GATEWAY SERVICES
COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
REGULAR MEETING
MARCH 21, 2019

District Board of Supervisors

<table>
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<tr>
<th>Position</th>
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<tr>
<td>Chairperson</td>
<td>Margaret Fineberg</td>
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<tr>
<td>Vice Chairman</td>
<td>William Guy</td>
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<tr>
<td>Supervisor</td>
<td>C. Doug Banks</td>
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<td>Supervisor</td>
<td>Ed Tinkle</td>
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<td>Supervisor</td>
<td>Kathleen Flaherty</td>
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Staff Members

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<tr>
<th>Position</th>
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<tr>
<td>District Manager</td>
<td>Christopher Shoemaker</td>
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<tr>
<td>District Counsel</td>
<td>Anthony Pires, Jr.</td>
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<td>District Engineer</td>
<td>Danny Nelson</td>
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Dear Board Members:

A Workshop Meeting of the Board of Supervisors of the Gateway Services Community Development District will be held on **Thursday, March 21, 2019 at 3:00 p.m.** at the Gateway Services CDD Offices - Meeting Room, located at 13240 Griffin Drive, Ft. Myers, Florida 33913-7956. The Regular Meeting will commence immediately following the workshop meeting. Included below is the agenda and approximate times items are expected to be heard, but not time certain:

**Workshop Meeting**

**3:00 P.M.**

1. **Board Workshop**
   A. District Rules
   B. Budget Process
2. **Adjournment**

**Regular Meeting**

**4:00 PM**

1. **CALL TO ORDER & PLEDGE OF ALLIGIANCE**
   A. Overview of Meeting Procedures and Decorum

**4:15 PM**

2. **AUDIENCE/PUBLIC COMMENT**
   A. Regarding Agenda Items
   B. Regarding Non-Agenda Items

**4:30 PM**

3. **CONSENT AGENDA**
   A. Revised Contract Spreadsheet
   B. Minutes of March 7, 2019 CDD Meeting

**4:45 PM**

4. **ACTION ITEM**
   Pond Maintenance Pelican Preserve

**5:00 PM**

5. **INFORMATIONAL ITEMS**
   A. PPAC Minutes of 11.8.18, 12.13.18, and 1.10.19
   B. SBAC Minutes of 10.10.18, 11.7.18, 12.12.18 and 1.9.19

**5:15 PM**

6. **SUPERVISOR COMMENTS**

**5:30 PM**

7. **ADJOURNMENT**
GENERAL PROCEDURES FOR THE CONDUCT OF GATEWAY SERVICES CDD MEETINGS

AGENDA: The agenda for an upcoming meeting is available from the District's Local Office, and the District's website at www.gatewaydistrict.org. There shall be an official agenda for every meeting of the Board of Supervisors that will be created by the Board Chairman in conjunction with the District Manager, and the Operations Manager and distributed seven (7) days in advance of the meeting. This agenda shall specify the order of business to be conducted at the meeting, with estimations of the timing for each agenda item. It should be understood that agenda items may take additional time or may be changed in order if circumstances occur and the Board decides to amend the order. Any Supervisors or Staff or Committee Members that would like to add an item to the agenda or include material for prior review must contact the District Manager at least 10 days prior to the meeting. The decision to list the item will be at the discretion of the Chairman. Non-agenda items may be considered by the Board, but the decision rests solely with the Board. The Agenda will be split into allocated time frames for each section. If an agenda item cannot be resolved or answered within the allocated time frame, the agenda item may be continued, and rescheduled for a future meeting. The agendas of past meetings will be posted on our District website.

CONSENT ITEMS: These are items which are not discussed individually and are voted on as a group. The Consent Items consider items that are non-controversial, have no policy implications, and are typically approved without discussion. NOTE: A Board Member may remove an item from the consent items in order that it may be considered for further discussion by The Board. Should that occur, the discussion of the “pulled” item(s) will follow the approval of non-pulled items, and completed by Board vote.

ADMINISTRATIVE AGENDA ITEMS: These are items which the Board will discuss individually in the order and approximate time frame listed on the agenda. NOTE: Items may be moved during the meeting at the sole discretion of The Board.

GENERAL AUDIENCE COMMENTS—WHO MAY SPEAK: Welcome. Please complete a public comment card and give it to the District Manager prior to the start of the General Audience Comments section of the meeting. The public is encouraged to offer informative and/or constructive comments to the Board at any non-closed-door meeting. Agenda item comments will be called first, followed by non-agenda items.

ADDRESSING THE BOARD: When your name is called, please come to the podium and state clearly, for the record, your full name and address prior to beginning your discussion. This will be used for the records/minutes. All comments shall be directed to the Board, not to a particular Board Member, Staff Member, Committee Member or to the general public. Persons addressing the Board during General Audience Comment shall limit their remarks to five (5) minutes. To conserve time, on behalf of groups containing more than 5 individuals who share a similar opinion and/or comment, a delegation speaker will be selected by the Chairman to address the board.

PROPER DECORUM: Any person making inappropriate personal, impertinent or slanderous remarks or who becomes boisterous while addressing the Board or while attending the Board meeting will be asked to refrain and/or asked to leave the room, if appropriate.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE: Pursuant to provisions of the Americans with Disabilities Act, any person(s) requiring special accommodations to participate in these meetings is/are asked to advise the District's Local Office at least 48 hours before the meetings. If you are hearing or speech impaired, please contact the Florida Relay Service at 711, who can aid you in contacting the District Office.

APPEALING A BOARD DECISION: If any person decides to appeal a decision made by the Board, that person will need to obtain a record of the proceedings and may need to ensure that a verbatim record of the proceedings is made, at his or her own expense.; that record should include the testimony and evidence on which the appeal is based.

MEETING SCHEDULE:
Gateway Board of Supervisors meetings are held twice per month, in general on the First and Third Thursdays, at the GSCDD Office, 13240 Griffin Drive, Ft. Myers, Florida 33913. Meetings begin at 3:00 p.m.

For further information, please contact the District's Local office at (239) 561-1313 or visit www.gatewaydistrict.org
WORKSHOP
1A.
BOARD WORKSHOP ITEM

To: Board of Supervisors  
From: Chris Shoemaker, District Manager  
Re: District Rules of Procedure  
Date: March 21, 2019

ACTION REQUESTED:

No action to be taken. This item is for general discussion concerning the District Rules of Procedure and the potential to update these documents.

BACKGROUND:

The Gateway Services Rules of Procedure adopted on December 5, 2013 and amended in June of 2012 and March of 2016. Rules Relative to the Certain Budget Principals and Concepts to be Utilized During the Formulation of the District’s Annual Budget were developed as Chapter VI of the Rules and adopted in 2005.

The documents cited above are lengthy but central to this discussion and are attached for reference. One point to consider is Part 1, Section 3.B., as follows:

B. When property is a distant location from certain District facilities, or where property lacks a direct internal District roadway connection to certain District facilities, i.e. no internal connectivity, the residents and owner as to such properties do not utilize various facilities to the same extent as other properties that are closer or have direct internal roadway connection.

The Assessment Methodology Study underway may point to deficiencies in the fair and equitable requirements of District assessments based on “internal connectivity”. Arborwood Phase 3 and the Worthington Holdings, both pre-2005, may provide an example of District assessments and Implementation of the Chapter VI of the Rules due to “internal connectivity”.

STAFF RECOMMENDATION:

None. This item is for discussion purposes only and will be formally addressed later.
ADDITION OF CHAPTER VI
OF THE RULES OF THE
GATEWAY SERVICES COMMUNITY DEVELOPMENT DISTRICT
RELATIVE TO THE CERTAIN BUDGET PRINCIPLES AND CONCEPTS TO BE
UTILIZED DURING THE FORMULATION OF THE DISTRICT'S ANNUAL BUDGET

1.01 PURPOSE. The purpose of this rule is to adopt certain budget principles to be utilized during the formulation and consideration of that portion of the annual budget of the District relating to operational and maintenance costs and assessments; the creation of Chapter VI of the Rules of the District, and to provide for an effective date.

The Gateway Services Community Development District, located in Lee County, Florida, will hold a public hearing on Monday, February 14, 2005 at 6:00 P.M. at the offices of the District, 13240 Griffin Drive, Fort Myers, Florida, for the purpose of hearing public comment and objections to the adoption of Chapter VI of the Rules of the Gateway Services Community Development District pursuant to Section 120.54 and Section 190.035, Florida Statutes. The purpose of the Rule adoption is to create a new chapter to codify certain budget principles to be utilized during the formulation and consideration of that portion of the annual budget of the District relating to operational and maintenance costs and assessments. The Rule will be adopted pursuant to the authority of Chapter 120, Section 120.54, Florida Statues; Chapter 190, Section 190.012 and Section 190.035, Florida Statutes.

1.02 NECESSITY. To adopt codified guidelines and principles to be utilized during the formulation and consideration of that portion of the annual budget of the District relating to operational and maintenance costs and assessments, as follows:

RULES OF THE
GATEWAY SERVICES DISTRICT

CHAPTER VI
BUDGET PREPARATION AND FORMULATION PRINCIPLES RELATING TO
OPERATION AND MAINTENANCE COSTS, EXPENSES AND ASSESSMENTS

1.01 PURPOSE. The purpose of this Rule is to articulate the principles and concepts to be utilized at the time of the consideration, review, and adoption of the annual budget, specifically that component of the annual budget relating to operational and maintenance expenses, including a determination as to the level of assessments, rates and charges for various facilities, services, use or consumption by property owners and residents within the District, based upon various factors, including the nature of the District facility and service; the relative location within the District; the extent of direct internal District access to a District facility; [i.e. internal "connectivity"]; or the impact on

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services and facilities of the District; the benefit accruing to the property or residents; providing definitions; providing an effective date.

1.02 NECESSITY. To establish guidelines and principles to be utilized and applied during the budget review and adoption process relating to the assessments to be levied for operations and maintenance expenses.

PART I

GENERAL GUIDELINES AND PRINCIPLES TO BE UTILIZED DURING ANNUAL BUDGET REVIEW AND ADOPTION PROCESS

SECTION 1: The Gateway Services Community Development District (the "District") does hereby establish the following budget consideration guidelines and principles to be considered and applied during the process of adopting the annual budget of the District relating to operational and maintenance expenses and assessments levied to fund the operational and maintenance activities.

SECTION 2: GENERAL It is the policy of the District that in the process of adopting its annual budget, the Board of Supervisors (the "Board"), as it relates to the operation and maintenance expenses and assessments levied thereby, the Board will consider and apply, consistent with and in addition to the concepts and principles as outlined in governing law, the principles and guidelines contained herein.

SECTION 3: FINDINGS AND DETERMINATIONS. In considering this Rule and its adoption, the Board has made and makes the following:

A. Written detailed guidelines and guidance will assist the Board in the budget process and will assist the property owners within the District in understanding the basis(es) for the imposition of assessments and the level of assessments to fund operational and maintenance expenses.

B. When property is a distant location from certain District facilities, or where property lacks a direct internal District roadway connection to certain District facilities, i.e. no internal connectivity, the residents and owners as to such properties do not utilize various facilities to the same extent as other properties that are closer or have direct internal District roadway connection.

C. The cost of maintaining and landscaping Gateway Boulevard and Griffin Drive (including streetsweeping) is properly allocable to those properties that directly access said roadways.

D. The cost of enhanced levels of service or maintenance desired or
requested by property owners within a discreet area of the District is properly allocable to those requesting such enhanced level(s).

SECTION 4; BASIC PREMISE

The basic premise and the starting point for the determination as to the assessments to be imposed, is that all of the properties within the boundaries of the District receive a benefit from the ownership, existence, operation and maintenance of the various District facilities. If there is a benefit an assessment will be imposed, and the assessments will be fair, equitable and proportional.

SECTION 5; BASIC SERVICES AND FACILITIES.

The District provides many Basic services, for which all property owners in the District will bear and pay a proportionate share. By way of example, and not limitation, the following, while not all-inclusive, are examples of types of Basic Services:

- Professional Services such as:
  - General management services.
  - General legal services
  - General engineering services.

- Operational and Maintenance Services such as:
  - General field operation services and administrative services.
  - Water management operations.
  - Landscaping, street sweeping.

All property will be assessed for Basic Services.

In addition to Basic Services, the District does, and may provide additional, Specialized Facilities or Services that, for a variety of reasons, will be utilized by a more discreet segment of the District property owners or residents and not be utilized by all property owners or residents or have a low probability of being utilized by certain property owners or residents within a defined geographic subarea of the District. These Specialized Facilities or Services may be specialized or limited to certain properties within the District, and thus the cost for the operation and maintenance thereof may vary between and among properties, based upon the criteria and factors contained within this Rule. Specific discussion of Specialized Facilities or Services is contained within Section 6 below.
The District specifically reserves the right to fix and determine rates, charges and fees required for the provision, consumption, operation, maintenance, extension, and expansion of its facilities and services as authorized by law. Each property owner is hereby notified that the District, in the exercise of its governmental responsibility to provide for the welfare of all consumers of its services and facilities, has the authority and responsibility to adopt a budget to ensure the perpetuation of service.

SECTION 8: SPECIALIZED FACILITIES AND SERVICES

The Board has made the determination that the following facilities or services, by virtue of the nature of: a.) their use and operation; b.) location within the District; c) the benefit thereof accruing specifically to a discreet segment of the District; or d.) convenience of accessibility utilizing the internal District roadway network; are Specialized Facilities or Services:

A. The Sherman Soccer Complex at Gateway Community Park (Soccer Complex)
B. The Commons.
C. Maintenance of Gateway Boulevard and Griffin Drive, including landscaping, streetsweeping and water management.
D. Water management facilities within Area Master Plan 1 and Area Master Plan 2, as those water management facilities only serve the properties in those defined areas.
E. Water management facilities within Pelican Preserve area of the District, as those facilities only serve the properties in Pelican Preserve.
F. Enhanced levels of service or maintenance of District or other governmental facilities.

The categorization of items "A", "B" and "C" above as Specialized Facilities or Services is predicated upon certain properties within the District not being directly, internally connected to Gateway Boulevard or Griffin Drive. This characterization is subject to change by the Board, without an amendment to this Rule, upon the change in status of internal "connectivity" as to the internal major roadways within the boundaries of the District.

At the time of the annual budget adoption process the Board will consider the potential limited use of or impact upon these Specialized
Facilities or Services by certain categories of properties and property owners, as outlined further below in the Factors and Analysis section:

The Board reserves the right to designate additional further facilities and services as Specialized Facilities or Services by amendments to this Rule.

SECTION 7: FACTORS AND ANALYSIS.

Over the course of the last few years, the boundaries of the District have been modified by additions and contractions. Additionally, portions of the District have been annexed into the City of Ft. Myers and those areas annexed into the City of Fort Myers receive a substantial amount of services from the City that may otherwise have been provided by the District.

In addition, by virtue of revisions in development concepts by the primary developers within the District, certain properties, while located within the boundaries of the District, are either a substantial distance from District facilities or do not have a direct internal connection to District facilities by way of internal District roadways, i.e. no internal connectivity.

In determining the allocation of the operations and maintenance expenses of the District as to Specialized Facilities or Services, the Board will consider the impact, or lack of impact, on District facilities and services attributable to the various properties within the District, resulting from their use and/or location within the District, together with the benefit of such facilities or services to the property.

As for the cost of operating and maintaining the Commons, the Board will evaluate whether or not properties can directly access the Commons via the internal gateway roadway network, without the need to travel outside the District boundaries in determining whether to impose assessments.

As to those properties for which there is no internal connectivity no assessment for the costs of operating and maintaining the Commons facilities will be imposed upon them.

SECTION 8: EFFECTIVE DATE This Rule shall become effective upon its adoption.
1.03 EFFECTIVE DATE. This adoption of Chapter VI of the Rules of the Gateway Services Community Development District shall become effective upon adoption.

STATEMENT OF PURPOSE

The Gateway Services Community Development District proposes adoption of to Chapter ___ of its Rules for the purpose of adopting certain budget principles to be utilized during the formulation and consideration of that portion of the annual budget of the District relating to operational and maintenance costs and assessments; the creation of Chapter VI of the Rules of the District, and to provide for an effective date.

STATEMENT OF ESTIMATED REGULATORY COSTS

Adoption of Chapter VI of the Rules of the Gateway Services Community Development District will have no significant impact on regulatory costs as any principles applied by the Board during budget adoption will be reflected in the adopted assessment roll, which must be prepared annually in all respects.

1.0 Purpose

The purpose of this report is to identify the economic impacts of the adoption of Chapter VI of the Rules of the Gateway Services Community Development District.

This Statement of Estimated Regulatory Costs is prepared in accordance with the requirements of Chapter 120.541, Florida Statutes.

2.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

Adoption of this Chapter and Rule will impact all present and future owners of property within the District.

3.0 A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.
The estimate of the cost to the agency (the District) in implementing this Rule is primarily the cost of legal advertising of the meetings to adopt said Rule, which is estimated not to exceed $500.00. In addition, certain copying costs will be incurred by the District for distribution to interested persons which costs should not exceed $200.00. There is no anticipated effect on any state or local revenues with the exception of the revenues of the District.

4.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule.

There is no anticipated transactional costs likely to be incurred as a result of adoption of the rule.

5.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.

It is anticipated that adoption of the rule will have no impact on small businesses, small counties or small cities.

6.0 Any additional useful information.

There is no additional information that is deemed pertaining to the purpose of this analysis.
April 12, 2004

Gateway Services C.D.D.

planning purposes, future development purposes, etc. The intent was to have a
discussion so that the Board would be fully enlightened.

Mr. Doragh stated there is nothing for us to do or continue with regard to
the annexation. We should ask the District manager and counsel to monitor the
progress of the annexation agreement through the process so that the city council
and we can be alerted prior to the entry of the agreement.

On MOTION by Mr. Doragh seconded by Mr. Warner
with all in favor the District manager and counsel was
authorized to monitor the progress of the annexation
agreement.

EIGHTH ORDER OF BUSINESS

Continuing Discussion on Assessment Methodology

Mr. DeCocq stated I spoke to each Supervisor individually and explained
this item is on today's agenda because of last month's discussion about the
annexation.

Mr. Warner stated I am concerned about delaying things; however, there
seemed to be a strong feeling at the last meeting that all Board members be
present. I am also concerned that we do not have all the facts from WCI.

Mr. Menzies stated with regard to our discussions over the last few months
regarding the assessment methodology, I was under the impression that there
was a definite distance between Pelican Preserve and Gateway. The two projects
were separated with no access on their part. I was surprised when Mr. Caldwell
said that the fly-overs were going to go away and there would be an entrance.
This changes a lot, and we need to get to the bottom of this.

Mr. Warner stated I agree, but we are not there.

Mr. Morrison identified the yellow parcels on a map as Phases II and III
and further identified the two entrances into the gated portion of Sun City and
stated there was an estimate for an overpass in the engineer's report, but I do not
know if there was ever an emergency type connection to Gateway Boulevard, but
the main entrance was off of Commerce Lakes and Tree Line Boulevard. At the
last meeting, Mr. Caldwell not only volunteered information on the annexation,
he also mentioned that they were disengaging a parcel from Sun City. They are
designing this as a stand-alone community. This is the community we are
coordinating running the irrigation line through.

Ms. Martin stated I initially was not in favor of excluding what was then
Sun City from any type of participation for the things in Gateway such as the pool
April 12, 2004

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and park. Through discussions and understanding that it is separated, the people in Pelican Preserve have their own pool area and have no desire to come to our pool area or park. If you join these communities and have access from one to the other, all bets are off and the whole discussion has to be had again.

Mr. Menzies stated I agree. I was not aware of this entrance.

Mr. Warner stated I do not think the entrance has changed much from the original.

Mr. Doragh stated I think it has changed dramatically. The whole point was the only connection into Gateway proper was essentially at Griffin and State Road 82. There was the tiniest patch of road people would access. Dumping traffic onto Gateway Boulevard is a different story. We are still stuck in the same position we were in several months ago. Unless we have a standard that we can apply to explain how we are making these decisions, then I do not know how to say when something has changed enough so that a prior decision should be redone. The only standard I know about last time was that I was on the losing side of the vote, and there were a number of rationales enunciated by various people with various logics. Our discussion incorporated the assumption that we were flying over Gateway Boulevard and not connecting to it. We need to have a rationale or an explanation.

Ms. Martin stated I thought we had that.

Mr. Doragh stated we asked for it to be written down, and it has either never happened or it has never come back to us.

Mr. Warner stated it was more than asked for. It is clear in the minutes that we would create a rationale. We did not vote, but we probably should have. My concern is that we do not know the facts. We are making assumptions.

Mr. Doragh stated I am not sure that we know the facts any less than we knew them before. We did not have a formal submission that said there was going to be a fly-over. We just knew the current state of the plan. WCI changes their plans all the time. It is the nature of their business.

Mr. Warner stated I agree that we should have a rationale. Is there a way to come up with a rationale every time plans change, or do we want to pursue the avenue we were pursuing; to get all the facts on this and make a decision based on that?

Mr. DeCocq responded the plans have changed, but the actual construction has not changed yet. These plans could change again tomorrow. What is anticipated to connect today may not connect three months from now. It may
never happen. You have to plan for today and allow yourselves to be malleable to how the District is going to change and develop.

Mr. Warner asked what do you mean?

Mr. DeCocq responded you all went through a process that I thought was very good. My feelings as a manager is if you are in a District, there are some basic services everyone should pay for if they are available and part of the District no matter how difficult it is to get to. If you choose to have a higher standard, you can vote yourselves into those taxes. The easiest way to do it would have been to make everyone pay for everything, but it went in a way that I think made sense. The separation made a lot of sense. It is not easily accessible and chances are no one is going to drive such a distance to utilize it, and the age restriction and the impact fee argument was mostly geared toward the park. We said if the county approved these things, then we would take it at face value and not put any more liability on the District or create any new standards. If they met the two standards by the county, we would accept it. I do not think anything has changed at this point because there is not a road that connects it. In the future when it does connect, then it will change things. It will allow immediate accessibility especially since I believe this will come out right near the pool. However, it has not happened yet. Therefore, how does this change the methodology? If you believed in this a month ago, wouldn’t it still hold true until the point when it actually connects?

Mr. Doragh responded the problem is we do not have the methodology, so it is difficult for me to say how to apply it.

Ms. Martin stated we had a methodology in our minds when we voted on our budget. We all knew why we did what we did.

Mr. Doragh stated what we talked about is not embedded in any budget. All it ever was was a philosophical decision about how to approach things. If we do not capture it, then with all due respect, something that it depends on our memories is not a standard. It is just a temporary decision.

Mr. DeCocq stated we agree with that. We want to get you something in writing, which is not a problem. I thought I just capsulated what we will write. The only thing I outlined was that we decided all of the general administration and consultation fees would be done on an ERU basis because they were not done that way before. This is the only change from how you charged in the previous fiscal year.
April 12, 2004

Mr. Doragh stated I do not know that the timing issue is necessarily dependant on whether or not a road has been put in yet. If someone is ultimately responsible to pay for a facility and the facility exists and they have the ability to go to it, whether or not we think physical access is reasonable has not been a criteria we have typically used. It should be written down. I wanted the methodology in the first place because I have always believed that the decision path we were on was not going to stand up to an objective methodology and once we started to encapsulate this, people would start to see things. In addition, I have always believed WCI would change the plans because they always do. Nothing about Gateway looks like what it was thought to be. It is market-driven, and a new plan is constantly coming down the pike.

Mr. Warner stated I agree with you on the methodology, but I have no idea how to get to it -- nobody does. The last methodology we came up with was based on the way we voted, and we tried to come up with a way to justify it.

Mr. Doragh stated the bulk of the expense we excluded has to do with Gateway Boulevard.

Ms. Martin stated I do not recall in the last ten months any discussion about a fly-over. I still continue to believe that if you are part of Gateway, you should pay for everything, but I am willing to agree to the age-restriction exclusion.

Mr. Menzies stated you were assuming the one entrance on Colonial. If they get connected with Gateway Boulevard, then the landscaping issue is to be considered.

Mr. Doragh stated we need to get the methodology on paper so we can talk about the real standards we are going to apply.

Mr. Warner asked do you have a suggestion for how to do that?

Mr. Doragh responded the norm is for everyone to pay for everything. The idea that people are going to be excluded from basic District services is abnormal. I am not suggesting that it cannot be written, but it is unusual in this environment.

Mr. Warner stated I agree.

Mr. Pires stated it seems more like a budget philosophy and a budget principal as opposed to an assessment methodology. Distance, activity and age are factors to be utilized in making a determination.

Mr. Warner stated I think it is time we start charging for the undeveloped area.
April 12, 2004

Mr. Doragh stated we should have an administrative code type rule.
Mr. Pires stated you can follow the Chapter 120 Procedure Act for rule implementation and adoption.
Mr. Warner stated part of creating rules is creating ways to make exception to those rules.
Mr. Doragh stated I am sure the rule will involve a subjective analysis of the objective criteria.
Mr. Pires stated that is the only way.
Mr. Doragh stated if there are standards, the Board must decide how the standards will apply under specific circumstances.
Mr. DeCocq stated we will try to encapsulate it for next month even if it is in draft form. The Board has decided on a boilerplate to determine where you want to go with this new information.
Mr. Menzies stated recognize that new information will come to us all of the time.
Mr. Pires stated part of the drafting is to ensure that it is a budget philosophy or principal so regardless of future factors, you can look at this as a guideline and apply the facts as they exist.
Mr. DeCocq stated it is not appropriate to use the term methodology.
Mr. Doragh stated that is not what we are talking about. This is just a rule for our administrative use in preparing our proposed budgets, and it sets out the standards we would intend to utilize in doing so that people can look to that.
Mr. Warner stated we will look at the entirety of it.
Mr. DeCocq stated we will attempt a draft. What line item does the Board want on the agenda to bring this back up? I ask because I do not want to misnomer what the discussion is going to be.
Mr. Doragh asked consideration of a draft rule. It is something less than a statute, but it is a formal act of an administrative body in Florida acting in a quasi-legislative capacity.

Mr. Doragh moved to bring back the consideration of a draft administrative rule for budget preparation on the next agenda and Mr. Warner seconded the motion.

Mr. Adams stated the draft budget will be distributed next month, too.
July 12, 2004

Mr. Pires stated this agreement was an adjunct to the discussion concerning the various plats at that time and was to be in place until such time as replatting occurred.

On MOTION by Mr. Menzies seconded by Ms. Martin with all in favor the Temporary Easement Agreement dated January 29, 2004 between the District and Worthington Holdings, LLC was ratified.

SIXTH ORDER OF BUSINESS

A. Attorney – Status of Preparation of Resolution/Rule Relative to the Method of Assessment for the District’s General Fund

Mr. Pires stated enclosed in the agenda package is a draft of the proposed rule with regard to principals to be utilized and considered upon adoption of the budget. This was an attempt to encapsulate the discussions that we have had at Board level in written form based upon concerns expressed in the past. Discussions ensued about whether or not particular residents or communities within the District would utilize various facilities and, therefore, have different assessment levels. There was some discussion on whether there would be greater specificity with regard to the criteria so that the individual ad hoc determinations as to whether or not a particular community would be imposed a particular assessment would be apparent and easily replicable. I believe this encapsulates the general philosophical concept that the board discussed and debated. If the Board wishes to have a greater specificity in a rule, it could easily be achieved before they would send this out for publication for consideration in the future. I think it should be more general because in a rule as opposed to a resolution, if the Board desires to modify or change it, they will have to go back to the advertising process, assessment process and economic impact analysis as opposed to a resolution which is relatively easy. If the Board wishes to make it more codified/solid, then we can provide for greater detail in the rule. If the Board wishes for greater flexibility within the parameters of it each year, it can be as general as it is here.

Mr. DeCocq stated you can simply pass a resolution if you wanted the maximum flexibility instead of putting in a rule, but I think the rule bridges the gap. The rule with generalities maximizes your flexibility while still locking the Board in somewhat and not allowing it to be changed as simply by adopting a resolution. The Board’s concern was that they did not want to make it too simple for future Board members to do it. They will have to go through the process of advertising properly and doing a rule change versus adopting another resolution.
that would supercede the previous resolution. We have had these philosophical discussions in the past but noting ever made it in writing other than perhaps the minutes to help anyone understand our thought processes. No one would know why we did what we did unless they asked us. This is the thought behind doing the rule. Does the Board want to be more specific within the rule as was suggested? I had a discussion with Mr. Pires on this and explained that I would feel more comfortable bringing it back to the Board for direction.

Mr. Pires stated if the Board wants greater specificity, we can get it ready in a format to be advertised between now and the next meeting and then schedule the public hearing, which would be either 60 to 90 days away.

Mr. Menzies stated it is important for the Board to have the ability to change rule in the future. We can define the future as being when Pelican Preserve gets connected with Gateway Boulevard, which could seven or eight years from now.

The Board unanimously agreed.

Mr. Doragh stated we have had many discussions, and it took us a long time for this Board to reach a decision, and we already run the risk of losing the benefit of it because we have already had two resignations, and we are about to lose another member who participated in that process. If we do not encapsulate what we have decided, then we will not reap the full benefit of all our efforts. We should have something that shows what we have concluded. A statement this general about what we are going to do does not accomplish that. A great deal of thought process has gone into creating the budget, and the assumption was that we would continue until it was changed. Some elements are flexible from year to year, but some other elements are philosophical and should not change. This rule does not tell you anything about what to do when a plan comes to fruition such as Pelican Preserve connecting into Gateway Boulevard. This is a fundamental change in what we think is the current condition of this community. This rule does not tell you anything about what to do in that circumstance. We had a long discussion, and we have a rule, but we have no direction as a consequence of it. Similarly, we do not have any reference to The Commons. There was a substantial amount of discussion about The Commons, and the philosophical basis was slightly different than the park. I am not convinced that the same criteria should apply in both circumstances. My goal is to see us codify something in a way where it is usable so that if a developer creates an age-restricted community, they will not participate in paying for the park because it will have been a core criterion that we have set. This would not change unless we change the nature of the park. Similarly, I thought our
thought process had more to do with connectivity and comparable facilities in terms of the pool; not with the age limit question so there was a different rationale, and without writing that rationale down, it is hard to determine when the circumstances changed. It will still be a judgment as to whether it has changed to the degree that you changed the result but we should write these things down. We do not have a connection into Gateway Boulevard yet and the operating assumption for most of that discussion was that there would never be one.

Mr. DeCocq stated that is correct until we found out differently.

Mr. Doragh stated we found out the latest version of the plan, which happens to be different from the former version, which may yet be different from the ultimate version of the plan. We need a rule that expresses what we have said so that by reference to objective factors we can apply the rule and reach a result that is fair. This will give us a maximum opportunity to avoid personalities and emotions and other elements that should not be part of the decision-making process.

Mr. DeCocq stated I do not disagree. This is the point of rule. Would it be most appropriate to say direct connectivity to the internal roadways of Gateway Services?

Mr. Pires stated otherwise, they would have to go outside the District to access facilities within a District.

Mr. Doragh responded that would not be clear. We have to begin writing things down that details these criteria, but I am not prosing that I think you can write a set of criteria that will mathematically yield a result of in or out. I think it will give us the backdrop against where we have to make a subjective decision.

Ms. Martin asked does it make sense to memorialize why we did what we did in the Pelican Preserve case?

Mr. Pires responded this is more general than that as opposed to getting into more detail and still having enough flexibility for its application. If you have to go outside the District to access a facility within the District, should you be paying a particular fee for the maintenance and operational cost of that facility coupled with whether or not you have comparable facilities within the community you are in?

Mr. Doragh stated I think we have to work towards a standard set of ideas that we can move with.

Mr. DeCocq stated adopting that does not preclude next year's Board from wanting to review and change the rule if their philosophy is different.
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Mr. Pires stated these are principals to apply. It does not bind you to do A, B or C. You can, in your legislative wisdom, make a determination how they are applied. This decision is given great deference.

Mr. DeCocq stated the Board cannot make a decision that will financially harm or obligate anyone in the future so you cannot make a rule that would be all and absolute if it has financial impacts. In other words, you cannot tie a future Board with your decision today. I suggest that we review this on an annual basis and see what the trigger points are. I believe I understand the Board’s direction—that the actual park area was more of the age restriction and the exemption from school impact fees while The Commons area and street have more to do with the direct access and the day-to-day usability. Is this fair?

Mr. Doragh responded that is a good start.

Mr. DeCocq stated I will work with Mr. Pires on this over the next couple of weeks.

Mr. Pires reported on the receipt of an Interlocal Agreement from the Supervisor of Elections of Lee County, which has been rescinded.

Mr. Pires further elaborated on the Sunshine laws.

C. Engineer
There being no report, the next item followed.

D. Manager
  • Financial Statements
  Ms. Martin asked how much did it cost to fix the pipe?
  Mr. DeCocq responded I do not recall at this time, but I can ask Mr. Adams to provide you with an estimate.

   On MOTION by Mr. Menzies seconded by Mr. Nielson with all in favor the financial statements were approved.

C. Field Manager
Mr. DeCocq distributed and reviewed a memorandum from Mr. Adams regarding the consideration of contract for the Pavilions at the soccer park.
After discussion and consideration,
On MOTION by Ms. Martin seconded by Ms. Stanley with all in favor Johnson Engineering’s revised rate schedule was approved.

Mr. Adams left the meeting at this time.

SIXTH ORDER OF BUSINESS

Discussion of Proposed Rules Relative to the Method of Assessment of the District’s General Fund

Mr. Pires stated I hope everyone had an opportunity to review both the clean version and redlined version of the draft rules with regard to the proposed budget philosophy. My task was to incorporate some of the greater details as articulated by the Board so that each determination is a formula to be utilized to give better guidance each and every time there might be an opportunity to review the budget and to analyze whether or not certain assessments should be imposed on certain areas of the community. We put those in the factors and analysis section. A preamble to that was in the specialized facility aspect with regard to the fact that the District recognizes that and will consider potential limited use over impact upon various facilities by certain categories of property owners in determining whether or not special assessments should be imposed for operational maintenance cost. In going down in greater detail to the factors and analysis section, I addressed the issue on page 3 of the redline version. Page 4 contains an example of an age-restricted community. These types of facilities and living quarters have been determined to be legitimately exempt from payment of school impact fees. Part of the rationale by the Board was if they are not going to impact the facilities, then the rationale utilized to support an exemption from impact fees may also be applicable to determine whether or not such communities should assist in paying for expenses associated with the soccer complex because generally the concept would be that those under 18 would be most inclined to utilize the soccer complex. If it was an age-restricted community that prohibits minors, then the likelihood of having anyone in that community utilize the soccer facilities is less. Therefore, the age-restricted community should be recognized as such and have a lower overall assessment. I believe we have achieved this, but it is ultimately up to the Board. Your discussion, comments, and critiques are welcome so that we can get this in a format for publication for adoption.
Mr. Nielsen stated the reference to the Sherman Complex at Gateway Soccer Park in section 4 of the redlined version should read the Sherman Soccer Complex at Gateway Community Park.

Mr. Pires stated that is an excellent suggestion to make it a defined term. I will make sure this is amended. In addition, changes can still be made at the adoption hearing. You are not locked in to the terms, conditions, and language contained in today's draft.

Mr. Doragh stated I think there needs to be a principal stated in the basic services and facilities. The assumption is that everything is paid for by everybody at the starting point.

Ms. Stanley stated that is fair. The first sentence under Section 3, states, "...should bear and pay a proportionate share..."

Mr. Doragh stated it says that there are some things that are "basic services". My point is everything is a basic service unless and until the Board makes a determination that it is specialized. My overall critique is that we are vague as to where the lines are, and there are many may(s) and could be(s). We need to make it easier to figure out what is and what isn't.

Ms. Stanley stated then change Section 3 to read The District provides many basic services, for which all property owners in the District should bear and pay a proportionate share.

Mr. Doragh stated that would work for me, but I am not proposing to dictate the rules.

Mr. Pires stated I think that is an excellent suggestion. It sets the tone.

Ms. Martin stated everyone starts at 100%, and then we can take away things from there.

Mr. Doragh stated the Board should make a determination on something that is specialized. I am trying to make sure that there is a finding at some point by the Board that a facility is a specialized facility before you get away from the general rule that everything is basic service. We have made certain findings and if some new facility should show up at some point, it is a basic facility until and unless the Board says it is a specialized facility.

Mr. Pires stated that is an excellent suggestion. You can include language indicating what the Board considers to be a specialized facility and say additional facilities may be deemed and determined to be a specialize facility.

Mr. Doragh stated the major thing we have treated as specialized in our current budget is the landscaping, and it is not included in our rules, and they
need to be. We have a million-dollar fund that pays for the landscaping, parks, and recreation. These things are being charged to the Area 1 and Area 2 residents and not being charged to the Pelican Preserve residents.

Mr. Pires asked are you suggesting that the landscaping and street sweeping for the roadways within Areas 1 and 2 is a specialized facility and that we do not assess the Pelican Preserve property owners?

Mr. Doragh responded I think we have to incorporate whether or not it is appropriate as a facility or whether we need to take the concept of specialization and apply the services and not just facilities. I will leave it to you. We have treated not just Area 1 and Area 2 as specialized but also the Pelican Preserve as specialized because we are dealing with that by some sort of formal agreement with the association to provide maintenance of those facilities. It is not as if they are not present; we have just funded them off-line because of the arrangement with that owners association.

Ms. Stanley stated you want to make something where they can plug back in.

Mr. Doragh stated it is by far the largest chunk of what we have treated in a specialized way, and it is not dealt with in the rule.

Mr. Pires stated if and when that ever changes and the District assumes those obligations directly, then Pelican Preserve will pay that aspect not attributable to Areas 1 and 2. It becomes a special service either by geography or otherwise.

Mr. Doragh stated yes, it goes both ways. Also, I would like to see us more discreetly describe the reasons why these particular facilities are specialized and how you decide whether or not a particular neighborhood pays for them. I do not think we are getting as far as we need to get under the factors and analysis. One should be able to look at this and see the three criteria necessary in order to not have to participate in payment for the soccer park.

Mr. Pires stated page 4 gives an example of an age-restricted community, and the rationale behind this is that there is no possibility of having minors or student-generated types of facilities so as to provide the rationale to not have the assessment for the maintenance of the soccer park. An additional rationale with regard to the category would be separation or ease of interconnection or ease of access coverage from this particular location. I do not know if that is too direct. You said you wanted it to be more discreet.
Mr. Doragh stated page 4 states, "The rationale utilized to support such an exemption from school impact fees may also be applicable to determine whether or not such communities should assist in paying for the expenses associated with the soccer complex." I think we ended up saying something more direct. It's not that it may be. I thought what we said was if it is.

Mr. Pires stated I was being too subtle.

Mr. Doragh stated it's not like it may be related to it. It is related to it, and it is the only thing we are taking into account.

Ms. Stanley stated I deleted the reference to and will consider. I read the last two year's worth of minutes, and one of the things the Board often said was that with Board members leaving, the result of all your efforts to clarify everything would fall by the wayside; that nothing was concise. I think saying that it is related is more concise than it may be. It should state exemption from school impact fees is applicable and it is appropriate for the Board to not impose.

Mr. Pires stated as opposed to being discretionary, it is a definite.

Mr. Doragh stated that is correct. Every time we say that something is a specialized facility, we will also have to say the criteria that relate to that specialized facility. I think the criteria need to be by facility. In the case of the soccer park, I thought we were working towards the proposition that the determination by the county about school impact fees would essentially make the determination.

Mr. Pires stated that is correct.

Mr. DeCocq stated also in addition to what, was my question. I do not know what other criteria we are going to take into account for that.

Ms. Martin stated that was the only criteria.

Mr. DeCocq stated I suggest that we always try to rely on a higher authority. This is why we agreed that if the county deemed it a certain way, we would accept it as being the criteria.

Mr. Doragh stated we will not have that luxury in some cases. For instance, the big money is associated with road maintenance and landscape maintenance. This is also the hardest to define and is the one that is most changeable. We worked on an understanding of the land plan, which involved the flyover at Gateway Boulevard and a connection into what is now Griffin Road. For purposes of those discussions, we most commonly referred to it as Commerce Boulevard, but we anticipated very little connection into the internal roadway network in Gateway. It may not be a perfectly objective criterion, but we thought
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that there was going to be substantially no interconnection. This may have changed, it may change, or it may not change. I do not know what we will end up with in terms of the connection of Pelican Preserve into the general Gateway community, but if Pelican Preserve directly connects into Gateway Boulevard, then this changes the analysis. Rather than reinvent the wheel (we had that discussion and talked about that logic over many months) let's not leave the roads out and be plain about it. If there is a substantial connection into Gateway Boulevard in particular, then that is a change that would presumably change the answer to a certain degree, which we must capture. There was also a strong component that because the Pelican Preserve did not connect to Gateway Boulevard, it also meant that it was very remote to the pool. This could conceivably change dramatically.

Mr. Pires stated we did not directly address the roads, but we will provide for that. As to the pool and the commons, it was addressed because we recognized on page 4 whether or not the development can access the commons facility solely through the internal Gateway road network.

Mr. Doragh stated I am trying to get past militating against things. We decided not to charge them, and we need to embody this decision. We thought there was indirect access, and we thought there was a comparable community facility that made utilization of our facility unlikely.

Mr. Pires stated I understand what you are saying, but my only concern is that each year you go through the budget process, you will be making a determination as to the benefit to your particular parcel of land by imposing the assessment. It is good to have guidelines, yet I do not know if it is appropriate to lock yourselves in by saying that you will do it a certain way. I would be hesitant to add it to the rules since it is almost like prejudging what your assessment decision will be on an annual basis.

Mr. DeCocq stated you cannot impose anything on a future Board other than these guidelines.

Mr. Doragh responded we can impose things on a future Board. We do it all the time because we make multi-year agreements and multi-year decisions that future Boards can easily undo. A future Board can also rescind this rule but if they don't, they probably have to live with it to some extent. I also do not think we will end up with something so direct and inflexible that there isn't any discretion for a future Board.
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Mr. DeCocq stated what you are saying is that when the trigger happens, you should know it was the trigger. You should be able to tell when things have changed versus being vague.

Mr. Doragh stated I respect the desire to not lock us in, but I think we have to lock ourselves in a bit.

Mr. Pires stated it may be helpful to differentiate between factors and analysis as to recreational facilities and roadway landscape so that it is clearer.

Mr. Doragh stated perhaps you can tighten up the factor and analysis. Perhaps we can move into a set of findings.

Mr. Pires stated the idea of findings and determinations is an excellent idea. This can be inserted upfront.

Mr. DeCocq stated should one of those findings prove false in the future, then that triggers the need to review.

Mr. Caldwell stated when Mr. Pires first came back to the Board with a draft with which the Board was not pleased, it had some element that dealt with the specific question of how the District would assess property in terms of what was a residential unit and what properties would be assessed because it dealt more with the mechanics side which is something this Board does not have to deal with since staff deals with it each year when it looks to see if it is commercial, residential or vacant land. We have always relied upon a methodology that came out of the first assessment bond issue, and we have used it for the last decade or so, but it has never been codified in your general fund. Is this something the Board still wants to consider? I ask because this draft drops that whole concept. It has the bulk of the document and it creates special additional issues for the Board to consider, but it does not contain the codified rule on what property will be assessed and how it will be assessed.

Mr. Pires responded I think the only place where there is a codified rule is in the water and sewer area.

Mr. Caldwell stated no. You have an adopted methodology that applies to the capital side, but it has never been codified on the general fund and O&M assessment. I bring this up because the first draft started to deal with that but it was not the issue the Board wished to deal with. The Board wished to deal with these other issues, which you just discussed. The second draft dropped that component. Is this something you did not want to consider at this time, or did you simply overlook it?
Mr. Pires responded I think that was more of the scrivener doing that because of the Board's direction as to where to go. Mr. Caldwell had made some suggestions between my first draft and circulated it internally, which was an excellent suggestion, and that was one of the components. If the Board wishes, I can put those back in.

Mr. Doragh stated my preference is to process it as a separate rule because it is a separate topic.

Mr. Pires stated we can do that.

Mr. Doragh stated it is the relationship between the commercial and residential ERUs.

Mr. Decocq stated let's do them at the same time but as separate rules.

Mr. Pires stated I would feel more comfortable bringing it back to the Board at the next meeting before advertising.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Pires stated I have an item, which is not included in the agenda packages, for which I apologize. The developer of Stoneybrook is replatting a portion of the Stoneybrook plat. They are replatting Tract F3 Stoneybrook at Gateway Unit 1. It will be called Stoneybrook at Gateway Unit 3. Since we will acquire infrastructure, Lee County requires us to adopt a resolution when there is a recording and acceptance of a plat. We have done this before. The engineers have reviewed the plat, but I have not finished my plat review. We recommend adopting a resolution relating to the acceptance and responsibility of ownership, operation, and maintenance of District infrastructure within the boundaries of the plat at Stoneybrook at Gateway Unit 3 with the resolution not being submitted to the county until such time staff is satisfied that all the requirements have been met.

Ms. Martin asked are you saying we already accepted this and now they are replatting?

Mr. Pires responded as to the overall Unit 1 but not this replat of Unit 3.

Mr. Tilton stated in the first plat, Tract F did not have any subdivisions. They have now decided how they want to subdivide this tract, hence a "replat" of that same piece of property into smaller pieces.
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On Motion by Ms. Stanley seconded by Mr. Nielson with all in favor the remaining positions on the Board will be Assistant Secretaries.

THIRD ORDER OF BUSINESS

Continuing Discussion of Proposed Rules Relative to the Method of Assessment for the District's General Fund

Mr. Pires stated due to the short timeframe and the turnaround on the revised rule, I was unable to provide a handout to you before this Board meeting. I have a red line version of the document you looked at last time in an effort to incorporate comments made by the Board. For the new members, the Board has been discussing for a period of time, codifying the process by which the various assessments are imposed and operational and maintenance prospective on an annual basis differentiating the types of properties and the types of benefits they may receive from certain facilities of the District such as the soccer complex, the commons, the roads, or other areas. We have been talking about having a draft version for discussion purposes for which we will then advertise for the formal rule adoption process starting in the next sixty days. This is a red line version and includes what the Board saw last meeting with revisions. I know it is difficult for you to evaluate this and I recommend we advertise for a hearing. During the hearing process, if you wish to we can make necessary adjustments to the language. We propose this to be the document that will be available for public inspection for the rule making process.

The Board also indicated they wish to have codified the process by which ERU's (equivalent residential units) are allocated or assigned to the various properties. Single family home would be the typical one residential ERU, and typically the commercial properties and other non-residential properties have been designated or allocated ERU's equivalent to 5.75 ERU's per acre or fraction thereof. I have a draft of a separate rule that codifies that process. Recognizing that two new Board members have not had a chance to participate in these discussions or digest this and that the other Board members who were part of the discussions have not had a chance to review the red lining, I recommend, unless the Board has a different philosophy or approach, to advertise these, have the public hearing so any adjustments, changes or adoptions can be made.

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Mr. Doragh asked what kind of advertising is required?

Mr. Pires responded I have to double-check the statute. We have to follow the Chapter 120 process. I think it is a 60-day follow up. We put an advertisement in the paper saying we have a rule available, when it is going to be heard, asking if anybody has an alternative, regulatory impact statement. Then we have to check the calendar. It might be the November Board meeting; maybe December Board meeting. I am trying to meet the various advertising requirements.

Mr. Doragh stated we can set the date for January now and still have time to talk about it in November or we can wait until November instead.

Mr. Pires stated the Board's approach is appropriate either way.

Mr. Sherman asked is this to open it up for discussion?

Mr. Pires responded this is to attempt to put in writing and codify what the Board verbalized to indicate the basis for the imposition of various assessments as opposed to other properties within other parts of Gateway as well as putting it into codified format the discussion about equivalent residential units. That has been the formula and basis for making the assessments in the past.

Mr. Sherman asked so that we understand the history of this, how did this come about?

Mr. Pires responded there were discussions the early part of this year initiated by Mr. Warner, when he was on the Board. Then other Board members, at the time, also felt it appropriate that there were various parts of Gateway, although within the boundaries of the District, that were either physically separated from the internal roadway system of Gateway so as not to have easy accessibility to various District facilities or, by virtue of being an age-restricted community, the possibility of children or people being under the age of 18 that can utilize certain facilities, would be remote or impossible. That would be factored into the determination as to whether or not an assessment should be imposed for the operation and maintenance cost of various District facilities. As discussed in the meetings without any real guidance, there was an effort to codify and put in writing parameters and guidelines.

Ms. Wetzel asked are there Districts who separate use of facilities?
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Mr. Pires responded Pelican Marsh is one.

Mr. Adams stated geographically they are on two separate sides of a major road in Collier County. This one is probably the first in terms of it being within the boundaries of the District, but kind of separated from the roadway system within the District. It is unique in the fact that it is in a restricted portion of this community.

Ms. Wetzel stated the only recreational facility is the soccer complex.

Mr. Adams stated we also have a swimming pool.

Ms. Wetzel stated I do not know how you can separate age restriction in the swimming pool.

Mr. Adams stated that was some of the debate we have been having for the last twelve months.

Mr. Pires stated that is how the soccer complex was different from the commons because it was a specialized facility, but again where there is an age-restricted community where they do not pay impact fees. School impact fees are not paid in age-restricted communities because you cannot have people school-age who are not residing there, therefore, you would not have an impact on the school facilities.

Ms. Wetzel asked should grandchildren using the park not pay?

Mr. DeCocq stated if I have grandchildren come to visit and I want to use the community pool then I will be charged a user’s fee because I am not paying for it through my standard non-ad valorem tax. Same with the park, you could establish the same sort of usage fee but that is a little different because of the way the park was developed.

Ms. Wetzel stated that gets very complicated to determine their usage. What about the resident who says “I don’t use it, so why should I pay for it and I don’t have children and I don’t live in an age-restricted community or I have ten children and should pay more”.

Mr. Pires stated the difference in the rationale is, in a age-restricted community, you have someone who says I don’t have children, but the next person who resides there could have children as opposed to an age-restricted community you can’t have children by virtue of the nature of the use. That is the
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difference in the matter, who they sell it to that next buyer, the buyer after that, there will not be any children in the community or in that house.

There was an issue about the roadway. Part of the concept showed a flyover at one time, in Pelican Preserve, where there would not be an interconnection to any of the internal District roadways. That may change depending on what happens down the road and the rule would provide flexibility. It is not locked in so that it cannot be changed because you have an issue with a governmental body. When you make your annual budget determination, you have to look at the facts as they exist at that time and the Board would use these as guidelines.

Mr. Doragh asked did the new Board members get copies of the minutes before you came on the Board?

Ms. Wetzel responded no.

Mr. DeCocq stated we will get you the minutes.

Mr. Doragh stated this began because the District starting having separate budgets for the two communities. Some of us questioned that. The conclusion was that we were going to have two separate budgets. It should be possible to read the rule and figure out why it was done, the purpose and the point was from the rule. It is appropriate that we give everybody a chance to look at that material for the November meeting before we go to the expense of trying to schedule a hearing.

Mr. Sherman stated my concern is whether we can police this thing. Right now we have families who have children who use the park and the swimming pool. In a restricted age community such as Pelican Preserve, there is a certain benefit to senior citizens or restricted age for a park or common areas as it gives young people structured activities. It is commonsense that it deters crime and vandalism among young people so there is a value to restricted age groups. Was that discussed before, the concept of value?

Mr. Pires responded yes, but some things are more objective, others more subjective in making those determinations. That is why we are trying to codify it because every year you may vary as to what the thoughts are for the rationale.

Mr. Doragh stated there were a significant number of variables talked about by various people. These various points you are raising are similar points
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I have raised. We ought to be on a path, which can be consistent year to year, and not change as we get different Board members. There is a lot of discussion that needs to be made on this subject.

Mr. Pires stated then it will be a discussion item at the next Board meeting. Ms. Wetzel stated I started reading the most current minutes and then thought that is not the way to get questions answered. I learned the purpose for doing the rule was that many of the discussions they had said that they wanted to memorialize all those months of working on it. This was to be the net result of that. It is very interesting to read as it all evolved.

Mr. Pires stated that is helpful because part of the effort from the Board's perspective of trying to get a grasp of this issue was what methodology are to be utilized for hard data analysis. All those discussions were held over a period of months as to what ultimately to utilize. It would be helpful to go back because some of those ideas may have been discarded.

Ms. Wetzel stated originally they were combined, the use of the soccer complex and the use of the park and pool. Those were very clearly separated so that at some point in time if there were a physical connection made between Pelican Preserve and Gateway, they could separate the two and then immediately say, "now you are connected, now you are paying for the park and the other recreational facilities here".

Mr. Doragh stated it might be inevitable that we have to go back through the minutes, but I know it was a very long process and laborious. We can do nothing and take this up as a budget item next year. We can pursue a rule, but change the results or we can pursue a rule and stay on the same path. We had a number of very long meetings involved and a lot of information where this was a major point of discussion. It would be good to start from there if we can.

Mr. Nielson asked how easy is it to calculate the actual cost for each facility on each resident?

Mr. DeCoq responded basically we have already done all that work. It actually increased the cost per unit in Pelican Preserve this year. It was brought up from the Preserve and it ended up costing them more money than what we were originally doing. I have the documentation and paperwork. Ms. Wetzel
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asked is there any way some sort of summary could be provided? I understand there has been a lot of work on this and it is not my intention to change it.

Mr. Doragh stated I think the minutes probably are best to get the feel for it. There is really no way to summarize that.

Mr. DeCocq stated while the two years will be nice, just concentrate on the last six months or so and you will get the gist of this particular discussion. Then we want to carry this as an item for the next meeting. I will get the minutes to the new members of the last two years and make sure to get the handbooks for everybody else who does not have them.

Then the plan of action is to read those minutes and bring some comments back. Try to set a date in the November meeting for January and then we still have a couple of months to go through the process.

FOURTH ORDER OF BUSINESS

A. Attorney

Mr. Pires stated at the last meeting, we discussed the design contract with Johnson Engineering for the new irrigation well, the timeframe on the implementation and the management. The engineers indicated there would be an accelerated timeframe to try to finish it before the end of this year.

Mr. Tilton stated we are going to commence our drawing later this week, first of next week.

Mr. Pires stated I had a discussion with Mr. Morrison with Johnson Engineering. The entire 47 acre utility site was owned by the District and conveyed to it by the developer years ago. As part of the transaction with Lee County in August 2003, 45 acre plus or minus were conveyed and sold to Lee County for the wastewater plant and approximately 2 acres were retained for this office. The District also obtained easements for various utility lines, irrigation lines and irrigation wells up on the site. Providing new irrigation wells required expansion of the area for which the District has an easement. We are in the process of modifying the properties and vacating it and imposing a new easement, but that will take a couple of months before the Court and back before the County Commission. In the meantime, to facilitate construction of the new wells, David Owen of the County Attorney’s Office, has been incredibly helpful, expediting
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U$ Homes, WCI and the county. We need to sit down to discuss this and bring a report back to this Board as quickly as possible.

Mr. Sherman stated it seems one of the concerns with the District is if they are going to take over maintenance, they ought to have control and make it private or keep the public from using it as a cut through. It is my understanding CDD roads were maintained to be public. If the county was not trying to put the condition in the DRI regarding the regulatory ability to keep out other members of the public, could GSD actually accomplish that, Lee County aside?

Mr. Adams responded I think you have two different scenarios to a certain extent. Originally, the major roads in Gateway were a part of the county's collector road system. That is no longer the case with the exception of Daniels and SR 82. That is one of the reasons why the county indicated they were not overly excited about taking on these roads within Gateway. Though they will provide some secondary benefits, they are not real collector roads. Those roads have been built and there is no way you can ever take those back. The District owns them as a public entity. They are a public road, but we still have the ability to scrutinize access.

Mr. Adams stated staff will work through this and keep you up to date as we make progress.

Mr. Sherman asked when was the last time this was discussed?

Mr. Adams responded the last time it was discussed in depth was July of 2003. It was commented off-the-cuff in several Board meetings since.

Mr. Nielson asked why was it dropped by the Board and why all-of-sudden it cam up again?

Mr. Adams responded because people want to use the road. We need to bring Mr. Caldwell and WCI into this. They are going to be a major player in how this plays out.

FIFTH ORDER OF BUSINESS

Discussion Items

A. Continuation of Discussion of Proposed Rules Relative to the Method of Assessment for the District's General Fund

Mr. Adams stated a copy of this was provided at the last meeting and brief presentation was given by your attorney on how this was formulated. When we wrapped up the discussion, you wanted to take some time to review it, come back to this meeting and discuss comments or concerns you might have. It is intended to take the methodology that was a part of your budget this year and memorialize it in an official ruling making capacity. We had a great deal of debate
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and discussion with regards to how to properly assess the usage and payment of some of the facilities the District has and how best to spread out those costs over the various property owners.

Ms. Stanley stated the question was how much difference in cost between Pelican Reserve people participating in the soccer complex and participating in the commons. At the top of this page I found in your 2005 operating budget, there is $78,955 which when divided by 6,080 units was $12.99 for the people at Gateway. Then I took $78,955, added 1,360 units in Pelican Preserve and divided that into the $78,955. The savings to the people in Gateway is $2.38 per year if you add the people in Pelican Preserve into the total. I did the same thing for the soccer. In essence, it is about $4.21 a year for both of those savings for the people in Gateway if Pelican Preserve comes into the mix. When Stoneybrook comes into the mix, it will drop to below $4. If the Pelican Reserve people are brought in to share in both of these costs, it goes up $19 per unit. In either case, it is not significant. In the same budget, you see they are sharing in administrative costs and all things common to us, so they are sharing in an equal proportion. The only thing the CDD does for Pelican Preserve now is water management: the lakes, testing water quality and putting in game fish. For the people of Pelican Reserve, the question was why is there a separate budget category for Pelican Preserve. It shows in the minutes the reason was WCI retained doing the roads and the landscaping which normally is turned over to the CDD, which made it unique. Eventually, when WCI leaves, the CDD will begin to do the roads and landscaping. I cannot imagine people there getting upset about $19 a year. I am not sure it is worth going back over discussions which went on for 18 months to save the people of Gateway $5. As long as we understand and if these are real numbers, then that should put some perspective on it.

Mr. Adams stated last year you talked about coming up with a methodology in the off-budget season so when we reached the budget season we are in a position to make a rational and educated decision on how we want to spread the cost. We continued discussions during our last budget deliberations and settled on what is currently in your budget for fiscal year 2005. This movement is to ratify and memorialize what you did in your fiscal year 2005 budget which was similar to what we had done in previous years. For the most part, we spread the administrative cost and separated the water management cost. One thing we added in this last budget was additional overhead cost in the field services. That was an addition to your budget. We felt
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regardless of whether or not you were connected and directly took benefit of the facilities in the greater part of Gateway, they had some responsibility to the overhead cost related to the District and the fact they are within the District and they are represented by this District on a regular and routine business, as you as Board members and us as administrative staff.

Then because their water management system was separated and did not flow through the greater Gateway system, it was separated in the upper quadrant. We felt that should be separated to only those who utilize the system and had benefit from it. Your storm water was the only storm water that enters that system; there was no flow through to the District. That was the mind set in the original document we started four or five years ago. We talked about it and settled on the same in this year’s budget with the addition of that field overhead.

Mr. Sherman stated I looked over the minutes of the past two years. You have been trying since December 2002 to come up with some methodology or rule to justify this discount. I am concerned with what is down the road. When I came to the former Board a few years ago and asked for Phase 2 consideration for the park, $1.2 million which was funded by the county, Mr. Jim Ward had a concern about this issue that many people in this community do not use the park and why should they be subject to the $1.2 million. We threw around some numbers and decided to charge $10 to every child to play at the CSA to off set the $1.2 million for the park so we would not have this problem.

Mr. Adams stated you are mixing the capital with the operational and maintenance. You do charge each one of your players $10. We have a special revenue line item in our budget where we accept those dollars through the Franchise Agreement we have with the CSA.

Mr. Sherman stated we get complaints from residents about using the park. You have two bases of rules in the age-restricted community. One is direct access and the other exemption from school impact fees. I called the school board, the county and a few attorneys. School impact fees are basically when you build a home and you occupy it, it is going to have an impact on the school district, maybe not an immediate impact, but it is going to have an impact. You are going to have to build more schools. Yet these same people, these age-restricted people, are paying county school taxes. They are paying $300 or more a year. Where is that methodology?

Ms. Stanley responded they do not pay school impact fees.

Mr. Sherman stated I realize that, but they are still supporting the schools.
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Mr. Pires stated in order to be able to lawfully impose an impact fee system development charge, a capital cost like that, you have to show there is an impact by that particular new development and a new use on the capital facilities. You have to have a nexus and a connection between the two. The court says by virtue of there being recorded covenants in that particular community that precludes any school age children who reside in that community. The connection or nexus did not exist by virtue of those particular facilities being constructed so there was no new impact on the school system by the age-restricted community facilities.

Mr. Doragh stated Florida Law handles what it takes to impose a tax separately from what it takes to impose a fee. The reality is that constitutionally everyone is subject to property tax. There is no specific authority for imposing fees. When they decided to create impact fees, they were basically being creative by inventing a structure that had not existed before. It builds on a longstanding tradition that the government can charge a fee for a specific purpose. The courts finally allowed it, but they said there had to be a relationship between the fee and the reason for the fee. That is not a requirement of the tax system. Property taxes are imposed because they build a budget and they divide it by the number of people through the assessed value process. You do not have the basis to say I want to support the schools. You own real property in this state; you pay to support the schools. They pay the tax because the constitution says if you own real property in Florida, you pay the real property tax at your assessed value. The fee structure is a completely independent thing where there is a requirement for a nexus.

Mr. Pires stated for the ad valorem tax perspective, you need not show any particular benefit to a particular piece of property nor do you have to show a particular impact on a system for the government to impose that ad valorem tax. There is an impact fee, you do what they call a dual rational nexus test; it becomes an unlawful tax and is illegal. They have to establish that connection at nexus. In the case of an age-restricted community, there is no nexus because there is no impact on the school facilities in that instance, by virtue of not being a facility for school age children.

Mr. Doragh stated the real issue relating to dollars and cent was what you do with the maintenance and landscape budget primarily for Gateway Boulevard. We had a discussion with different points of view on this. It began because we received a separate operating budget created for that particular portion of the community. Then things started being allocated to it. What
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first tipped us off was things were not being allocated to it that obviously should have some allocation. We need to figure out whether we want to revisit all that or whether we want to try to memorialize what has been done.

Mr. Adams stated this rule essentially memorializes the thought process that went into the budget as it currently is. It does not bind you to it in the future. You can revisit these issues and apply them in accordance with the methodology and the thought process outlined in the rule. It memorializes the thoughts that went into it in one document and attaches it to that budget. Then as you go through your budget deliberations in the future, you still have the opportunity to see if it still applies or if you want to modify it.

Mr. Sherman asked will we have to change the rule prior to the budget?

Mr. Adams responded you will amend the rule.

Mr. Pires stated you amend the rule the same as when you adopt the rule in the first place.

Mr. Adams stated rather than starting from zero again and going through all these tedious discussions, this is the snapshot in time. You have your starting point and it wraps up a year and a half worth of thought and discussion that wound up in your 2005 budget.

Mr. Sherman asked what is my explanation or response to a resident who does not live in the restricted age community and is a senior citizen?

Ms. Stanley asked what is the question? Could he sell his house to somebody with children?

Ms. Wetzel responded the answer is more towards proximity of location. It is very challenging to say an adult would not use the commons. Sure, kids might use it, but I disagree and say adults could use the park and adults could use the commons. The nature of Pelican Preserve was set up perhaps not to have these amenities as a part of their lifestyle. Why should they pay for this lifestyle and that lifestyle with what they already paying in homeowners' fees. For that, perhaps there is merit to it.

Mr. Sherman stated they also have their own amenities and they pay for those. They have an amphitheatre and nature trails and we do not share in that expense.

Mr. Doragh stated except I do not know if we can let that be our rational. You do not want to be in a situation where developers get to decide how they craft their community and whether or not their residents opt in or out to pay those charges because given the choice
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developers will opt out. I would probably modify this draft. The last time we talked about this, we talked about there being some facilities we treat as specialized that are not noted as specialized.

Mr. Pires stated there was talk of taking out some of the discretionary aspect and making certain rules mandatory.

Ms. Wetzel stated looking at this, it appears there was so much conversation going back and forth that you were trying to appease every single faction. I do not think in five years if somebody pulls this up, it would make sense to them. I cannot personally agree with some of the logic. We are making things very complicated when it comes down to a minimal amount of money. If this Board were gone tomorrow, a new group would have a hard time explaining the logic to the residents.

Mr. Doragh stated I said from the beginning when we first suggested having this rule, that I was not confident a rule would justify the decision.

Mr. Adams asked since we have so many new faces here, do we want to proceed with creating this or do you want us to try to get there and continue to expend more time?

Ms. Stanley stated in general if this rule did not exist, you would look at the budget and take all the expenses that come together and apply it equally.

Mr. Adams responded the budget is how you determine in your review how we portion the cost of that operation and maintenance budget. This is a narrative you attach to that budget explaining the thought-process. Does this new Board still see value in doing that? Do you want us to try to get there? If there is still some concern, we may not be able to get there anyway?

Mr. Sherman stated it is worthy of continuing. I want to be sure to justify it when it all is said and done. We are trying to agree with a rule that will exclude Pelican Preserve from paying for the park. Is there a halfway point that they could pay you for a percentage of the park or is just all or nothing?

Mr. Adams responded we have not come across that.

Ms. Wetzel stated we understood there is a soccer park and a commons park. When you go through this you will not find any charge for those in the Pelican Preserve numbers.

Mr. Adams stated we looked at each department and landscaping is the largest part of your budget; that is generally related to the roadway system and the realization from a roadway map indicating there was not going to be a direct connect between Pelican Preserve and Gateway.
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Boulevard bringing you into Gateway Proper. The next step was to look at the park as another facility that may or may not be of a benefit to Pelican Preserve.

Ms. Stanley stated currently Gateway residents pay for the landscaping of Gateway Boulevard. Do the Pelican Preserve residents share in that expense?

Mr. Adams responded no they do not.

Mr. Dorough stated before this cycle there weren’t any residents. It was just a question of what you were charging WCI. The water management systems weren’t directly connected. Then it mushroomed into a full-grown budget for the first time last year and you had two general funds. Every new subdivision that has been added into Gateway has become a part of the general fund. It wasn’t until we got to this point where we subdivided into two different general funds. The first version of the general fund did not allocate anything to Pelican Preserve. They had money for water management and some very specific things, but none of the general stuff was allocated at all. If there is a reason for charging one part of the community and not charging another part of the community, we ought to be able to announce that; we ought to be able to write it down so you can read it and understand it. If we cannot get to the point where you can write it down, then I say that means it does not exist and maybe we should revisit the question of two general funds.

Mr. Dorough stated there is another unfinished piece of business tangled up in this because this mechanism by which the homeowners association is doing maintenance is pursuant to an agreement that does not exist. It hard to tell you what the consequence of this is. Certainly not every road in Pelican Preserve under any scenario would be a Gateway Boulevard maintenance obligation because we do not maintain the neighborhood roads inside of any subdivision.

Ms. Stanley asked is Pelican Preserve Boulevard the same as Gateway Boulevard?

Mr. Dorough responded possibly. I do not know exactly what road Pelican Preserve Boulevard is to the degree it goes behind a gatehouse, we do not maintain Gateway Greens Boulevard behind the gatehouse. We never had to deal with the question or whether or not that would be a GSD maintained facility because it is all being handled by the association at this point. We do not have the agreement distinguishing which ones are maintained to us and which are maintained for them.

Mr. Adams stated only those who have access through the gate and benefit from that pays for it. That is where your separate general fund comes into play again. That is added to the
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general fund that overlies Pelican Preserve specifically. If you cannot gain entry, enjoy and benefit from it, then you should not have to pay for it. The issue we have here is Gateway proper, you can gain access, you can benefit from it and it boiled down to the direct connection.

Mr. Nielson stated we have four new Board members. We can take this as a general rule and bring it through the budgeting process, which is going to be in six months, and then go through the problems. The other choice is we can forget about the rule, do our budget process and go through that. The five of us are going to learn from it to then make a new rule after the budget process is over.

Mr. Sherman stated I do not think you can blame this on the new Board.

Mr. Nielson stated the former Board could not come to a conclusion on this. It is not because we are new.

Ms. Wetzel asked is there any way we can find out from WCI at Pelican Preserve what roads are turned over to the District?

Mr. Adams stated we will bring the map, which was part of the Engineers Report outlining those facilities anticipated to be coming to the District through its Acquisition Agreement. The non-existent agreement that Mr. Doragh is talking about is an Interlocal Agreement between the District and the master association for the maintenance of those facilities, which is a fairly common way to approach those golf communities. They have one stop shopping on whether it is a golf issue, an infrastructure issue and one place to pay their fees. That is the way those were set up initially. The CDD funded the capital expense; the CDD owns those facilities in title and will always own them. The only way those go away is if they go to another public entity, the local city or county. The District always has to exist in that regard, but the maintenance is generally passed off to the master associations through a very simple four or five page agreement that essentially holds harmless and indemnifies the District for their maintaining and operating. They have to maintain and operate to whatever level is outlined in the bond documents and meets the requirements of the bondholders at least while the bonds are still in place.

Staff will get a copy of the complete Engineers Report so you understand what we have, what the bond issue is and what facilities will be acquired as a District in the Pelican Preserve portion.

Mr. Sherman stated we only funded Phase 1 so far.
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On MOTION by Ms. Stanley seconded by Mr. Nielson with all in favor Ms. Stanley, Mr. Sherman and Ms. Wetzel were elected Assistant Secretary and Mr. Ward was elected Treasurer.

On MOTION by Ms. Stanley seconded by Mr. Sherman with all in favor Mr. Doragh was elected Chairman and Mr. Nielson was elected Vice Chairman.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the November 8, 2004 Meeting

Mr. Doragh stated that each Board member received a copy of the minutes of the November 8, 2004 meeting and requested any additions, corrections or deletions.

Mr. Adams stated we received minor corrections from the engineer and attorney which are nothing of substance and will be incorporated into the public record.

On MOTION by Ms. Stanley seconded by Mr. Sherman with all in favor the minutes of the November 8, 2004 meeting were approved as amended

FOURTH ORDER OF BUSINESS

Continuation of Discussion on Proposed Rules Relative to the Method of Assessment for the District's General Fund

Mr. Pires stated in reviewing the minutes of the last meeting and my notes trying to get more specificity in certain aspects, there is a struggle to get guidelines and at the same time having definiteness without getting hard numbers to proceed with the rule. Focusing on the purpose of this philosophy determines whether or not assessments should be levied for certain types of operational and maintenance expenses. If so, what types of level of assessments will be imposed, whether there can be differentiation between the level of assessment based upon various factors and then basic findings and determinations in considering this rule. First and foremost having a written detailed guideline will assist the Board in the budget process and assist the property owners in understanding the basis for imposition of assessments.

The Board discussed properties in distant locations from certain District facilities or where it lacks direct internal roadway access. There is a sense there should be a different level of assessment for those particular properties. There are certain properties, such as maintaining and landscaping Gateway Boulevard and Griffin Drive whereby those properties directly access said roadways as opposed to those that typically do not utilize said roadways. There is a finding and
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determination that age-restricted communities have a lesser utilization rate of certain district facilities, and residents and property owners of communities who contain their own extensive recreational facilities have a lesser utilization rate of District recreational facilities. These are like templates where you can decide if this is wrong or you can correct them or change them.

Section 3, outlines these general Findings and Determinations. These are suggested Findings and Determinations and if you decide to go forward with rule making you can adopt whatever Finding and Determinations you wish provided; they are not arbitrary and capricious. You have a tremendous amount of discretion, as a political body, in making those Findings and Determination based upon the presentations by staff and discussions you had in your review of the various minutes and meetings from the past years.

Section 4, the basic premise and the starting points for the determination of assessment is that all properties receive a benefit from the various District facilities and then the determination is made to what degree of benefit, if there is a direct benefit some level of an assessment, will be imposed.

Section 5, the Basic Services and Facilities are the overall professional services such as Severn Trent, the engineer and my services and operational and maintenance services. There might be specialized facilities for services and is where you get into more detailed discussion. I did not want to pin down the types of specialized facilities for services to allow you to broaden them in the future. You can categorize some as those that will only be utilized by a more discrete segment of the District property owners or have a low probability of being used by certain property owners.

We gave some examples of specialized services and facilities in Section 6 such as the soccer complex. Granted it is primarily age and youth oriented but there might be some utilization by those over the age of 18. If you feel age-restricted communities can still benefit because there might be some adult usage you can make that determination. One of the Board members mentioned utilization by grandchildren or others of that particular community.

The maintenance of Gateway Boulevard and Griffin Drive were more Specialized Services and Facilities because of the fact that those who have direct access will be utilizing it primarily.

The water management facility split out the ones for the Pelican Preserve area because those are discrete maintenance items. There is a separate fund for that.

In that the Board reserves the right to designate additional facilities in the future, then there is a Factors and Analysis discussion. I tried to get some parameters and guidelines that can be utilized, without getting into specific dollar amounts, fund amounts, and specific fund numbers. It is your pleasure whether you wish to continue along this path of formalizing that budget philosophy or suggestions for changes. If you wish to go forward with it, we can issue
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Notice of Intent to adopt the Rule and Notice of the Proposed Rule for the February Board meeting due to the advertising time issues.

Mr. Adams stated I think it went a long way and further in specifying those actions you took as a part of adopting your budget. It went a lot further than the original and I am not sure if it goes far enough which is really up to you in your discussions to get where you want to ultimately be. It is also important to recognize that you do not want to get too specific with the amounts because this is a Rule you want to continue to live from year to year, but at the same time, because it is a Rule, you do have the ability to amend it as you need going forward in scope of services and usage.

Mr. Sherman stated I have given this a lot of thought. We are using the rationale of age-restricted communities being exempt from school impact fees which is one of the things we are basing this Rule on. The school impact fees were created for the purchase of land and for the building of new schools. School impact fees, under Florida Statute 4.26, can only be used for growth purposes. It cannot be used for maintenance operations or any type of payroll dollars. If a school had a broken down bus and they need to replace it, they could not use school impact fees If a school had growth and they had to purchase an additional bus then school impact fees will be utilized.

Age restricted communities are not exempt from county school taxes and county school taxes support the operation maintenance and the payroll dollars of schools. I really do not understand how you are using the similarity of school impact fees to this Rule. It really does not apply because it does not even relate to operational maintenance and payroll dollars.

Ms. Stanley stated the people in the age-restricted communities do pay taxes for operation and maintenance; that is not a choice.

Mr. Sherman stated that is right, it is a law based on the fact that is something they need to do. It has been proven that everybody benefits from an educated society and that is the reason they are responsible.

Mr. Pires stated part of the rationale is a tax does not necessarily have to have a particular connection to the level of tax whereas an assessment has to have a benefit accruing to a property for an assessment to be imposed upon the property.

Mr. Sherman stated this tax does have a connection.

Mr. Pires stated for the school taxes but from the standpoint of assessment in order to have an assessment you have to show there is a benefit accruing from that particular assessment to a parcel of land. The utilization of the impact fee exemption as to age-restricted communities was a good example of how you have a category where there has been a determination there is no impact on the capital facilities and there is no impact on the need for additional capital facilities by virtue of age-restricted communities. I understand that is part of the rationale. You can
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decide that it is not a good example to utilize but you still have to come down to the analysis as to whether or not there is a benefit accruing to the property by the existence and operations and maintenance of a particular facility. The exempt from impact fees was the idea of saying you do not see any benefit accruing to those communities which are age-restricted for a facility that is primarily youth oriented because the benefit is remote or speculative therefore an assessment will not be appropriate and notice the connection.

Mr. Dorag stated we have a determination by majority of the Board that they want to charge the benefit assessment for the soccer complex in the age-restricted community. The question was what objective criteria can we utilize to validate that decision and then replicate it in future circumstances. The idea was, rather than creating our own objective standards, we could rely on this determination for impact fees because it was based on a similar analysis because if you are not creating school-age children to cause an impact fee demand then we can say you are not creating a demand for the soccer park either. We are looking for something we could use as an outside objective determination. That was the logic behind that.

Mr. Sherman stated I am having trouble with the question if we are being fair. I see the attention we are giving Pelican Preserve, an age-restricted community, and I do not have a problem with that. I have a problem with being fair to the rest of the community. I estimate that out of 1,200 children playing soccer in Gateway, 800 are Gateway residents. This gives us 1,600 GSD taxpayers, if every child had two parents. For illustration Gateway pays the $255 ERU's, which varies. We all know the ERU goes through the park and the common areas. These same 1,600 GSD taxpayers are paying $10 GSD user fees because they use the park more than others. Some of them pay $20 a year if they play in the fall and the spring season. Nowhere in the two years of minutes has that come up. Now we are asking these same tax payers to pay the $255, pay the $10 or $20 user fee and on top of that an additional fee if we rule to give a special exemption to Pelican Preserve.

The 1,600 taxpayers, have paid the District $13,160 in 2004. There are 1,200 kids in the soccer league, 800 are probably Gateway residents. If you take 800 times 2 parents in each household there are 1,600 GSD taxpayers. Does Pelican Preserve know that approximately 1,600 GSD users have been paying a $10 or $20 additional tax to utilize the park because they use it more than others?

Ms Stanley responded they pay that to play in the league.

Mr. Sherman stated that is a GSD user fees to offset the maintenance and operation costs of the park.

Mr. Adams stated there is a fee through the Franchise Agreement that comes back to the District on renewal basis.

Ms. Stanley stated a parent who has a child will pay a fee for any field they played on.
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Mr. Sherman stated you paid for this park in the beginning.
Ms. Stanley stated I would do the same thing anywhere.
Mr. Sherman stated the county does not charge youth organizations for any type of field time.
Ms. Stanley stated there are league fees.
Mr. Sherman stated registration fees which pay for uniforms and is way off the track here.
Ms. Wetzel stated the difference was about $1.83 per household.
Ms. Stanley stated as a user I expect to pay some sort of fee to have a child in an organized league. I do not think that is unreasonable.
Mr. Sherman stated you do pay that but what about the fee that goes to GSD. Do you feel that is reasonable?
Mr. Adams responded leagues do pay for the use of the lights at night and they do pay for the use of the concession stand facilities.
Mr. Sherman stated check with John Yarbrall and he will tell you that youth organizations are not charged, only adults.
Ms. Stanley stated when we did the numbers last time, if those were real numbers for the soccer park, it is $1.83 per household that will be saved. That is 90 cents per person if you are breaking a household down into two people. Is the purpose of this argument that you just want them to pay for those two things?
Mr. Sherman responded the purpose of the argument is are we being fair to these residents.
Ms. Stanley stated the Board decided we were and made the decision long before I got here. The Board went through the discussion for a long period of time and the only reason they did not decide on anything was due to the wording in the Rule. They have been discussing the actual, not the whole premise of the Rule.
Mr. Doragh stated it is not fair to say the Board did not decide anything because the Board did make decisions which are incorporated in the budget we are currently functioning under. This is the status quo, that is not to say we cannot change it; decisions were made and implemented. Now we are trying to get a Rule in place. It might be helpful in terms of organizing our conversation where we can isolate this and get to an end. The first step might be to decide whether or not we are willing to accept this draft Rule as a basis for our discussions. If we are, I purpose we do that by motion and then take up proposed amendments to the Rule in a draft form.
Mr. Adams stated you are about to embark on your next year's budget deliberations and will start going through that process where you can apply that section by section and whether or
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not you want a rule amendment. You are looking to see if this Rule, as it is accurately presented here, sets in place your thoughts as a Board and is if consistent with budget the Board approved last summer.

Mr. Doragh stated the amendment has to create a process that will allow us to come to a resolution.

Ms. Stanley stated the fundamental basis of this Rule is separating areas in the District based on if they have children or not, if they might use it or might not use it. This is somewhat logical. I can understand what everyone is trying to do. The issue is, as a Board, is that logical to everyone? If it is not logical that is the premise for this whole Rule.

Mr. Doragh stated we are not in a position to adopt it tonight even if we are 100% ready because we have to hold a public hearing with notices.

Ms. Stanley stated I understand that but if, fundamentally, Board members disagree with it, it is a waste of our effort.

Mr. Sherman stated I want to be fair with all of the residents.

Mr. Doragh stated the catalyst for a lot of this has been the age-restricted community that has come into Gateway. In reality we have services that are delivered differently in different parts of the community. Principally how we are doing water management, road, and landscape maintenance? Those elements of this Rule will make sense even if, as a Board, the decision is we do not want to treat the Commons or the Park or both of them the way this Rule treats them. There is a whole array of possible answers and I am not trying to prevent the discussion or prevent us from getting to the end. As a process, if this seems like a sufficient place to start we accept that and then we will vote up or down. Is the Commons a special facility or not? Then we will know where we are.

On MOTION by Ms. Stanley seconded by Ms. Wetzel with all in favor the proposed draft Rule relative to the Method of Assessment for the District’s General Fund as presented, was approved as a basis to start.

Ms. Stanley stated if we pass this today without even touching it, that does not say we have to assess an age-restricted community differently, it says we may.

Mr. Doragh stated if we get to the end of today’s conversation and we decide to go forward we will be deciding to notice this for public input.
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Ms. Stanley stated if we pass this exactly as it is today and when we sit down to do the budget and we choose to include Pelican Preserve and the soccer complex, we can still do so. We are not saying the Board must or has to we are simply putting this methodology out there.

Mr. Adams stated correct, but I think you want your Rule to closely reflect your budget. You still have the ability to amend the Rule as case may warrant.

Ms. Stanley asked do you have to amend the Rule?

Mr. Doragh responded if you look at the way Section 6 is written; we made the determination, the Commons, for instance, is a specialized facility. If we charge everyone the same we will be saying on the one hand it is specialized but on the other hand billing it as if it were a general facility. There will be a certain inconsistency; that is not to say we could not get there.

It might be worthwhile to have staff and the engineer’s explain to us how items C, D, and E are currently being provided for throughout the District. If anything, those three justify the need for a Rule overall. If we do not need them for those we will end up deciding we do not need a Rule.

Mr. Adams stated C and D are currently handled as a part of your General Fund 001 and the revenue is collected from Gateway Proper to offset those operating expenses. The thought behind that methodology was the disconnect in the road system and disconnect in the stormwater management system because Sun City and Pelican Preserve do not flow through the water management system and the roadway is not a direct connection. Those were separated out.

Item E is the item that really separated the two in our mind. The stormwater management system in Pelican Preserve is a self-contained system that dumps into the conveyance which is the outfall canal that leads out to I-75, and eventually into Six Mile Cypress Slew. Due to the separation and development of that system, we developed General Fund 002 for Pelican Preserve and Gateway Proper should not pick up those expenses because those are a localized benefit.

Mr. Pires stated there is a separate bond issue for Area Master Plan 1 and 2, and the capital debt associated with that is in those areas.

Mr. Doragh asked do we know what the per resident, per the BRU charge is or what the management services are in areas 1 and 2, and what it is in Pelican Preserve currently?

Mr. Adams responded I do not have that information immediately available where it is broken down by department. I do know that was part of the analysis Mr. DeCoock did about a
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Year ago where we broke down the per department cost to see what water management was costing per ERU in Gateway Proper versus Pelican Preserve.

Mr. Doragh stated what you do not know is Area 1 for General Fund 001 is higher than General Fund 002 but there is a lot more in here. It is not apples to apples, you know that.

We have not created anything positive for anybody in terms of the real dollars that pay for surface water management.

Ms. Wetzel stated I think this is a true positive of care. Her’s is $59,000 and yours was $150,000.

Mr. Adams stated Mr. Doragh’s point is when you blow it down to a per house assessment there is a difference in cost and their separate water management system and was there anything gained by going one way or the other. If you had combined the two was it going to end up the same assessment for water management regardless. I can get you that analysis; I know it was done when we went through this in great detail last summer.

Mr. Doragh asked do we have the total water management system from Area 2?

Ms. Wetzel responded yes, this was $59,500, total field appropriations.

Mr. Adams stated there is also some oversight work we included this year, from the field superintendent as well as the field staff because they also oversee the contractor who performs those services for us in that location.

Mr. Doragh stated let us look at the parts we can isolate to see if we are talking about a big difference. How many ERU’s do we have in Fund 2.

Ms. Wetzel responded 1,360.89. That would be $125,826 divided by 1,360.

Mr. Doragh asked is that the only service being provided in Area 2?

Mr. Wetzel responded yes.

Mr. Adams stated we have some overhead costs we included this year. You will recall the Board requested we look at field supervision and administrative support staff is included because they oversee the contracts and take complaints from the public.

Mr. Doragh stated on the Area 1 side the surplus water management budget is $341,838 for the same things divided by 6,080.

Ms. Wetzel stated yours is $56.22 per household and ours is $91.72 per household for the same services.
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Mr. Doragh stated it is not surprising to me. There is roughly a $32 difference between water management in the two areas the way the budget is constructed now. That is one consequence of having A distinction. The other thing is we are not providing landscaping, street sweeping in Pelican Preserve, is that correct?

Mr. Adams responded that is correct.

Mr. Doragh stated that is provided by the HOA because Pelican Preserve Community preferred to have one contract run by their association. We have delegated what otherwise would be our role. If we were to not reflect that the service as being provided in that region then we would charge them for a service which is not being provided.

Does anyone have any questions or comments on the list of specialized facilities?

Ms. Stanley stated if all the amenities in Stoneybrook is for the residents only they will pay that through their own homeowners fees.

Mr. Adams stated correct.

Mr. Doragh stated if the will of the Board is not to treat the soccer complex or the Commons as a specialized facility then a motion to delete them from this list is a way to get the decision made. I do not want to force any issues but I keep hearing discussions about this.

Mr. Sherman stated I think we should consider them specialized facilities; I want to be sure we are fair with the balance of the residents.

Ms. Stanley stated where it gets challenging is when talk about factors and analysis and how you use the logic. Items C, D, and E are very black and white and easy to explain to the residents. A and B are a little more subjective, when I read factors and analysis there is more room for making it clearer and not offensive. After the research is done, they should all stay as specialized facilities.

Mr. Nielson stated the list we have, A through E, identifies the five areas. Then at the end of this the Board reserves the right to designate additional facilities and services as specialized facilities or services. Does that keep everything open so we can increase this list from A through E or does it have to be an amendment?

Mr. Pires responded this is a reaffirmation of the basic legislative fundamental governmental power so people will not say we are locked in this and can never remove or add to them. This reiterates to everyone the Board has the ability to change this in the future.

Mr. Doragh stated maybe we should reflect that by saying, “by amending this Rule.”
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Mr. Pires responded we can do that.

Mr. Adams stated you go over your budget on an annual basis and you review your programs and your methodology logic. Maybe in the future something may come along that does not comply with this Rule, you will want to amend the Rule to adapt it to the budget based on the methodology and thought process.

Are you comfortable with this for advertising purposes and knowing you will see it again on the agenda for the January meeting. Your public hearing will not be until February because of the 60-day advertising requirement.

Mr. Doragh asked does everyone agree that the cost of the soccer complex should not be charged to the residents in Pelican Preserve or to future communities that are age-restricted?

Ms. Stanley stated I do not think we have decided that. We decided to take items A through E as specialized amenities for services. I do not like the wording content in Section 7.

Mr. Doragh stated you are saying you agree the soccer complex and the Commons in particular should be charged to some residents and not to other residents.

Mr. Stanley stated there is some logic there.

Mr. Doragh asked as a Board do you want to adopt a Rule stating we will charge some residents and not charge other residents?

Mr. Nielson responded yes.

Ms. Stanley stated if you are looking at the good of the community you have to look at the request from the Pelican Preserve folks and where that stems from. We, as a Board, have to look at that to be fair.

Mr. Doragh asked are there things you want to change about the factors which is in the Findings and Determinations in Section 3 or the analysis in Section 7? That is where the work gets done. B describes the notion of closeness and connectivity within the internal road network as a factor. C is about Gateway Boulevard and Griffin Drive being treated differently because only one part of the community is being served at this point.

Mr. Sherman stated D is what I am hung up on- lesser utilization.

Ms. Wetzel stated it should say no utilization.

Ms. Stanley stated no one can live at Pelican Preserve that is under the age of 18.

Mr. Sherman asked why are we saying people age 55 and older cannot go places?
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Ms. Wetzel responded we are not saying that. How many people from Pelican Preserve belong to your league?

Mr. Sherman responded we do not know that number.

Ms. Wetzel stated it is not only a youth facility. You can go jogging. You can take your grandchild there and people who live at Pelican Preserve could have grandchildren. I agree that in the current state families may have to pay a larger share. To say that Pelican Preserve will never use it is not a correct statement to adopt.

Under Factors and Analysis I have a problem with the youth part of it. If you keep it as a specialized facility you say this facility, at this time, is primarily youth. To determine what the usage might be in five years is where I have a problem.

Mr. Sherman stated you do agree that this lesser wording is a more accurate assessment for this Rule than no utilization.

Mr. Pires stated that is why I used that term to capture the fact. Sometimes I fall into the trap of thinking the soccer fields are just for the kids whereas there are soccer fields in other facilities that adults use. There might be a senior league someday. That is why I used the term lesser which is a softer term. That also shows up in the Factors and Analysis section, the section Ms. Wetzel referenced.

Mr. Doragh stated will we be more comfortable, in 3 D, if we expressed that in terms of what our current expectation is. We expect that age-restricted communities will have a lesser utilization of certain District facilities. This could turn out that we made some changes because we changed the facilities. Does that make you feel more comfortable about the point you are raising?

Ms. Stanley stated it seems to me we are trying to determine the specialized youth facility in D when the Factors and Analysis should guide us on an annual basis. There is an open field which is currently used for soccer; yes I agree with that and funds should be allocated separately. The pools facility at the Commons may have the greatest instructor there and two years from now everyone from Pelican Preserves falls in love with this person and they all flock over there then it becomes the Pelican Preserves other pool and they are all using it. Do we say now you are using it more so we will change this?

Ms. Wetzel stated I thought they were talking about making people pay if they used it?
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Mr. Doragh stated another piece of the puzzle is a user fee for the residents who are being charged assessments. If they do make an incidental use of one of these facilities, they could rent the pavilion, pay to get into the pool periodically otherwise we will not have a fee.

Ms. Wetzel stated I thought that was part of your whole process and one of the key issues.

Ms. Stanley stated that will be hard to manage.

Mr. Doragh stated I am sure it will be hard to manage otherwise it will be free.

Mr. Stanley stated if, on an annual basis as you went to approach your budget, and your Pelican Preserve representative knew that quite a few residents were using it, you may use a different logic when you allocated that fee.

I am looking for the Board to have the discretion, on an annual basis, to determine that rather than saying in your ruling they used it less so they should not pay for it. Then we will charge them an individual assessment.

Mr. Pires stated concepating the words in D as modifiers that “age-restricted communities as defined by Florida law are anticipated to have”, and gives the flexibility that you anticipate them to have a lesser utilization rate unless it is borne out that it is not a lesser utilization rate. When you go into your budget process you will stop to look at this issue.

Mr. Adams stated this Rule is trying to reflect a snap shot in time giving you some flexibility moving forward.

Mr. Pires stated the same is true for the issue of the District recreational facility.

Ms. Stanley stated I am trying to get away from the snap shot in time.

Mr. Doragh stated I would be disappointed if we adopted the Rule and it ended up in an annual discussion about how many people are actually in an aerobics class. The idea should be unless one of the objective criteria change, there is no reason to revisit the determination. If you make the determination that it is a specialized facility and it will not be charged, then unless internal road network changes or the connectivity changes, then you will not look at that. To me the driver will not be some change in our aerobics work, it will be because there is a direct connection to Gateway Boulevard and now all of a sudden residents have very immediate access to that facility where today they do not.

Ms. Wetzel stated the whole adoption of this Rule is because they are saying there is no reason why they would use it. It is not that subjective.
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Mr. Doragh stated they are saying it is unlikely they will use it because of the way the community is configured. If we get into who uses it then we have a terrible problem with Champions Green or other communities that have their own little pool that we have charged from day one and never had the ability to not do it, or Mahogany Run where maybe everyone who wants a pool has one in their backyard. Who knows how much utilization comes from any particular spot. We have never tried to take a head count.

Mr. Stanley stated I am not trying to make it complicated. It seems to me that we have made a determination because they are in an age-restricted community they are not going to use the facilities. It is all about age-restriction and we are dividing the community into two and maybe that is the way it goes. The rest of it is black and white and this is not. In ten years from now, if things have completely changed, then you amend the Rule.

Mr. Doragh stated we need to qualify the two different analyses. There is a pool analysis and a park analysis and they are not the same. The pool was not the age restriction; it was the fact that it did not have internal connectiveness. The park was the age restriction. If you form an age-restricted community in that parcel which is immediately to the north of the Commons people will come to the pool. We are not saying old people do not swim we are saying they do not produce minor children who play soccer.

The connectivity also relates for Gateway Boulevard. Right now a resident will have to go on an excursion to drive on Gateway Boulevard.

Ms. Stanley stated that is what an assessment is all about. You pay for what you use.

Mr. Doragh stated once they connect in they will drive on it all the time and once they connect they have as much access as anyone else whether they choose to use it and we would charge them.

Ms. Wetzel stated I thought they were going to be connected.

Mr. Sherman asked do we charge Pelican Preserve any kind of percentage for the Commons or the soccer fields when it says lesser utilization or do we charge them more.

Mr. Doragh responded that is not the way the Rule is written. The way we are currently doing this they are not charged at all. The Rule is written to create a backdrop to accomplish the same thing. I interpret that the meaning of the Rule is if you are not served by the facility you do not pay for it. You tell me you are comfortable with the specialized facility but every time we try to treat it like one you are really uncomfortable.
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Mr. Stanley stated I have a hard time with the logic.

Mr. Sherman stated I do not think people who have children on the soccer league will complain about paying for the park at Pelican Preserve. I think people in Mahogany, Hampton Greens and people who are physically handicapped who we have never thought of who cannot utilize the park and the Commons are the people who will complain.

Ms. Stanley stated if you have direct access you are assessed a portion rather than if you have children who might use it or you take swimming lessons. That is where the factors and analysis got into that portion of it.

Mr. Doragh stated we want to make the Factors and Analysis specific to the specific facilities. Analyze each facility independently so there is a justification for the Commons so you can tell when the Commons is changed for the park and you can tell when the park is changed.

Mr. Stanley stated I can try to make it easier. If there is a connectivity to it then you should be assessed a portion. That goes along with everything you just said.

Mr. Pires stated not use age-restricted at all.

Ms. Stanley stated you are saying the reason they do not pay for the Commons is because there is no direct line to the Commons. That makes sense to me and I can explain that. The same thing with the park, if you do not have connectivity to it you are not assessed. That takes all the stuff about age-restricted, youth, and no youth out.

Mr. Doragh stated to be clear; historically the analysis that related to the park was age-restricted and not connectivity. No one ever said the reason we do not want to charge the people at Pelican Preserve for the park was because it is hard to drive to.

Ms. Stanley stated in Gateway Proper there are numerous families split down the middle who do not have children That is what I am struggling with.

Mr. Adams stated you have to look at it as the facility is available and it is available for their use. The facility adds value to their home; it is part of community infrastructure and the availability of that.

Mr. Doragh asked if the sole foundation of the Rule was the interconnectivity between Pelican Preserve and the balance of the community will it be legally justifiable so that if you changed the connectivity at some future point you could start charging for the park and the commons?

Mr. Pires responded it is a legitimate bases.
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Ms. Wetzel asked can it be put in the Rule that if and when that happens we will not have to amend the Rule?

Mr. Pires responded it is predicated upon no kind of activity existing today. That is why determination of no benefit is predicated upon no kind of activity. When that condition physically changes, the Board will look to the actual situation at the time and if there is kind activity we have the opportunity to levy and impose an assessment.

Mr. Sherman stated Pelican Marsh has a similar Rule. The reason they have this Rule is because it is separated by U.S. 41 but then one half of it is guarded, with limited access. That is basically what we are doing here.

On MOTION by Ms. Wetzel seconded by Mr. Sherman with Ms. Stanley voting nay, Mr. Nielson, Mr. Doragh, Mr. Sherman and Ms. Wetzel voting aye validation of the specialized services by connectivity through the different communities within Gateway was approved.

Mr. Doragh stated there is a consensus to begin the publication process and get a hearing date set for the February Meeting.

FIFTH ORDER OF BUSINESS

A. Termination of Ingress, Egress & Utility Easement
B. Ingress, Egress & Utility Easement
C. Landscaping and Monument Grant of Easement for Parcel 25
D. Vacate Drainage Easement Lots 8 & 9 Block 3 Section 18
E. Accept Replacement Drainage Easement Section 17

Items A through E have been analyzed and are appropriate for approval and we have that from our engineer, attorney and our manager.

Mr. Pires stated some language changes need to be made to the landscape and monument grant of easement as to the hold harmless indemnification language.

Mr. Caldwell stated it was drafted using the same document that is recorded across the way. What is the problem?

Mr. Pires responded there are two fire grants of easement and landscape easements. One of them has language with regard to hold harmless indemnification that has a little broader
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Ms. Stanley stated Ms. Wetzel and I are interchanged again in the minutes of the last meeting.

Mr. Adams stated if you have major issues of significant substance we can make a change to the previous minutes.

Ms. Stanley stated in the future I will try to identify myself.

On MOTION by Ms. Stanley seconded by Ms. Wetzel with all in favor the Consent Agenda items were approved.

THIRD ORDER OF BUSINESS

Continuation of Discussion on Proposed Rules Relative to the Method of Assessment for the District’s General Fund

Mr. Doragh stated we left off authorizing the Rule be published for a public hearing to be held in February.

Mr. Pires stated that is correct. The Notice of the Rule Adoption Process and Intent To Adopt the Rule have been sent by the District Manager’s office to Fort Myers New Press for advertisement. It will be in the paper on January 13, 2005 for the February 14, 2005 Board meeting. The Rule, distributed last Friday, is the one available to District Offices for review by the public.

Mr. Sherman, who is not here today, sent me an e-mail which states, “While I agree with the principle of the assessment rule, under Section 4 (Basic Premise) last sentence regarding if there is a direct benefit, some level of assessment will be imposed.

Down the road, as we make these determinations as to what is considered direct benefit will be the controversial point to argue and I think we can support our reasoning.

While I support this concept, I personally was part of convincing 1,600 GSD residents to pay a user fee to offset this argument from non-user of the Park. This special tax amounted to last year over $13,000 of the $60,000 budget for the Park. Now, we are asking those same residents to pay an additional tax. I know it is not a lot but it’s the principal just as was the 1 cent tax on emergency services (hospital tax) that was turned down by the voters of Lee County. It wasn’t because of the 1 cent, but people are concerned about establishing a law and what amount of money will it lead to down the road. It is like the gas tax, years ago it was just a few pennies and now it represents 47 cents of each gallon.”
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Mr. Pires stated as a point of clarification the discussion is not about a tax; it is about an assessment. There are different rules for taxes versus assessments and if it were to be considered a tax there would be another set of rules involved. I indicated to Mr. Sherman I would read his e-mail at this meeting.

I have attempted to capture the discussion from the last Board meeting in the re-draft that went out to you last week.

Mr. Doragh stated this is an opportunity to have a discussion but it is not necessary we have a discussion. The basic premise we have established is everybody is presumed to be benefited by all District facilities. If we made a finding that a portion of the community was not benefited by the facility they will be excluded. That has not been captured and is part of what Mr. Sherman is reacting to. The first sentence says what we tried to say, but then it says from that base a determination is made as to the degree to which particular properties benefit. That is not what we are saying. We are saying if there is a benefit they will be assessed and that is the starting point, but for special facilities some areas may be determined not to be benefited. It is all or nothing, you are either in or out of being assessed for a particular item. There is an implication that some level of assessment will be opposed. If there is a benefit you will be assessed for a full share of that facility along with everyone else that is benefited.

Mr. Pires stated the clarification could be to assume there are assessments for all of the basic services.

Mr. Doragh stated the assumption for the specialized services is that everybody is benefited. It is only if we make a specific finding that some portion of the community is not benefited by a specific specialized service they will not be assessed for that service. Otherwise we assume everyone is benefited by all the services.

Ms. Wetzel stated that is the term missing; the assumption that everybody is benefiting unless it is an exception.

Mr. Doragh stated what confuses the issue is the idea we are going to somehow figure out the degrees of benefit and levels of assessments; you are either benefited or not.

The record will reflect that Mr. Nielson joined the meeting.

Mr. Pires stated we will redraft the rules for the public hearing so we have that language available to be considered by the Board.

Mr. Adams stated we all received a copy of Mr. Dave Caldwell's comments.
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Mr. Pires stated Mr. Caldwell's comment about being careful of how you identify a qualifying unit to the out-property and how that captures everything is well taken.

After reading the minutes from the last meeting, the Board did not feel comfortable with the age-restricted issue.

Mr. Doragh stated I thought we decided we were going to have a specific application of factors for each of the facilities as to why some are in and some out.

Mr. Pires stated with regard to connectivity I mentioned that if at a future point in time there was to be a connection that will be reviewed when imposing assessments.

Ms. Stanley asked under Section 6, Item C, does this mean that Pelican Preserve people will pay for Gateway Boulevard maintenance?

Mr. Doragh responded what it means right now is their specialized facilities are facilities Pelican Preserve residents will not be responsible for. When it is connected that predicate no longer applies. How the facilities behind the gate are treated is not connected to how Gateway Boulevard is treated. There are portions of what is in Pelican Preserve that are outside of the gated community that are always going to be such as the pool and portions that may never be in the general fund because they are not general facilities. My only caution is there may be other specialized facilities that are Pelican Preserve facilities that are not identified. How one facility is treated is not contingent on how another is treated.

Ms. Stanley asked when they are connected will it be discussed?

Mr. Adams responded as the Rule is now, if and when the connection is made Pelican Preserve will be subject to those general assessments related to the maintenance of Gateway Boulevard and Griffin Drive.

Mr. Doragh stated one of the problems continues to be Section 7 is generalized and there is a different analysis for each of these facilities.

Mr. Pires stated we have done that for A, B, and C but not for D and E. Section 6, A, B and C states the characterization of those specialized facilities is predicated upon certain properties within the District not being directly and internally connected to Gateway Boulevard or Griffin Drive. The interconnectivity issue applies to facilities A, B and C.

Ms. Stanley stated I did not think C was in there. When I left, the last time, we had abandoned the age-restriction, abandoned Pelican Preserve residents being relieved from paying for the Commons. It was my understanding that Pelican Preserve residents would pay for the
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Park and the Commons once we were connected because those facilities might be available to them; but not Gateway Boulevard which was not on any agenda that I remember.

Mr. Doragh stated it has always been clear to me that if Pelican Preserve connected into Gateway Boulevard that will change how we handle the landscaping and maintenance of Gateway Boulevard. Right now the presumption is a resident in Pelican Preserve will not utilize Gateway Boulevard, but if they start to have access onto Gateway Boulevard that is not true anymore.

Mr. Nielson asked if Pelican Preserve is now connected, what facilities in Pelican Preserve will then become part of the general uses?

Ms. Wetzel responded the restaurant, golf course; those things are open to the public.

Mr. Adams stated the restaurant and golf course are stand-alones and are user fee driven.

Mr. Caldwell stated within Pelican Preserve the Town Center is a private facility owned by the master association, the District has nothing to do with it. The golf club is also a private facility for membership of residents of Pelican Preserve and the District had nothing to do with financing of the golf club. Those facilities will not, because of the connectivity issue, be put on the playing table for overall Gateway residents. There are facilities owned by the District, within Pelican Preserve area; Treeline Boulevard as well as the roads within the community, behind the gates, that are District financed and are paid for by residents of the community. Mr. Dan Warner’s argument was the difficulty of there being a separate budget because the Preserve residents pay for all those facilities within Pelican Preserve and they pay for the maintenance of them and Gateway people are paying for the maintenance of roads within Gateway. The connectivity issue throws all of that into a terrible dilemma for a future Board to deal with on the division of the budgets. Right now it is simple, they are separate.

Mr. Doragh asked how is the maintenance of the road that runs through Pelican Preserve connecting to Gateway Boulevard being done right now?

Mr. Caldwell responded the residents pay for it.

Mr. Doragh asked through the HOA or through the District?

Mr. Caldwell responded through the agreement between the District and the HOA. The HOA direct-bills residents for the District road. Treeline Boulevard is a public road that anyone can drive down but the residents are paying for the maintenance. There is an argument there that, all of a sudden, does that go in the same hopper as a Special Facility Service and then you have a category F, Treeline Boulevard. Behind the gates is a different issue.
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Mr. Nielson asked is there a plan in force right now regarding this connectivity?

Mr. Caldwell responded yes. When Pelican Preserve moves from this western side of the community over to the eastern side, a day will come probably six or seven years from now when that connection will be made.

Ms. Wetzel stated Mr. Caldwell made a statement that it is simple now that the Gateway people pay for Gateway and Pelican Preserve people pay for Pelican Preserve, but since I have been on the Board it appears to me the issue has been Pelican Preserve people do not want to pay for the Commons Park and the Soccer Park because they do not use it. That is the issue. You are saying they do not pay for it; they do not want to pay for it, but that is not the way the plan was written.

Mr. Caldwell stated that is not the way this Rule is written.

Ms. Wetzel stated originally the issue was the Pelican Preserve people did not want to be assessed for the Parks, but the plan was they should be assessed for the parks unless the Board makes a different Rule. You said they were separate.

Mr. Caldwell stated technically they are separate on the current budget at the last budgeted option in August.

Ms. Wetzel stated there was no Rule to substantiate that. It is not by Rule they did that; it is by Board decision. This is trying to make a Rule to support the budget position.

Mr. Doragh stated when the decision was originally made, by a majority of the Board, the residents of Pelican Preserve should not pay to maintain Gateway Boulevard, the operating assumption, the plan that we knew about, was a plan that involved a fly-over of Gateway Boulevard so it was extremely unlikely that any resident of Pelican Preserve would find themselves driving on Gateway Boulevard in a routine way. That is a good example of a plan change and it did not make sense to charge residents for Gateway Boulevard, now it will make sense because they will be connecting and it will be an access way to their community.

Mr. Pires stated assuming the operating agreement was not in place between the District and the HOA, the District would be maintaining the District roads behind the gates in Pelican Preserve.

Mr. Doragh stated it sounds like we are missing some special facilities because the Pelican Preserve front road and Treeline, as exists, are currently being budgeted as specialized facilities. They charge the Pelican Preserve residents, we are doing it because we subcontracted it out to the
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master association but they are still being dealt with as specialized. We have to face that when we get to it. If we get to where we are all connected and sharing a road network you throw everything into the pot and divide it up.

Mr. Adams stated you have to take a look at what is behind the gates. We think it does not know any boundaries but there are different levels of service.

Mr. Doragh stated we may have to deal with a base level that is universal and if there are enhancements that piece is separately budgeted.

Ms. Stanley stated as long as you think what you have can be expanded to do that. It is designed to be fair to everyone, designed to throw things in the pot and designed to take things out of the pot when you are not benefiting from them.

Ms. Wetzel asked should there be a caveat to cover unforeseen situations?

Mr. Doragh responded as the Rule is written, encompasses the idea that there may be future specialized services and it also encompasses the idea that the circumstances may change so that how a particular facility is being treated may change. It does not dictate what the change will be and it should not.

Mr. Pires stated we should put in now that the idea of enhanced level of maintenance for certain facilities for certain geographic areas could be a specialized facility also. It is a flag to people down the road.

Mr. Doragh stated we concluded in the bonding process that those could be publicly funded facilities, even though they were behind the gates. That may support the idea they are sufficiently public for everyone to share, but if for some reason, the street lighting or the landscaping is enhanced that increment may or may not be significant enough to justify creating specialized funds for that element of it even though you are sharing the overall total.

Mr. Pires stated I have some changes to make between now and the advertisement and I will circulate them for Mr. Adams’ review.

Mr. Doragh stated I hope it will be conveyed to people that the intention is to figure out how to be fair. Some of these things are hard to conceptionalize what is fair and if there are people who think there is something unfair about how this works or could work; they can come and tell us about it for us to figure out what to do to be as fair as we can with everyone. That is the purpose of a public hearing; we are open to hear what the public has to say.
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Mr. Adams stated I would like to pull item E for deferral, not discussion; this will come back to you at a future meeting.

Mr. Doragh asked is there anything else?

There not being any,

On MOTION by Ms. Stanley seconded by Mr. Nielson with all in favor the consent agenda with the exception of item E was approved.

THIRD ORDER OF BUSINESS

Public Hearing to Consider the Adoption of Chapter VI of the Rules of the District Relative to Certain Budget Principles and Concepts to be Utilized During the Formulation of the Annual Budget

Mr. Doragh opened the meeting to the public.

Mr. Doragh stated in our January meeting there were suggestions from Board members about things that might be done; does this version of the rule reflect any changes?

Mr. Pires responded yes there are a number of changes in certain sections; they are in your packet. In Section 1.01, in the Purpose section, in last line you will see a new phrase (i.e. internal “connectivity”). One of the factors to be utilized in assessing the various properties is the extent of internal District access to a District facility; I call it an internal connectivity.

On page 2, Section 3 regarding Findings and Determinations, at letter B references residents and owners note the phrase “connectivity”.

Section 6, the Specialized Facilities and Services, the characterization of items A through C are the Soccer Complex, the Commons, Gateway Boulevard and Griffin Drive, make a statement they are categorized as specialized facilities or services and is predicated upon certain properties within the District not being directly and totally connected to the District. We discussed and addressed the issue regarding the various amendments to this rule at the last Board meeting.

On page 4, Section 6, in the second to last paragraph I added the sentence “this characterization is subject to change by the Board, without an amendment to the Rule, upon the change in status of internal “connectivity” as to the internal major roadways within the boundaries of the District”. As you are going through your budget process you look at the factor internal connectivity or non-internal connectivity and you do not have to amend the rule.
February 14, 2005

Mr. Doragh asked will we amend the rule in order to identify something new as a specialized facility?

Mr. Pires responded there is a lot of flexibility. The Board addressed the issue of enhanced levels of service or maintenance as being a specialized service or facility. If you look at 6 F it talks about enhanced levels of service or maintenance of District or other governmental facilities. You will not have to amend the rule; you could say we have agreed, based upon the communities concerned to upgrade the service level, we will only assess those particular benefited individuals.

Mr. Doragh asked can we do that within the context of the association?

Mr. Pires responded correct. The basic premise of the imposition of assessments is all properties within the District benefit from the ownership, operation, and existence of the various District facilities.

Mr. Doragh stated in Section 4, page 3, in the last sentence, the basic premise is we assume, absent some special finding, all properties are benefited by all facilities and programs and if there is a benefit an assessment will be imposed and it will be fair, equitable and proportional. If we are under the basic premise, they are all equivalent per residential unit.

Mr. Pires stated for the basic services.

Mr. Doragh stated when we say fair, equitable and proportional we really mean equal per assessable unit.

Mr. Pires stated I did not want to use the term "equal" because it could be misleading when we get into the context of the specialized services or additional facilities.

Mr. Doragh stated that is something outside of what the basic premise is.

Mr. Pires stated the context was meant to say that the basic premise is if you get a benefit there will be an assessment regardless of whether it is a benefit for the basic service or specialized service or facility. If you derive a benefit you will be assessed.

Mr. Doragh stated if it is a specialized facility there is a chance we might have some specialized assessment, if it is not a specialized facility or service then it is by definition basic. If it is basic it should be equal per ERU.

Mr. Pires stated the basic services assessment per ERU will be the same.

Mr. Doragh stated I want to avoid having some people at Gateway paying twice as much as other people at Gateway.
February 14, 2005

Mr. Pires stated for basic service they could not.

Mr. Doragh stated the words “we will assess in a fair, equitable and proportional way” sounds like there are choices between all or nothing.

Mr. Adams stated there is a case law you already operate under in terms of your assessments.

Mr. Doragh stated if everything that is assessable, if it is not a specialized facility, and people are let out; if you are in, everybody is in on an equal basis.

Mr. Pires stated correct. In Section 5 it states all property will be assessed for basic services.

Mr. Doragh stated if we decide a property will be assessed for the park, every property assessed for the park will pay an equal share of the park charge. The only question is,” Are you paying at all for the park, but once you are paying everybody pays on the same scale?”

Mr. Pires responded yes there are no sliding scale issues.

Mr. Nielson asked will it add confusion by using the word proportionate?

Mr. Pires responded the concept of proportionate is if you have a one-acre site versus a two-acre site, if you have two dwelling units versus one.

Mr. Nielson asked is it 60/40, 70/30 in terms of use?

Mr. Pires responded no.

Ms. Stanley stated in Pelican Preserve all of the larger homes pay a larger share; they pay $100 more for the debt reductions.

Mr. Nielson asked is our unit of measure ERU?

Mr. Doragh responded yes.

Mr. Nielson stated then it has nothing to do with size, it either is or it is not.

Mr. Doragh stated we either trust the advice from our District Counsel which is the understanding either you are in or out concept or we do not accept the advice. I am comfortable based on the conversation we had and the idea we share is appropriately shared.

Mr. Pires stated case law states all assessments have to be fair, equitable and proportional. If we did not state this in the rule it will still exist. Either you receive the specialized service or you do not and the Board makes the decision.
February 14, 2005

Mr. Doragh stated you are either benefited, in which case you pay equally which is by the nature of our decision fair and proportional and equitable or you are not benefiting at all, in which case you pay nothing and that is also fair.

Mr. Pires stated that is a very good summary.

Mr. Doragh stated we have options for more discussion; if there are more questions we want to hear and resolve them; we can continue the public hearing to a future time and continue considering this rule; we can decide we do not want to adopt the rule and have a motion to defeat it; or we have the option, by motion, to adopt the rule.

Mr. Sherman stated I would like to compliment Mr. Pires on rephrasing the rule for the Board, I am very confident in it now.

Mr. Pires stated thank you, I understand the Board’s desires.

On MOTION by Ms. Stanley seconded by Mr. Nielson with all in favor Chapter VI of the Rules relative to certain budget principles and concepts to be utilized during the formulation of the District’s annual budget was adopted.

FOURTH ORDER OF BUSINESS

Consideration of Award of Design Build Contract for Maintenance Buildings

Mr. Doragh stated this item was held over because we wanted additional input; this is provided to us in our agenda package. Everyone had a chance to see them and are there any questions or comments?

Mr. Adams stated all of the suggestions outlined by Mr. Shimp have been implemented in the new proposal that follows his comments, with the exception of one item regarding the site developer handling the actual building pad, the 12” of fill. I felt it was important to continue to keep that with the design-build firm since they will be responsible for the construction of the maintenance facility and any warranties related to the cement pad and whether or not it cracks; when bringing in the fill I want them to be responsible for making sure it is compacted correctly. That is the only item Mr. Shimp brought up that I did not include in the new proposal provided by RDC.

Mr. Doragh asked did we make the investment in the roof?
1B.
ADMINISTRATIVE AGENDA ITEM

To: Board of Supervisors
From: Michael Kraft, Accounting & Finance Manager
Re: Tentative Budget Schedule
Date: March 21st, 2019

ACTION REQUESTED:
None.

BACKGROUND:
Attached is a tentative timeline for preparation of the 2020 budget. All dates in the timeline have been shifted approximately one month earlier from previous years to ensure we do not miss any deadlines and reduce the possibility of holding unscheduled board meetings.

Also attached is the current staffing plan for the District including current salaries and pay ranges for the associated positions.

RECOMMENDATION:
For discussion.
Gateway Services Community Development District

FY 2019 - 2020 Budget Work Schedule

<table>
<thead>
<tr>
<th>Budget Timeline</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Provide staff with Budget Templates</td>
<td>4/17/19</td>
</tr>
<tr>
<td>2) Staff provides budget and capital requirements</td>
<td>4/26/19</td>
</tr>
<tr>
<td>3) Schedule workshops for budget review</td>
<td>5/16/19</td>
</tr>
<tr>
<td>4) Finance creates draft budget for submission to the board</td>
<td>5/24/19</td>
</tr>
<tr>
<td>5) Board approves tentative Budget/Sets public hearing</td>
<td>6/06/19*</td>
</tr>
<tr>
<td>6) Meeting Discussions – Workshops</td>
<td></td>
</tr>
<tr>
<td>a. General Funds (001 – 005) &amp; Enterprise Fund review</td>
<td>7/18/19</td>
</tr>
<tr>
<td>b. Capital Projects Review</td>
<td>8/01/19</td>
</tr>
<tr>
<td>7) Public Hearing &amp; Adoption of FY 2019 – 2020 Budget</td>
<td>8/15/19</td>
</tr>
</tbody>
</table>

*The board must accept, or accept with edits, the proposed budget by resolution and set the date for a public hearing on the proposed budget by June 15th.
# Fiscal Year 2020 Staffing Plan (DRAFT)

<table>
<thead>
<tr>
<th>Position / Department</th>
<th>Employee</th>
<th>FT/PT</th>
<th>Annual Hours</th>
<th>Hourly Rate</th>
<th>Annual Salary</th>
<th>Approved Range</th>
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</thead>
<tbody>
<tr>
<td><strong>Administrative</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>District Manager</td>
<td>Chris Shoemaker</td>
<td>FT</td>
<td>2,080</td>
<td>$46.63</td>
<td>$97,000</td>
<td>$95,000 - $115,000*</td>
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<tr>
<td>Accounting/Finance Mgr</td>
<td>Michael Kraft</td>
<td>FT</td>
<td>2,080</td>
<td>$32.00</td>
<td>$66,560</td>
<td>$64,000 - $78,000*</td>
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<tr>
<td>Admin Assistant</td>
<td>Diane Collins</td>
<td>FT</td>
<td>2,080</td>
<td>$19.59</td>
<td>$40,747</td>
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<tr>
<td>Receptionist</td>
<td>Julie Fitz</td>
<td>FT</td>
<td>2,080</td>
<td>$15.01</td>
<td>$31,221</td>
<td>$13 - $17/hour</td>
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<tr>
<td><strong>Operations</strong></td>
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<tr>
<td>Stormwater Specialist</td>
<td>Open</td>
<td>FT</td>
<td>2,080</td>
<td>$24.00</td>
<td>$49,920</td>
<td>$22 - $26/hour</td>
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<tr>
<td>Natural Resources Specialist</td>
<td>Eileen Harris</td>
<td>FT</td>
<td>2,080</td>
<td>$20.38</td>
<td>$42,390</td>
<td>$18 - $22/hour</td>
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<td><strong>P&amp;R / Other</strong></td>
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<td>Intern (Seasonal Soccer Leagues)</td>
<td>Open</td>
<td>PT</td>
<td>1,040</td>
<td>$15.00</td>
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<td><strong>Swimming Pool</strong></td>
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<td>Recreation Leader</td>
<td>Hollie Griest</td>
<td>FT</td>
<td>2,080</td>
<td>$12.80</td>
<td>$26,624</td>
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<td>Pool Attendant</td>
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<td>$12 - $14/hour</td>
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<tr>
<td>Pool Attendant</td>
<td>Willem Kuiper</td>
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<td>Pool Attendant</td>
<td>Natalie Toledo</td>
<td>PT</td>
<td>1,040</td>
<td>$12.00</td>
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<td>$12 - $14/hour</td>
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<tr>
<td><strong>Utility Services</strong></td>
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<tr>
<td>Utility Billing Manager</td>
<td>Leslie Rechorovic</td>
<td>FT</td>
<td>2,080</td>
<td>$31.50</td>
<td>$65,520</td>
<td>$64,000 - $78,000*</td>
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<tr>
<td>Billing Specialist</td>
<td>Vicki Davies</td>
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<td>$19.00</td>
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<td>FT</td>
<td>2,080</td>
<td>$15.00</td>
<td>$31,200</td>
<td>$14 - $18/hour</td>
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<td>Utility Manager</td>
<td>Kenneth Hall</td>
<td>FT</td>
<td>2,080</td>
<td>$34.00</td>
<td>$70,720</td>
<td>$64,000 - $78,000*</td>
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<td>Electrician</td>
<td>Bill Shaw</td>
<td>FT</td>
<td>2,080</td>
<td>$31.00</td>
<td>$64,480</td>
<td>$64,000 - $78,000*</td>
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<tr>
<td>Lead Field Operator</td>
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<td>FT</td>
<td>2,080</td>
<td>$26.00</td>
<td>$54,080</td>
<td>$26 - $30/hour</td>
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<td>Mary Miller</td>
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<td>2,080</td>
<td>$17.00</td>
<td>$35,360</td>
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<tr>
<td>Field Operator 1 (Plumber)</td>
<td>Nicholas Libretto</td>
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<td>$20.00</td>
<td>$41,600</td>
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<tr>
<td>Field Trainee</td>
<td>Robert Scritchfield</td>
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<td>$14.00</td>
<td>$29,120</td>
<td>$13 - $15/hour</td>
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<tr>
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<td>Isaac Carrillo</td>
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<td>Facilities Maint. Specialist</td>
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<td>$12.24</td>
<td>$25,459</td>
<td>$12 - $16/hour</td>
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</tbody>
</table>

*Board approved pay range.

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**Field Staff Levels**

- Field Trainee - unlicensed with less than 1 year experience
- Field Operator 1 - requires water distribution level 3 license
- Field Operator 2 - requires water distribution level 1 thru 3 license, backflow certification, and sewer certification
Regular Meeting
Third Order of Business
3A.
## Gateway Services District FY 2019

<table>
<thead>
<tr>
<th>Services</th>
<th>Contract</th>
<th>Enter Into</th>
<th>Term</th>
<th>Exp. Date</th>
<th>Notice</th>
<th>Annual Amt</th>
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</thead>
<tbody>
<tr>
<td>Engineering Services</td>
<td>Tetra Tech</td>
<td>10/1/2018</td>
<td>3 years</td>
<td>9/30/2021</td>
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<td>Schedule A</td>
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<td>Audit Consultant</td>
<td>Berger, Toombs, Elam, Gaines &amp; Frank</td>
<td>9/30/2018</td>
<td>Year 1</td>
<td>9/30/2018</td>
<td>30</td>
<td>not exceed $19,000</td>
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<td></td>
<td></td>
<td>9/30/2019</td>
<td>Year 2</td>
<td>9/30/2019</td>
<td>30</td>
<td>not exceed $19,000</td>
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<td>9/30/2020</td>
<td>Year 3</td>
<td>9/30/2020</td>
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<td>$19,675.00</td>
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<td>Legal Services</td>
<td>Woodward, Pires &amp; Lombardo</td>
<td>4/1/2019</td>
<td>3 years</td>
<td>3/31/2022</td>
<td>60</td>
<td>$65,000.00</td>
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<td>Financial Services</td>
<td>InfraMark</td>
<td>3/1/2018</td>
<td>1 Year</td>
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<td>4/13/2018</td>
<td>Auto Renewal</td>
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<td>Hosting Website</td>
<td>CUSI</td>
<td>2/26/2013</td>
<td>Annual</td>
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<td>Impact Fees</td>
<td>Hayes Realty</td>
<td>4/24/2014</td>
<td>Until Sold</td>
<td>Until Sold</td>
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<td>varies</td>
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<td>Generator Maint</td>
<td>Superior Electric</td>
<td>4/13/2018</td>
<td>Auto Renewal</td>
<td>4/13/2019</td>
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<td>Alarm System and Gate cards</td>
<td>ADT/Devcon</td>
<td>1/13/2018</td>
<td>Annual</td>
<td>Auto renewal</td>
<td>30</td>
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<td>Vending Machines</td>
<td>Surpass Vending Solutions</td>
<td>1/26/2018</td>
<td>Monthly 10% commission from all machines.</td>
<td>Auto Renewal</td>
<td>30</td>
<td>$0.00</td>
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<td>Pest Control</td>
<td>National Exterminators</td>
<td>7/1/2018</td>
<td>Annual</td>
<td>7/1/2019</td>
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<td>Cleaning Adm Bldg</td>
<td>JAN-PRO</td>
<td>8/1/2018</td>
<td>Annual</td>
<td>8/1/2019</td>
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<td>$2,640.00</td>
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<td>Cleaning Soccer Complex</td>
<td>JAN-PRO</td>
<td>7/1/2018</td>
<td>Annual</td>
<td>7/1/2019</td>
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<td>$9,540.00</td>
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<td>Services</td>
<td>Contract</td>
<td>Enter Into</td>
<td>Term</td>
<td>Exp. Date</td>
<td>Notice</td>
<td>Annual Amt</td>
</tr>
<tr>
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<td>Emergency Broadcasting</td>
<td>Code Red</td>
<td>11/2/2018</td>
<td>Annual</td>
<td>11/2/2019</td>
<td>60</td>
<td>$4,500.00</td>
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<td>Services</td>
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<td>Merchant Services</td>
<td>Bluefin</td>
<td>3/11/2018</td>
<td>Auto Renewal</td>
<td>3/10/2019</td>
<td>30</td>
<td>Dependent on number of transactions</td>
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<td>Street Cleaning</td>
<td>Sweeper Man</td>
<td>3/11/2018</td>
<td>Monthly</td>
<td>3/10/2019</td>
<td>30</td>
<td>$923.00</td>
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<tr>
<td>Cable - Soccer Complex</td>
<td>Comcast</td>
<td>3/24/2017</td>
<td>3 Years</td>
<td>3/23/2020</td>
<td>30</td>
<td>$1,668.00</td>
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<td>Cable - Admin Bldg</td>
<td>Comcast</td>
<td>4/8/2016</td>
<td>3 Years</td>
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<td>Technical Support and Maintenance</td>
<td>CUSI</td>
<td>3/15/2018</td>
<td>Annual Auto</td>
<td>3/15/2019</td>
<td>30</td>
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<td>Lightning Detector</td>
<td>Earth Networks, Inc. dba</td>
<td>3/11/2019</td>
<td>Annual</td>
<td>3/10/2020</td>
<td>30</td>
<td>$2,120.00</td>
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<tr>
<td>Electronic Record System for Filing Documents</td>
<td>Simiplifile</td>
<td>3/15/2018</td>
<td>Auto renewal</td>
<td>3/15/2019</td>
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<td>$2.00 per doc</td>
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<td>Lease RICOH Copier</td>
<td>Milner</td>
<td>3/5/2018</td>
<td>5 Year Lease</td>
<td>3/4/2023</td>
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<td>$4,970.00</td>
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<td>Hosting Website</td>
<td>Go Daddy</td>
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<td>Two year contract</td>
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<td>Natural gas contract</td>
<td>TECO</td>
<td>4/1/2019</td>
<td>Three year</td>
<td>3/31/2021</td>
<td>30</td>
<td>Monthly Index Price plus all pass through charges plus $0.097 Therm adder.</td>
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<tr>
<td>Agreements</td>
<td>Contract</td>
<td>Enter Into</td>
<td>Term</td>
<td>Exp. Date</td>
<td>Notice</td>
<td>Revenue</td>
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<tr>
<td>--------------------------------</td>
<td>---------------------</td>
<td>------------</td>
<td>--------</td>
<td>-----------</td>
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</tr>
<tr>
<td>Flag Football</td>
<td>Sherman Soccer</td>
<td>12/1/2018</td>
<td>Annual</td>
<td>12/31/2019</td>
<td>30</td>
<td>Letter Sent</td>
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<td>Elite Soccer Academy</td>
<td>Sherman Soccer</td>
<td>12/1/2018</td>
<td>Annual</td>
<td>12/31/2019</td>
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<td>Letter Sent</td>
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<td>SWFL, LLC</td>
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<td>Gateway Soccer Association</td>
<td>Sherman Soccer</td>
<td>1/1/2019</td>
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<td>12/31/2019</td>
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<td>Letter Sent</td>
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<tr>
<td>Interlocal Agreements</td>
<td>Contract</td>
<td>Enter Into</td>
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<td>Exp. Date</td>
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### Maintenance Contract

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### Woods and Wetlands

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3B.
3B.
MINUTES OF MEETING
GATEWAY SERVICES
COMMUNITY DEVELOPMENT DISTRICT

A regular meeting of the Board of Supervisors of the Gateway Services Community Development District was held on Thursday, March 7, 2019 at 3:00 P.M. at the Gateway Services CDD Offices meeting room located at 13240 Griffin Drive, Fort Myers, Florida 33913.

Present and constituting a quorum were:

Margaret Fineberg  Chairperson
William Guy  Vice Chairman
Kathleen Flaherty  Supervisor
Ed Tinkle  Supervisor
Doug Banks  Supervisor

Also present were:

Anthony Pires, Jr.  District Counsel
Chris Shoemaker  District Manager
Danny Nelson  Tetra Tech/District Engineer
Stephen Bloom  Inframark, Finance Director
Joe DeCerbo  Spring Lake Improvement District, Manager

Guests and Several Residents

The following is a summary of the minutes of the March 7, 2019 regular meeting of the Gateway Services Community Development District Board of Supervisors.

FIRST ORDER OF BUSINESS  Call to Order & Pledge of Allegiance

A. Overview of Meeting Procedures and Decorum

SECOND ORDER OF BUSINESS  Audience/Public Comment

A. Regarding Agenda Items
B. Regarding Non-Agenda Items

Mr. Jim Shey of Carena Circle addressed the Board regarding the floway.

Mr. Shoemaker responded and noted we will be talking about an easement on the floway today. Mr. Geppert also responded to the inquiry.
Mr. Joe Schofield representing Carena also discussed floway concerns; the
easement is not wide enough. He requested that the GSCDD be responsible for
the maintenance of the small pipe that was put in by WCI/Lennar.

THIRD ORDER OF BUSINESS

A. Salary Structure – Joe DeCerbo, Spring Lake

Mr. DeCerbo noted earlier today we had the fourth session of the Certified
District Workers Program for seven of your line staff folks. After today’s session
Gateway now has four employees who have completed the training and have the other
requirements necessary to receive a certificate. He suggested finding some way of
recognizing these people.

The district management compensation briefing was discussed.

Mr. DeCerbo referred to a briefing document. The document was not provided
for the record of this meeting.

It was noted by Mr. DeCerbo that in his judgement, it is time to once again revise
the compensation range for the District Manager. The salary established in 2017 was
$80K to $97K. He is now recommending a salary range of $95K to $115K with the
District Manager receiving a salary of $97K.

Board members expressed their comments and opinions regarding Mr. DeCerbo’s
discussion.

Mr. Banks MOVED seconded by Mr. Guy to accept the
salary range for the District Manager from $95K to $115
per Mr. Joe DeCerbo’s recommendation.

The motion above was discussed. Mr. Tinkle noted he would like to defer this to
the next meeting to have more time to check out, we just got this.

On VOICE Vote with Mr. Banks, Mr. Guy and Ms.
Fineberg voting AYE and Mr. Tinkle and Mrs. Flaherty
voting Nay, accepting the salary range for the District
Manager, from $95K to $115K was approved. 3/2
Mr. Guy MOVED seconded by Mr. Banks to increase the salary of the District Manager to $97K, effective April 1, 2019.

The motion above was discussed. Mr. Tinkle requested this motion be deferred for further discussion at the March 21, 2019 meeting.

Mrs. Flaherty noted she would like it to be tabled too.

Ms. Fineberg noted you can still get the information that you will feel comfortable with. It can be forwarded to all the Board members by Mr. DeCerbo.

On VOICE Vote with Mr. Banks, Mr. Guy and Ms. Fineberg voting AYE and Mr. Tinkle and Mrs. Flaherty voting Nay, increasing the salary of the District Manager to $97K, effective April 1, 2019 was approved. 3/2

Mr. DeCerbo recommended to the Board now that they have started the evaluation process they need to make sure that is an annual occurrence. Each year by January or February of each year they should make sure they do that evaluation.

A discussion ensued on other salary ranges.

*The record will reflect Mr. DeCerbo left the meeting.*

**B. Zenner AMI System – Rich Sanders, Zenner**

Mr. Kenny Hall introduced Mr. Rich Sanders, President of Zenner and an associate.

Mr. Sanders noted this is an informational session and noted his equipment is installed in the District’s network. A slide presentation was utilized for the discussion. The slides showed everything they discovered regarding the condition of the meters upon their last visit to the community.

**FOURTH ORDER OF BUSINESS**

**Staff Reports**

**A. Utility Manager, Recreation, Lakes/Wetlands/Stormwater/District**

Mr. Kenny Hall updated the Board on the items listed on the Utilities section of the document provided for today’s meeting; Stoneybrook Master Lift Station Renovation, Sanitary Sewer Line Break Fairway Isle, Pelican Preserve meeting on 2/26 with Lee County and Thompson Mobile Bypass Pump Number 2 delivered.
Mr. Shoemaker gave an update on the Recreation item included on the Manager Reports; Soccer Complex and Swimming Pool Rehabilitation. He also gave an update on the other items on the Manager Reports document.

B. District Engineer

i. Task Authorization Status

Mr. Danny Nelson of Tetra Tech updated the Board on some of the tasks on the list included in the agenda package.

Mr. Pires suggested the Board authorize the Chair and the Manager to sign whatever is necessary under the Request for Inclusion to FDEP including any verification of the Chairman’s authority to sign the Request for Inclusion.

On MOTION by Mr. Tinkle seconded by Mr. Guy with all in favor authorizing the District Manager, Mr. Chris Shoemaker to sign and deliver a Request for Inclusion to FDEP for funding for Phase 2 design phase was approved.

Members of the public were encouraged to comment on the action taken above.

There were no audience comments.

Mr. Nelson also pointed out regarding the surface water modeling, the model has been set up and we will come back with a power point for a future meeting. Our recommendation is to let the model sit there for another 3, 4, 5 or 6 months until we go through the rainy season.

Regarding the storage facility bidding, the front end documents were sent out today and the advertisement sent to Mr. Pires.

Ms. Fineberg inquired where we are at on the LDO for the first set of lakes. Mr. Nelson responded he will have to verify that everything has been done.

Mr. Geppert inquired if the Pelican resident Mr. Al Pocci, was involved in the modeling plan as he is a resource that is free. Mr. Nelson noted there will definitely be that opportunity.

Mr. Tinkle inquired if Mr. Nelson will be getting to Mr. Shoemaker the cost for the facility planning for the water sewer and the reuse water CIP projects.
Mr. Nelson responded if the Board would like that for the next meeting, I can. Do you want it based on what the CIP analysis we did on those items? Mr. Tinkle responded yes I would like to see that at the next meeting.

He also inquired if Mr. Nelson is looking at the documents, the plan review of the school site and the review of their surface water management report, it is detailed and impacts the Hampton Park people.

Mr. Nelson responded not yet but we will be reviewing tomorrow.

C. District Counsel

i. Memorandum-Project/Task List

Mr. Pires briefly discussed the memorandum he provided for today’s agenda.

Item 4Cii. and 4Civ. will be tabled to a meeting when reports come back to the Board.

Regarding item 4Ciii the following motion was made:

On MOTION by Mr. Banks seconded by Mr. Tinkle with all in favor a partial assignment of drainage easements and approving the form and substance of the attached partial assignment of drainage easements that have already been approved by three other parties and authorizing the Chair to sign it and authorize bringing back a settlement agreement for dismissal of the petition was approved. 5/0

The record will reflect the meeting recessed for five minutes.

The record will reflect the meeting reconvened and a quorum was re-established.

FIFTH ORDER OF BUSINESS

Consent Agenda

A. Minutes of February 7, 2019
B. Minutes of February 21, 2019
D. PPAC Report

Mr. Guy requested to add the last name of Mr. Danny Nelson on Page 90, line 133, of February 21, 2019 minutes.

Mrs. Flaherty requested many changes to both sets of minutes and included suggested language that was not recorded due to equipment failure.
Mr. Pires suggested that she read them out loud into the record of this meeting so that the Board can have that language incorporated today.

Ms. Fineberg suggested bringing back the minutes with the corrections.

Mr. Guy directed questions to Mr. Stephen Bloom regarding the financials.

Mr. Bloom responded he will look into the items.

On MOTION by Mr. Guy seconded by Mr. Tinkle with all in favor the consent agenda items 5C and 5D were approved. 5/0

SIXTH ORDER OF BUSINESS  Action Items

A. License Agreement for Temporary Staging Area

Mr. Pires noted this is a request to authorize the Chairman to sign the license agreement for a temporary staging area for Lake 90, which is the remaining lake to be done.

On MOTION by Mr. Tinkle seconded by Mr. Guy with all in favor authorization for the Chairwoman to execute the license agreement for a temporary staging area for Lake 90 was approved. 5/0

B. Utility Reserve Transfer to Operations Revised

Mr. Shoemaker noted this is basically a request to transfer a quarter million dollars from the Utility Reserves into our Operational Fund. We are a little over one million dollars in that Reserve Fund, but we are spending a lot more money on maintenance repair costs. We are looking to use that money with $50K for inventory of spare parts which includes pumps, motor starters, mostly related to lift stations but other portions too.

It would take about four to five months to replace the capital reserve with the new rates in effect. By the time the next fiscal year starts we will be back over one million dollars. This item is just a follow up to discussion from the last meeting.
On MOTION by Mrs. Flaherty seconded by Mr. Tinkle with all in favor transferring $250K for Utility Reserves to Utility Operations for additional renewal and repair in Capital Expenses in fiscal year 2019 was approved. 5/0

C. Bridge Demolition and Decking Pelican Preserve

This item was removed from the agenda to be brought back to another meeting.

D. Pavement Markings in Pelican Preserve

Mr. Shoemaker noted this is just a purchase order they received and they are ready to move forward with the contractor. This has been approved by PPAC and it is in their budget.

On MOTION by Mr. Guy seconded by Mr. Tinkle with all in favor moving forward with the pavement markings in Pelican Preserve as approved by PPAC was approved. 5/0

E. Amendment to District Management Services Agreement

Mr. Shoemaker noted this is just an extension on the contract with Inframark. At the last meeting the Board talked about granting an extension and I am also talking to them about changing some terms on the time it takes to get the minutes generated and returned to us. Also to look at some efficiencies or incentives and we will work with Mr. Koncar and others to address a couple of these issues. We will bring this back to the Board. This is just a 60-day extension.

Mr. Pires noted we need the Board to authorize to bring it back; it’s effective as of February 28th.

On MOTION by Mrs. Flaherty seconded by Mr. Tinkle with all in favor authorization for the Chair to execute a two-month extension to the Inframark Infrastructure Services contract was approved. 5/0

Mr. Shoemaker also noted we have an agreement coming up for the District Counsel Services.
A copy of the agreement was handed out to the Board to be considered for the next meeting agenda.

SEVENTH ORDER OF BUSINESS

Supervisor Comments

Mrs. Flaherty noted she is looking at prices for fences versus hedges for the FPL. When we do the hedges we would also do irrigation. The hedge would go on the other side of the fence and the fence wouldn’t come down, that’s there, until the hedges grew and it would extend over in front of the church because people, I guess, come through.

She also inquired about the Board rules.

Mr. Pires noted the Board can have a workshop on the rules.

Ms. Fineberg inquired about the timing of the budget workshops and Mr. Shoemaker responded he will look at the calendar at the next meeting.

Mr. Banks discussed the storage facility, the one behind the soccer field. He noted he wants the Board to be prepared that if the bids come in around the amount we have estimated, that we prepare ourselves to potentially walk away from that deal.

In his opinion, if we do walk away from it, we would also have to close storage here on this site location. It is not in our best interest to have storage within our confines.

This is something for us to think about.

Mr. Banks also congratulated Chris Shoemaker for the two years he has been in his role; he has worked really hard. He recommended to the Board that we are sensitive to staff wages, their benefits and compensation.

Mr. Tinkle inquired about floway maintenance and Mr. Shoemaker responded to his questions. He also asked about Aquagenix with regard to the littorals. Mr. Shoemaker responded.

EIGHTH ORDER OF BUSINESS

Adjournment

The meeting adjourned at 5:32 P.M.

Margaret Fineberg
Chairperson
Fourth Order of Business
REGULAR AGENDA ITEM

To: Board of Supervisors
From: Chris Shoemaker, District Manager
Re: Approve Expenditures Pelican Pond Management
Date: March 21, 2019

ACTION REQUESTED:

Approve an expenditure for annual management work by Aquagenix in the amount of $72,000 and exotic vegetation control by Woods and Wetlands in the amount of $103,600.

BACKGROUND:

Approve an expenditure in the amount of $72,000 in twelve monthly payments of $6,000 to Aquagenix for aquatic management of 33 ponds and exotic vegetation control by Woods and Wetlands for a total cost of $103,600 in two semi-annual treatments at $51,800 per treatment.

RECOMMENDATION:

Approve the expenditure of $72,000 per year in monthly payments of $6,000 for aquatic management of 33 ponds in Pelican Preserve and exotic vegetation control by Woods and Wetlands, Inc. in the amount of $103,600 in semi-annual treatment at a cost of $51,800. and authorize the District Manager to issue a purchase order for Proposal #97664 dated 4/1 2019 with funding from Account 002 534084 53926.
WOODS AND WETLANDS INC

PROPOSAL

February 28, 2019

PROJECT: Pelican Preserve Materita Exotic Vegetation Maintenance Control
CLIENT: Gateway Services CDD

SCOPE OF WORK

Woods and Wetlands Inc will provide the labor, equipment, materials and supplies for one year of semi annual full exotic vegetation maintenance control events and semi-annual limited 50’ perimeter events to occur in between the full 23.65 AC (2 preserve areas) within the community known as Pelican Preserve Materita in Fort Myers, FL. The events will include the treatment of nuisance and all Category I and II species listed on the most recent FLEPPC list of invasive, non-native species. Woody and herbaceous will be killed-in-place by the appropriate method; treated with an approved herbicide; and left to naturally decompose.

DATE AND PRICE OF WORK

23.65 AC Full Treatment MAR and SEPT 2019 $3,000.00 per event
50’ Perimeter Treatment JUN and DEC 2019 $2,400.00 per event

Woods and Wetlands Inc will perform all the services described in the above referenced Scope of Work in a professional and workman-like manner and in compliance with all applicable Florida state and local statutes, rules and regulations.

TERMS AND CONDITIONS

Invoices are due and payable upon receipt. Prices are valid for 30 days. This Proposal becomes an Agreement when signed by both parties and modifications or services not specifically included by reference herein will be effected only by Change Order(s) agreed to and signed by an authorized representative of each party and will be charged as additional services to the Client. This Proposal/Agreement shall be interpreted according to the laws of the State of Florida.

Accepted this __________ day of ____________________, 2019.

GATEWAY SERVICES CDD

Title

WOODS AND WETLANDS INC

Title

18731 Durrance RD North Fort Myers, FL 33917
239 567 1857 info@woodsandwetlands.com F 239 567 0932
WOODS AND WETLANDS INC

PROPOSAL

February 28, 2019

PROJECT: Pelican Preserve Nine Holes Exotic Vegetation Maintenance Control
CLIENT: Gateway Services CDD

SCOPE OF WORK

Woods and Wetlands Inc will provide the labor, equipment, materials and supplies for one year of semi-annual full exotic maintenance vegetation control events and semi-annual limited 50’ perimeter events to occur in between the full 72 AC conservation areas treatments at the site known as Pelican Preserve Sun City in Fort Myers, FL. The events will include the treatment of all Category I and II species listed on the most recent FLEPPC list of invasive, non-native species. Woody and herbaceous species will be killed-in-place by the appropriate method, herbicide treated, and left to naturally decompose. Map of preserve areas incorporated by reference herein.

DATE AND PRICE OF WORK

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<td>50’ Perimeter treatment</td>
<td>JUN and DEC 2019</td>
<td>$ 5,400.00 per event</td>
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</table>

Woods and Wetlands Inc will perform all the services described in the above referenced Scope of Work in a professional and workman-like manner and in compliance with all applicable Florida state and local statutes, rules and regulations.

TERMS AND CONDITIONS

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Accepted this _________ day of ___________________, 2019.

GATEWAY SERVICES DISTRICT

Title

WOODS AND WETLANDS INC

Title

18731 Durrance RD North Fort Myers, FL 33917
T 239 567 1857 info@woodsandwetlands.com F 239 567 0932
WOODS AND WETLANDS INC

PROPOSAL

February 28, 2019

PROJECT: Pelican Preserve Sun City Exotic Vegetation Maintenance Control
CLIENT: Gateway Services CDD

SCOPE OF WORK

Woods and Wetlands Inc will provide the labor, equipment, materials and supplies for one year of semi-annual full exotic maintenance vegetation control events and semi-annual limited 50’ perimeter events to occur in between the full 116 AC conservation areas treatments at the site known as Pelican Preserve Sun City in Fort Myers, FL. The events will include the treatment of all Category I and II species listed on the most recent FLEPPC list of invasive, non-native species. Woody and herbaceous species will be killed-in-place by the appropriate method, herbicide treated, and left to naturally decompose. Map of preserve areas incorporated by reference herein.

DATE AND PRICE OF WORK

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TERMS AND CONDITIONS

Invoices are due and payable upon receipt. Prices are valid for 30 days. This Proposal becomes an Agreement when signed by both parties and modifications or services not specifically included by reference herein will be effected only by Change Order(s) agreed to and signed by an authorized representative of each party and will be charged as additional services to the Client. This Proposal/Agreement shall be interpreted according to the laws of the State of Florida.

Accepted this __________ day of ____________________, 2019.

GATEWAY SERVICES CDD

Title

WOODS AND WETLANDS INC

Title

18731 Durrance RD North Fort Myers, FL 33917
T 239 567 1857 info@woodsandwetlands.com F 239 567 09325
AQUATIC MANAGEMENT AGREEMENT

This agreement, proposal #97664 dated 4/1/2019, is made between AQUAGENIX and CUSTOMER:

Pelican Preserve - Lake Maintenance
C/O Gateway Services Community Development Distric
13240 Griffin Drive
Fort Myers, FL 33913 (239) 561-1313

Both CUSTOMER and AQUAGENIX agree to the following terms and conditions:

1. General Conditions:
   AQUAGENIX will provide aquatic management services on behalf of the CUSTOMER in accordance with the terms and conditions of this Agreement at the following aquatic site(s):
   33 Lakes located in Fort Myers, FL.

2. Contract Term:
   The term of this Agreement shall be 12 Month(s) or as otherwise provided by Contract Addendum.

3. Contract Services:
   CUSTOMER agrees to pay Aquagenix the following amounts during the term of this Agreement for these specific water management services.
   Algae and Aquatic Weed Control Included
   Border Grass and Brush Control to Water’s Edge Included
   Bacteria Testing Included
   Aquatics Consulting Included
   Fish Stocking (Bass and Bream) Optional
   Management Reporting Included
   Biological Control Agent Permit Applications (Triploid Grass Carp, Mosquito Fish) Included
   Branch Manager will meet on site monthly with Lake committee representative and provide report. Included
   Maintain Littoral Zones 4-8’ wide Included
   Includes PH, Total Nitrogen, Total Phosphorus, Total Dissolved Solids and Total Suspended Solids. Included

   Total Annual Program Investment
   Annual: $72,000.00 Monthly: $6,000.00

   8 inspections per Month with treatment as necessary

   **Triploid Grass Carp stocking subject to required approval of Fish Wildlife Conservation Commission

Created For Pelican Preserve - Lake Maintenance
4. Starting Date:
The starting day of this Agreement is the first day of the month in which services are first provided without regard to the actual days unless otherwise agreed to in writing, by both parties. Services shall be continuous without interruption.

5. Schedule of Payment:
$6,000.00 shall be due and payable upon execution of this Agreement; the balance shall be payable in advance as outlined in Paragraph 3 above. CUSTOMER agrees to pay Aquagenix within thirty (30) days after date of invoice at Aquagenix's home office in Hazleton, PA. Failure to pay any amount when due shall constitute a default under this Agreement.

6. Limited Offer:
The offer contained in this Agreement is valid for thirty (30) days only and must be returned to our office for acceptance within that period. If not accepted within that time, the offer shall be void.

7. Safety:
Aquagenix agrees to use specialized equipment and products, which in its sole discretion, will provide safe and effective results for the specific site(s).

8. Address Change:
In the event that AQUAGENIX or CUSTOMER undergoes a change in address, notification to the other party shall be made by first class mail. Written instructions including the new address and telephone number will be enclosed in the notification.

9. Termination Procedure:
This Agreement may be terminated by either party with sixty (60) days written notice. Notification must be sent by certified mail, return receipt requested, to Aquagenix, 100 N Conahan Dr, Hazleton, PA 18201. Aquagenix reserves the right, under special circumstances, to initiate surcharges relating to extraordinary price increases of water treatment products.

a. "Date of Termination" will be defined as: two (2) months after the last day of the month in which "Notice of Cancellation" was received by Aquagenix in accordance with Paragraphs 9b and 9c.

b. In the event that your account is not settled in full at the same time as your cancellation letter is received, Aquagenix will continue to bill you until the contract expires. Settlement in full includes payment for one months service after the end of the month in which the cancellation letter is received by Aquagenix.

c. Payment in full shall be defined as payment to Aquagenix through the effective "Date of Termination" as determined by the procedure outlined above in Paragraphs 9a and 9b.
10. Insurance:
Aquagenix agrees to maintain, at its sole expense, the following insurance coverage: Worker's Compensation, General Liability, Automobile Liability, Property and Casualty, Excess Liability and Business Interruption Coverage. Upon written request, CUSTOMER may be listed as an "Additional Insured" at no extra charge. A Certificate of Insurance will be provided at the CUSTOMER's request.

11. Automatic Renewal:
Unless other-wise agreed upon by both parties, this Agreement shall automatically renew for a term equal to its original term, unless a "Notice of Cancellation" has been received as outlined in Paragraph 9. The contract amount may be adjusted at a rate of 4% increase per year on the anniversary date of this Agreement. Unless otherwise agreed to in writing, by both parties, services shall be continuous without interruption.

12. Default:
If CUSTOMER defaults on any provision of this Agreement, CUSTOMER hereby agrees that Aquagenix may at its sole discretion seek any or all of the following remedies:

a. Termination of this Agreement. In this event, CUSTOMER agrees to make immediate payment of the total contract amount through the end of its term (less previously paid payments) as liquidated and agreed upon damage.

b. Imposition of "Collections Charge" for monies due. If this action is deemed necessary, in the sole judgement of Aquagenix, CUSTOMER agrees to pay Aquagenix's reasonable attorney fees (including those on appeal), court costs, collection costs and all other expenses incurred by Aquagenix resulting from this collection activity.

c. Filing of a mechanics lien on property for all monies due plus interest, costs and attorneys fees.

13. Addenda:

a. Water testing and bacteria monitoring shall be conducted at the sole discretion of Aquagenix for the specific purpose of improving the Aquatic Weed Control Program results.

b. Work as requested by CUSTOMER such as trash clean-up, physical cutting and/or plant removal and other manual maintenance may be performed by our staff. Extra work will be invoiced separately at our current hourly equipment and labor rates.

14. Contract Documents:
This Agreement constitutes the entire Agreement of Aquagenix and the CUSTOMER. In the event that any portion of this Agreement shall be held invalid or unenforceable, the remaining portions of this Agreement shall be binding upon both parties. No oral or written modification of the terms contained herein shall be valid unless made in writing and accepted by an authorized agent of both Aquagenix and CUSTOMER.

__________________________
AQUAGENIX

__________________________
CUSTOMER

__________________________
PRINT NAME

__________________________
PRINT NAME

__________________________
DATE

__________________________
DATE

Created For Pelican Preserve - Lake Maintenance
## Waterway Survey Chart

2/28/2019 07:59 AM

**Customer Name**: Pelican Preserve - Lake Maintenance

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<th>Inspection Date</th>
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33 Waterways for Pelican Preserve - Lake Maintenance

Created For Pelican Preserve - Lake Maintenance
Fifth Order of Business
5A
Minutes of Pelican Preserve Advisory Board Meeting
November 8, 2018 at 2:00 P.M.

Chairperson: Phil Mezey
Vice-Chairperson: Robert Geppert

Board Members Present
Nancy Hall
Nancy Olson
Joe Schofield
Ron DaPonte
John Grega

Staff Members Present:
Chris Shoemaker, District Manager

Management: Scott Scharnott
Securitas: Matt Travis

1. Call to Order/Roll Call
   - Mr. Mezey called the meeting to order and called the roll.

2. Approval of October Minutes
   - Mr. Mezey indicated the minutes were not available on time therefore, these minutes will be presented at the December meeting.

3. Financial and Budget Update
   - Ms. Olson presented the financial report to the board.
   - Ms. Olson reported that income is $117,000 over budget.
   - Ms. Olson stated expenses were under budget until the end of August. Castle Group submitted finances to the board late and as a result at the end of September expenses are now over budget by $71,000 for the HOA agreement line.
   - Ms. Olson mentioned she met with Chris and Michael to get clarification regarding budget shared expenses.
   - Mr. Shoemaker explained next week the Board is having a workshop on finances and projects. They will be discussing assessments for storm water.

Gateway Services Community Development District
Office: 239.561.1313 Fax 239.561.1350
http://www.gatewaydistrict.org
• The committee discussed non-ad valorem taxes, debt service, and shared expenses.

4. Bond Funds
   • Ms. Hall discussed fund allocation, phase 1, striping and the fifth engineer’s report.

   On MOTION by Mr. Geppert seconded by Mr. Grega with all in favor, the fifth engineer’s report was approved.

5. Investment Model
   • This item was previously approved and will be removed from the agenda.

6. Association Manager Report and Securities
   A. Post Orders
   • Mr. Scharnott introduced Mr. Travis, the Manager for Securitas, to give an update on the gate house.
   • Mr. Travis reported there is new technology; new cameras have updated angles, audio, gives them the ability to see the gates, and license plates.
   • Mr. Travis stated a committee has been working to revise the post orders.
   • Discussion ensued regarding the roads within Pelican Preserve which are CDD’s responsibility and the roads within Pelican Preserve which have not been transferred by Lennar to the CDD. Discussion ensued regarding public vs. private roads, and the inability to prevent people from driving on public roads.
   • Discussion ensued regarding notifying residents with inactive or no bar codes that they need to identify themselves at the gate to security.
   • Discussion ensued regarding the signal at the exit gate and the potential safety hazard. Also, notifying residents if they or their guests break the gate they are liable for the repair.
   • Discussion ensued regarding the current security guards not being able to handle the volume of cars at the gate. The additional guard would help out by taking phone calls from residents and also handle the trap gate for commercial vehicles that must use the resident gate because of their size.
   • Ms. Olson reported safety issues at the gate; employees not exercising proper patrol protocol of checking IDs of individuals at the entrance. The committee discussed monitoring GPS on patrol cars, along with viewing camera footage of employees and their interaction with guests and residents at the gate. It was
suggested that this monitoring might make employees more accountable for their actions.

- Mr. Scharnott reported on final acceptance submittal for the NVR (network video device), confirming that it has been installed and is operating properly. Also, budget for annual flowers and the main entrance inside the four way stop and along the Main Drive throughout Pelican Preserve was approved. The invoice was $10,254 for 3600 flowers to be planted in those areas; approximately $3.35 for the higher quality flowers and $2.50 for the lower quality. Even though the budget for flowers was $40,000, this portion of the planting exceeded $10,000, therefore the board had to be notified. Discussed replacing a non-budgeted palm tree, they range between $2500 and over $6000.

- Ms. Olson requested an update on repairing the sidewalks.
  - Mr. Scharnott responded that he anticipates the sidewalk repairs being completed by the second week in December.

7. Cypress Grove Revised Estimate
   - It was reported that Ms. Olson and Mr. Schofield were able to reduce the cost of landscaping refurbishment on Cypress Grove by $13,000 from the original estimate. The cost is now under $37,000.

8. Authority for Expenditure Pre-Approvals
   - Mr. Mezey reported that Mr. Pires decided there needs to be a Board resolution approving the PPAC proposal concerning expenditure pre-approvals. This will be brought to the Board at its upcoming November 15, 2018 meeting.

9. Prato Sidewalk Status
   - Mr. Schofield reported that the city inspector told the contractor doing the work to build it like the sidewalk across the street. He said if it was built differently he would make them pull it out and do it again.

10. GSCDD Board Meeting Report
    - There being no discussion of the written reports that had been submitted, the committee moved on to the next order of business.

11. Ponds Work Group (PWG) Report
    - Mr. Geppert reported a note from a resident on Pond 55, that the sod did not extend to the edge of the pond. It was found that every home in this area of Pelican Preserve is missing sod due to the thickness of the sod.
Prato is built this way and the problem needs to be addressed because this is not in conformance with plan drawings and permit criteria.
  - Mr. Scharnott updated the committee that he spoke with the Lennar land development people and David Caldwell about the issue.
- Mr. Geppert stated there are two wooded areas within Pelican Preserve that are not conservation areas. He has notified the contractor Woods and Wetlands that the CDD would not be paying the cost for maintaining these two areas.
- Mr. Geppert stated he’s researching whether the DRI for a community or county code takes precedence concerning the responsibility for the maintenance of these areas.

- Mr. Mezey reported that Lennar is going to resurface the parking lots at the town center and then resurface all of Veneto Drive and paint a double yellow line down the middle. When this work is completed the SSWG will consider turning the Veneto/Vicenza intersection into a 3 way stop. There is currently only one stop sign at the end of Vicenza.
- Mr. Mezey reported that there have been 12 hours of the extra traffic patrols by the FMPD during October and November; they have given one ticket and four warnings for people running through stop signs, two tickets and one warning for no vehicle registration, one ticket for no insurance, and four tickets and one warning for speeding.
- There was a brief discussion of the proposed Amendment to the golf cart rule
- **Mr. Geppert asked if** Lennar had the authority to put speed bumps on the part of the path in the preserve that they do not own?
  - The question arose if they did not have the right, what would PPAC do? It was the consensus of the committee that compared to the major issues they have with Lennar that this is a minor issue and not worth the pursuit.
- Mr. Grega reported that the committee established to guide the turnover of the Master Association to residents will be having a meeting November 1, 2019.

13. Gateway Meeting Attendance Schedule
- The committee discussed meeting on November 6th and November 15th and the who on the committee will be in attendance.

14. Board Member Requests and Audience Comment
  Gateway Services Community Development District
  Office: 239.561.1313 Fax 239.561.1350
  [http://www.gatewaydistrict.org](http://www.gatewaydistrict.org)
GATEWAY

13240 Griffin Dr.
Fort Myers, FL 33913

• Kenny Hall from CDD would like to attend the next meeting to discuss irrigation issues.
• Mr. Scharnott discussed the possible upgrading of the Pelican Preserve irrigation system. Currently the community has a Toro golf course irrigation system. He reported that some of the software and hardware can be upgraded. It should not be necessary for the association to spend $300,000 or $400,000 changing to another irrigation system. This can all be done for under $10,000.
• Mr. Scharnott stated the first thing you do when you are starting to have issues with an irrigation system is a radio frequency survey. The community has never done one, but the golf course has already done it; they added antennas and frequency repeaters. They did this because over time foliage grows and starts blocking transmission. He said that there are 43 satellites within Pelican Preserve, which is double what a community this size would normally have. After the frequency survey, it will be possible to determine what work will need to be done on each individual tower.
• Discussion ensued regarding the fact that control of the system is split in some neighborhoods; where half the street gets watered and the other half does not.
• Jack Dempsey from Bellagio indicated that in the past PPAC meetings were broadcast live and he would like the board to discuss doing that again or record the meetings, because it is difficult to hear what is going on.
  o Mr. Shoemaker responded that recordings of the meetings are uploaded to Youtube. He stated the CDD is currently going through significant issues with ADA (Americans with Disabilities Act) requirements. He indicated that next week there will be a short workshop for the Board on this subject.
  o Discussion ensued regarding the expense for the CDD to convert their websites to be ADA compliant.
• Nancy Francis thanked PPAC for its work. She stated that the meetings are not audience friendly; the monitors are too high. She also observed that she does not have a hearing problem but is a lip reader and due to the placement of the monitors she cannot read the committee member’s lips. Also, the monitors are blocking the sound.
  o The committee responded that the monitors are CDD property.
• Dean Groves offered his services to the committee. He stated that he is a licensed professional engineer in Florida and he deals with traffic and transportation issues.
  o The committee responded they would like to use his help.

Gateway Services Community Development District
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http://www.gatewaydistrict.org
15. Meeting Date – The next meeting will be on December 13, 2018

16. Adjournment

On MOTION by Mr. Geppert seconded by Mr. Grega with all in favor the meeting adjourned at 4:01 pm.
Minutes of Pelican Preserve Advisory Board Meeting
December 13, 2018 at 2:00 P.M.

Chairperson: Phil Mezey
Vice-Chairperson: Robert Geppert

Board Members Present
Nancy Hall
Joe Schofield
Ron DaPonte
John Grega

Management: Scott Scharnott, Chris Santos
Securitas: Matt Travis
CDD Utility Manager: Kenny Hall

1. **Call to Order/Roll Call**
   - Mr. Mezey called the meeting to order and called the roll.

2. **Approval of October 11, 2018 Minutes**
   
   On MOTION by Mr. Geppert seconded by Mr. Grega with all in favor, the
   October 11, 2018 minutes were approved.

3. **Prato & Pistoia Update**
   - Mr. Hall, Utility Manager for Gateway CDD, introduced himself. He reported
     issues with residents who leave for summer but do not flush their sewers before
     they leave, which has caused clogging. Most residents have no idea where their
     clean out is located, resulting in an approximately $5,000 bill. He has
     encouraged the HOAs to inform residents about their clean outs to avoid this
     issue.
   - Mr. Hall addressed master meter irrigation system; demand is the issue. He
     discussed the need to change the watering schedule.
GATEWAY

13240 Griffin Dr.
Fort Myers, FL 33913

• The committee discussed the issues with changing the schedule.
• Mr. Hall discussed the committee doing their own monitoring in order to police this system.
• Mr. Hall states they would like to incorporate this schedule by February 1, 2019.

4. Financial and Budget Update
None.

5. Association Manager Report and Securities
   A. Post Orders
   • Mr. Scharnott introduced Mr. Travis, the Manager for Securitas, to give an update.
   • Mr. Travis reported a committee has been working on post orders. A draft has been submitted to District Counsel for his review and the committee is awaiting a response. This should be completed soon.
   • Mr. Travis distributed information about transactions for passes and scanned passes.
   • Mr. Travis discussed a survey about what patrol officers do. Action items, phone calls that come to the gate house, (1) unsafe driving, (2) noise complaints, and (3) suspicious activity. There are approximately 10 or less incident reports. Discussion ensued regarding a special voicemail service that automatically shows any names of guests that have been phoned in by residents on the guards’ monitor.

On MOTION by Mr. DaPonte seconded by Mr. Geppert with all in favor, purchasing the special voicemail service that had been discussed at the cost of $150 per month was approved.
• A committee member inquired about the trap gate. Discussion ensued regarding changing gate hours and notifying residents in the newsletter.

• Mr. Scharnott reported that Metro Concrete Construction will perform sidewalk work consisting of replacement of 10 sections for approximately $370 per section.

• Mr. Scharnott reported that adhesive materials used to install install stones on the pillars on the bridge on Trieste Drive were not adequate, so the stones are falling off onto the sidewalk. In order to solve this problem, it will be necessary to put better adhesive on the pillars and re-attach the stones.

• The problem of the landscaping at the sewer pump station being damaged by trucks servicing the station was discussed. Mr. Scharnott recommended that a cement pad be installed to prevent this from occurring.

On MOTION by Mr. Geppert seconded by Ms. Hall with all in favor, repair of sewer pump station in an amount not to exceed $4,000 was approved.

• Mr. Scharnott mentioned replacement of palm trees and faded signs. There are 18 faded signs to be replaced at a cost of $1800 including installation.

• Mr. Scharnott reported that upgrading the wooden bridges in the preserve will cost approximately $25,000 per bridge to replace the planking and rail.

6. Prato Sidewalk Status
   • Mr. Schofield reported sidewalks and driveways have been completed.

7. Reclaimed Water
   • The Master Association should be taking the lead on this project.
• Discussion ensued regarding the water pipe that was installed to bring water from Treeline Avenue to the irrigation pond in Pelican Preserve.

8. GSCDD Board Meeting Report
There were no questions concerning the written reports that were submitted concerning these meetings.

9. Ponds Work Group (PWG)
Mr. Geppert reported,

• The fiscal year 2018-2019 ponds and wetlands operating budget was $774,400 and the carry-over balance for the ponds as of October 1st was $532,900. This was reported in last years’ budget.
• Fish stocking is to begin on December 13, 2018.
• Discussion ensued regarding the homes by Lennar not being in compliance with various requirements in the Permit Criteria Manual.
• Discussion ensued regarding the Palazzo irrigation problem.
• Four separate bids were presented to put downspouts in either Carena pond 43, 37 or Materita pond 36, 40, and 42.

On MOTION by Mr. Geppert seconded by Mr. Schofield with all in favor, to request GSCDD Board approval for an amount, not to exceed $220,000 for the downspout/drainage project in Carena was approved.

10. Rear Lot Drainage Inspections
None.

On MOTION by Mr. Mezey seconded by Mr. DaPonte with all in favor, appointment of Dean Groves to the Safety and Security Work Group was approved.

Mr. Mezey reported on the following:

- Golf cart regulation update.
- Gateway CDD Board discussion regarding golf carts
- Additional police patrols, $2000

On MOTION by Mr. Mezey seconded by Mr. Geppert with all in favor, an additional expenditure of $2,000 for extra police patrols for the traffic enforcement program was approved.

- Discussion ensued regarding resurfacing and painting stripes on Veneto Drive
- A committee member mentioned there are a number of projects which will need city approval at some point.
- Further discussion ensued regarding where golf carts should travel on the main roads.

12. Gateway Meeting Attendance Schedule
The committee discussed Board members attending upcoming meetings.

13. Committee Member Requests and Audience Comments
It was mentioned the landscaping for Cypress Grove Boulevard is underway.

14. Meeting Date – January 10, 2019

15. Adjournment

On MOTION by Mr. Mezey seconded by Mr. Geppert with all in favor the meeting adjourned at 3:58 pm.
Minutes of Pelican Preserve Advisory Board Meeting
January 10, 2019 at 2:00 P.M.

Chairperson: Phil Mezey

Board Members Present
Nancy Hall
Nancy Olson
Ron DaPonte
John Grega

Management: Scott Scharnott, Chris Santos
Securitas: Matt Travis

1. Call to Order/Roll Call
   • Mr. Mezey called the meeting to order and called the roll.

2. Approval of November & December Minutes

   On MOTION by Mr. Grega seconded by Mr. DaPonte with all in favor, the November 2018 minutes were approved as presented.

   On MOTION by Ms. Hall seconded by Mr. Grega with all in favor, the December 2018 minutes were approved as presented.

3. Financial and Budget Update
   There being none, the next order of business followed.

4. Association Manager Report and Securitas
   A. Post Orders
      • Mr. Scharnott introduced Matt Travis, the Manager for Securitas, to give an update.
GATEWAY
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- Mr. Travis reported that work on the automated voicemail system and post orders is proceeding. It was the consensus of the committee that a summary version of the post orders should be distributed to the entire community.
- Mr. Travis discussed the back gate and construction road and the activity in that area. He reported that some residents are driving their cars, riding their bicycles or walking through the gate. This is inappropriate use of this road as it is there for construction traffic only. The committee requested that Mr. Scharnott include in the weekly newsletter, issued by Castle Management, that residents should not be using this gate and should only be using the front gate to enter and exit the community.
- Mr. Scharnott distributed the proposals to the committee regarding repairing the bridges in the preserve.
- Discussion ensued regarding the budget and how these repairs should be funded.
- Mr. Scharnott updated committee on the concrete work that includes grinding or replacing sidewalk segments to remove bumps that people can trip over as well as installing a concrete pad at the sewer pump station electrical site and refurbishing the pillars on the bridge on Trieste Drive.

5. Reclaimed Water
- Mr. Mezey updated the committee on the the preliminary work that has been done concerning the City of Fort Myers requirement that Pelican Preserve use City supplied reclaimed water for irrigation.

6. GSCDD Board Meeting Report

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http://www.gatewaydistrict.org
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There were no questions concerning the written reports which were submitted concerning these meetings.

7. Ponds Work Group (PWG) Report
   - There being nothing to report in Mr. Geppert’s absence, the next order of business followed.

   - Mr. Mezey reported that the extra traffic patrols by the Fort Myers Police Department in the community approved by the committee are continuing.
   - Mr. Mezey noted Veneto Drive has been resurfaced and the stripes have been painted. He indicated that the SSWG will be looking into traffic signs and speed humps at various locations in the community to slow speeding down.
   - Mr. Mezey expressed his concerns regarding the GS CCD Board’s rejection of the committee’s recommendation concerning where golf carts should be operated on the main roads in the community. Discussion ensued regarding the part played by City regulations in this decision and whether an effort to have the Board reverse this decision should be pursued.

*Let the record reflect, Nancy Olson joined the meeting*

   - Discussion ensued regarding the safety hazard of having bicycles on the sidewalks.
   - Resident Jack Dempsey commented that the Pelican Preserve traffic and roadway assessment commissioned by the CDD had recommended reducing the speed limit to 20mph on the main roads if the golf carts continue to use the regular traffic lanes. Mr. Dempsey believes that implementation of this speed limit throughout the community would cause a lot of problems. He also pointed out that the assessment recommended an alternative plan to widen the curb.
3. **Financial and Budget Update (continued)**

   - Ms. Olson informed the committee how she intends to include budget numbers in the financial report so the committee members will readily see where spending stands versus budget.
   - Ms. Olson stated she will give the committee and up-to-date report concerning reserves at the next meeting.

9. **Committee Member Requests and Audience Comments**

   - Mr. Mezey reminded the committee that the Residents Alliance meeting will be held February 7, 2019 and approximately 60% of the meeting will be devoted to the Town Center purchase.
   - Mr. Mezey requested that committee members suggest any PPAC items they feel should be included in the Alliance meeting package.

10. **Meeting Date — February 14, 2019**

    - Michael Kraft announced that a planned GSCDD Board workshop would preclude holding the February PPAC meeting at its regular second Thursday time. Mr. Mezey stated that he would have Mr. Kraft send the members possible alternate dates.
dates for that meeting and he will select the date which works for most members as the date for the meeting.

11. Gateway Meeting Attendance Schedule
   Discussion ensued regarding members attending upcoming meeting dates.

12. Adjournment

   On MOTION by Mr. Grega seconded by Mr. DaPonte with all in favor the meeting adjourned at 3:17pm.
5B.
Minutes of the Stoneybrook Advisory Committee Meeting

Wednesday October 10, 2018 at 3:00 p.m.

Chairperson: Joe Mikulka
Vice Chairperson: JT Thomas
Committee Members Present:
Janice Lancaster
Virginia Stacy
Thomas Roller
Angela Sullivan

1. Call to Order/Roll Call
   - Mr. Mikulka called the roll.

2. Approval of Minutes of September 12, 2018
   - Mr. Mikulka requested any corrections, deletions or changes. There being none,

   | On MOTION by Mr. Roller seconded by Ms. Stacy with all in favor, |
   | the minutes of September 12, 2018 were approved as presented.    |

3. Discuss Schedule of Needed/Past Due Repairs and Painting re: Signs owned by the District and are in the Stoneybrook Community.
   - Ms. Harris presented a proposal to the Committee.
   - The proposal was for enhancing every intersection along Pebble Brook Blvd as well as four corners of Blue Stone Circle.
   - On the right-hand side of Blue Stone Circle it appears the sod keeps dying on that steep slope. It was decided to install a small grass called Liriope which grows a purple flower twice a year.
Let the record reflect JT Thomas has joined the meeting.

- Ms. Sullivan questioned what the budget for this was and whether this was done every year or every five years.
- Mr. Mikulka stated it is about $20,000 to $25,000 but this was used up this year because of the damages from Irma. Other work was done since there were funds left over from the previous year. Mr. Mikulka mentioned he has received several negative comments on how the area was looking.
- The question was asked whether next year they will have another budget of $20,000. Mr. Mikulka confirmed they have budgeted for $20,000 for next year already; the only exception is they did not have any hurricanes this year so there was no additional damage for this season.
- Since they have these funds available, they will have Ms. Harris make some further recommendations. Ms. Harris stated they may or may not use it all but at this point, she does not believe they will use it. Mr. Mikulka stated there are some areas where the bushes need to be replaced.
- Further discussion ensued regarding the planting and upgrading of areas.

On MOTION by Ms. Stacy seconded by Ms. Sullivan with all in favor, the proposal for enhancements presented by Ms. Harris was approved.

- Ms. Harris stated she noticed this and it is not exclusive to just Stoneybrook or Gateway, but the Viburnum hedges near the berm appear to be getting gall disease. Gall disease starts at the base where you get these big balls at the bottom of the stem. What occurs, the stem above dies and there really is no cure, so the only alternative is to remove and put in a plant which is not susceptible to gall disease. She has decided to put in green aboricola.
• Discussion ensued regarding the ponds. Mr. Mikulka asked about the bid process regarding the ponds.
• Discussion ensued regarding the number of pine trees lost since the hurricane.
• Mr. Mikulka informed the committee that they came out and did all the cross walks and stop bars but missed one thing. He was told they missed the stop sign on Ivory Stone Loop and Stone Tower Loop and they questioned the cross walk at Blue Stone Circle as there is nothing to indicate that there is a crosswalk there.
• Further discussion ensued regarding the crosswalk and stop sign.
• Mr. Mikulka mentioned the issue which Ms. Sullivan brought up last month.
• Ms. Sullivan stated the posts which state either ‘no parking’ or the stop signs or any of the green posts the base of these are in poor condition. She questioned when this will be repaired and what is the process to get the bases painted or every other one painted which does not need to be repaired. Mr. Mikulka stated they were doing an in-house, they had someone doing a couple at a time pulling and fixing them maybe that could be one of the solutions. Ms. Sullivan stated this has been talked about for over a year.
• Discussion ensued regarding the poles to either replace them, put a cap on them and/or paint them.
• Mr. Mikulka suggested it is something they can discuss at their HOA meetings.
• Ms. Sullivan continued to say even those which don’t have to be 100% repaired they seem like they have not been touched at all even though they are not broken and damaged but need to be painted. She questioned whether she needed to take pictures of every one of them. Further discussion ensued regarding this topic.
• Discussion ensued regarding redoing their contracts because there was an agreement with Lennar that went into some of these things. This has gotten old
and obsolete but at the time Gateway did maintain that stuff. Stoneybrook paid the first $5,000 and then after Gateway would pay. They stopped this because it made other problems for them which they did not want to have. As he understands it in the past, before you were here they would pass it through Gateway but Stoneybrook would pay the bill. Mr. Mikulka asked if Mr. Tisch can look into this if they have time.

- Mr. Tisch stated they have difficulty finding companies which do this as they are far and few in between. Further discussion ensued regarding this issue.
- This will be discussed in more detail at the next HOA Board meeting.

4. Committee Requests and Audience Comments
   - Comments were received.

5. Set Next Meeting Date November 7, 2018 at 3:00 pm

6. Adjournment

On MOTION by Mr. Thomas seconded by Ms. Sullivan with all in favor, the meeting adjourned.
Minutes of the Stoneybrook Advisory Committee Meeting

Wednesday November 7, 2018 at 3:00 p.m.

Chairperson: Joe Mikulka

Committee Members Present:
Janice Lancaster
Dick Zukowski
Thomas Roller
Angela Sullivan

1. Call to Order/Roll Call
   • Mr. Mikulka called the roll.

2. Approval of Minutes of October 10, 2018
   • Mr. Mikulka requested any corrections, deletions or changes. There being none,

   On MOTION by Ms. Lancaster seconded by Ms. Sullivan with all in favor, the minutes of October 10, 2018 were approved as presented.

3. Discussion of Cleaning Sidewalks and Curbs
   • Mr. Mikulka had questions regarding the power washing.
   • The question arose whether there was a replacement for Mike Tische, but at the moment, he has not been replaced.
   • Discussion ensued regarding the power washing and the request was made if Mr. Tische had this lined up as they wished to have a discussion today regarding this item.
• Discussion ensued regarding the cleaning of the sidewalks, and the curbs as well. The cost of this project was discussed but not finalized. The committee is looking to have this done on an annual basis.
• Discussion ensued having someone supervise this project, as well as getting prior notification of when they are coming to do the work.
• Discussion ensued regarding the street signs which are damaged and need to be repaired on Gemstone and Weather Stone.
• Mr. Mikulka indicated Mr. Zukowski will be stepping down from the Committee and thanked him for his time and being part of the committee.
• Ms. Lancaster questioned about the green paint and whether it is going through Mainscape. Discussion ensued regarding some of the damage cause by Mainscape and them being responsible for these damages.

4. **Committee Requests and Audience Comments**
   • Comments were received.

5. **Set Next Meeting Date** December 12, 2018 at 3:00 pm

6. **Adjournment**

   On MOTION by Mr. Zukowski seconded by Ms. Sullivan with all in favor, the meeting adjourned.
Minutes of the Stoneybrook Advisory Committee Meeting

Wednesday December 12, 2018 at 3:00 p.m.

Chairperson: Joe Mikulka

Committee Members Present:

J.T. Thomas
Janice Lancaster
Virginia Stacy
Thomas Roller
Angela Sullivan

1. Call to Order/Roll Call
   • Mr. Mikulka called the roll.

2. Estimate to remove the Ficus Trees
   • Ms. Harris indicated there are approximately four to five ficus trees in the common area to be removed. These are located behind Stone Valley Loop and Ivory Stone.
   • Mr. Mikulka questioned whether they need to grind down the stumps of all these trees and was informed if he did not wish for them to grow back you grind them down.
   • He questioned where the ficus trees came from and Ms. Harris stated no one seems to know. However, she did review his developer order and ficus trees are a prohibited species.
   • Further discussion ensued regarding the ficus trees.
   • Discussion ensued regarding a number of trees to be removed.
   • Mr. Mikulka indicated a final decision will be made at the next meeting and he will let others in the community know what is going on.
Mr. Mikulka indicated to Ms. Harris that he noticed she had done some planting and questioned how she was doing with this. She informed him it is doing very well. There are a few plants which will be replaced under warranty and she knows they are all very small right now but will fill in and look very nice.

- Mr. Mikulka questioned whether the irrigation was adjusted during the dry season. They have been placed on a grow-in schedule as far as it relates to irrigation.

- Mr. Mikulka shared upon driving in he noticed the men trimming outside the fence along Gateway Boulevard and it brought to his attention they still have those Mexican petunias which are blotchy in some sections. He questioned whether they are going to let those go. Ms. Harris informed him no they are trying to decide on a plan. The problem is those bed takes so much to fill them in and she just does not want to do one at a time, as she wants it to look uniform when they are done.

- Mr. Mikulka noted if in the couple of places they are bad just pull them out and get some more woodchips in there. Ms. Harris has looked at replanting those spaces with Mexican petunias. She will revisit this again as she has been discussing this and indicated they need to come up with a plan again to make it look like what it should have in the first place.

- Discussion ensued regarding the hedges.

- Ms. Harris indicated they just started a new contract in November with the aerators. The contractors were in to take a look as there was one head that was not working and they found the lines clogged. All the diffusers were replaced in that pond, the existing one was replaced with new diffusers plus they added two and added another compressor to the unit.

- Mr. Mikulka questioned how Ms. Harris felt the big pond was holding up after the restoration project. She said it is holding up.

- The ponds are sprayed on a monthly basis.

- The next pond to be restored is the one located at Stone Valley Loop.
• Ms. Sullivan mentioned the sign post and the street signs she will need to get someone from Gateway to talk about this as she was looking to have the bases painted. It is Mr. Mikulka’s understanding that there is someone going around painting it.

• The question arose on the final decision of the pressure washing of the sidewalks and curbing. Mr. Mikulka indicated the individual responsible is no longer with the Gateway organization and no one has followed up on this matter. Mr. Mikulka will send an email to Mr. Shoemaker to follow-up on the status of the pressure washing.

• Mr. Mikulka brought up that the CDD Board was discussing spending $600,000 on a RV park. They will charge them to park there but does not believe it will amount to $600,000. They are talking about having parking for 84 to 85 spots, different sizes for different RVs and boats. He is unaware how they are handling parking but they were discussing somewhat upscale surface and drainage and source of water and electricity and he does not know if this is something that they need. Further discussion ensued regarding this issue.

3. **Set Next Meeting Date January 9, 2019 at 3:00 pm**

4. **Adjournment**

   On MOTION by Mr. Roller seconded by Ms. Lancaster with all in favor, the meeting adjourned.
Minutes of the Stoneybrook Advisory Committee Meeting

Wednesday January 9, 2019 at 3:00 p.m.

Chairman: Joe Mikulka
Vice Chairman: J.T. Thomas
Committee Members Present:
Janice Lancaster
Virginia Stacy
Thomas Roller
Angela Sullivan

1. Call to Order/Roll Call
   • Mr. Mikulka called the meeting to order and called the roll.

2. Revised Estimate – Ficus Tree Removal
   • Mr. Mikulka recommended speaking to residents about trees.
   • Discussion ensued regarding the ficus trees contributing to landscaping issues and causing homeowner damage.

3. Estimate – Landscape Enhancements
   • Ms. Harris reported Coco Plum and Ixoras need to be removed.

   On MOTION by Ms. Lancaster seconded by Ms. Sullivan with all in favor, landscape proposal for $1515 and $547 to do work as listed was approved.

   • Discussion ensued regarding the trees which need to be removed expeditiously before they fall on resident homes.
4. **Committee Requests and Audience Comments**
   - Mr. Shoemaker mentioned the license agreement.
   - Mr. Mikulka inquired about bank restoration on Pebble Brook. Mr. Shoemaker responded the Board voted to maintain residential properties only but he offered to take pictures of Pebble Brook lake and show it to the Board.

5. **Set Next Meeting Date** February 13th, 2019 at 3:00p.m.

6. **Adjournment**

   On MOTION by Mr. Thomas seconded by Ms. Sullivan with all in favor, the meeting adjourned.