

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, April 18, 2019 at 11:32 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:

Leah Popelka	Board Supervisor, Chairperson
Scott Campbell	Board Supervisor, Vice Chairman
Paul Mayotte	Board Supervisor, Assistant Secretary
Chip Jones, Jr.	Board Supervisor, Assistant Secretary
Bob Bishop	Board Supervisor, Assistant Secretary (via speaker phone)

Also present were:

Belinda Blandon	District Manager, Rizzetta & Company, Inc.
Tucker Mackie	District Counsel, Hopping Green & Sams, P.A.
Brent Burford	District Engineer, Johnson Engineering
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.

Ms. Peterson addressed the Board regarding the paving; she advised that it is much appreciated.

THIRD ORDER OF BUSINESS

**Consideration of the Minutes of the
Board of Supervisors' Meeting held on
February 21, 2019**

Ms. Blandon presented the Minutes of the Board of Supervisors' meeting held on February 21, 2019. She asked if there were any questions related to the minutes. There were none.

On a Motion by Mr. Jones, Jr., seconded by Mr. Mayotte, with all in favor, the Board Approved the Minutes of the Board of Supervisors' Meeting held on February 21, 2019, for the CFM Community Development District.

FOURTH ORDER OF BUSINESS

**Consideration of the Operations and
Maintenance Expenditures for the
Months of January and February 2019**

Ms. Blandon provided an overview of the expenditures paid for the period of January 1-31, 2019 which totaled \$153,036.30 and the period of February 1-28, 2019 which totaled \$25,264.34 and asked if there were any questions related to any item of expenditure. Ms. Popelka inquired regarding the invoice for Earth Balance. Ms. Blandon advised that it is the final invoice for the mitigation project.

On a Motion by Mr. Campbell, seconded by Ms. Popelka, with all in favor, the Board Approved the Operations and Maintenance Expenditures for the Months of January 2019 (\$153,036.30) and February 2019 (\$25,264.34), for the CFM Community Development District.

FIFTH ORDER OF BUSINESS

**Consideration of Resumes from
Resident Board Candidates**

Ms. Blandon advised that Ms. Streeter sent her resume for consideration and that Ms. Streeter's resume was emailed to the Board. Mr. Campbell asked to move this item to the end of the agenda. The Board concurred.

SIXTH ORDER OF BUSINESS

**Discussion Regarding
Reimbursement of Roadway Repairs**

Ms. Mackie provided background to the roadway repairs to date, in the amount of \$33,812.00; she further advised that DR Horton has made an offer of \$21,500.00 to reimburse the CDD for the roadway repairs. Ms. Mackie advised that District Counsel feels the offer is fair. Discussion ensued.

On a Motion by Mr. Mayotte, seconded by Ms. Popelka, with all in favor, the Board Accepted the Offer of \$21,500.00 Reimbursement by DR Horton for Roadway Repairs, for the CFM Community Development District.

SEVENTH ORDER OF BUSINESS

**Consideration of Suntech Electrical
Lighting Proposals**

Ms. Blandon reviewed the proposals received from Suntech for installation of conduits in the amount of \$3,630.00 and advised that the costs by Suntech do not include

engineering fees proposed by LCEC in the amount of \$6,800.00. Discussion ensued regarding enhancement of the lighting at the entry. Ms. Blandon reviewed the proposal received from Suntech for lighting enhancements at the entry monument. Discussion ensued. Ms. Popelka recommended moving forward with the monument lighting proposal.

On a Motion by Ms. Popelka, seconded by Mr. Mayotte, with all in favor, the Board Approved the Suntech Proposal in the Amount of \$4,443.00, for Lighting Upgrades to the Entry Monument, for the CFM Community Development District.

Mr. Mayotte discussed the need for signage to identify Magnolia Landing when traveling on US41 from the North. Mr. Jones, Jr. recommended that Mr. Burford review the DOT requirements for signage as requested by Mr. Mayotte.

Ms. Popelka asked that Staff review the circuitry needed for the installation of additional lighting.

Ms. Blandon distributed the schematic as provided by LCEC for placement of the additional light poles. Discussion ensued regarding budget concerns.

On a Motion by Mr. Campbell, seconded by Mr. Jones, Jr., with all in favor, the Board Approved the Suntech Proposal in the Amount of \$3,630.00 for Installation of Conduit to Accommodate LCEC Installation of 12 Light Poles, as well as the \$6,800.00 LCEC Engineering Fee, Contingent Upon the Receipt of Expected Operations and Maintenance Funds, for the CFM Community Development District.

