

**MINUTES OF MEETING  
STONEBROOK WEST  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Stoneybrook West Community Development District was held on Wednesday, May 25, 2011 at 5:45 p.m. at the Town Center, 1201 Black Lake Boulevard, Winter Garden, Florida.

Present were:

George Morgan  
Hector Clemente  
Dennis Moran  
Fred Passarelli

Chairman  
Vice Chairman  
Assistant Secretary  
Assistant Secretary

Also present were:

Gary L. Moyer  
Travis Rentz  
Dave Kelly  
Randy Miller

Moyer Management Group  
Attorney  
Engineer  
Community Manager

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Moyer called the meeting to order and stated the record will reflect we have all of the Supervisors present with the exception of Ms. Cockrell. I distributed a letter I received from Ms. Cockrell and without reading it into the record we will make it part of this meeting record. Because of her work schedule she will no longer be able to serve on the Board and has submitted her resignation. Before I ask the Board to accept the resignation let me walk you through the process. When there are vacancies on the Board, Chapter 190 of the Florida Statutes which is this Districts enabling legislature provides that the remaining Board members will appoint someone to fill the unexpired term of office. Ms. Cockrell's term expires in November of 2012 so you will be making an appointment at your next meeting to fill that term for 15 or 16 months. So with that as a background I will ask for a motion accepting Ms. Cockrell's resignation with regret and declaring that her seat is vacant. As I mentioned, then we can talk a minute about how you want to go about filling that vacancy. Is there a motion accepting her resignation?

On MOTION by Mr. Moran seconded by Mr. Clemente with all in favor the resignation of Ms. Jacque Cockrell was accepted.

Mr. Clemente stated to clarify, in her letter she said her term ends in November 2011 and you mentioned it ends in November 2012.

Mr. Moyer stated it is 2012. What we have done historically is if you have neighbors or are aware of someone who would like to serve on the Board you can either invite them to the meeting or get a letter of interest from them and then this Board at your next meeting will review that and consider the appointment.

Mr. Morgan asked what you need is a letter of interest that they are willing to serve?

Mr. Moyer responded yes or a letter stating they served on a School Board or HOA or they have some experience in government, etc. a paragraph or two of their experience.

## **SECOND ORDER OF BUSINESS**

### **Approval of the Minutes of the February 23, 2011 and April 27, 2011 Meetings**

Mr. Moyer stated each Board member received copies of the minutes of the February 23, 2011 and April 27, 2011 meetings and requested any additions, corrections or deletions.

Mr. Kelly stated on page 9 about half way down, and maybe Randy can help clear it up; but I do not think this is us and do not know what the correction should be. In the middle paragraph the last sentence, *That is going to be a very comprehensive project for McIntosh and we are going to make sure they are in compliance.* Who did you mean by that Randy, is that supposed to be Environmental Development you were referring to?

Mr. Moyer stated if I recall it was under the discussion of McIntosh's role and I remember explaining that your only role would be to certify that the payments that are submitted in fact represent what is...

Mr. Kelly stated we clarified that later, that is correct. I was wondering what that context was because I do not remember the conversation.

Mr. Miller stated I think it may have been a mis-spoke at that point and we clarified it later on. Do you think it needs to be changed? It probably was exactly what I said.

Mr. Moyer stated I do recall that Randy did have an expectation that your role would be broader than it was.

Mr. Kelly stated why don't you just drop off the *for McIntosh*. You are going to make sure they, they being the contractor, agree with the findings so if you just drop *McIntosh* I believe that will work.

Mr. Moyer asked with that suggested amendment is there a motion to approve the minutes?

On MOTION by Mr. Clemente seconded by Mr. Morgan with all in favor the minutes of the February 23, 2011 and April 27, 2011 meetings were approved as amended.

Mr. Moyer stated to accommodate Mr. Clemente's schedule, Hector do you have anything on the agenda that you want to bring up while you are still here?

Mr. Clemente responded no. I think the meeting we had in between will come up. Are we going to discuss the meeting we had regarding approval of the funds?

Mr. Moyer stated I think Randy can give us a quick update on that. Where we left that is we approved the funds and he was going to take that back to his board.

Mr. Miller stated the HOA board did approve and accept the contract. The vendor did come back and counter offer the acceptance. Due to the rise in gas prices they wanted an increase of about \$10,000. I negotiated them down to an increase of about \$4,600 which my board is comfortable accepting on behalf of the HOA so we plan to move forward within the next week or so. We are going to be having a staging meeting probably within the next five to ten days. I verified with Andreyev if the anticipation of the project should need no more than 30 days weather permitting so we will probably have a 50% pay off two weeks out. I will coordinate with Dave once I get an acceptance of when that is going to happen and my scheduling so that McIntosh is kept in the loop of what needs to occur there.

Mr. Morgan asked what is the anticipated timeframe?

Mr. Miller responded 30 days from start to finish.

Mr. Morgan stated let me rephrase that. What is the range of when it will start?

Mr. Miller responded within the next two weeks.

Mr. Morgan stated I heard \$4,600.

Mr. Miller stated that is the cost the HOA is incurring.

Mr. Passarelli asked is that the gasoline increase?

Mr. Miller responded yes and if it decreases and we can negotiate we will negotiate more aggressively and we will go from there; but I think from the \$10,000 to the \$4,600 we have done a fair job in negotiating that.

Mr. Moyer stated that was the status report on Portmoor Road Rehab. Dave, do you want to do the Permitting Status Report?

**THIRD ORDER OF BUSINESS**

**Status Report – Permitting**

Mr. Kelly stated the only active project we have under construction is in final permitting. We have the permits on the Black Lake Boulevard and that construction is underway. You have agreed to sign the conservation easements as soon as the district approves them and those have been submitted. I think that is the only active thing we have permitting. Once that is complete we are going to push the district hard to get out here and start reviewing all the permits. So that is the timeframe and we just want to get that work done. Other than that we do not have any permits in the process.

**FOURTH ORDER OF BUSINESS**

**Status Report – Portmoor Road Rehab**

This item was previously discussed.

**FIFTH ORDER OF BUSINESS**

**District Manager's Report**

**A. Financial Statements**

Mr. Moyer stated under the District Manager's Report is the financial statements which are included in your agenda package. We are a little over 93% collected in our non ad valorem assessments. Interestingly enough if we compare that to where we were last year at the same time; it is 93.91% and last year it was 93.25%, so you cannot get a lot closer than that. That is really where we would expect to be this time of the year. The balance of the money will no doubt come to the District pursuant to the Tax Certificate sales that take place in early June so we would anticipate receiving all of our assessments. On the expenditure side we are in pretty good shape there as well. We are \$19,000 under budget.

Mr. Morgan asked is that a timing thing or have we saved some money somewhere?

Mr. Moyer responded some of it is timing and some of it is savings as well.

**B. Check Registers**

Mr. Moyer stated you have the check register that I will ask the Board to enter a motion to approve. If you have any questions I will be glad to answer them for you.

On MOTION by Mr. Morgan seconded by Mr. Moran with all in favor the check register for the period February 1, 2011 to April 30, 2011 was approved.

**C. Approval of Requisitions No. 95 and No. 96**

Mr. Moyer stated I have two requisitions for you and again this is from the capital account. Both of them are to Donald W. McIntosh Associates, Inc. for work they do that is capital projects related. One is for \$78.75 and the other is for \$337.50 and again that will come from the Capital Projects Reserve that we have as part of the District.

On MOTION by Mr. Clemente seconded by Mr. Passarelli with all in favor Requisitions No. 95 in the amount of \$78.75 and No. 96 in the amount of \$337.50 to Donald W. McIntosh Associates, Inc. were approved.

Mr. Morgan stated Gary, we had talked about McIntosh reviewing performance of the contract. I assume there is some cost, any idea what that is up to now?

Mr. Moyer stated I would anticipate with no more than two draws on this job, it will be no more than \$1,000 or \$1,500.

**D. Audit Report for Fiscal Year 2010**

Mr. Moyer stated 5D is the audit report that you received from Berger, Toombs, Elam, Gaines & Frank. This is for our fiscal year that ended on September 30, 2010. Without getting into presentation of the numbers I want to highlight some of the report for the Board. On page one is the Report of Independent Auditors. In the third paragraph they state, *In our opinion the basic financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the District as of September 30, 2010.* Then it goes on with some other language but what that is typically referred to in the industry as is a clean audit opinion and what that means in its simplest term is that the records we provided to the auditor as of September 30<sup>th</sup> did fairly represent the financial position of this District.

Mr. Morgan asked so there are no audit exceptions?

Mr. Moyer stated that is right. If you go to the back of the audit on page 29, there is a report on Internal Control Over Financial Reporting and on Compliance. Based on the audited financial statements under the Internal Control section they define what a material weakness is but if you notice in the last paragraph on that page it says, *We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.* Similarly under the Compliance and Other Matters on page 30 it states that, *The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.* The last item to highlight for the Board is on page 31 which is called a Management Letter. The auditors are required to make certain findings in some cases pursuant to Florida Statutes and in other cases by rules of the Auditor General. One of these findings is this is an opportunity for the auditor to bring to management's attention things to make our financial reporting better but that do not rise to the level of a material weakness under that definition. They state that *there were no recommendations made in the preceding audit report.* So again there were not any recommendations. Finally under the third paragraph on page 32 it states, *Stoneybrook West Community Development District has not met one or more of the conditions described in Section 218.503(1), Florida Statutes and is not in a state of financial emergency.* So it is a clean audit with no recommendations and again I think we had a good fiscal year in terms of being able to add some monies to our fund balance so we are in pretty good shape.

Mr. Morgan stated what period of time do we write off our assets for depreciation purposes?

Mr. Moyer responded they have a schedule that they use. Generally the type of things we have are 20 year assets and the reality is for the most part all we are talking about are holes in the ground and culvert pipes so even that is probably conservative.

On MOTION by Mr. Passarelli seconded by Mr. Moran with all in favor the audit prepared by Berger, Toombs, Elam, Gaines & Frank for the period ending September 30, 2010 was accepted.

**E. Distribution of the Fiscal Year 2012 Proposed Budget and Consideration of Resolution 2011-3 Approving the Budget and Setting the Public Hearing**

Mr. Moyer stated the last item I have for the Board is under the last section in your agenda package and starts the budget process for the District. Our fiscal year starts on October 1 and the law requires that management provide to the Board a budget by June 15<sup>th</sup> for you to review and approve and set a public hearing. We are proposing that public hearing be your next meeting on July 27<sup>th</sup> at which time you will entertain public comment if there is any. Finally after taking all of that into consideration I will provide you with a resolution to adopt the budget. So there is two operative words; I am asking you to approve the budget tonight but that is not adoption, that is nothing more then setting the public hearing and is evidenced by Resolution 2011-3. If you look at the budget it is a lot like this year's budget. Last year we went through a process of increasing the budget a little and we noticed all of our assessment payers of a public hearing. We did have a few people turn out. It is not anticipated in this fiscal year that we will increase assessments so I ask for a motion approving Resolution 2011-3.

Mr. Morgan asked based on your earlier discussion when you talked about operations being under budget, do you expect to be under budget this year so that would suggest for next year that is a very safe budget?

Mr. Moyer responded it is a very safe budget.

Mr. Moran asked how does one go about notifying people, do you send something to all the residents in the community?

Mr. Moyer responded if we increase the assessment we have to send out a letter and we did that last year; we are not increasing assessments this year. There is a little more assessment money coming into the District this year because they identified additional square footage of properties that we did not pick up in prior years; so that is why when you look at it, it says 236 is what we budgeted this year. We anticipate getting 250 next year but when you go back to the very back of the budget on the very last page you will see that in reality the assessments actually went down a fraction of a percent.

Mr. Morgan asked Randy, from your budgeting sense is that reasonable?

Mr. Miller responded I anticipate the numbers to be good.

Mr. Morgan asked last year we increased it to cover some maintenance costs on the infrastructure, will that continue?

Mr. Miller responded yes sir.

Mr. Moyer asked is there a motion for Resolution 2011-3?

On MOTION by Mr. Morgan seconded by Mr. Passarelli with all in favor Resolution 2011-3 approving a proposed budget for fiscal year 2011/2012 and setting a public hearing for July 27, 2011 at 5:45 p.m. was adopted.

**SIXTH ORDER OF BUSINESS**

**Attorney's Report**

There not being any, the next item followed.

**SEVENTH ORDER OF BUSINESS**

**Engineer's Report**

Mr. Morgan stated it is my understanding that a couple of meetings ago we were having a dispute with someone but I think it was dropped.

Mr. Moyer stated with Rizzetta and it was dropped. We quit spending money trying to chase \$3,000.

Mr. Kelly stated under the Engineer's Report I gave a brief summary on Black Lake Boulevard and if anyone has any questions I can answer those.

Mr. Moyer asked when do you think that is going to be wrapped up?

Mr. Kelly responded in the next two or three weeks. We have about 75% of the work done and I have been out monitoring it a couple of times a week, trying to keep it in line.

Mr. Morgan asked is that the one near the berm?

Mr. Kelly responded yes, we finished the street improvements first then we went to the berm in the back. The outfall structure is done and another firm is going to come in and do the pond edge and reshaping. We have one last outfall pipe to put in and it will be complete so we are about 75% done.

Mr. Morgan stated I was having a discussion prior to the meeting with Randy that someone had said the owners have to water the grass that covers that berm with which I did not understand. Randy said that you have the responsibility according to the ordinance down to the waters edge or in the case of the berm up to the top of it, so it is the responsibility of the owners to water it and that you sent out notices.

Mr. Miller stated we developed paper flyers for all the houses that were affected. We have actually done three sets of paper flyers letting them know when the work was commencing, then another set where we attached the landscaping plans and asked them to mark all their irrigation heads so the contractors were aware where they were located. We followed up with a



third flyer saying the work is near completion and you need to be aware that upon completion it will be your responsibility to mow and maintain down to the waters edge. The golf course and I are working out the responsibilities on who is going to mow what and what is going to happen in that area now that we are changing the layout.

Mr. Moran asked so they need to mow over the hill to the center?

Mr. Miller responded to the berm. They are going to go to the top of the berm basically where they can see that is their property line. I am not going to tell you that the golf course is not going to run their mowers over the back of the berm, but generally speaking they will probably stay on their side because then you get into the confusion about irrigation heads and who is busting what and what is happening over there. But with respect to the homes in Belford Tower on the cul de sac; they are actually going to have to go down the swale up and down to the waters edge. So it will be a bit of a tricky maintenance issue for them.

Mr. Kelly stated the contractors are adjusting all the sprinkler heads along there as we encounter them so the systems are still in tact so as they water the yard the berm will get watered because that is where the heads were on the map. We are not disturbing any of that and they are adjusting them all.

Mr. Morgan stated good.

Mr. Passarelli asked do they have to add any sprinkler heads?

Mr. Kelly responded no.

Mr. Miller stated most of the common areas are Bahia which is a natural turf and it does pretty well even in these draught conditions. The only concern is that right now is not the optimum time in the middle of the dry season for laying the sod so these areas are not going to get the natural watering that they would. You are going to have a hay like appearance for some time and we will cross our fingers and hope the sod comes back. That is my only long term concern. I have some other concerns as well but I will wait until it is appropriate for me to bring them up but that is where we are.

#### **EIGHTH ORDER OF BUSINESS**

#### **Supervisor's Requests**

Mr. Morgan asked is everything transferred on the permitting that should be out of the course or is it all waiting for St. Johns?

Mr. Kelly responded waiting for St. Johns. We have several outstanding permits and we will get them out here and start to walk the sites. Hopefully if there is not punch list items they will sign off but we decided not to push them too hard until we got all this work done so we could just wrap it up all together.

Mr. Morgan asked does the permitting also transfer responsibility between Lennar and us?

Mr. Kelly responded no, that will be done at the same time we transfer the permits out of their name and then transfer them into operation; it is two steps.

#### **NINTH ORDER OF BUSINESS**

#### **Audience Comments**

Mr. Miller stated Dave and I have already discussed this but I just want to put it on the record. Yesterday I went out to visit some of the areas of concern in Black Lake. One of the outfall structures in GC 13 which is the dry pond have been cut in such a fashion where there was no support for the adjoining grates, so they could very easily cause an accident or if someone fell in and there was no caution tape. I spoke to one of the gentlemen from Blue Ox and I apologize I do not remember his name. We had a little bit of a heated discussion where obviously my concern was from the safety standpoint. I notified Dave via telephone and called him back after I had gone out because I had caution taped the area. I also visited the outfall structures at GC 13PH and while one is repaired they are both cut down, and one still has a considerable access point that someone could get into so I cautioned taped that as best I could. I also visited the outflow structure at Tract G which has been cut vertically down the back of where the grate sits so there is no adjoining support; but there is probably a 36 inch cut all the way down the back of Tract G. I spoke to Dave on the phone and explained my concern that the Association was not aware that these cuts had occurred. My concern was from the safety viewpoint and how long was it going to take us to get these issues resolved. At this point I do not have a resolution timeframe but I am very concerned. Dave copied me on the email he sent out with regards to the proposed repairs. My concern is, and again I am not an engineer so I am looking at the long term maintenance concern, the fixes that McIntosh is proposing here seem to increase the need for maintenance long term instead of cutting down the structures and repouring in one particular area where you have a break system in front of it. So in GC13 PH if I am

reading this correctly and Dave correct me if I am wrong, versus filling this in with concrete as the structure to the left had been done, this one is going to have a grating system.

Mr. Kelly stated that needs to be open to let the flow of water through and control it lower but the bar spacing is so a child's head could not fit between there, so that is what those are, just rebars spaced on center. We had two grates that were not supported and we had an opening that could be barred so that is what we proposed. I already talked to the contractor last week and they were going to get the materials as soon as I sent them that which was yesterday. I will go out at the end of this week and check on it and talk to them if it is not done.

Mr. Miller stated you can call me and we will walk together.

Mr. Kelly stated I will let you know when I am out here which is usually the first thing in the morning or the last thing in the afternoon.

Mr. Miller stated either way call and I will coordinate it with you. This is the proposal for the fix on GC13 which is essentially to lay a track of sorts along the side. Are we proposing to put any screen of some sort?

Mr. Kelly responded that is not wide enough per DOT standards so we do not need one there.

Mr. Miller stated and with regards to tract G.

Mr. Kelly stated I made a note of that and I want to go look at it myself as well. We had not gotten down that far yet.

Mr. Morgan asked is the contractor subject to what should be done as to what has been agreed to he or she is doing?

Mr. Kelly responded they are going to do it.

Mr. Morgan asked is it part of the deal, no additional money or are we holding some money?

Mr. Kelly responded we will work that out with them. Obviously there is no cost to the CDD. We would not release the retainer until that is done. It will get done whether or not we negotiate something is another story.

Mr. Miller stated that is all. Dave responded very quickly to my concerns and I appreciate that. I just wanted the CDD to be aware of my concerns and what I observed.

Mr. Morgan asked Randy, are you aware of any other potential long term problems?

Mr. Miller responded the only thing that I can see and again I preface this statement with I am not an engineer, I am just looking from a general maintenance standpoint, is the fix that has been done on the roads and the curbs going to increase the amount of maintenance that needs to be done in those areas. There is one inflow structure of an inlet which has basically an inflow pass of 4 to 6 inches elevating to 4 to 6 feet.

Mr. Morgan asked can you explain?

Mr. Miller stated when you look at the curbing on the street what goes into the water management system, the little curb of the inlet is what it is referred to. The concern was there was too much flow by so when the rain water would flow not enough would go into the inlet to go into the water management system. The fixes that have been done is there have been drains put in front of the curve of the inlets so now there are grates on the curb which allows for a more extensive catch mechanism to put it into the water management system. However you are going from an inlet which has an open 4 to 6 inch top for about 3 to 6 feet scenario depending on the size of the inlet to a grate which is now maybe a 1/4 inch to 3/4 inch in opening across the board. So now that grate is going to require more attention to maintain free of debris. I have not gone out there and put my hands on it yet so I do not know if it is going to need to be opened up and cleaned out like smaller pipes usually requiring that type of maintenance on a regular basis. So long term I see a maintenance concern and it could be a minimum maintenance concern and again I am not saying if it will or will not fix the concern overall; I am just saying from a maintenance standpoint it is going to take more effort to maintain these things.

Mr. Passarelli asked are those grates anywhere other than in Black Lake.

Mr. Miller responded no sir.

Mr. Morgan asked is this maintenance issue the biggest infrastructure issue you are aware of at this time?

Mr. Miller responded with Black Lake, yes. From an infrastructure standpoint there is lots of work that needs to be done. There are a number of permits that concern me that are still under Lennar's responsibility which need to be transferred over. I am concerned about a timeframe and how long it is going to take because even though we push St. Johns some of these areas still have not gone into the final inspection. Are we going to need remediation and is it going to be a two to three year process possibly in some of these areas. The CDD's area is maintained to the point where the permit will be acceptable for the CDD to take over so that

means Lennar is going to be here for x amount of months and based on their history on these areas we are still going to be left with undesirable areas aesthically and probably from a performance standpoint areas that we could see a better exchange with.

Mr. Passarelli stated I know the inlet in front of my house had pieces of steel ribbing they use and I cut it out as much as I could because it was stopping the flow of things.

Mr. Miller stated that is what we do on a regular basis now that we have the operational manual which is very extensive and very helpful to us. Now we have a better overall idea of the intensity prior to just going out and guessing where certain things were or if we had a problem we trouble shoot where the location was. Now we are more proactive with stormwater drains and we are pumping them out and cleaning them up. Probably four or five days out of the month I have the crews go around and check these things.

Mr. Passarelli asked is that the HOA's responsibility?

Mr. Miller responded we are contracted with the CDD to provide that maintenance so that is what we do. Ironically we are getting more complaints from homeowners that the lake levels are too low and their concern is that the system is going to stop working because the water is not there. They want to know what we are going to do to address the ugly banks and alligators that are sitting everywhere now so it is kind of a catch 22. The system is working great, it is flowing well overall with what we have and now aesthetically it is not as appealing as it was when the pond was pushed up to the swale. I am speaking solely from a maintenance standpoint that I see a concern with that.

Mr. Moyer stated I want to circle back just for a minute to George's question on depreciation. The audit on page 21 states 20 to 40 years is the term they depreciate the assets on.

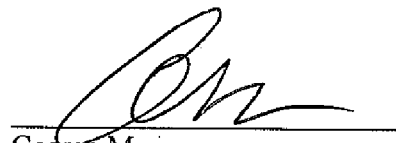
**TENTH ORDER OF BUSINESS**

**Adjournment**

There not being any further business,

On MOTION by Mr. Morgan seconded by Mr. Moran with all in favor the meeting was adjourned.

  
Gary Moyer  
Secretary

  
George Morgan  
Chairman