Neil. In August, she forwarded emails to the Board regarding flooding. The lake was a bit low on one side but, each time it rains, it overflows and comes very close to her villa. She provided pictures. Her suggestion was to add dirt to raise the lake and add grass, since the lake looks and smells like a swamp and is attracting a lot of mosquitoes. Branches

were down and nobody has picked them up. The landscapers said it was not their job. Trees were cut and stumps were left. Mr. Harland inquired if she addressed this with Mr. Bob Santos and if he sent her to the CDD. Ms. Comeau stated that everybody said it was not their responsibility. She wrote emails in August and sent pictures. Mr. Harland stated that the area of concern was in the Preserve and, by Florida Law the CDD was not allowed to remove vegetation or create a different appearance; it was a protected wildlife area.

Ms. Comeau inquired about the lake, since it was not in the preserve and was a golf course issue. A Board Member replied that was two issues and asked Ms. Comeau to talk about one and then go to the other.

Ms. Comeau stated that the lake was high on one side and lower than the golf course on the other and when it rains, the water comes all the way towards her villa and it is getting worse. A Board Member stated, for clarification, that Ms. Comeau sent some emails at the end of August or early September and he thought she had a communication with him but then the hurricane hit and it was set aside. Ms. Comeau understood the implications of Hurricane Irma but the lake was always overflowing; it was happening to her and her neighbors. Mr. Harland stated that the lakes were all designed, as originally prescribed by the State. There are two overflow areas that automatically go down but, when there is 21" to 22" of rain at once, it is beyond the control of the District's storm system, as well as the Preserves and the lakes. The lakes automatically go down. Mr. Harland stated that Ms. Comeau only owned 10' from the building and not from her lanai. She understood but asked the Board to consider it, since the lake did not look or smell good; she just wanted something done about it. Mr. Harland replied that the District could not do anything, since it was in an area of the Preserve that was not allowed to be touched.

Mr. Nicola Verna, a resident, stated that it looked like a swamp, was disgusting and questioned if that was okay with the Board; it did not make sense and it was not right. It was noted that these types of conditions exist in South Florida and, 25 years ago, the whole area was a swamp. Ms. Comeau contended that it was not a Preserve; it was a swamp and now a tree fell and she could see the lake. A Board Member stated that she needed permission to remove that tree since it was on the Preserve. Mr. Adams stated that the Preserve was part of the stormwater system, was part of the storage area for large rainfalls and the ponds fill up, the water naturally overflows into those Preserves and provides additional storage for stormwater. Without that

storage, water would be in the streets quicker and would be coming up quicker to driveways and houses. It was about storing the water and allowing it to percolate into the ground where it is withdrawn this time of the year, for irrigation purposes; the water was needed. Ms. Comeau has every right to add soil and turf to the property within her property boundary lines, where there is a low part that is inundated with water at certain times of the year. Ms. Comeau reiterated that she could not add any more dirt to the next 5'. Mr. Adams stated she could not add into the Preserve and should ensure she knew where her boundary stakes were. Outside her property was the preserve and nothing could be done there.

Discussion ensued regarding the Preserve, allowed maintenance of the Preserve, arguments from residents, the HOA doing things to trees prior to the hurricane, removing leaning, threatening or dead trees in the Preserve in a controlled manner, the legal description of properties, trimming of palmetto trees two or three years ago in the preserve according to Mr. Verna, Ms. Comeau almost getting penalized for her grass, neighbors with nicer grass, the Notice of Non-Compliance received by the District from the South Florida Water Management District (SFWMD) for floritam grass encroaching into the Preserve area, neighbors who may have floritam grass encroaching and treatments extending back to the property line.

Ms. Comeau stated that, since she had no recourse, she would purchase flood insurance. Mr. Harland stated that, in nearly 20 years since the development was built, no homes or buildings flooded. Mr. Adams pointed out the extreme conditions of late regarding the storm events.

**THIRD ORDER OF BUSINESS**

**Discussion/Update: Hurricane Irma Recovery**

Mr. Adams stated that, with regard to reimbursements from the Federal Emergency Management Agency (FEMA), he had an exploratory call, scoping meeting, with the FEMA Grants Administrator. Materials were updated and the only reimbursements the District can receive would be for those that were related to public safety, outside of the golf course. With regard to debris removal off of streets and sidewalks, cleaning the roads and getting material removed, those were provided by Mr. Vuknic, through Accounting, and were forwarded to the FEMA Grants Administrator. Stump removal does not qualify as an emergency public safety issue; therefore, it is not reimbursable by FEMA. In response to Ms. Huff's question regarding

sidewalk issues, Mr. Adams stated that the District would need in excess of \$3,100 in damages since that was Category B and debris fell under Category A. Starting a new Category starts a new project; therefore, \$3,100 is the minimum amount. For the Right-of-Way (ROW), for the common area portion, approximately \$43,000 was qualified under "Debris Removal", in the spread sheet that was submitted to FEMA. The District may receive up to 75% recovery and, on some of it, the District may receive 90%. It appeared that the District could see funds within the next four months. Regarding the other repairs, such as fences, the insurance carrier assigned an Adjuster, who is aware of what will be presented to him, in terms of the fences, etc.

Mr. Vuknic reported that cleanup was essentially completed, with the exception of the three or four loads of debris, at \$375 per load, which was submitted to Mr. Adams. Stump removal was approximately \$10,000 for the golf course and \$8,500 for other areas, throughout the community. There were downed trees that needed to be pulled out of Lake #11 and there could be another eight loads of debris from that.

**FOURTH ORDER OF BUSINESS****Continued Discussion: Potential Selling Alcohol from Beverage Carts**

Mr. Blakeley stated that he had communications with Mr. Cox who had discussions with the Ft. Myers Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) office; research was done and it appeared that the liquor license would not proceed. Before pursuing this further, the Board must decide if they wanted liquor on the beverage carts, which could lead to people being overindulgent on the golf course.

Discussion ensued regarding potential income from liquor sales, buying drinks from the beverage carts, increased profit margins, liability and increase of insurance premiums, added perk for golfers, liquor licenses operating through municipal and private golf courses, follow up conversations with Ms. Mary Summons from the Florida Division of Alcoholic Beverages and Tobacco (FABT), Florida Statutes related to this matter and the minimum fees for licensing,

Mr. Cox stated that he spoke with the FABT regarding certain sections in the Florida Statutes and FABT indicated that those provisions applied strictly to private clubs and, since the CDD was open to the public, the CDD would not fit into that category. The FABT also took a very strict look at what qualifies as a municipality; the CDD was not a municipality, and particularly not in this circumstance. Duffy's, already had a liquor license on the CDD's

premises and two different license holders could not be co-located. The FABT considered the Pro Shop as being on the same premises as Duffy's. If the Board wanted a more formal determination, Mr. Cox could request a determination by the FABT to see if any exemptions applied to the CDD. Basically, the FABT would give the CDD a "Declaratory Statement. The FABT would determine how the Statute Provisions applied to the CDD. It would probably cost less than \$1,000 to research this and prepare a request. This step would open the door if the CDD received an adverse decision and wanted to take it to a formal administrative hearing. If it went to that next step, the cost would be approximately \$10,000, over the long term, and would probably not be a good use of District funds.

Discussion ensued regarding private clubs and the CDD, less than \$1,000 to obtain a Declaratory Statement, point of entry to appeal, excluding the golf course when others are not excluded, excluded the ability to do business, independent stores in the same building, golf clubs seeing higher revenues due to the ability to sell liquor, two separate addresses and utilities bills, event licensing, partnering with Duffy's and pursuing answers from the FABT.

**On MOTION by Mr. Frith and seconded by Ms. Huff, with Mr. Frith, Mr. Harland, Ms. Huff and Mr. Brady in favor and Mr. Blakeley dissenting, pursuing a Declaratory Statement from the FABT, was approved. (Motion Passed 4-1)**

**FIFTH ORDER OF BUSINESS**

**Golf Course Staff Reports**

**A. Golf Superintendent**

Mr. Vuknic provided the following report:

- Contacted Creative Path to ask if they would honor the pricing for the cart path work, in the spring, which they would but it may cost an additional \$500, depending on concrete costs. The first dates were scheduled for May for Holes 1, 2, 6, 8 and 9.
- Flowers were received for the flower beds along the roadways and common areas and will be installed on Monday.
- Damaged sod was reviewed throughout the common grounds, the square footage and a rough estimate of about \$6,000 for replacement, were received. The majority was St. Augustine.
- Premiere Fence needed a map to determine where the fencing repairs would be done.

- Hurricane Irma damages were approximately \$81,000.
- The insurance adjuster would come out to assess the damages from a car accident this morning with a common ground golf cart. Carts were off the physical road when the accident occurred. The Sheriff came and filed two reports since, while the first accident occurred, another car hit the cart in front of it. There were no injuries.

**B. Golf Pro**

Mr. Nixon provided the following report:

- November started slow but play was starting to pick up.
- Painting the bathrooms was delayed, as the painter was not available yet.
- Driving Range: After the prior rain event and the hurricane, the erosion was worse. There may be some small added costs. A ball washer would be needed in the next six to seven months, which would cost approximately \$5,000.
- Junior Golf: Play was picking back up. A yearly meeting for the Junior Golf would be held and he would report about it at the next meeting.
- Senior PGA Tour: The CDD was asked again by the Senior Tour to host the Chubb Classic Qualifier, on February 8, 2018. The CDD would give up the first wave of crossover play. It would create extra revenue from the number of practice rounds they would have and the District would be written up in the newspaper for hosting the event. The Board agreed to the event. Discussion ensued regarding the golf course budget and work that needed to be done.
- Veteran’s Day: Veterans were allowed to play golf for free and were very appreciative.

Discussion ensued regarding the golf course charging \$42 for residents to play nine holes, resident rates after 1:00 p.m., someone being mistaken about the rates, etc. Mr. Blakeley wanted the resident rate to be \$30. Discussion ensued regarding whether golfers should be given a lower rate for only playing nine holes or if the rate should be the same as for a full round, whether “rain checks” should be given to golfers to play another nine holes at a later time, if they purchased a full round but only play nine holes, and maintaining the present rates.

**SIXTH ORDER OF BUSINESS**

**Approval of October 24, 2017 Regular Meeting Minutes**

Mr. Harland presented the October 24, 2017 Regular Meeting Minutes and asked for any additions, deletions or corrections.

Line 22 and throughout: Change “Horner” to “Hoornart”

Line 63: Change “#9” to “#10”

Line 34: Change “Harland” to “Hoornart” and “grades” to “greens”

Line 138: Change “could be deferred until” to “could not be until”

Line 151: Change “built” to “billed”

**On MOTION by Ms. Huff and seconded by Mr. Brady, with all in favor, the October 24, 2017 Regular Meeting Minutes, as amended, were approved.**

**SEVENTH 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**

Mr. Adams stated that the District received a Notice of Non-Compliance regarding the Preserve. The Notice gave the District 30 days to take corrective action, which should not be an issue for three of the four items. The fence repair in two locations might be an issue and an extension could be necessary; however, he did not anticipate a problem, since the other items would be corrected, in good faith. Mr. Adams asked Mr. Vuknic and his crew to handle Item #4 on the Notice of Non-Compliance; it appeared that a hunting platform was constructing in a tree in the Preserve and it must be removed. Regarding Items #1 and #2, Mr. Adams coordinate with the HOA to their maintenance contractors address those items.

Discussion ensued regarding the hunting stand, access to the Preserves and the apparent paths therein, maintenance contractor spraying to the edges for floratam grass, routine maintenance, cutting into the preserves to extend property, Royal Palm trees in the preserve, informational articles in an e-blast, surveys for the HOA, Mr. Adams obtaining a proposal for the

preserve line to address floritam grass and encroachments and the \$130,130.77 golf course cash report.

**i. High Irrigation User’s Report**

This report was provided for informational purposes.

**ii. Irrigation Disconnect List**

This report was provided for informational purposes.

**iii. NEXT MEETING DATE: December 12, 2017 at 9:00 A.M.**

The next meeting will be held on December 12, 2017 at 9:00 a.m., at this location.

**EIGHTH ORDER OF BUSINESS**

**Supervisors’ Requests**

Ms. Huff requested that Mr. Adams provide her with information regarding violating the Preserve areas so that she could write a newspaper article.

Ceiling repairs in the office were needed and an estimate from a contractor was needed but a contractor could not come until early January. Mr. Adams suggested hiring a handyman for the repair because they would likely be more readily available.

Discussion ensued regarding the bunkers, the sand and the lack of a place to put sand, obtaining quotes for extra bunkers and needing approximately 40 to 50 tons of sand.

**NINTH ORDER OF BUSINESS**

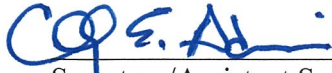
**Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Harland and seconded by Ms. Huff, with all in favor, the meeting adjourned at 10:35 a.m.**

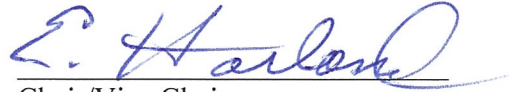
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Secretary/Assistant Secretary



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Chair/Vice Chair