

**MINUTES OF MEETING
STONEBROOK
COMMUNITY DEVELOPMENT DISTRICT**

The Continued Public Hearing and Regular Meeting of the Stoneybrook Community Development District's Board of Supervisors was held on **Tuesday, September 15, 2009 at 9:15 a.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
James Boesch	Assistant Secretary
Kris Davis	Assistant Secretary
Ed Harland	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant District Manager
Dan Cox (via telephone)	District Counsel
Matt Nieder	Golf Course Superintendent
Bruce Harwood	PGA Head Golf Professional
Frank Ponchak	Finance Committee, Master Board
Mary Lee Baker	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 9:18 a.m., and noted all Supervisors were present.

SECOND ORDER OF BUSINESS

**Public Hearing to Consider Resolution
2009-10, Adopting the Final Budget for
the Fiscal Year Beginning October 1,
2009 and Ending September 30, 2010,
Pursuant to Florida Law**

Mr. Adams presented an updated Budget for the Board's review. He summarized the District is assuming the landscaping responsibilities from the Master Board Association. He

noted the assessment goes up to \$425 per unit, from \$109 per unit assessment in the prior year. Mr. Adams indicated the offset should occur in the Master Board's assessment. He discussed the new Enterprise Fund that pertains to the new irrigation meters that were installed so the District can bill homeowners based on water usage; that budget is consistent with the five (5)-year rate study plan.

*****Mr. Adams opened the Public Hearing.*****

Mary Lee Baker, a resident, questioned if there was any assurance that the Master Board will reduce their fee. Mr. Ritschel explained the Master Board is interfaced with a finance committee in forming their budget, which is used to review certain items within the community. She questioned if there was anything the residents could do to voice their concerns.

Mr. Adams clarified the contingency funds will run as a contingency and the District does not anticipate spending the funds. He noted the savings will remain throughout the year and remain as surplus fund balance. He noted the General Fund covers the basic fees of running the District and that recent years reflected a very tight budget with tight spending. He noted the new landscaping program has real costs associated with it and exposure for the District; such as a cycle of Hurricanes and possible restoration. He noted the current fund balance of \$10,000 is not sufficient for such a large program. He suggested the fund balance should reflect a minimum of 25% of the annual operating budget.

Mr. Adams clarified the Fiscal Year 2010 assessment is anticipated to be a \$315 per-door increase over the current fiscal year assessment of \$109. He noted the increase is due to the increase in responsibilities, including the ball-field maintenance, the need for a Supervisor to oversee the Contractor, the landscaping contract and the hardwood trimming. Mr. Adams explained the golf course operates out of a fund that receives monies from golf course user fees; the funds are used to pay the Debt Service down. Mr. Boesch explained the District's obligation to inform the bondholders of the happenings of the District. Mr. Ritschel reviewed the current budget including the landscaping contract, versus the previous budget without the landscaping contract.

Mr. Cox stated he and Dennis Derby discussed going through a process of abating any payment for a couple of years and not having any further interest accrual. He stated this would be a written agreement.

Mr. Ritschel summarized the District’s attempt to restructure the bonds due to the decrease in funds generated by the golf course and the developer choosing to not assist in making the bond payments. He noted the golf course is profitable, but does not generate enough funds to meet the original amounts to satisfy the bond payments.

******Mr. Adams closed the Public Hearing.******

On MOTION by Mr. Boesch and seconded by Mr. Brady, with all in favor of approving Resolution 2009-10, Adopting the Final Budget for the Fiscal Year Beginning October 1, 2009 and Ending September 30, 2010, Pursuant to Florida Law.

THIRD ORDER OF BUSINESS

Consideration of Resolution 2009-11, Levying a Non Ad Valorem Maintenance Assessment for the General Fund and a Non Ad Valorem Assessment for the Debt Service Fund for the Stoneybrook Community Development District for Fiscal Year 2010

Mr. Adams presented Resolution 2009-11 for the Board’s consideration.

On MOTION by Mr. Boesch and seconded by Mr. Brady, with all in favor of approving Resolution 2009-11, Levying a Non Ad Valorem Maintenance Assessment for the General Fund and a Non Ad Valorem Assessment for the Debt Service Fund for Fiscal Year 2009.

FOURTH ORDER OF BUSINESS

Discussion/Consideration of District Position on Proposed Mining Operations

Mr. Boesch noted the upcoming hearings on the Density Reduction/Groundwater Resource (DR/GR) scheduled for September 22nd-25th. He noted the area from Highway 82 to Bonita Beach Road was originally slated to retain water that runs off; there are two (2) estuaries to take the water to the Gulf. He summarized, in the late 1980s, Commissioners designated the District’s area as the water retention area; so the clean water is provided. Simultaneously, there were a few mining entities that applied to dig aggregates and dirt off of Corkscrew Road, before

the subdivisions were present. They were there before the residents and established a business. He noted the contractors need to obtain more aggregate. He stated one (1) acre of mining land can create \$750,000 worth of business. He noted the area that the mining company wants to expand into includes about 10,000 acres and there are nine (9) applications in for mining approval, with the north side of Corkscrew Road included. The environmental people are not for the mining companies. Mr. Boesch stated they are well funded and it has become a legal battle. He referred to the recommendation made by the Review Committee, as it was included in the Agenda package. They recommended ensuring no more than 5,000 acres of mining and that the water is not being affected by the mining. Mr. Boesch drafted a resolution for the Board's consideration stating:

“We the Board of Supervisors of the Community Development District, Stoneybrook, Estero have voted in favor/against the following resolution September 15, 2009: A Resolution of support for the Framework for Density Reduction/Groundwater Resource Area Comprehensive Plan Amendments Drafted by Dover Kohl and modified by Lee County Staff. Additionally, we highly recommend that all vehicles utilizing the services of the mines, be restricted to travel, including entering and exiting the mines on the northern section of Alico Road, and that no mining vehicle transits originate on Corkscrew Road.”

Mr. Boesch stated the possible downside includes flood control issues and water pollution.

On MOTION by Mr. Boesch and seconded by Mr. Brady, with all in favor and Mr. Davis dissenting approving Staff to draft Resolution 2009-12, Supporting the Framework for Density Reduction/Groundwater Resource Area Comprehensive Plan Amendments Drafted by Dover Kohl and modified by Lee County, to be executed by the Chair and transmitted to Lee County. (Motion Passed 4-1)

FIFTH ORDER OF BUSINESS

**Audience
Requests**

Comments/Supervisors'

Mr. Ritschel explained the District's assessment will appear on the November tax bill and it can be paid between November and March.

A resident questioned why irrigation water is shut off for residents and who makes the decision to shut the water off. Mr. Ritschel stated Mr. Nieder makes the decision, as he is responsible for keeping the District in compliance with the South Florida Water Management District (SFWMD) permit. He stated there is a meeting on September 16th between SFWMD and Entrix to discuss the current restrictions on the District.

A resident expressed concern about the lack of access to irrigation water on appropriate watering days. Mr. Nieder stated the District does not shut off the water unless the District is in risk of non-compliance with SFWMD or it is raining. Mr. Nieder stated he tracks the rainfall and, every year, the amount of reclaimed water that the property receives decreases substantially.

Mr. Ritschel stated the District is making every effort to increase the availability of water to residents; the District drilled a well and is seeking a permit to pump water out of the lake. Mr. Nieder stated the final airification of the greens is completed.

Mr. Harwood stated the golf course is at an average of 61 rounds per day; 8 rounds under budget. He stated the numbers are good for actual end-of-the-year numbers. For July and August, the golf course is above on income and under on expenses. For September, they are right on track, which is about \$20,000 more on the income. Mr. Harwood explained the expense budget is about the same as what was proposed for the rest of the year; due to the payment for the damaged cart and stated concession sales are down. He discussed the current status of the overabundance of broken down carts. Mr. Ritschel suggested contacting Mr. Bower, at S&S Vision Golf, to get the name of the Vice President at Yamaha in an attempt to get the carts repaired. Mr. Harwood questioned if the Florida Lemon Law applied to the golf carts. Mr. Cox stated he will look further into that possibility. Mr. Cox stated he put the company on notice that the Board is going to be considering the new proposals for a new lease. He stated he has to make certain that the bondholders agree that any action taken is the appropriate course of action.

Mr. Ritschel confirmed that the District cancelled their contract with S&S Vision Golf.

Mr. Ritschel presented a proposal to complete the irrigation drawing. The original drawing was paid for by the Master Board, in the amount of \$2,500, for an incomplete set of drawings for the irrigation system. Pelican Landscape provided a quote of \$2,900 to complete the irrigation mapping. The current drawings are for the main roadways through the community and are needed to provide to the landscape contractor. Mr. Adams clarified this would be a landscaping expense and would come out of the General Fund.

On MOTION by Mr. Boesch and seconded by Mr. Brady, with all in favor of approving the Pelican Landscape Proposal to complete the irrigation mapping by November 1st, with the total price not to exceed \$2,900.

Mr. Ritschel stated the \$5,900 due from Mr. Stengel will be written off, as of September 30, 2009. He stated the Lee County Utility Agreement was finalized.

Mr. Nieder stated he spoke with Johnson Engineering and they have to run some tests before they finalize the numbers. Mr. Adams stated this project is about having accurate numbers of water usage for the golf course; they are trying to determine the accuracy rate of the current zones and decrease the leakage. Currently, it appears as though the loss factor is around 14% or 15% and it should be in the 5% to 10% range. Mr. Ritschel requested to add a discussion to the next agenda for the costs that must be moved from the golf course fund to the irrigation fund during the time frame of January 1st to September 30th.

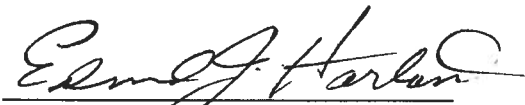
Discussion was held regarding what action to take concerning Yamaha. Mr. Cox stated he will provide an update at the next meeting.

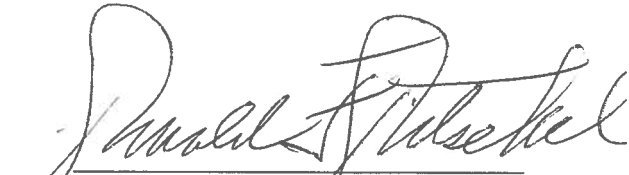
SIXTH ORDER OF BUSINESS

Adjournment

There being no further discussion, the meeting was adjourned at 12:00 p.m.

On MOTION by Mr. Boesch and seconded by Mr. Brady, with all in favor of adjourning the meeting at 12:00 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair