

## MINUTES OF MEETING

*Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.*

### CFM COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the CFM Community Development District was held on **Thursday, February 15, 2018 at 11:38 a.m.** at the office of Rizzetta & Company, Inc., located at 9530 Marketplace Road, Suite 206, Fort Myers, FL 33912.

Present and constituting a quorum:

Mike Dady	<b>Board Supervisor, Chairman</b>
Paul Mayotte	<b>Board Supervisor, Assistant Secretary</b>
Adam Lerner	<b>Board Supervisor, Assistant Secretary</b>
Bob Bishop	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Belinda Blandon	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Mike Eckert	<b>District Counsel, Hopping Green &amp; Sams, P.A. (via speaker phone)</b>
Michelle Kim	<b>District Counsel, Hopping Green &amp; Sams, P.A. (via speaker phone)</b>
Mallory Clancy	<b>District Engineer, Johnson Engineering</b>
Audience	

#### **FIRST ORDER OF BUSINESS**

#### **Call to Order**

Ms. Blandon called the meeting to order and read the roll call.

#### **SECOND ORDER OF BUSINESS**

#### **Public Comment**

Ms. Blandon opened the floor for public comment. There were no questions or comments from the public.

#### **THIRD ORDER OF BUSINESS**

#### **Consideration of the Minutes of the Board of Supervisors' Meeting held on January 18, 2018**

Ms. Blandon presented the Minutes of the Board of Supervisors' meeting held on January 18, 2018. She asked if there were any additions, deletions, or corrections to the minutes. There were none.

On a Motion by Mr. Dady, seconded by Mr. Bishop, with all in favor, the Board Approved the Minutes of the Board of Supervisors' Meeting held on January 18, 2018, for the CFM Community Development District.

**FOURTH ORDER OF BUSINESS**

**Consideration of the Operations and Maintenance Expenditures for the Month of December 2017**

Ms. Blandon provided an overview of the expenditures paid for the period of December 1-31, 2017 which totaled \$15,037.96, and asked if there were any questions related to any item of expenditure. Mr. Dady inquired with District Counsel regarding the work related to the temporary construction and access easement agreement. Mr. Eckert advised he will report back to Mr. Dady.

On a Motion by Mr. Dady, seconded by Mr. Lerner, with all in favor, the Board Approved the Operations and Maintenance Expenditures for the Month of December 2017, totaling \$15,037.96, for the CFM Community Development District.

**FIFTH ORDER OF BUSINESS**

**Review of December 2017 Financial Statement**

Ms. Blandon provided an overview of the December 2017 financial statement. Discussion ensued.

**SIXTH ORDER OF BUSINESS**

**Consideration of Audit Committee Recommendations**

Ms. Blandon advised that the Audit Committee met prior to the onset of the Board of Supervisors' meeting and has recommended that the Audit Proposal Instructions provide for a one (1) year contract term with the option for two (2) annual renewals, with proposals to be due by Monday, April 2, 2018 at 4:00 pm, for the evaluation criteria to include price, and the second audit committee meeting to be scheduled for April 19, 2018 at 11:00 am; and authorized District Management to publish the necessary advertisements requesting proposals and setting audit committee meetings.

On a Motion by Mr. Dady, seconded by Mr. Bishop, with all in favor, the Board Accepted the Recommendations of the Audit Committee: for Audit Proposal Instructions to provide for a one (1) year contract term with the option for two (2) annual renewals, with proposals to be due by Monday, April 2, 2018 at 4:00 pm, for the evaluation criteria to include price, and the second audit committee meeting to be scheduled for April 19, 2018 at 11:00 am; and authorized District Management to publish the necessary advertisements requesting proposals and setting audit committee meetings, for the CFM Community Development District.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Walker Exotic Tree Eradication Proposal for Preserve Maintenance Event**

Ms. Blandon advised that the proposal included in the agenda is actually a part of the current contract.

Ms. Blandon advised that she would like to discuss the Walker Exotic mitigation project with the Board.

On a Motion by Mr. Dady, seconded by Mr. Mayotte, with all in favor, the Board Added Discussion Regarding the Walker Exotic Mitigation Project to the Agenda, for the CFM Community Development District.

## **EIGHTH ORDER OF BUSINESS**

### **Discussion Regarding the Walker Exotic Tree Eradication Mitigation Project**

Ms. Blandon advised that since this item was not part of the Agenda, this item would need to be opened to public comment. No public comment was offered.

Mr. Dady provided an overview of the situation with Walker Exotic advising that they cannot meet the schedule needed to complete the project. He further advised that Staff has been asked to reach out to Earth Balance, who was an original and competitive bidder in order to expedite the project. Mr. Dady advised the upland work has been completed and coordination of the work punchlist will continue. Ms. Clancy advised that the head Ecologist of Johnson Engineering certified that the first phase of exotic removal was substantially complete, though since they are not going to continue on the project, the Ecologist would like for Walker Exotic to return to the site to complete cleanup. Mr. Dady advised that the proper process at this time, is to mutually terminate the contract with Walker Exotic Tree Eradication and contract with Earth Balance for the remainder of the work. He advised task one is complete and he would now like to move forward with Earth Balance. Mr. Dady advised a new agreement with the new firm will need to take place immediately, and he advised that the SPE has contacted the bond holder and the trustee to request additional funding which has been approved, so additional funding to accelerate the work in coordination with the permit agencies is available.

Mr. Eckert advised that Staff will negotiate a mutual termination of the existing contract, and also the contract amount with Earth Balance is below the bid threshold. Mr. Eckert advised he has no concerns with the proposal being made by the Chairman.

On a Motion by Mr. Dady, seconded by Mr. Lerner, with all in favor, the Board Directed Staff to Negotiate Mutual Termination of the Walker Exotic Tree Eradication Contract and Authorized District Counsel to Prepare a Contract with Earth Balance, consistent with their initial proposal for the work remaining, and further Authorized the Chairman to Execute the Termination and Contract, for the Mitigation Project, for the CFM Community Development District.

Mr. Dady discussed the lack of response from Walker Exotic Tree Eradication and his concerns with them returning to complete the clean-up. Ms. Blandon advised the District still has a contract with Walker Exotic Tree Eradication for ongoing maintenance and therefore she believes they will be responsive.

Ms. Blandon discussed the need for an amended budget to incorporate the changes that have been made.

On a Motion by Mr. Dady, seconded by Mr. Lerner, with all in favor, the Board Directed Staff to Prepare an Amended Budget to reflect changes that have been made, and to be presented at the next meeting, for the CFM Community Development District.

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

#### **Consideration of Easement Swap with the Golf Course for Roadway Conflicts**

Mr. Dady discussed easements that are crossing CDD property and there is currently a golf cart crossing through one of the roads to be constructed. He advised he would like to ensure that all conflicts are identified in order to approach the golf course representative once. Discussion ensued. Mr. Dady advised he would like to look at the methodology to ensure the golf course is paying the appropriate amount of operations and maintenance. Mr. Eckert advised the District can choose to go through the process to revise the methodology and that process would need to be addressed at the same time as the budget process. Mr. Dady advised he would like staff to review the methodology and measure the golf course lakes versus the residential or shared lakes to ensure the golf course is being assessed properly.

Mr. Dady further advised he would like staff to review each of the golf cart easement to ensure there are not additional concerns. Mr. Eckert asked for clarification as to who is being asked to review the easements. Mr. Dady confirmed that he is asking that the District Engineer review the easements and then have those findings sent to District Counsel and then the Board can review and discuss.

#### **TENTH ORDER OF BUSINESS**

#### **Staff Reports**

- A. District Counsel  
Mr. Eckert reported that his office prepared the Temporary Construction Access Agreement in connection with the closing on the property with DR Horton and that document was recorded on November 3<sup>rd</sup>.
- B. District Engineer  
Ms. Clancy advised she had no report.
- C. District Manager  
Ms. Blandon advised the next meeting of the Board of Supervisors is scheduled for Thursday, March 15, 2018 at 11:00 a.m. Mr. Dady asked that the meeting be moved to 11:30 a.m.

Ms. Blandon advised of a letter received from the homeowner at 20604 Long Pond Road regarding a drainage easement at the rear lot lines. The homeowner submitted a request to the Master Association to install a fence which was approved, but then their permit was denied by the Building Department due to the easement. The homeowner has requested an encroachment agreement. Discussion ensued. Mr.

Dady suggested the homeowner resubmit the application to the HOA and CDD for consideration; however, it is not in the Districts' policy to allow encroachment into the conservation easement area. Mr. Dady advised it may be easiest for the homeowner to move the fence back toward the house and out of the easement. Mr. Dady suggested providing a response to the homeowner and advise that he should resubmit though it does not appear that he has room for a traditional fenced area and the CDD is not of the mindset to allow for encroachment into the conservation area. Mr. Eckert advised the District is not obligated to give up property rights and that should be included in the response to the homeowner.

**ELEVENTH ORDER OF BUSINESS**

**Supervisor Requests and Audience Comments**

Ms. Blandon opened the floor for Supervisor requests and comments. There were none.

Ms. Blandon opened the floor for Audience comments.

A resident advised that a resident at the Southwest corner of Dennis Port and Long Pond Road dumping yard waste at the edge of the preserve. The Board directed staff to send a letter to the resident.

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

On a Motion by Mr. Dady, seconded by Mr. Bishop, with all in favor, the Board adjourned the meeting at 12:15 p.m., for the CFM Community Development District.



Secretary/Assistant Secretary



Chairman/Vice Chairman