EIGHTH ORDER OF BUSINESS

**Consideration of Solitude Lake
Management Contract Renewal**

Ms. Blandon reviewed the proposal provided by Solitude for renewal of the aquatic maintenance contract. She advised that no increase is being proposed at this time. Mr. Jones, Jr. recommended inquiring regarding Solitude maintaining their pricing for two years.

On a Motion by Mr. Jones, Jr., seconded by Ms. Popelka, with all in favor, the Board Approved the Solitude Lake Management Contract Renewal, Subject to Preparation of an Agreement by Counsel and Further Authorized the Chair to Execute the Contract, for the CFM Community Development District.

NINTH ORDER OF BUSINESS

**Consideration of Audit for Fiscal Year
End September 30, 2018**

Ms. Blandon provided an overview of the Audit and asked if there were any questions. There were none.

On a Motion by Mr. Mayotte, seconded by Mr. Jones, Jr., with all in favor, the Board Approved the Audit for Fiscal Year End September 30, 2018, as Prepared by Carr Riggs & Ingram, LLC, for the CFM Community Development District.

TENTH ORDER OF BUSINESS

Consideration of Hopping Green & Sams Fee Increase Letter

Ms. Mackie advised that the letter in the agenda has the name of Lucaya CDD on it, she further advised that she has reviewed the letter prepared for CFM CDD and it is the same. Mr. Jones, Jr. asked that the letter be accepted in conjunction with the budget.

ELEVENTH ORDER OF BUSINESS

Consideration of Matters Pertaining to Conservation Property

Ms. Mackie reviewed the boundary map provided by Counsel identifying conservation areas owned by the CDD as well as conservation areas owned by the SPE. She advised that the gray highlighted areas are anticipated conservation areas to be dedicated via easement to the Water Management District and the District ultimately owns and operates those areas; the areas that are identified in green are owned by the SPE but are not subject to any conservation easement; the areas outlined in red are owned by the SPE but certain portions of those properties or all of those properties are subject to an ultimate conservation easement that has not yet been dedicated. She identified areas that would ultimately be dedicated in to the conservation easement and areas that only portions of the parcels would be dedicated in to conservation easement. Ms. Mackie advised that in light of the fact that there is a certain deadline for dedicating these portions of property to a conservation easement, District Staff has reviewed property that is encumbered by debt assessments and operations and maintenance assessments so in connection with a real property transfer to come before the Board, most likely at the next meeting, whereby the District will be dedicated the portions of those areas; the District needs to deal with the fact that there are outstanding debt assessments owed on that property and Staff has been working with the landowner to identify what ultimately will need to be satisfied before the District will accept the property and ultimately it would be the Water Management District who would want to ensure the property is not encumbered by debt as well. She advised the total debt outstanding that would need to be satisfied at the time the District acquired the property is in the range of \$6,600,000.00 and that will make sure that the debt that goes to the remaining undeveloped property is not triggering a true up requirement which is the initial debt per acre maximum load that the property can support without necessitating a true up payment from the landowner; so understanding that the debt will be spread as much as possible to the remaining undeveloped property, that is the amount that will need to be paid. Ms. Mackie advised that the question becomes how can the District accept payment and currently with functioning districts it is cash payments for assessments on an annual basis; with respect to this the SPE owns the property for the benefit of the bondholders who have offered to make a prepayment of assessments by virtue of cancelling that amount of bonds that would be needed; so for the \$6,600,000.00 outstanding in debt assessments they would be cancelling a like amount in bonds. Ms. Mackie advised that the documents being

presented in the form of the resolution and an amendment to the trust indenture allow for a prepayment in kind by tendering of bonds. She advised the documents; assessment resolution adopted at the time the bonds were issued and the trust indenture securing the bonds encapsulated a payment in cash and so those documents need to be modified to ensure the Board is accepting a prepayment by virtue of a tender.

Mr. Campbell asked for clarification as to any impact on existing residents' assessments. Ms. Mackie advised there is not an impact. Ms. Mackie advised that the references to expected outstanding operations and maintenance payments are related to Fiscal Year 2011/2012 and 2012/2013, a total of \$180,000.00, that the bondholders are prepared to pay such that the operations and maintenance and debt assessments will be satisfied at the time the District takes title to the properties. Discussion ensued.

On a Motion by Ms. Popelka, seconded by Mr. Mayotte, with all in favor, the Board Adopted Resolution 2019-02, Authorizing Debt Assessments to be Prepaid by the Surrender of Bonds Secured by Such Special Assessments, and further Approved the Indenture, Subject to Review by District Counsel, and Further Authorized the Chairman or Vice Chairman to Execute the Documents, for the CFM Community Development District.

TWELFTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel
Ms. Mackie advised that she had no report but would be happy to answer any questions. There were no questions for Ms. Mackie.

- B. District Engineer
Mr. Burford advised that his firm has sent a response to the Notice of Non-Compliance that was received; the non-compliance was due to the Water Management District requiring that the District remove the vegetation that was killed and left in place in the upland enhancement areas and in the wetland enhancement areas. Ms. Blandon advised that Earth Tech is currently on site and so it would be a good time to have them provide an assessment.

- C. District Manager
Ms. Blandon advised the next meeting of the Board of Supervisors is scheduled for Thursday, May 16, 2019 at 11:30 a.m.

Ms. Blandon advised that a request has been received to add no swimming signs to the new ponds. Mr. Jones Jr. asked that staff obtain proposals. Ms. Blandon advised that replacement of faded signs has also been requested; she advised that she will begin obtaining proposals.

THIRTEENTH ORDER OF BUSINESS

Supervisor Requests

Ms. Blandon opened the floor for Supervisor requests and comments.

Mr. Mayotte advised of an area in the roadway of Magnolia Landing Lane where there is a divot in the road that holds water when it rains as opposed to the road being crowned. Discussion ensued. Ms. Blandon asked that Mr. Burford contact DR Horton regarding this concern.

Ms. Blandon opened the floor to Audience requests and comments.

A resident inquired regarding the status of the monument repairs. Ms. Blandon advised that the proposal for the work has been executed. He further advised that there is not enough power at the monument to accommodate the new upgrades.

A resident inquired regarding the use of Dady Drive as the Lakeville lot owners are not using the new road.

FOURTEENTH ORDER OF BUSINESS

**Consideration of Resumes from
Resident Board Candidates**

Ms. Blandon reviewed the resume received from Ms. Streeter and asked the Board if they would like to appoint her to the Board of Supervisors.

Mr. Bob Bishop advised that he would like to resign from the Board of Supervisors.

On a Motion by Ms. Popelka, seconded by Mr. Mayotte, with all in favor, the Board Accepted the Resignation of Board Supervisor Bob Bishop, for the CFM Community Development District.

On a Motion by Mr. Campbell, seconded by Mr. Jones, Jr., with all in favor, the Board Appointed Ms. Sue Streeter to the Board of Supervisors', to Seat #2, for the CFM Community Development District.

Mr. Campbell asked for clarification as to who is in what seat on the Board. Ms. Blandon advised that Mr. Mayotte is in seat 1 which expires in 11/2020, Ms. Streeter is in seat 2 which expires in 11/2020, Mr. Campbell is in seat 3 as a holdover from 2018 and so the new term would expire in 2022, Mr. Jones, Jr. is in seat 4 as a holdover from 2018 and so the new term would expire in 2022, and Ms. Popelka is in seat 5 which expires in 11/2020.

Ms. Blandon administered the Oath of Office to Ms. Streeter. She further advised Ms. Streeter that she is able to receive compensation for her attendance at meetings as a Board Supervisor and she asked Ms. Streeter if she would like to receive or waive compensation. Ms. Streeter elected to receive compensation for attendance at meetings. Ms. Blandon provided a form 1 and a form W9 to Ms. Streeter. Ms. Mackie reviewed Sunshine laws and public records requirements.

FIFTEENTH ORDER OF BUSINESS

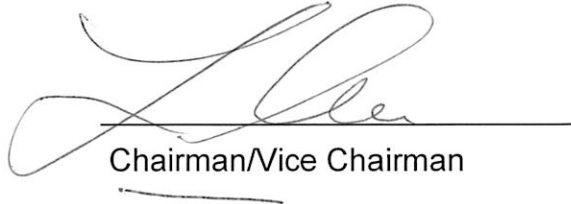
Adjournment

Ms. Blandon advised there is no further business to come before the Board and asked for a motion to adjourn.

On a Motion by Mr. Jones, Jr., seconded by Mr. Mayotte, with all in favor, the Board adjourned the meeting at 12:30 p.m., for the CFM Community Development District.



Secretary/Assistant Secretary



Chairman/Vice Chairman