Minutes of the Regular Meeting

Chairman Neubauer called the Regular Meeting of the Board of Supervisors of the Gateway Services Community Development District to order on Thursday, April 4, 2013 at 3:00 p.m. at the Gateway Services CDD Offices meeting room, located at 13240 Griffin Drive, Ft. Myers, FL 33913.

Board Members Present and Constituting a Quorum:

Gary Neubauer  Chairman
Peter Doragh  Vice Chairman
Margaret Fineberg  Supervisor
William Guy  Supervisor
Pamela Gill  Supervisor

Staff Members Present:

Peter Altman  District Manager, District Management Services, LLC
Anthony Pires, Jr.  District Counsel, Woodward, Pires & Lombardo, P.A.
Al Abdo, Jr.  District Operations Manager
Danny Nelson  District Engineer, Tetra Tech
Brian Ferrar  DMS Consultant

Also Present:

Ed Tinkle  Gateway Greens Resident
Joe Mikukla  Stoneybrook Resident
Gail Schafer  Pelican Preserve Resident
Nancy Nordin  Magnolia Lakes
Lou LeMaire  Pelican Preserve Resident
John Grega  Pelican Preserve Resident
Maggie Mooney  Hankin, Persson, McClanathen, Cohen & Darnell Law Firm
Cindy Weigel  Pelican Preserve Resident
Jonathan Johnson  Law Firm
Daniel Cox  Daniel H. Cox, Attorney of Law
Jan Grier  Pelican Preserve Resident

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Chairman Neubauer led the pledge of allegiance. Regular Meeting was called to order at 3:00 p.m.

2. CLOSED DOOR SESSION;

Chairman Neubauer opened the meeting and suggested to delay the Closed Door session and allow the audience to proceed with Request to Address the Board.

3. AUDIENCE/PUBLIC COMMENTS

A. Regarding Agenda Items

B. Regarding Non-Agenda Items
Nancy Norcin stated she had concerns regarding the Magnolia Lake lighting regarding bus pick up in the morning. She also requested for the sidewalk to be extended from Silverlakes to Magnolia Lakes.

Ed Tinkle discussed several items. He suggested if the sidewalk at Magnolia Lakes is extended is should meet ADA guidelines. He stated he has still not received any feedback from Lennar/Banks regarding Silverlakes and Melissa Roberts from SFWMD. Chairman Neubauer stated he is meeting with SFWMD on April 17, 2013.

Ed Tinkle commented on what a great job Al Abdo did for the District. He requested Al Abdo back as an employee of the CDD not DMS.

Mr. Tinkle distributed a draft copy of the White Paper regarding the Road Turnover. He stated the next step is a Public Meeting. He stated the Road Turnover Committee met with Clark Learning and David Caldwell from WCI. He stated WCI cannot afford to do any of the work related to the drainage issues. Mr. Tinkle stated he is trying to set up a meeting with Randy Cerchie with the County. He stated that WCI would like to do start work on the two smaller sections of the road (Commerce Lakes and Griffin Drive and wait to do Gateway Blvd.) He stated this would reverse their phasing on the project and he is not sure this is a good idea.

Jan Grier stated she did not know the gentlemen sitting next to Peter Altman. Peter Altman introduced Brian Farrar from BCF Management Group, LLC who are consultants in Land Management and stated he was assisting DMS in the absence of the Operations Manager.

Jan Grier stated Morris-Riley did a very well written RFP and received three bonds. She stated next week the Pelican Preserve Advisory Committee will be advised and then the committee will make a recommendation to the Board on April 18, 2013. She stated there is a proposal in your packet regarding the lake bank inspection.

Jan Grier commented on Al Abdo’s dismissal and stated she is very disappointed regarding this action. She stated Mr. Abdo always was cooperative and very responsive.

Jan Grier stated the Ponds Work Group is currently working on the budget for next year and it is not pretty. She stated three aeration proposals will be needed for Basin 6.

Joe Mikulka from Stoneybrook Advisory Committee stated he misses Al Abdo and he was a valuable asset. He made a recommendation to the Board to approve the proposal regarding the planting of the Cypress Trees around the lakes. District Counsel stated it is the responsibility of the CDD under the Lake Tree Planting Ordinance by Lee County regarding lake maintenance. Mr. Mikulka asked who the contact person is for the future. Peter Altman stated he is filling that role temporarily. Chairman Neubauer asked what the expense for the cypress trees is. Mr. Mikulka stated $6,800.
MOTION TO: Authorize to plant cypress trees along the lakes in Stoneybrook.

MADE BY: Vice Chair Doragh
SECONDED BY: Supervisor Fineberg
DISCUSSION: None further.
RESULT: Called to Vote: motion PASSED
5/0, motion passed unanimously

John Grega spoke on behalf of Pelican Preserve Advisory Group regarding the planting of the oak trees including irrigation along Trelline Blvd. He recommended the Board send the attached letter to WCI with any modifications the Board feels necessary.

Chairman announces continuation of Closed Door Session beginning at 3:27 p.m. Attendees are: Peter Altman, Anthony Pires, Supervisors Gill, Guy, Doragh, Fineberg and Neubauer. Notice published March 13, 2013 in the Fort Myers News Press.

To discuss pending litigation to which the District is presently a party before a court, styled Lee County Community Charter Schools LLC vs. Gateway Services Community Development District and the Lee County Tax Collector, Case No. 10-CA-001943, Circuit Court of the 20th Judicial Circuit in and for Lee County, Florida. (the “Charter School Litigation”).

Ready to begin Open Session.

4. PUBLIC SESSION:

A. CONSIDERATION OF ACTION IN THE CHARTER SCHOOL LITIGATION, INCLUDING POSSIBLE SETTLEMENT.

MOTION TO: Have Board of Supervisors direct the staff to continue negotiation on this legal matter and resolve it as soon as possible.

MADE BY: Supervisor Guy
SECONDED BY: Chairman Neubauer
DISCUSSION: None further.
RESULT: Called to Vote: motion PASSED
5/0, motion passed unanimously

4. BOARD PRIORITIES
A. Administration Professional Services
   i. Presentations for District Counsel
      1. Hankin, Persson, McLennan, Cohen & Darnell

Ms. Mooney-Portale presented to the Board. She stated her focuses are on governmental law, special taxing districts land use, administrative law, and litigation. She stated they currently represent 16 community development districts (CDDs) across southwest Florida including Laguna Lakes in Fort Myers, with a primary focus on resident-controlled districts.

2. Hopping Green & Sams

Jonathan Johnson presented to the Board. He stated he has 15 years doing special taxing districts and 20 years doing CDD work.

3. Mr. Daniel H. Cox, P.A.

Daniel Cox presented to the Board and stated his law practice consist almost entirely of local government representation. He stated he would be relocating to this area

4. Pennington, Moore, Wilkinson, Bell & Dunbar

Withdrawn – no representation at the Board meeting.

5. Woodward, Pires & Lombardo

Anthony Pires stated he was uniquely qualified to represent Gateway Services CDD. He stated Woodward, Pires & Lombardo, P.A. are the oldest firm in southwest Florida. He stated they have been partners for 22 years. Mr. Pires is AV Rated by Martindale-Hubbell and Board Certified by the Florida Bar in City, County and Local Government Law (1998-2013). He stated the law firm has extensive experience in representing public entities and the attorneys are familiar with the public records law, Sunshine Law (open meeting laws), laws dealing with reporting requirements for public entities, laws dealing with competitive bidding and solicitation and applicable ethics laws.

(02:31:00))

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<tr>
<th>MOTION TO:</th>
<th>To retain Mr. Pires as District Counsel.</th>
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<tr>
<td>MADE BY:</td>
<td>Supervisor Fineberg</td>
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<td>SECONDED BY:</td>
<td>Chairman Neubauer</td>
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<tr>
<td>DISCUSSION:</td>
<td>Further Discussion</td>
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<td>RESULT:</td>
<td>Called to Vote: motion PASSED</td>
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<td>5/0, motion passed unanimously</td>
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Further discussion followed by Vice Chair Doragh and Supervisor Guy. Supervisor Guy stated he was impressed with Hopping Green and Sams and should be given some consideration. Vice Chair Doragh stated he feels this process is important and also satisfied Supervisor Guy's
questioning regarding Sunshine Laws and opinions. Vice Chair Doragh stated Hopping Green and Sams is very intimate with lobbying legislation for large developers. He stated we would be a very small fish in a large pond. He also stated they are by far the most expensive. He finally stated this firm represents the County and is a direct result of what the County imposed on us is due to this law firm.

5. APPROVAL OF CONSENT AGENDA ITEMS
   A. Morris Riley Proposal

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<tr>
<td>MOTION TO: Approve the Pelican Preserve Lake Bank Inspection Proposal.</td>
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<td>MADE BY: Vice Chair Doragh</td>
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<td>SECONDED BY: Chairman Neubauer</td>
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<td>DISCUSSION: Supervisor Fineberg discussed what fund would be used. Peter Altman stated it is not repair so not under the bond.</td>
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<td>RESULT: Called to Vote: motion PASSED</td>
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<td>5/0, motion passed unanimously</td>
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6. BUSINESS ITEMS
   A. Resolution 2013-Spending Resolution

Resolution 2010-06 references dual authority. Mr. Altman stated an alternative resolution has been provided for the Board to discuss and provide direction which incorporates a few new controls. He stated the desire is to have clear and well defined parameters which can be followed by staff in the conduct of the service and maintenance activities of the District.

