

# GATEWAY SERVICES COMMUNITY DEVELOPMENT DISTRICT

June 7, 2012 Minutes of Meeting

## 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, June 7, 2012 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      |
| William Guy       | Vice Chairman |
| Margaret Fineberg | Supervisor    |
| Pete Doragh       | Supervisor    |
| Ed Sichel         | 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                         |
| Jesse Yandle      | Parks and Recreation Supervisor                     |

### Also Present:

|                    |                            |
|--------------------|----------------------------|
| J. Lancaster       | Resident, Stoneybrook      |
| Gail Schafer       | Resident, Pelican Preserve |
| Karen Zimmermann   | Resident, Stoneybrook      |
| Joseph Mikulka     | Resident, Stoneybrook      |
| Janet Wittman      | Resident, Stoneybrook      |
| Delores Linscott   | Resident, Walden Lakes     |
| Joe Targia         | Resident, Stoneybrook      |
| David Lethem       | Resident, Stoneybrook      |
| Ivan Bucar         | Resident, Stoneybrook      |
| Sherry Allan Bucar | Resident, Stoneybrook      |
| Joe DiPrimia       | Resident, Stoneybrook      |
| Lou Lemaire        | Resident, Pelican Preserve |
| Andy Roosa         | Resident, Stoneybrook      |
| Raymond Strobel    | Resident, Stoneybrook      |
| Twila Salyers      | Resident, Silverlakes      |

## 1. CALL REGULAR SESSION TO ORDER/ PLEDGE OF ALLEGIANCE

Chairman Neubauer led pledge of allegiance at 3:00 p.m.

### A. Overview of Meeting Procedures and Decorum

Regular Meeting was called to order and announced rules of procedure for the meeting and asked all attendees to either turn off or silent all cell phones.

Anthony Pires, District Counsel advised to amend the agenda for the following items: Public Hearing for Amendments for: Permit Criteria Manual, Rules of Procedure Manual and Surface Water Management Rule. He advised the Board to add the word "amendments" prior to the word "For" for each item mentioned.

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(00:02:20)

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| MOTION TO:   | Amend agenda items listed for the Public Hearings: Permit Criteria Manual, Rules of Procedure Manual and Surface Water Management Rule. |
| MADE BY:     | Supervisor Fineberg   |
| SECONDED BY: | Supervisor Guy  |
| DISCUSSION:  | None further.   |
| RESULT:      | Called to Vote: motion PASSED<br>5/0, motion passed unanimously   |

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Mr. Raymond Strobel from Stoneybrook discussed the issues going on in Stoneybrook. His main concern was the issues regarding the security contractor and suggested it should go out for bid annually. He stated the current contractor does a great job but feels everyone should have a fair shot for bidding.

Mr. Mikulka, Chairman for Stoneybrook Advisory Committee stated the contracts for the security vendor will be going out for bid. He stated it will go for bid at the end of this year. Chairman Neubauer asked if the contract is on the Stoneybrook website. Joe Mikulka stated no. He stated the primary contract we have is a contract specifically for the Gate House and a separate contract for the rovers within the community.

Peter Altman discussed the Permit Criteria Manual. Anthony Pires wanted to include publications of Notices of Intent of the Hearing were advertised in News Press. He stated today we received public comments from WCI. He advised that comments have been received and suggested that the Public Hearing be opened and continued. Chairman Neubauer suggested we have a final version for the June 21, 2012 meeting and a Public Hearing for July 12, 2012. Peter Altman suggested continuing the Public Hearing if the Board wishes. Peter Altman stated we are looking for a motion to open the Public Hearing.

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(00:03:10)

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| MOTION TO:   | Open the Public Hearing.  |
| MADE BY:     | Supervisor Guy  |
| SECONDED BY: | Supervisor Fineberg   |
| DISCUSSION:  | None further.   |
| RESULT:      | Called to Vote: motion PASSED<br>5/0, motion passed unanimously |

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Peter Altman asked for any further public comment. Supervisor Doragh asked for explanation of sections VI-1 and VII. Danny Nelson, Tetra Tech stated it would be easier to reference the City and the County rather than have our own technical standards in VII. He reviewed their standards. Supervisor Doragh stated if the City has a set of standard and the County has a set of standards this means they are not the same. He also stated we need to have an integrated system. Danny Nelson stated he received changes from the Chairman, District Counsel and comments from WCI. He stated the suggestions had to do with the language making it stronger in nature and adding definitions.

97 Supervisor Doragh stated to codify the rules and set the Public Hearing for our meeting in two  
98 weeks. Danny Nelson requested to have all changes and comments by tomorrow. Supervisor Guy  
99 requested a clean copy when it is all completed. Danny Nelson stated he would give a clean copy  
100 and the revised copy.  
101

102 **2. PUBLIC HEARING FOR PERMIT CRITERIA MANUAL**  
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104 (00:30:16)

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| 105 MOTION TO:   | Continue the Public Hearing on June 21, 2012 for the |
| 106              | Amended Permit Criteria Manual.                      |
| 107 MADE BY:     | Supervisor Fineberg                                  |
| 108 SECONDED BY: | Supervisor Sichel                                    |
| 109 DISCUSSION:  | None further.  |
| 110 RESULT:      | Called to Vote: motion PASSED                        |
| 111              | 5/0, motion passed unanimously                       |

112  
113 Supervisor Neubauer announced we recently had a Chili Cook Off in Gateway and the Boy  
114 Scouts received first prize for their dessert chili. Jesse Yandle wanted recognize Troop 218  
115 for all they do within Gateway.  
116

117 **3. PUBLIC HEARING FOR RULES OF PROCEDURE MANUAL**  
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119 (00:33:28)

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| 120 MOTION TO:   | Open Public Hearing for Amending the Rules of |
| 121              | Procedure.                                    |
| 122 MADE BY:     | Supervisor Fineberg                           |
| 123 SECONDED BY: | Supervisor Guy                                |
| 124 DISCUSSION:  | None further.                                 |
| 125 RESULT:      | Called to Vote: motion PASSED                 |
| 126              | 5/0, motion passed unanimously                |

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128 Peter Altman stated this is a Public Hearing and public comment is invited. Chairman  
129 Neubauer asked if anyone is present for comment. Supervisor Doragh asked if this was  
130 recommended by staff, Counsel and Engineer. Peter Altman stated yes.  
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132 (00:34:25)

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| 133 MOTION TO:   | Close Public Hearing.          |
| 134 MADE BY:     | Supervisor Fineberg            |
| 135 SECONDED BY: | Supervisor Guy                 |
| 136 DISCUSSION:  | None further.                  |
| 137 RESULT:      | Called to Vote: motion PASSED  |
| 138              | 5/0, motion passed unanimously |

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(00:35:36)

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| MOTION TO:   | Adopt Resolution 2012-10 with amendment of Rules of Procedure for Gateway Services CDD. |
| MADE BY:     | Supervisor Guy  |
| SECONDED BY: | Supervisor Fienberg   |
| DISCUSSION:  | None further.   |
| RESULT:      | Called to Vote: motion PASSED<br>5/0, motion passed unanimously                         |

**4. PUBLIC HEARING FOR SURFACE WATER MANAGEMENT RULE**

(00:36:39)

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| MOTION TO:   | To open Public Hearing for Amended Surface Water Management Rule. |
| MADE BY:     | Supervisor Fineberg   |
| SECONDED BY: | Supervisor Guy  |
| DISCUSSION:  | None further.   |
| RESULT:      | Called to Vote: motion PASSED<br>5/0, motion passed unanimously   |

Peter Altman stated this is a Public Hearing and public comment is invited. District Counsel asked if anyone is present for comment. Supervisor Doragh asked if this was recommended by staff, Counsel and Engineer. Peter Altman stated yes.

(00:38:09)

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| MOTION TO:   | Adopt Resolution 2012-11 for Surface Water Management Rule.     |
| MADE BY:     | Supervisor Doragh   |
| SECONDED BY: | Supervisor Fineberg   |
| DISCUSSION:  | None further.   |
| RESULT:      | Called to Vote: motion PASSED<br>5/0, motion passed unanimously |

(00:38:45)

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| MOTION TO:   | Close the Public Hearing.                                       |
| MADE BY:     | Supervisor Fineberg   |
| SECONDED BY: | Supervisor Guy  |
| DISCUSSION:  | None further.   |
| RESULT:      | Called to Vote: motion PASSED<br>5/0, motion passed unanimously |

179 **5. AUDIENCE/PUBLIC COMMENTS**

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181 **A. Regarding Agenda Items**

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183 **B. Regarding Non-Agenda Items**

184  
185 Twila Salyers of Lakeland Circle in Silverlakes reported on problems caused when WCI dug a  
186 ditch which is now causing her back yard to flood. She stated her yard has become a pond for all  
187 of the neighbor's properties draining into her property. She recommended to the District to  
188 remove or vacate the CDD easement. Supervisor Doragh stated the District needs access to  
189 maintain easements. Chairman Neubauer requested Danny Nelson to inspect her property and  
190 coordinate with Twila Salyers.

191  
192 Stoneybrook item was moved forward per Peter Altman, District Manager.

193  
194 **6. BUSINESS ITEMS**

195 **A. Request for Direction on Stoneybrook.**

196  
197 History update on Stoneybrook:

198  
199 Supervisor Sichel moved to terminate the 02/05/09 agreement with Stoneybrook and return to  
200 the 03/29/2007 CDD systems & Facilities General Maintenance Agreement an effective date of  
201 01/01/2013 and Supervisor Guy seconded the motion. Joe Mikulka stated that the timing of the  
202 agreements was not accurately stated.

203  
204 Sherry Bucar stated when the agreement was terminated the roads were never a topic.  
205 Supervisor Fineberg was on the advisory committee at that time and Bill Knight, Operations  
206 Manager for the District terminated contract because Stoneybrook was deplorable.

207  
208 Anthony Pires stated the agreement at that time was that Stoneybrook would handle minor  
209 repairs which were defined as anything less than \$5,000 and the District would handle anything  
210 greater than \$5,000.

211  
212 Supervisor Guy suggested that the contract document Supervisor Sichel has should be made  
213 available to all members of the Board and the public and be thoroughly reviewed, studied and  
214 resolved at a later date.

215 Supervisor Fineberg stated prior to the turnover, Lennar made the agreement and it was not in  
216 the HOA's favor. Joe Mikulka stated in 2007 Lennar made this agreement prior to the turnover  
217 and Stoneybrook homeowners were not informed of Lennar's actions. He stated the roads were  
218 intended to be private and the cost of the maintenance would be the HOA's responsible and if  
219 they were public it would be at the public's expense.

220  
221 Supervisor Doragh stated there are three options:

- 222 1) Either the District operate and maintain it as a service District and the District would charge  
223 the Stoneybrook residents and have the committee guide the Board,  
224 2) Enter into an agreement and collect money thru HOA dues or,  
225 3) Stoneybrook would handle everything and the District collects the money for Stoneybrook  
226 and remits the money to Stoneybrook.

227  
228 Supervisor Fineberg stated (purely as a resident) that Stoneybrook has no desire to be the  
229 collection agency for the District.

230 (01:15:09)

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| MOTION TO:   | To continue this discussion on July 12, 2012 Board meeting.     |
| MADE BY:     | Supervisor Guy  |
| SECONDED BY: | Supervisor Fineberg   |
| DISCUSSION:  | None further.   |
| RESULT:      | Called to Vote: motion PASSED<br>5/0, motion passed unanimously |

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239 **7. BOARD PRIORITIES**

240  
241 **Suspend In Order To Focus on FY 2013 Proposed Budget**

242  
243 **8. BUSINESS ITEMS CONTINUED**

244  
245 Peter Altman stated DMS took the direction of the Board and made modification to the Budget  
246 from Version 1 to Version 2.

247  
248 **B. Consideration of Proposed FY 2013 Annual Budget**

249 (01:30:28)

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| MOTION TO:   | Accept the proposed annual budget and maximum amount that can be assessed. |
| MADE BY:     | Supervisor Doragh  |
| SECONDED BY: | Chairman Neubauer  |
| DISCUSSION:  | Further discussion   |
| RESULT:      | Called to Vote: motion PASSED<br>5/0, motion passed unanimously            |

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258 Peter Altman stated when we get to the point of proposed increase ever resident will be  
259 notified by a letter a certain number of days prior to the Public Hearing.

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262 **C. Consideration of Resolution 2012-09; Adopting Fiscal Year 2013 Proposed Budget and**  
263 **Setting Public Hearing.**

264 (01:52:15)

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| 265 | MOTION TO:   | Adopt Resolution 2012-09; adopting Fiscal Year 2013   |
| 266 |              | Proposed Budget and Set Public Hearing for August 16, |
| 267 |              | 2012.   |
| 268 | MADE BY:     | Supervisor Doragh                                     |
| 269 | SECONDED BY: | Chairman Neubauer                                     |
| 270 | DISCUSSION:  | Further discussion                                    |
| 271 | RESULT:      | Called to Vote: motion PASSED                         |
| 272 |              | 5/0, motion passed unanimously                        |

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274 **D. SFWMD Permit Hampton Park/Pelican Preserve Pipe Interconnect**

275 (01:51:33)

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| 276 | MOTION TO:     | Authorize filing of petitions and reach out to WCI. |
| 277 | MADE BY:       | Supervisor Fineberg                                 |
| 278 | SECONDED BY: S | Supervisor Doragh                                   |
| 279 | DISCUSSION:    | None further.                                       |
| 280 | RESULT:        | Called to Vote: motion PASSED                       |
| 281 |                | 5/0, motion passed unanimously                      |

282  
283 Chairman Neubauer requested Danny Nelson to report his findings at the Salyers property. He  
284 stated the Salyers property definitely has some issues with the drainage. The property has  
285 everything going to the back and then has no way for the water to exit the property. Danny  
286 Nelson stated he wants to verify the design and confirm if the lake was built incorrectly or to  
287 plans. He stated Mrs. Salyers wants vacation of easement. Chairman Neubauer stated use the  
288 Rules of Procedure.

289  
290 **E. Consideration for Nominations of Committee**

291 (01:59:50)

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| 292 | MOTION TO:   | Appoint Joe DiPrima to the Road Turnover Committee. |
| 293 | MOVED BY:    | Supervisor Sichel                                   |
| 294 | SECONDED BY: | Supervisor Guy                                      |
| 295 | DISCUSSION:  | None further.                                       |
| 296 | RESULT:      | Called to Vote: motion PASSED                       |
| 297 |              | 5/0, motion passed unanimously                      |

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299 Supervisor Fineberg stated the committee members on the Road Turnover Committee  
300 does not have a balance because the committee is one sided in her opinion.  
301

302 **F. Road Turnover Committee Communication Committee**

303 Peter Altman felt some parts were pushing some opinions and not fact, so he pulled the  
304 article due to time restraints. There was not enough time to rewrite this article for the  
305 Lifestyles publication.  
306

307 Supervisor Doragh has to leave so he stated Stoneybrook is no longer part of the DRI. He  
308 stated on a broader level it is a mistake for the District to state facts before the District  
309 has gathered all the facts. He stated the District needs a clear perspective regarding the  
310 roads prior to the Town Meetings. The MOU was supposed to happen prior to publishing  
311 the facts. He stated we select these committees to present recommendations but it does  
312 not mean the Board always agrees with the committee. Supervisor Sichel stated Dave  
313 Loveland has no reason to sign the MOU even if it is a non binding document. Supervisor  
314 Sichel stated he is not in favor of signing anything. Supervisor Guy stated it would be  
315 helpful if any article presented to the Board should include the author's name.  
316 Supervisor Fineberg stated she agrees with Supervisor Doragh and anything from a  
317 committee needs to be approved by the Board prior to going out to the residents within  
318 the community. Chairman Neubauer stated anything like this needs to come through the  
319 Board and he requested it to be placed on the next agenda for June 21, 2012. Peter  
320 Altman stated there are a lot of facts in here and would be useful. Supervisor Sichel  
321 stated Paul Wingard read it and agreed with it.  
322

323 **G. General Matters of the District**  
324

325 **9. STAFF REPORTS**

326 **A. District Counsel - Tasks**

327 **B. District Engineer -- Outstanding Tasks Authorization**  
328

329 Danny Nelson discussed the water Use Permit Renewal. He stated Tetra Tech and the GSCDD  
330 staff continues to work to finalize the water use permit and intend to submit the final  
331 documentation to the South Florida Water Management District in June, 2012.  
332

333 Peter Altman stated to move forward handling the cleaning and inspections service in Pelican  
334 Preserve which is being coordinated by the GSCDD and is critical prior to rainy season.  
335

336 Danny Nelson discussed the situation regarding the Stoneybrook Floway and System Transfer  
337 including a letter being drafted by the GSCDD to the resident whose property is required to be  
338 accessed for embankment repair. Danny Nelson provided a review of the fish barrier and  
339 provided our comments to the GSCDD. He stated one of the items discovered was that the  
340 permit was issued in 2007 to Westinghouse Communities. He concluded that Tetra Tech



341 discussed the permit with the SFWMD and SFWMD indicated that the permit was still active and  
342 still issued to Westinghouse and not the GSCDD. He stated this means Westinghouse needed to  
343 complete the work. He requested direction from the District on how to proceed.  
344

345 Supervisor Sichel requested information about the Charter School. Anthony Pires stated there  
346 needs to be an informal discussion with them to see where they are and where the District is.  
347 Supervisor Sichel also asked about Lennar/US Homes. Anthony Pires stated still doing discovery.  
348

349 Supervisor Guy asked about the final asphalt lift on Pelican Preserve and requested to have it  
350 placed on the agenda for the next Board meeting.  
351

352 Supervisor Guy asked about the Impact Fee Credits. Al Abdo stated the District put a request in  
353 and WCI out bid the District. Peter Altman stated the District needs to investigate a broker for  
354 future impact fee credits.  
355

356 **C. Operations Manager**

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358 **D. District Manager**

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360 **10. SUPERVISOR COMMENTS**

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362 Peter Altman requested placing the final asphalt on the next agenda for June 21, 2012.  
363

364 **11. AJOURNMENT**

365 (02:14:45)

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| MOTION TO:   | Adjourn the meeting at 5:22 p.m.                                |
| MADE BY:     | Chairman Neubauer   |
| SECONDED BY: | Supervisor Fineberg   |
| DISCUSSION:  | None further  |
| RESULT:      | Called to Vote: motion PASSED<br>4/0, motion passed unanimously |

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*\*ALL minutes were done in summary format.*

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

386 Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a publicly noticed  
387 meeting held on 8-16-12.

388 [Signature]  
389  
390 Signature

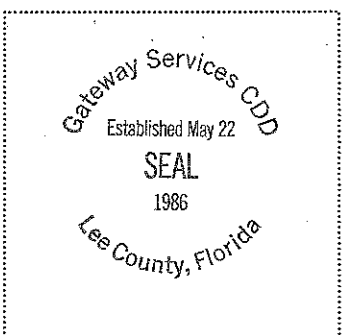
391 G. L. NEUBAUER  
392  
393 Printed Name

394  
395 Title:  
396  Chairman  
397  Vice Chairman

[Signature]  
Signature

Peter Altman  
Printed Name

Title:  
 Secretary  
 Assistant Secretary



Recorded by Records Administrator  
[Signature]  
Signature

8-28-12  
Date

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