

**MINUTES OF MEETING
STONEBROOK
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Stoneybrook Community Development District held a Regular Meeting on December 10, 2019 at 9:00 a.m., at the Stoneybrook Community Center, 11800 Stoneybrook Golf Drive, Estero, Florida 33928.

Present and constituting a quorum were:

Eileen Huff	Chair
Chris Brady	Vice Chair
Ed Harland	Assistant Secretary
John Blakeley	Assistant Secretary
Mike DeBrino	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Dan Cox	District Counsel
John Vuknic	Golf Superintendent
Jeff Nixon	Golf Pro
Jim Boesch	Village of Estero District 5 Councilor
Steve Sarkozy	Village of Estero, Village Manager
Lloyd Sebbly	Resident
Cathy Horne	Resident
Richard Bongiorno	Resident
Rose McBride	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 9:00 a.m. All Supervisors were present, in person.

SECOND ORDER OF BUSINESS

Public Comments: (5 Minutes)

No members of the public spoke.

THIRD ORDER OF BUSINESS

Golf Course Staff Reports

A. Golf Superintendent

Mr. Vuknic reported the following:

- Clearing was underway on the putting green.
- The Staff Christmas party would be December 19, 2019 at 12:00 p.m.
- Several staff members would be on vacation in December and January.

Ms. Huff stated Mr. Harland spoke with Mr. Jeff Pinder, at Management’s office, about capitalizing the bunker project, which would spread the expense over many years.

- Meter maintenance was caught up.
- The department was fully staffed.
- Damage to the ball field, caused by heavy equipment during installation of lights, must still be addressed. Ruts that were too deep to mow and broken concrete on the walkway to the school had caused hazardous conditions.

Mr. Lloyd Sebby, a resident, stated the lighting contractor was advised of his obligation to complete the repairs to the ruts and the sidewalk and asked that bills for completed emergency repairs be forwarded to the HOA. Mr. Vuknic asked that the contractors making the repairs contact him in advance so that valves and sprinkler heads could be marked.

- The greens were sanded once a month based on mowing and staffing schedules.

B. Golf Pro

This item was presented following the Fifth Order of Business.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2020-02, Amending the Budget for Fiscal Year 2020; and Providing for an Effective Date

This item was presented following the Fifth Order of Business.

FIFTH ORDER OF BUSINESS

Continued Discussion: Future Corkscrew Road Proposed Expansion Sight/Sound Buffering Wall Negotiation with Village of Estero and Interest in Acquiring CDD 200 Acre Preserve

Ms. Huff stated questions arose at the HOA/CDD joint meeting and Village of Estero Councilman Jim Boesch and Village Manager Steve Sarkozy were present to answer questions.

Ms. Huff asked why the Village wanted to acquire the District’s Preserve. Mr. Sarkozy stated the Village Council was looking at strategic risks, specifically the County’s practice of putting properties acquired with 2020 Funds back into development. The concern was that C.R.

951 (951) could be extended to Corkscrew Road near the power lines between Stoneybrook and Wildcat Run, which represents a significant risk to the Village because it changes the traffic pattern and involves development on the eastern border in the Kiker preserve. The Village Council asked the Village to consider acquiring a parcel from The Preserve and one from Stoneybrook CDD to put the Village in a position to say yes or no to that kind of development. 951 had not been publicly discussed lately but it has been a topic of discussion within staff meetings, according to public information requests from environmental groups.

Ms. Huff asked if the State could take the property from the Village. Mr. Sarkozy stated the State could but 951 was a County highway. Asked if the County could take the property, Mr. Sarkozy stated the Village would be in a position to block that kind of acquisition. Asked if the Village would guarantee the County could not take the property, Mr. Sarkozy stated the Village would do everything in its power to block it. The Village has different powers under the State Statute and the legal opinion was that they could block development. Discussion ensued regarding possible 951 routes, issues with existing homes, availability of funds and land costs.

Ms. Huff asked if expanding 951 was on the plan for the County. Mr. Sarkozy stated it was in the past, it was discussed, it remains a potential project and there was money in the program for property acquisition. Ms. Huff asked what the real benefit was for Stoneybrook. Mr. Sarkozy stated as a conservation area, the property had no economic value and incurred an ongoing annual expense. The Village was willing to acquire the property to block an undesirable potential new highway and to block any type of access to the Kiker Preserve for development purposes. Ms. Huff stated the property in question was set aside for conservation and water retention and asked where the District's water would go in a storm, if 951 were expanded. Mr. Sarkozy stated one of the problems foreseen by the Village was that a four-lane highway would change water patterns, ground infiltration and the groundwater recharge nature of the Kiker Preserve, none of which is in the Village's best interests. Ms. Huff expressed concern that a highway would affect the District's water flow. Mr. Sarkozy agreed and stated the Village would want to block this type of development; the Village had no interest in 951.

Ms. Huff stated the HOA spends \$43,000 per year maintaining the conservation areas and asked what would happen if it was acquired but no longer maintained. Mr. Sarkozy stated the Village would step in and do all maintenance required under the existing permits, likely with the District's contractor. Discussion ensued regarding the need for easements, agreements and

permit modifications. Mr. Sarkozy stated South Florida Water Management District (SFWMD) had not been involved in any of these discussions, as that would be premature.

Mr. Brady asked if the District could sell or cede this property. Mr. Cox replied affirmatively, subject to the conservation easement. Permits would require some modification to ensure the District was fully relieved of its responsibilities under the permit. Ms. Huff asked whether the District would be responsible for acquiring additional land or water credits elsewhere in the community. Mr. Cox stated he was researching this issue and had not found a scenario in which that would be required. Discussion ensued regarding other communities that needed to acquire additional credits; more research would be conducted to see whether this would be required for the District. Mr. Cox stated the District would not lose water retention and conservation because the ceded property would still be subject to the SFWMD permit, which requires the property to be available to receive waters; the Village would be required to maintain the permits to the same level as the District.

Ms. Cathy Horne, a resident, asked if it was true that a government agency taking over the property would not be required to comply with permit requirements as strictly as the District was. Mr. Sarkozy stated the Village would step into the District's permit obligations and maintain the property as the District had.

Discussion ensued regarding eminent domain. Mr. Cox asked Mr. Sarkozy if he thought the Village would have a stronger case than the CDD to fight eminent domain. Mr. Sarkozy stated the Village may have greater resources but, in the end, eminent domain would include full compensation for costs and legal fees. Mr. Brady stated, in theory, if 951 were expanded and the County used eminent domain, the fair market value would go to the landowner. Mr. Sarkozy stated the Village could include a reverter clause for that possibility.

Mr. Harland asked if the Village had plans to build anything on the land. Mr. Sarkozy stated there had been discussions about a fire training center, which would bring the Fire Department in to help pay for a small road that would lead to a small parking lot used as a trail head for recreational development in the Kiker Preserve. Raised boardwalks with walking trails were discussed, which were not dependent upon this project.

Ms. Huff asked if the Village was concerned that the County may allow Edison Farms to be developed. Mr. Sarkozy stated the County purchased the land with 2020 Funds; the lands would serve as a sanctuary but there was no guarantee since there were no legal restrictions on

that property in perpetuity. Ms. Huff asked what would stop the Village from repermitting the land, if it acquired the property. Mr. Adams stated the conservation easement would prevail.

Ms. Huff asked the Village for more transparency and for her and other CDD and HOA Board Members to be included in meetings. Going forward, meeting dates would be emailed to the CDD and/or the District Manager.

Mr. Vuknic asked how many routes were under consideration for extending 951. Discussion ensued regarding routes, land cost and funding. A Board Member expressed his opinion that it seemed the least expensive and most obvious route was the route closest to the District and that it would be very expensive for the CDD to fight that legally.

A Board Member asked whether a parking lot or walking paths into the Kiker Preserve would change the status of the conservation area. Discussion ensued regarding the need to repermit and who would pay for the modification. The requestor would bear responsibility for any resulting off-site mitigation requirements.

Mr. Sarkozy stated, if these talks led to an agreement to move forward, attorneys would provide language to protect the District's interests. The Village's intent is for their mutual best interests. The level of the perceived risk and what it means to the community, in the long-term, was why the Village would assume a \$60,000 liability to obtain this property.

Ms. Horne asked whether it was true that any development in the Preserve, even a parking lot, could cause the property to lose its preservation status and become open to further development. Mr. Sarkozy stated the Village would go through the permitting process and it would only be opened up for that specific purpose. The Village's approach would be open and transparent with residents, so any changes would be discussed in advance.

Ms. Huff noted one section of the Preserve that the golf course uses as a bridge from one hole to another and asked if there would be an easement for any property the District wants to keep. Mr. Sarkozy responded affirmatively and stated the current rights and other elements of the agreement would remain in place. Ms. Huff asked about the time frame. Mr. Sarkozy stated he could not speculate but the legislature appropriated funds for property acquisition, so Village Counsel continued to view this as a potential risk. Ms. Huff asked what the rush was, other than saving the District money, if this was not on the agenda until 2040. Mr. Sarkozy stated this was not a top priority on the Village's list because it was very speculative. Mr. Harland stated he recently read that the State was proposing construction of a north-south corridor from Polk County down to Collier County and asked how that would affect

Collier County's thinking about expanding 951. Mr. Sarkozy stated he was unsure of the motivations and noted the preserves were needed for groundwater recharge and protection against saltwater intrusion. The Village's concern was that easy access to that area represented a potential for the County to sell parts of it for development but that was all speculative.

Mr. Sebby stated he did not understand why SFWMD and the State had not become involved yet and asked if the County has plans to put in a parking lot and walkways. Mr. Sarkozy stated he knew of no plans for building a parking lot or walkways. The Village only sought to change ownership of the property so the permit would only make the Village responsible for maintenance.

Mr. Blakely asked what guarantee the District had that nobody else would use the District's water return, i.e., the wells for fairway irrigation. Mr. Sarkozy stated nothing would change from the current permit. If this agreement were to proceed, the CDD's District Counsel would work with the Village Attorney to ensure the District gets controlling interest.

Ms. Huff stated the property was appraised at \$680,000 so, if the Village would like to acquire the property for \$1, the District would expect the Village to pay all costs.

Ms. Horne asked where the Village's statutory authority to fight eminent domain or similar proceedings was stated. Mr. Sarkozy stated he was advised by the Village Attorney. Ms. Horne felt that research was needed and asked if the Florida Department of Environmental Protection (FDEP) did the permitting for this property. Mr. Sarkozy stated the FDEP and SFWMD did the permitting. Mr. Sarkozy stated, at this point, the Village was talking informally to determine whether the District was interested in the concept of acquisition.

Mr. Sebby voiced his opinion that the District would not be saving \$40,000, as other areas of the preserve area would still needed to be maintained.

Mr. Bongiorno stated this was an issue since the early 2000s when the District was in jeopardy of losing the Preserve and Mr. Boesch was successful in fighting 951. He expressed his opinion that, if 951 expanded, the District would benefit because ownership of the land would revert back to the District and the CDD would receive fair market value for the land and the District would save money, in the short term, by allowing the Village to take over managing the Preserve. He wondered how many residents were against ceding the property to the Village and suggested taking a survey. Ms. Huff agreed.

Ms. Huff asked about a request for the District to set aside funds saved on maintenance of the Preserve for landscaping on Corkscrew Road. Mr. Sarkozy stated there was no quid pro

quo; there would be a benefit for the entire community from beautification. Asked whether the Village had plans or concepts about building or developing some land in Estero that would require conservation credits for which the District's conservation property might be used, Mr. Sarkozy stated there was no such development planned and the property had no conservation credit value, as it was already encumbered.

Mr. Blakely asked how many communities were involved in this negotiation. Mr. Sarkozy stated it was just the Preserve and Stoneybrook. Discussion ensued regarding the District possibly taking over the Preserve maintenance, rather than using outside contractors, if the property were not acquired by the Village. Mr. Vuknic stated he would look into it.

Ms. Huff stated additional questions would be sent to Mr. Adams to forward to the Village. The HOA and CDD would need to discuss this further and may have more questions before proceeding. Mr. Sarkozy stated, while the Village was not in a rush, he was working with both Stoneybrook and the Preserve.

Mr. Bongiorno asked where a parking lot would be located and if it would increase traffic in the District. Discussion ensued about the parking lot, redirecting traffic and other proposed changes, including filling in the ditch, adding a culvert, directing the water under the road, adding a stop light and closing the back entrance. Mr. Sarkozy stated the County developed a preliminary design for the Corkscrew Road Project and some of the proposed elements were not in line with the Village's vision for the area so they were trying to work with the County to upgrade the options, at the Village's expense. Ms. Huff stated the CDD would like to be included in discussions since it would ultimately do the landscaping.

▪ **Golf Pro**

This item, previously Item 3B, was presented out of order.

Mr. Nixon distributed the monthly play totals and reported the following:

- Stoneybrook Day was a success. 106 people from Stoneybrook played golf for free on November 23rd. Everybody seemed to enjoy it.
- December started out strong; in the first eight days, revenue was ahead of plan.
- The golf course would be closed on Christmas.
- The Junior Golf program was going well and Christmas camps were scheduled.
- The G-1 system was improving. Through the app, golfers can to order food and drinks to be delivered on the golf course. Eventually, golfers would be able to pay for their round from home and go directly to the tee, bypassing the line at the Pro Shop.

- The Pro Shop had another good month in sales.
- The Stoneybrook snowman ornaments were popular and an email would be sent to promote the ornaments.

- **Consideration of Resolution 2020-02, Amending the Budget for Fiscal Year 2020; and Providing for an Effective Date**

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

Mr. Adams presented Resolution 2020-02. It was necessary to amend the Fiscal Year 2020 budget to reflect budgetary offsets made following discussions at the last meeting. The following changes were made to the budget:

Pages 20 through 24: Change column heading years, as necessary.

On MOTION by Mr. Harland and seconded by Mr. Blakely, with all in favor, Resolution 2020-02, Amending the Budget for Fiscal Year 2020, as amended; and Providing for an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of October 31, 2019

Ms. Huff presented the Unaudited Financial Statements as of October 31, 2019. Mr. Pinder would capitalize the bunker renovations and the new air-conditioner expenses.

On MOTION by Mr. Brady and seconded by Mr. Harland with all in favor, the Unaudited Financial Statements as of October 31, 2019, were accepted.

SEVENTH ORDER OF BUSINESS

Approval of November 12, 2019 Regular Meeting Minutes

Ms. Huff presented the October 22, 2019 Regular Meeting Minutes.

The following changes were made:

Line 23 and throughout: Change “Bonjorno” to “Bongiorno”

Line 34: insert “similar to” before “around”

Ms. Huff stated Ms. Macklin’s property was inspected and the District needed to contact the resident and/or the Knighton Run Board to advise that, while the CDD could not install additional plantings around the Preserve area, the Knighton Run Board may do so.

Line 149: insert "have" after "would"

On MOTION by Mr. Harland and seconded by Mr. DeBrino, with all in favor, the November 12, 2019 Regular Meeting Minutes, as amended, were approved.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Dan Cox, Esquire*

There being no report, the next item followed.

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

There being no report, the next item followed.

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

I. High Irrigation User's Report

A Board Member commented that there were some very high and very low numbers. Discussion ensued regarding usage variances. Mr. Vuknic stated some pools were installed and there were instances of meters not working.

II. Irrigation Disconnect List

These reports were provided for informational purposes.

- **NEXT MEETING DATE: January 28, 2020 at 9:00 A.M.**
 - **QUORUM CHECK**

This item was not addressed.

NINTH ORDER OF BUSINESS

Supervisors' Requests

Ms. Huff asked Mr. Cox to research parcels within the District that still showed U.S. Homes as the owner of record.

TENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Blakeley and seconded by Mr. Brady, with all in favor, the meeting adjourned at approximately 10:33 a.m.

Cops. Al
Secretary/~~Assistant Secretary~~

Ernie L. Huff
Chair/~~Vice Chair~~