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<td>MOTION TO: Approve non continuing expenses not to exceed $50,000 and revision of language regarding staff.</td>
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<tr>
<td>MADE BY: Supervisor Fineberg</td>
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<tr>
<td>SECONDED BY: Vice Chair Doragh</td>
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<tr>
<td>DISCUSSION: None further</td>
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<tr>
<td>RESULT: Called to Vote: motion PASSED</td>
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<td>5/0, motion passed unanimously</td>
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B. Consideration by Board for Personnel Changes

Supervisor Fineberg stated she had given this much thought and felt there should be two positions: 1) Administrative Director would handle inside the building and 2) Public Works Director would oversee those things outside the building within the District. Chairman Neubauer asked which position would create the budget. Supervisor Fineberg stated they both would create the budget.
Vice Chair Doragh stated he is not satisfied with the management of the District. He stated the management needs to get better and the District Manager should be held accountable for success or failure of the District. Supervisor Guy concurred. He was surprised when he found out about this decision and nor was it discussed with the Board members. He also stated the residents were very happy with AI and he was doing a nice job. Supervisor Gill stated AI has a lot of support from the community and he had the best interest to the District. She stated she believes this position should report directly to the District for retention and loyalty reasons. Chairman Neubauer disagreed with this position reporting to the Board. He stated we should expect DMS independently to select the person who they will entrust.

Chairman Neubauer requested DMS to get as quickly as possible to get this place up and running. He stated the vision needs to be created regarding the staff, tasks, how to coordinate without breaking the Sunshine Laws and then communicate your progress to the Board immediately.

The District Counsel stated when any change in the size of the organization or District staff requires a clear paper trail. He stated any changes must come back to the Board of Supervisors for modification.

Peter Altman stated Mr. Abdo is on paid leave and currently still an employee of the District. He stated he is considering and making a recommendation to the Board terminate the DMS portion of our contract and allow me to use those funds to relook at the salaries of the employees here. He stated all the employees are accountable to the manager. He stated the areas of our staff need to improve on the management side. He stated he brought Brian Farrar who has been involved in CDD's to assist me during this interim period.

Mr. Altman stated his goal was to have good staff operating locally. Chairman Neubauer stated whether they are CDD or DMS employees they still need to answer to one person.

(03:24:00)

| MOTION TO: | Follow advice of District Counsel to confirm the actions of the District Manager in regards to the Operations Manager. |
| MADE BY: | Supervisor Guy |
| SECONDED BY: | Supervisor Gill |
| DISCUSSION: | None further |
| RESULT: | Called to Vote: motion PASSED 5/0, motion passed unanimously |

C. General Matters of the District

7. STAFF REPORT

A. District Counsel - Outstanding Tasks

B. District Engineer - Outstanding Tasks Authorizations

i. Aviano Drive Drainage Relocation
Danny Nelson with Tetra Tech discussed Aviano Drive drainage relocation regarding Condo Lot 29 and WCI submitted application. They have satisfied our requirements and issued a bond in the amount of 110% to the District.

(03:30:00)

MOTION TO: Approve Aviano Drive Drainage Relocation.
MADE BY: Supervisor Fineberg
SECONDED BY: Supervisor Gill
DISCUSSION: None further.
RESULT: Called to Vote: motion PASSED
5/0, motion passed unanimously

He stated meeting quarterly with SFWMD and the next meeting is on April 17th at 3:00 p.m. and Chairman Neubauer will be attending. He stated issues are reviewed at this time. He stated discussion will be on the ongoing Silverlakes and the Colonial flowway maintenance through Colonial. He stated determination is being made if Colonial contributes to the flowway. He stated we have good dialogue and working relationship.

C. District Operations
D. District Manager

8. SUPERVISOR COMMENTS

Vice Chair discussed pool refills regarding a credit for the resident. He recommended sewer charge credits to be reinstated because it was a long standing practice but administratively done without consultation with the Board. Vice Chair stated the CDD is a bulk rate customer of the County not a residential customer. Chairman Neubauer stated he discussed this idea with Lee County and Lee County would not provide the same credit to the District. He stated he has an email from Ivan Velez stating this. Place on a future agenda regarding the policy of the City of Fort Myers and the County and Chairman Neubauer will be most happy to share the email from Mr. Velez.

9. ADJOURNMENT  Motion to adjourn the meeting.

(03:35:00)  

MOTION TO: Adjourn the meeting at 6:35p.m.
MADE BY: Supervisor Guy
SECONDED BY: Supervisor Fineberg
DISCUSSION: None further.
RESULT: Called to Vote: motion PASSED
5/0, motion passed unanimously
*All minutes were done in summary format.

*Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that 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.

Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a publicly noticed meeting held on 5-10-13.

Signature

Printed Name

Title:

☑ Chairman

☐ Vice Chairman

Title:

☐ Secretary

☐ Assistant Secretary

Gateway Services CDD
Established May 22
1886
Lee County, Florida

Recorded by Records Administrator

Signature

Date