

**MINUTES OF MEETING
PARKLANDS LEE
COMMUNITY DEVELOPMENT DISTRICT**

A Regular Meeting of the Parklands Lee Community Development District's Board of Supervisors was held on **Thursday, May 12, 2016 at 1:15 p.m.**, at **The Renaissance Center, 28121 Palmira Blvd., Bonita Springs, Florida 34135.**

Present and constituting a quorum were:

Russell Rupp	Chair
Elliott Erickson	Assistant Secretary
Harvey Fontaine	Assistant Secretary
Robert Schwartz	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Kevin MacClain (<i>via telephone</i>)	Resident
Tammy Feeney	Resident
Judy Bavitz	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:20 p.m., and noted, for the record, that Supervisors Rupp, Erickson, Fontaine and Schwartz were present, in person. Supervisor Jack MacDonald, who was appointed to the Board, was not present. Mr. Adams indicated that Mr. MacDonald was no longer interested in serving on the Board; therefore, the seat would remain vacant and the administration of the Oath of Office and election of officers would not be addressed.

SECOND ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Newly Appointed Supervisor, *Jack MacDonald* (the following to be provided in a separate package)

- A. **Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. **Membership, Obligations and Responsibilities**
- C. **Financial Disclosure Forms**
 - **Form 1: Statement of Financial Interests**
 - **Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - **Form 1F: Final Statement of Financial Interests**
 - **Form 8B – Memorandum of Voting Conflict**

This item was discussed during the First Order of Business.

FOURTH ORDER OF BUSINESS

**Consideration of Resolution 2016-1,
Electing Officers of the District**

This item was deferred.

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2016-2,
Approving the District’s Proposed
Budgets for Fiscal Year 2016/2017 and
Setting a Public Hearing Thereon
Pursuant to Florida Law and Providing
an Effective Date**

Mr. Adams presented Resolution 2016-2 for the Board’s consideration. The resolution identified the Public Hearing date as September 8, 2016 at 1:15 p.m., at this location. The District Manager is required by Statute to provide a proposed budget no later than June 15, each year, for the purpose of starting the budget deliberation process and establishing a Public Hearing for final adoption. Prior to final adoption, the budget may be adjusted and the Board may set final assessment levels as part of the adjustments. At the Public Hearing, the adopted budget will establish the amounts placed on the lien roll, for operation and maintenance (O&M) and debt service, and the lien roll would be transmitted to Lee County.

Mr. Adams stated that the budget itself is generally status quo, with a slight increase of approximately \$1,700, in “Professional & admin” and a corresponding reduction in appropriations, mainly in “Contractual services” under “Water management”. This resulted in year-over-year expenditure levels slightly below Fiscal Year 2016. As shown on Page 2, a reduction in the O&M assessment is anticipated, from \$302.79 to \$299.06. On Page 5, the “Debt

Service Fund Budget – Series 2013 Bonds”, the collection and revenue requirements are a derivative of the “Debt Service Schedule”, on Page 6, identifying the principal and interest payment obligations for Fiscal Year 2017. Each fiscal year, the following year’s November 1 interest only payment is pre-collected. Since property tax bills are not sent out until November 1, revenues would not be collected in time to pay. The Fiscal Year 2017 budget, the May 1, 2017 principal and interest and November, 2017 interest only payments would be collected.

On Page 8, Mr. Adams stated that the chart reflected assessment levels by product type, O&M and Debt Service, followed by the total assessment, which residents would see on the November tax bill, in the non-ad valorem section. Property owners may pre-pay their tax bill at any time, to forego any future debt service assessments; however, the O&M assessment must be paid.

On Page 8, the Fiscal Year 2015-2016 O&M Assessment figure, shown as \$312.62, would be updated to reflect \$302.79.

On MOTION by Mr. Fontaine and seconded by Mr. Rupp, with all in favor, Resolution 2016-2, Approving the District’s Proposed Budgets for Fiscal Year 2017 and Setting a Public Hearing for September 8, 2016 at 1:15 p.m., at this location, was adopted.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2016-3, Placing Special District Candidates on General Election Ballot

Mr. Adams presented Resolution 2016-3 for the Board’s consideration. He indicated that the election date is November 8, 2016 and Seats 1 and 3, currently held by Mr. Schwartz and Mr. Fontaine, respectively, and Seat 4, which was currently vacant, were up for election. Mr. Adams explained the qualifications and that the qualifying period is from Noon, Monday, June 20 through Noon, Friday, June 24, 2016. Prequalifying begins on June 6. Interested parties may visit the Supervisor of Elections (SOE) website at www.lee.vote to obtain the appropriate forms or see Ms. Bernie Feliciano, at the SOE office.

Mr. Adams noted the legal requirement for Management to work with the SOE to place an advertisement for the General Election, on behalf of the District, 30 days in advance of the qualifying period.

Responding to a question, Mr. Adams explained that, pursuant to Florida Statutes, if no one qualifies for a seat, the term of the person currently residing in that seat would continue until that person resigned or another qualifying period occurred. If the seat was vacant and someone were appointed between now and the next meeting and the candidate took the Oath of Office, even though the term would officially expire in November, 2016, if no one qualified for that seat during the qualifying period, the term would continue.

On MOTION by Mr. Rupp and seconded by Mr. Schwartz, with all in favor, Resolution 2016-3, Placing Special District Candidates on the General Election Ballot, was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of DR Horton, Inc., Request to Transfer Ownership of Water Management System – Sorrento

Mr. Adams stated that Mr. Wayne Everett, of DR Horton, sent a request to transfer the stormwater management lake to Sorrento, for ownership and operation maintenance. A few years ago, the District accepted the drainage pipe from the lake to the District’s system, due to a requirement that the site’s stormwater be included in the stormwater system, under CDD permit, as Parklands Lee Community Development District; however, not knowing what the final land use plan would be, the tract itself was not accepted. The idea was to give the developer the flexibility to modify the shape of the lake to fit their development plan. It was appropriate and expected for the CDD to consider acceptance of the lake for ownership and operation and maintenance. First, the lake must have its final inspection and be certified by DR Horton’s engineer, together with the South Florida Water Management District (SFWMD) and perhaps the City of Bonita Springs. Everyone must sign off that the lake was constructed according to the permit and is ready to be transferred from the construction to the operational phase. Secondly, there must be a transfer of ownership of the lake.

Mr. Adams explained that the CDD does not have to actually “own” the tract. An easement over the lake, giving access and rights to enter upon, operate and maintain is what is required. However, from a custodial perspective, one entity must have ownership of the lake. The District’s Sovereign Immunity Protection (SIP), limiting claims against the District/Community, in the amount of \$200,000 could come into play, particularly with water

bodies. Occasionally, incidents occur and claims arise. If the lake is owned by a private entity or corporation, such as an HOA, the exposure is much greater in a lawsuit, versus a CDD with SIP. It was recommended that the District take ownership of the lake. There were concerns over the look of the pond, due to the significant draw down of the water table in the dry season. There were exposed lake banks and a meager population of aquatic plants. As part of the review, certification and sign off process, the SFWMD and the City would ensure that the number of plants on the pond was in compliance, typically, one plant per linear foot. Though currently short in plants, the required trees were planted next to the water's edge. Owner acceptance is usually through a Quit-Claim Deed.

In response to a question, Mr. Adams would contact DR Horton about installing the correct cover. From an aesthetic perspective, homeowners were concerned about the look of the pond because of the draw down; therefore, pressure from both sides would be helpful, particularly since the Bahia Sod was inexpensive. The HOA must be aware that the District would not mow to the water line; the landscaper would be required to do so.

With regard to the budget, Mr. Adams explained that maintenance is for the water body itself; treating for algae and submersed aquatics. The cost would be an approximate \$100 to \$200 monthly addition to the contract.

In response to a question from Mr. Kevin MacClain, a resident, Mr. Adams explained that the District does not accept fountains unless they are in central locations, such as main entries or along major thoroughfares, where everyone would benefit from the aesthetic view. Fountains in the center of a lake only benefit those who live around it, which was defined as the first 18' to 20' because it was on a flatter slope of 1:6. Beyond that, the slope is steeper. The shelf was intended to be a place where plants continue to go to seed and populate, preferably, in a group. The developers were not required to fill in the shelf on day one. The construction permit requirements are to seed the lake with the equivalent of one plant per linear foot, by group. SFWMD must sign off that the obligation was met under the construction permit. The District wants certification that the lake was properly constructed to the specifications of the permit and standards of the SFWMD, Lee County and the City of Bonita Springs. All agencies who issued permits for pond construction must sign off that it was properly completed.

Mr. MacClain confirmed that the District wanted the residents to push DR Horton to provide sod and aquatic plants. Mr. Adams replied that all the CDD wants is for the

requirements to be met under the construction permit, in terms of aquatic plant quantity; however, the HOA can ask for additional plants, if they choose. Mr. Adams would contact the developer to ask about the Bahia Sod but the residents must also apply pressure, and acknowledge the responsibility of mowing to the water's edge, as the water table continues to drop each year, because the CDD would not mow the lake bank.

Mr. Erickson commented that washouts were beginning. Ms. Tammy Feeney noticed washouts last year and asked if the CDD had something to prove what the County expects from DR Horton with regard to adding more littorals in the lake. Mr. Adams restated that the District would require sign off certification from the agencies because a certain quantity of aquatic plants is required. Ms. Feeney was told that the slopes were eroded and there was more than a 9" vertical step, which is a liability, whether through the HOA or CDD. Mr. Adams responded that the 9" vertical was a permit compliance issue, which must be repaired in order to receive the final certification. Ms. Feeney then asked if riprap could be used. Mr. Adams responded that Lee County and possibly Bonita Springs adopted a Land Development Code (LDC) indicating that only a percentage, possibly 20%, of shoreline be hardened and riprap is considered a hardening of the shoreline. At one point, the CDD attempted to use riprap in Stoneybrook CDD, in Estero, and met with resistance so Geotube[®] was used. Under the old LDC, even Geotube[®], if left in place, was considered a hardening, and it took 18 months to receive a variance. Since then, the requirements eased for Geotube[®] but are still in effect for riprap.

Mr. Adams asked if there were gutters on the buildings in the community, if downspouts collected water and if water runs above ground or is collected into underground drainage into the pond. Ms. Feeney and Mr. MacClain replied there are gutters and water runs both above and below ground. Mr. Adams explained that the CDD's sole responsibility begins when the stormwater reaches the pond. Ms. Feeney stated that some of the piping from the gutters, running underground to the lake, is floating and must be weighted down. Ms. Feeney asked if the CDD was responsible for the catch basins. Mr. Adams replied no; the CDD was responsible for the pond and the pipe from that pond connecting to another pipe in the system. The CDD does not take responsibility for roads, roadside catch basins or irrigation, which are the road owner's responsibility.

Ms. Judy Bavitz, a resident, asked if the drains and gutters would be inspected, along with the lake, for certification. Mr. Adams asked if Ms. Bavitz was referring to the pipes that

were floating. Ms. Bavitz responded yes, and those that are coming out from the downspouts and causing erosion. Mr. Adams replied that if the City or County signed off on the building, probably not. Unfortunately, the County and City LDC's have not changed to require downspouts on homes adjacent to ponds. To avoid the erosion issues, collection from the downspouts should be underground and drain into a pond. Many neighborhoods have retrofitted systems but there is no requirement.

Discussion continued about who is responsible for what, under the overall stormwater permit. Mr. _____ stated that, from the CDD perspective, it is being worked out by the developer. Mr. Adams stated some elements are the developer's responsibility and some are the CDD's with regard to the actual pond itself, and ensuring it was completed correctly and within the standards and requirements of all agencies.

Mr. MacClain stated it seemed that, once the lake is accepted by the CDD, homeowners would not be able to balance out the downspouts into the lake. Mr. Adams responded that the CDD would allow that. The CDD does not have the power or authority to require underground drainage to the pond.

Mr. Adams was asked if the District had any reason or justification to deny DR Horton's request until the issue was resolved and Mr. Adams suggested staying out of it. The CDD must ensure that what is being received is in the best interest of the District.

Mr. Rupp suggested tabling the item because DR Horton has not complied with the permitting process. Mr. Adams had not received any information yet but the Board could approve and authorize beginning the process. It would take some time to prepare the documents, to receive the certifications and any additional steps required to bring the lake into compliance with the permit so that, once accepted, the lake could be transitioned to the operational phase, under the District's name and permit. It may be ready by the next meeting, in July. There was an onsite inspection today, although it could have been a preliminary inspection. This Motion would allow the District to begin the process but would not authorize execution of the documents until the Board had the opportunity to discuss it, in July.

In response to a question, Mr. Adams stated that the inspectors would measure the slope to ensure that it was correct, within tolerances and in compliance with the profile.

On MOTION by Mr. Schwartz and seconded by Mr. Erickson, with all in favor, authorization for Staff to begin the ownership transfer process by preparing the appropriate documents and working with DR Horton, Inc., to obtain the appropriate certifications and ensure that the District’s interests are addressed, leading toward final acceptance and execution of a deed to transfer ownership, were approved.

EIGHTH ORDER OF BUSINESS

Approval of January 14, 2016 Regular Meeting Minutes

Mr. Adams presented the January 14, 2016 Regular Meeting Minutes and asked for any additions, deletions or corrections.

Line 20 and throughout: Change “Elliot” to “Elliott”

Line 49: Change “_____” to “Fontaine”

On MOTION by Mr. Rupp and seconded by Mr. Erickson, with all in favor, the January 14, 2016 Regular Meeting Minutes, as amended, were approved.

NINTH ORDER OF BUSINESS

Other Business

There being no additional business, the next item followed.

TENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

There being no report, the next item followed.

B. District Engineer

There being no report, the next item followed.

C. District Manager

i. Approval of Unaudited Financial Statements as of March 31, 2016

Mr. Adams presented the Unaudited Financial Statements as of March 31, 2016. Everything was typical for this time of year.

ii. 402 Registered Voters in District as of April 15, 2016

Mr. Adams reported that there were 402 registered voters residing within the boundaries of the District as of April 15, 2016.

iii. NEXT MEETING DATE: July 14, 2016 at 1:15 P.M.

Mr. Adams stated that the next meeting is scheduled for Thursday, July 14, 2016 at 1:15 p.m., at this location; however, if there is nothing to discuss, it would be cancelled. A special meeting could be scheduled, if necessary, to discuss the permit issue prior to the September 8, 2016 Budget Public Hearing.

ELEVENTH ORDER OF BUSINESS

**Audience
Requests**

Comments/Supervisors'

Mr. Rupp asked if the parcel next to Sorrento was owned by the CDD. Mr. Adams did not know what was occurring with the property. Ms. Feeney stated there was an application with SFWMD called "Sorrento Phase Two" and, according to the plans, the developer will construct 14 more buildings. There is an easement that goes through the newer section of Sorrento, which would run right into the easement for those buildings. Ms. Feeney hoped the pond was large enough to accommodate the new buildings. Mr. Adams believed the pond would be large enough or, possibly, there would be a dry retention area, which would pre-treat runoff prior to it entering the pond. When the pond was in the undeveloped area, it was required to be built to a size that served the parcel, based on the acreage and high intensity runoff for many buildings and parking lots, which was planned, at that time. Ms. Feeney stated the plans demonstrate the drainage flowing into the pond. Responding to a question regarding the parcel's ownership, Mr. Adams stated that Steve was working toward the sale when the District sold the other piece, to him. Ms. Feeney added there were three applicants on the initial application, including DR Horton. Mr. Adams stated TerraCap and possibly Parklands Lee CDD (PLCDD) were the other applicants. PLCDD may be on the application due to its overriding permit that the pond is being expanded to.

Discussion regarding other property ensued.

Mr. MacClain asked how residents could be included in the Sorrento updates. Mr. Adams responded that the information is on the District's website, www.palmiracdds.net, and welcomed residents to contact him.

TWELFTH ORDER OF BUSINESS

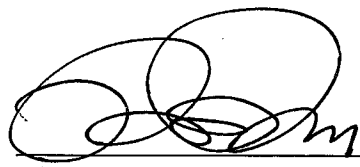
Adjournment

There being no further business to discuss, the meeting adjourned.

**On MOTION by Mr. Fontaine and seconded by Mr. Erickson,
with all in favor, the meeting adjourned at 2:05 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair