

**MINUTES OF MEETING
STONEBROOK
COMMUNITY DEVELOPMENT DISTRICT**

A Regular Meeting of the Stoneybrook Community Development District's Board of Supervisors was held on **Tuesday, February 23, 2010 at 6:00 p.m.**, at the **Stoneybrook Community Center, 11800 Stoneybrook Golf Boulevard, Estero, Florida 33928.**

Present and constituting a quorum were:

Ron Ritschel	Chair
Chris Brady	Vice Chair
Ed Harland	Assistant Secretary
James Boesch	Assistant Secretary
Ray Rodrigues	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Dan Cox	District Counsel
Matt Nieder	Golf Course Superintendent
Bruce Harwood	PGA Head Golf Professional
John Blakeley	Stoneybrook Master Board
Andrew Whirl	Stoneybrook Master Board
Art Lloyd Sebby	Stoneybrook Master Board
Alex Burger	Stoneybrook Master Board

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Crismond called the meeting to order at 6:00 p.m., and noted, for the record, that all Supervisors were present.

SECOND ORDER OF BUSINESS

**Discussion: Items of Joint Interest
Between CDD and Master Board**

Mr. Ritschel advised that TruGreen conducted an audit and provided a report and pictures of areas needing modifications. He indicated Mr. Nieder asked TruGreen to detail the work and estimate costs. Mr. Ritschel and Mr. Nieder met with TruGreen; the cost for modifications is approximately \$350,000. Mr. Ritschel indicated Mr. Nieder does not agree with all of the

proposed work and will review it further with TruGreen. The work includes replacing sod, plantings and irrigation issues. Mr. Nieder will forward a copy of the report to Mr. Blakeley.

The Boards discussed lake erosion concerns. Discussion took place regarding a study conducted in August by Anchor Marine Services and geotubing. In response to a question, Mr. Adams indicated the lakes are part of the Maintenance Assignment Agreement, under stormwater management. Mr. Adams indicated he would need to research the verbiage of the agreement but, typically, the responsibility for routine maintenance and periodic replacement is assigned from the CDD to the HOA. He stated, from a business approach, the District is better suited to address infrastructure capital replacement needs. Mr. Adams spoke about South Florida Water Management District (SFWMD) erosion guidelines required to remain in compliance with the permit. Mr. Adams spoke of geotubing, riprap and soil fill as viable options to address erosion. Mr. Adams explained noncompliance comes about when the step down from the grass edge to the soil is greater than nine (9) inches.

A Stoneybrook Master Board Member explained it is not feasible, at this time, for the Master Association to acquire the funds to address the lake bank erosion issues. He stated that is the reason the Master Board felt it would be advantageous for the CDD to take over maintenance of the common areas. Mr. Adams indicated there is no guarantee that the CDD can address this, in this current economy; however, the CDD is typically in a better position and could pledge its non ad valorem assessments as a repayment obligation and make commitments that the repayment obligation be in the CDD's annual budget and collected through the property tax bill.

A resident commented that her yard stops where the easement should be and asked when something will be done about this problem. The Board indicated the problem will be reviewed.

The Boards discussed water, irrigation and a new well. Mr. Nieder received an email from Entrix stating the limestone formation, that was producing water on the far side of the lake, when the first well was drilled, is not available on the other well site. Entrix obtained Lee County's permission to go into the sandstone aquifer and SFWMD's permission to use the sandstone aquifer, as a test well, while the modification to the permit is being completed. He indicated Entrix will not charge for the additional work. Once the well is complete, it can be brought online. Submersible pumps will be installed and piping will be concrete-encased.

Discussion took place regarding unpaid irrigation bills. A question was raised about the allowable watering cycle. It was confirmed that watering is allowed two (2) days per week. Mr.

Nieder explained there is a rain sensor on the pump station, so, if there is a 1/2-inch or more of rain, on the day of watering, the pumps will shut down and not allow watering. This is because a 1/2-inch of rain is considered sufficient. Mr. Adams spoke of the benefits and drawbacks of the rain sensors and supported the need to educate residents about the sensors, water usage and the need for replacement every few years.

A resident asked about water running across the roadway. He voiced his opinion that previous work done on the lake fronts that washed out, should not have been paid for, until it was redone or fixed. Discussion took place regarding the impact of runoff from the buildings. Mr. Adams asked the Master Association to provide copies of its materials and information for review and discussion at the next CDD meeting.

Mr. Nieder indicated the rover cart is requiring a lot of work and is not holding up very well. Discussion ensued regarding the need for a new vehicle.

*****Several Master Board Members left the meeting.*****

THIRD ORDER OF BUSINESS

Update: Irrigation Well Installation Project

This item was previously addressed. Mr. Nieder indicated he will email Mr. Adams any new information regarding the Irrigation Well Installation Project.

In response to a question, Mr. Nieder indicated there is one (1) well in the Hawthorne and the other will tie into the sandstone aquifer. He requested three (3) contractor bids for electricity on the sites and only one (1) was received. The bid is just above \$30,000, which is within the budget.

FOURTH ORDER OF BUSINESS

Discussion/Consideration: Latest Early Termination Offer by Yamaha Golf Carts (deferred from December 15, 2009 Regular Meeting and January 26, 2010 Public Hearing and Regular Meeting)

Discussion of this item was deferred to the Executive Session, held later in the meeting.

FIFTH ORDER OF BUSINESS

Discussion: Personnel Handbook/Policies (deferred from January 26, 2010 Public Hearing and Regular Meeting)

Mr. Rodrigues indicated Mr. Nieder and Mr. Harwood worked on a variation of the handbook. Mr. Rodrigues reconciled the handbooks to each other to identify differences. He would like to summarize the information and bring it to the Board for discussion and decision. Mr. Nieder noted he has a Safety Manual for his employees and will provide it for review. Mr. Adams indicated the existence of a safety manual could translate to an insurance discount.

SIXTH ORDER OF BUSINESS

Discussion: CodeRed Emergency Notification System

Mr. Adams presented information on the CodeRed Emergency Notification System. He described the system as a high speed service which can send out a prerecorded message to a certain user base. The system is based on minutes used. Mr. Adams indicated the package estimate, based on the number of households, was approximately \$3,800 per year, which includes 5,750 minutes, roughly 4 minutes per unit, per year and additional minutes can be added for \$0.40 per minute. Mr. Adams explained the fees, training and ability of the system to send text messages. A benefit of this system is the ability for quick notification, especially when residents do not have or check email, regularly. It was suggested that the CDD approach the Master Board to gauge interest in the system. A question was raised regarding confidentiality of the resident database information. Mr. Adams felt it is not subject to public records types of requests. The Board asked Mr. Adams to provide more information and referrals from similarly-sized entities.

SEVENTH ORDER OF BUSINESS

Approval of January 26, 2010 Public Hearing and Regular Meeting Minutes

Mr. Ritschel presented the January 26, 2010 Public Hearing and Regular Meeting Minutes. The following changes were made:

Line 36: Replace “a common” with “the golf course”

It was reported that Mr. Nieder and TruGreen reviewed the area Ms. Kate Adams was concerned about, took pictures and TruGreen developed digital images of what the area will look like, once it is fixed.

Line 128: Replace “.” with “, for February usage.”

Line 273: Replace “Elmsdale Road” with “Helmsdale Run”

On MOTION by Mr. Boesch and seconded by Mr. Brady, with all in favor, the January 26, 2010 Public Hearing and Regular Meeting Minutes, as amended, were approved.

EIGHTH ORDER OF BUSINESS**Other Business**

Mr. Adams distributed the high irrigation user report for the last month; there were 71 high-users, with 63 of those being single family and the other eight (8) being other. He reported only one (1) residence, located on Woodmont Lane, is of significance; the others are only minimally over the monthly allocation.

Mr. Adams reported on the irrigation theft issue where the CDD placed a lock on the meter and the owner replaced it with his own lock twice. Mr. Cox sent a warning letter regarding the illegal use of water, non payment of the finance charges and informing the owner that this theft could result in a fine or jail time. Discussion took place regarding removal of the meter. A suggestion was made to have a sheriff accompany staff during removal of the meter. A decision on the matter was deferred, pending the outcome of Mr. Cox's correspondence to the owner and the owner's subsequent actions.

▪ **Irrigation Deposit Refunds**

******This item was an addition to the Agenda.******

Mr. Adams indicated the CDD's rules state, after 12 months, deposits would be returned on accounts that are in good standing and current. The agreed upon interpretation of an account in good standing and current was an account that had a zero balance before the following month's bill was generated, for a defined period of time. Mr. Adams indicated, using that definition, with 12 months as the timeframe, 59 accounts qualify; at 11 months, the number of accounts increased 65; at ten (10) months, the number increased to 68 and at nine (9) months, the number went to 78. Mr. Adams' recommendation, for the first run, was to go with the nine (9) months figure. He indicated, going forward, for refund purposes, the billing software could be set to track it at 12 months.

On MOTION by Mr. Rodrigues and seconded by Mr. Brady, with all in favor, except Mr. Harland, acknowledgement of “credit in good standing”, under the deposit refund program, as 12 consecutive months with a zero or positive credit balance, prior to receipt of the following month’s bill; with the first refund program based on nine (9) consecutive months with a zero or positive credit balance, prior to receiving the following month’s bill, was approved and the refund of deposits, based on these terms, was authorized.

Mr. Adams confirmed 78 refund checks will be issued on the next check run from the Enterprise Fund. He reiterated that the accounts will continue to be monitored and, as additional accounts reach the 12-month definition of good standing, refunds will be issued.

A question was raised regarding whether the refund would be in the form of a check or a credit on the account. Mr. Adams preferred issuance of a check, as it appears more meaningful to the consumer. The Board agreed to issuance of refund checks.

NINTH ORDER OF BUSINESS

Committee Reports

There being no Committee Reports, the next item followed.

TENTH ORDER OF BUSINESS

Staff Reports

a. Attorney

There being no report, the next item followed.

b. Engineer

There being no report, the next item followed.

c. Golf Pro

Mr. Harwood distributed and explained a spreadsheet detailing February’s budget versus actuals. He indicated the number of rounds is good, considering there were a total of ten (10) rain days over the months of January and February and five (5) plus frost delays. He noted, as a result, rates had to be lowered on February 15th. He said some complaints were received regarding the condition of the greens and Mr. Nieder is working on those. Mr. Harwood and Andy met with TruGreen about landscaping for the parking lot in front of the pro shop; the TruGreen proposal is \$1,981 and could be completed within three (3) days. He discussed the

area involved and the details of the proposed work. The Board agreed to Mr. Harwood moving forward on this project.

d. Golf Superintendent

Mr. Nieder advised the Board that, in order to get through the season, he plans to spend \$5,000 – \$6,000 replacing the greens. He reported the bad areas should be completed this week.

Mr. Nieder presented and discussed the United States Golf Association (USGA) Green Section Turf Advisory Report and accompanying informational articles and literature. He highlighted the immediate concerns identified, with putting green #12 being particularly bad. Mr. Nieder reviewed the findings, suggestions for addressing the problem areas and long range plans. Mr. Nieder highlighted the Elevate Organic Matter and Encroachment topics on Page 4. He referred to Page 5 and discussed the evolution of turf grass since Stoneybrook was built and noted better varieties are now available. He recommended Champion turf, as it has not had mutation issues seen with other turfs. He concluded that the greens are in need of being rebuilt.

Discussion briefly ensued regarding the no-till process and funding for any of the suggested work.

Mr. Nieder reported that the preemergent application was completed. He indicated the new assistant started and is becoming familiarized with the golf course, common grounds and oversight responsibilities. He reported the finance company for the new sprayer requested a check, in advance, prior to delivery of the sprayer and he told them no. The new sprayer should be received within the next few weeks.

e. Manager

i. Unaudited Financial Statements as of January 31, 2010

This item was discussed earlier in the meeting.

ii. NEXT MEETING DATE: March 23, 2010 at 9:15 A.M.

ELEVENTH ORDER OF BUSINESS

**Audience
Requests**

Comments/Supervisors’

Mr. Ritschel indicated he received a call from Mr. Ryan Brindley asking about his irrigation drawings bill from last month and asked Management to let him know the status so he can reply back to Mr. Brindley. Mr. Adams replied affirmatively, adding it would be better for Mr. Brindley to contact Management, directly.

Mr. Ritschel suggested a meeting with Management at their offices to discuss the financials. Mr. Adams reminded the Board that, due to Sunshine Law, only one (1) Board Member can participate. The Board appointed Mr. Ritschel to attend, along with Mr. Harwood and Mr. Nieder, to meet with Management regarding the details of the monthly financials.

Mr. Ritschel asked if documents related to an employee retirement program were finalized. Mr. Adams replied affirmatively, stating it is a 401k program and the documents were a “clean up” issue for a program change that was in effect for several years.

******The meeting recessed 8:44 p.m., for the Executive Session.******

TWELFTH ORDER OF BUSINESS

Executive Session

******The Executive Session convened at 8:53 p.m.******

******The Executive Session adjourned at 9:15 p.m.******

******The Regular Meeting reconvened at 9:16 p.m.******

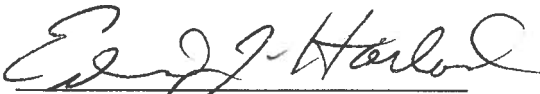
THIRTEENTH ORDER OF BUSINESS

Adjournment

Mr. Ritschel referred to Page 3 of the Unaudited Financial Statements as of January 31, 2010 and asked about the 90% collection of assessments. Mr. Adams indicated that seems in line and speculated that the remaining 10% is likely in foreclosure, of some sort, and the banks holding the interest, typically, wait until the last minute to pay the taxes. Mr. Adams expects the remaining percent to be received in March.

There being no further discussion, the meeting adjourned at 9:20 p.m.

On MOTION by Mr. Boesch and seconded by Mr. Brady, with all in favor, the meeting was adjourned.



Secretary/Assistant Secretary



Chair/Vice Chair