

**MINUTES OF MEETING  
STONEBROOK  
COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Stoneybrook Community Development District's Board of Supervisors was held on **Tuesday, September 22, 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	District Counsel
Matt Nieder	Golf Course Superintendent
Bruce Harwood	PGA Head Golf Professional
Frank Ponchak	Master Board Liaison

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 9:15 a.m., and noted all Supervisors were present.

**SECOND ORDER OF BUSINESS**

**Approval of Minutes**

***\*\*\*This item, previously the Third Order of Business, was discussed out of order.\*\*\****

• **August 20, 2009 Continued Meeting**

Ms. Crismond presented the August 20, 2009 Continued Meeting Minutes for the Board's approval.

Mr. Ritschel noted Bruce needed to be noted as in attendance.

Line 41: Strike 60 and replace with 30-day

**On MOTION by Mr. Boesch and seconded by Mr. Brady, with all in favor of approving the August 20, 2009 Continued Meeting Minutes, as amended.**

- **August 25, 2009 Public Hearing and Regular Meeting**

Mr. Crismond presented the August 25, 2009 Public Hearing and Regular Meeting Minutes for the Board’s approval.

Line 127: insert “per day” after rounds

Line 138: remove Bruce and add Dave

**On MOTION by Mr. Boesch and seconded by Mr. Brady, with all in favor of approving the August 25, 2009 Public Hearing and Regular Meeting Minutes, as amended.**

**THIRD ORDER OF BUSINESS**

**Other Business**

***\*\*\*This item, previously the Fourth Order of Business, was discussed out of order.\*\*\****

Mr. Nieder stated he received a check and a notice of the lease being paid off; however, when he contacted the company, he was told the lease was active. He referred to lease number 10772, budgeted for \$1,300 per month, with a final payment made, which was an overpayment, and was credited back to the Fiscal Year 2009 Budget. He stated he is waiting to hear which equipment is related to the lease. Mr. Nieder stated he hired Brittany and today was her first day.

Mr. Nieder stated he had a meeting with Paulette, from South Florida Water Management District (SFWMD), Mr. Boesch and Entrix regarding the water permit. He stated SFWMD was waiting for the signed contract from Lee County Utilities. He stated SFWMD felt the District should receive the permit before the dry season, once the District received the RA letter from Entrix. He stated there will be some monitoring wells that will have to be put in place, as well as some wetland monitoring. He stated the permit is a five (5)-year permit before they issue a 20-year permit. He stated he discussed the irrigation lake issue with SFWMD and the problem of having to guess the reclaimed water. He said he was referred to a different department to discuss pumping the reclaimed water out of the lake. Mr. Nieder was told that he should track and report the rainfall and any water pumped out of the lake to be included on the quarterly report.

Mr. Boesch noted the District should file for a second well, so the process can be started. He noted Paulette also mentioned possible grant money. Mr. Nieder stated the grant money pertained to pumping reclaimed water into an ARC well. Mr. Boesch inquired as to drilling an ARC well. Mr. Nieder stated the District may run into problems with the salts of the aquifer. He stated reclaimed water, or any other form of aquifer water, can not be blended together and the SFWMD is very strict on the placement of ARC wells.

Mr. Nieder stated Johnson Engineering has moved forward with their testing. He said they have preliminary numbers on golf course usage, common ground residential usage and overall loss. He stated they will perform different zone tests to provide actual numbers.

Mr. Adams stated the final price for the testing was \$800-\$1,200. Mr. Ritschel requested to try to get the testing done before September 30<sup>th</sup>.

Mr. Nieder stated they have one (1) sprayer for the entire golf course, with 3,000 hours. He stated the repairs are becoming pretty consistent and a new sprayer is \$28,000-\$29,000. Mr. Ritschel requested a bid for a new sprayer.

Mr. Harwood stated he is obtaining proposals for the GPS. He reported golf cart #70 is out of commission after an employee was injured. Mr. Boesch recommended reporting it under Workman's Compensation.

**FOURTH ORDER OF BUSINESS**

**Committee Reports**

*\*\*\*This item, previously the Fifth Order of Business, was discussed out of order.\*\*\**

There were no Committee Reports and the next item followed.

**FIFTH ORDER OF BUSINESS**

**Staff Reports**

*\*\*\*This item, previously the Sixth Order of Business, was discussed out of order.\*\*\**

**a. Attorney**

- i. Update: Yamaha Corporate**
- ii. Update: Bond Restructuring**

Mr. Cox stated the District can terminate the existing lease with Yamaha, with no penalties, if the District signs a new lease with Yamaha. Mr. Harwood stated three (3) firms responded to the bid and E-Z-Go was the preferred provider.

Discussion ensued on correspondence with Yamaha and the possibility of a payoff amount for the current lease.

Mr. Ritschel asked Mr. Harwood to inquire as to the value of the current carts. Mr. Adams stated he will inquire into a lease with E-Z-Go. Mr. Ritschel asked Mr. Cox to send a letter to Yamaha regarding the lack of response that was promised by July 31, 2009.

Mr. Cox stated the Lemon Law applies to on-road vehicles.

Mr. Cox discussed freezing the bond payments, beginning today, through April 30, 2011. The amount due on April 30, 2011 will be the amount currently due and the bonds will be restructured at that time. He explained the principal amount is due October 1<sup>st</sup>, when the District accounts are the lowest within a fiscal year. The typical structure is to have the interest-only payment due at the end of the fiscal year and the principal due during the middle of the year. Mr. Cox discussed the order of funding accounts, as stated in the Trust Indenture: Operating Account, Operating Reserve Account, and the Debt Service Reserve Account.

Mr. Brady questioned if the said agreement would hinder the ability of the District to enter into Chapter 9 Bankruptcy. Mr. Cox stated the agreement acknowledges that the bond has to be restructured.

Mr. Cox discussed the specifics of the Yamaha letter. He noted, as of September 13<sup>th</sup>, 28 of the 70 carts were down, which is 40% of the fleet; five (5) carts were listed for over a month and 12 carts were listed for over two (2) weeks.

Mr. Boesch inquired as to the time frame between returning the current carts and the receipt of the new carts from E-Z-Go. Mr. Harwood stated E-Z-Go will provide interim carts; however, the other issue is obtaining the GPS system for the new carts. He stated the golf season will not be affected. Mr. Harwood confirmed the golf carts would be off the property by November 1<sup>st</sup>.

**b. Engineer**

There being no report, the next item followed.

**c. Manager**

**i. Unaudited Financial Statements as of August 31, 2009**

Mr. Adam presented the Unaudited Financial Statements as of August 31, 2009.

Mr. Ritschel stated the District insurance will be up for renewal. Mr. Adams discussed staying with the current company and noted the equipment coverage is updated. He noted the policy begins October 1<sup>st</sup>, to coincide with the District fiscal year.

Mr. Ritschel noted that monthly bills for the rover are not being received.

Mr. Ritschel discussed a resident complaining about a broken pipe and that he has not paid his bill. He noted the District is not responsible for activity on that side of the meter. He noted the District is going to be significantly below revenue projection. Mr. Adams stated he will pull the consumption report for the past nine (9) months and will provide an annual usage report and the District will adjust their numbers accordingly.

Mr. Adams noted there were 32 individuals and three (3) entities that exceeded the base monthly allocation. He stated the original excessive user was considered a household that generated a \$50 bill or higher; now it is a user who exceeds the base allocation of 15,700 gallons a month.

**ii. NEXT MEETING DATE: October 27, 2009 at 9:15 A.M.**

This meeting was continued to September 29, 2009.

**SIXTH ORDER OF BUSINESS**

**Discussion: Transfer of Water Costs from the Golf Course Enterprise Fund to the Irrigation Fund**

***\*\*\*This item, previously the Second Order of Business, was discussed out of order.\*\*\****

Mr. Ritschel inquired as to the process of transferring the water costs from the Golf Course Enterprise Fund to the Irrigation Fund. He noted the District has not received any money from John Spina. He reviewed the costs from January through September. Discussion was held on the Golf Course Enterprise Fund supporting the costs from October through December, while the Irrigation Fund supports the cost from January through September. Discussion was held regarding the electrical cost for the pump houses. Mr. Adams stated he will pull a general ledger of the water costs.

Discussion was held regarding pump house repairs, tree trimming and plantings.

Mr. Nieder stated he will re-bid for the bridge repairs.

**SEVENTH ORDER OF BUSINESS**

**Audience Requests**

**Comments/Supervisors'**

There were no Audience Comments or Supervisors' Requests and the next item followed.

**EIGHTH ORDER OF BUSINESS**

**Executive Session**


An Executive Session was not held and the next item followed.

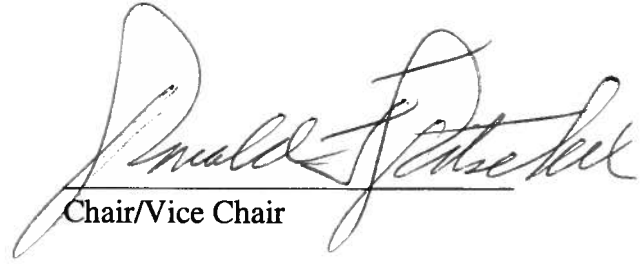
**NINTH ORDER OF BUSINESS**

**Adjournment**

There being no further discussion, the meeting was continued to Tuesday, September 29, 2009 at 9:15 a.m.

**On MOTION by Mr. Boesch and seconded by Mr. Brady, with all in favor of continuing the meeting to Tuesday, September 29, 2009 at 9:15 a.m.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair