

MINUTES OF MEETING  
SHINGLE CREEK  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Shingle Creek Community Development District was held on Monday, June 3, 2019 at 12:00 p.m. at the Oasis Club at ChampionsGate, 1520 Oasis Club Blvd., ChampionsGate, Florida.

Present and constituting a quorum were:

Rob Bonin	Chairman
Adam Morgan	Vice Chairman
Mark Revell	Assistant Secretary

Also present were:

George Flint	District Manager
Andrew d'Adesky	District Counsel
David Reid	District Engineer
Alan Scheerer	Field Manager
Michelle Barr	Lennar Homes

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Flint called the meeting to order and called the roll. A quorum was present.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Organizational Matters**

**A. Appointment of Individual to Fulfill the Board Vacancy with a Term Ending November 2021**

Mr. Flint: You have a vacancy on the Board. Are there any nominations at this time to fill that vacancy?

Mr. Morgan: Do you have anyone in mind?

Mr. Bonin: Do we have to do it?

Mr. Flint: You can operate with four Board Members.

Mr. Morgan: Joe is never available on Mondays. If you are out or Mark is, then there's no quorum.

Ms. Barr: What about Michelle?

Mr. Morgan: She would be a possibility. Lane could stay from one meeting to the next.

Mr. Bonin: We should nominate Lane.

On MOTION by Mr. Morgan seconded by Mr. Bonin with all in favor the appointment of Lane Register to fill the Board vacancy with a term ending November 2021, was approved.

**B. Administration of Oath of Office to Newly Appointed Board Member**

This item was tabled to the next meeting.

**C. Consideration of Resolution 2019-15 Electing Assistant Secretary**

Mr. Flint: Did you want to appoint Lane as an Assistant Secretary?

Mr. Morgan: Yes.

Mr. Flint: Then we need a motion to approve Resolution 2019-15.

Mr. Morgan: Congratulations Lane.

On MOTION by Mr. Morgan seconded by Mr. Bonin with all in favor Resolution 2019-15 Electing Lane Register as an Assistant Secretary, was approved.

**FOURTH ORDER OF BUSINESS**

**Approval of Minutes of the May 6, 2019 Meeting**

Mr. Flint: You have the minutes from the May 6, 2019 meeting. Are there any comments from the Board?

Mr. Morgan: They look good to me.

Mr. Flint: Then we need a motion to approve them.

On MOTION by Mr. Morgan seconded by Mr. Revell with all in favor the minutes of the May 6, 2019 meeting as presented were approved.

**FIFTH ORDER OF BUSINESS**

**Consideration of Proposal from VGlobal  
Tech to Provide Website Compliance  
Services**

Mr. Flint: This is a proposal from VGlobalTech for website compliance. It's basically the same proposal you received before and the cost should be the same.

Mr. Morgan: Does it make the same recommendation?

Mr. d'Adesky: Yes, the same recommendation. The approval is for a one-time fee to bring you up to speed and bring you in compliance with the insurance requirements.

Mr. Morgan: We went through this at the last meeting. It's all pretty much settled with the insurance company

Mr. Bonin: Is it for the website?

Mr. Flint: Yes. Its \$100 more than the other one because there are more documents.

Mr. Bonin: This is an older CDD.

Mr. Flint: Its \$2,375.

Mr. Morgan: I reviewed it thoroughly.

On MOTION by Mr. Morgan seconded by Mr. Bonin with all in favor the VGlobalTech Proposal for ADA Website Compliance Services in a one-time amount of \$2,375 was approved.
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**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2019-14  
Extending the Terms of Office to Even Years**

Mr. Flint: We have Resolution 2019-14. This resolution extends the terms of office to even numbered years. Every time you have an election, it is in an odd numbered year, so the legislature encourages Special Districts, if the District was created in an odd numbered year, to get on the cycle with the General Elections to have elections in even numbered years by having a provision in the Statutes allowing you to shift the terms of office. So, this would move any seats expiring in 2019 to November 2020 and any seats expiring in 2021 to November 2022.

Mr. d'Adesky: George to confirm, did we hit the qualified elector threshold?

Mr. Flint: Yes.

Mr. Morgan: Is this recommended by staff?

Mr. d'Adesky: Yes.

On MOTION by Mr. Morgan seconded by Mr. Bonin with all in favor Resolution 2019-14 Extending the Terms of Office to Even Years was adopted.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Amendment to Engagement Letter with Latham, Shuker, Eden & Beaudine, LLP for Legal Services**

Mr. d'Adesky: This is the same agreement that Stoneybrook South approved related to increased costs.

Mr. Morgan: It's a minimal increase.

Mr. Flint: It's a \$5 per hour increase on their hourly rates.

On MOTION by Mr. Morgan seconded by Mr. Bonin with all in favor the Amendment to the Engagement Letter with Latham, Shuker, Eden & Beaudine, LLP for Legal Services was approved.

**EIGHTH ORDER OF BUSINESS**

**Review and Acceptance of Fiscal Year 2018 Audit Report**

Mr. Showe: We provided the Board with the Annual Independent Audit for Fiscal Year 2018. The District is required to have an audit, which is supposed to be complete by the end of June. You can see under management comments, which starts on Page 27, there are no findings or recommendations as a result of their audit. They found we complied with all of the provisions of the Auditor General that they are required to look at, so it is a clean audit. We would ask the Board to make a motion to accept the audit and authorize it to be transmitted to the State of Florida, unless you have any questions.

On MOTION by Mr. Morgan seconded by Mr. Revell with all in favor the Fiscal Year 2018 Audit Report was accepted and District Management authorized to transmit to the State was approved.

**NINTH ORDER OF BUSINESS**

**Consideration of Professional Engineering Services Agreement with Hamilton Engineering & Surveying, Inc.**

Mr. Flint: The Board bid out engineering services through the Consultant's Competitive Negotiation Act (CCNA) process and received a response from Hamilton Engineering & Surveying, Inc. The Board awarded those services to them so this is their agreement.

On MOTION by Mr. Morgan seconded by Mr. Bonin with all in favor the Professional Engineering Services Agreement with Hamilton Engineering & Surveying, Inc. was approved.

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

#### **Appointment of Audit Committee and Chairman**

Ms. Flint: Every three years, the Board bids out independent auditing services. There's a process prescribed that we have to follow, which includes the Board appointing an Audit Committee and a Chair. In the past, the Board appointed themselves as the Audit Committee and we recommend that you continue to follow that practice; although, you have the ability to appoint new Board Members to that committee if you choose to. If the Board is comfortable with the past practice, then a motion to appoint the Board as the Audit Committee and designating one of the Board Members as the Chairman would be in order.

Mr. Bonin: I will serve as Chair.

On MOTION by Mr. Bonin seconded by Mr. Morgan with all in favor electing the Board as the Audit Committee and Rob Bonin as Chair was approved.

Mr. Flint: We will have a quick Audit Committee meeting directly after the Board meeting. It will take less than five minutes.

#### **ELEVENTH ORDER OF BUSINESS**

#### **Discussion of Landscape Turnover**

Mr. Scheerer: I just wanted to get some direction from the Board. We have several areas at Shingle Creek, Natures Ridge and some ponds in other areas that we are going to get ready to turn over to the District. Valerie and I attended an initial meeting with Ken Walker with Southern Landscaping. They have a lot of things that they need to work on as far as that turnover, but typically during turnover, we have somebody from Lennar that is also involved with that process. Pat couldn't make it that particular day so I just wanted to make sure that it was actually Ken Walker with Southern that reached out to us to try to turn landscaping over to us and that the Board is okay with that. We typically take that direction from the developer.

Mr. Bonin: Who is going to be maintaining this area? Down to Earth?

Mr. Scheerer: Yes. Down to Earth will be maintaining it on behalf of the CDD. Right now, there is a row of trees on Natures Ridge Drive that are really bad.

Mr. Morgan: I was out there on Thursday and Friday and there is a lot of this stuff both outside and inside the wall.

Mr. Scheerer: Some of it is ours.

Mr. Morgan: We don't need to accept it.

Mr. Scheerer: We are only going to do the turnover for property the CDD will be maintaining, but they have a lot of work to make up.

Mr. Bonin: Have you prepared any list for Southern?

Mr. Scheerer: Yes, for the big traffic circle improvements that were completed.

Mr. Bonin: Okay.

Mr. Scheerer: But as far as the street trees, they are going to have to go back and possibly replace some trees from what I'm seeing out there.

Mr. Morgan: I think that would fall under us, wouldn't it?

Mr. Bonin: Yes, but it will fall under Southern who worked for us as the developer.

Mr. Scheerer: Correct.

Mr. Bonin: As a result of that meeting, was a list generated?

Mr. Scheerer: Yes it was and it was distributed back to Southern.

Mr. Bonin: Can I get a copy?

Mr. Scheerer: Of course. Yes sir.

Mr. Bonin: What area did this list you are talking about cover?

Mr. Scheerer: The traffic circle where all of the new improvements were completed and the wall was constructed.

Mr. Bonin: So just the traffic circle.

Mr. Scheerer: Yes.

Mr. Bonin: Nothing on Natures Ridge. Has it been an attempt to create a list?

Mr. Scheerer: Not yet because they were doing a bunch of paving work down there. We drove it on the golf carts. There weren't a lot of problems at the time, but there are a lot of problems now. What we are calling the 2A Natures Ridge section was blocked because of all the pavement work going on.

Mr. Bonin: I'm pretty sure that all of that pavement work is done. I think all they have left to do is stripe. Was this a couple of weeks ago?

Mr. Scheerer: Yes sir.

Mr. Bonin: Go ahead and set that up.

Mr. Scheerer: Okay.

Mr. Bonin: Put me and Pat on the invite list, but certainly get Southern out there and if for whatever reason, one of us can't make it, which we should be able to, get the list, make sure I get a copy of it and I will stay on Southern to get it finished.

Mr. Scheerer: Yes sir. Thank you.

Mr. Bonin: I'm trying to recall which ponds are left.

Mr. Scheerer: There's one next to the lift station that hasn't been turned over to the District yet. It's a pretty sizeable pond, but that's the only one. The one next to the Target is not ours.

Mr. Bonin: Right.

Mr. Scheerer: We are already maintaining the two ponds by the traffic circle already.

Mr. Bonin: It's the two in the cove. The one by the lift station has been fully sodded because we are going to be closing on the first homes in that area by the lift station in June.

Mr. Scheerer: We have a price for all of that.

Mr. Bonin: So that needs to get on the rotation. The one across the entrance, I think is finally completed, but not the one further down Natures Ridge on the south side; although, it was fully sodded. It doesn't need to go on next week, but it will need to go on the list sometime in June. So just keep that as a target.

Mr. Scheerer: Yes sir.

Mr. Bonin: I will check that out.

## **TWELFTH ORDER OF BUSINESS**

### **Discussion of Bidding Out Landscape Maintenance Services - Added**

Mr. Flint: We are working on it. It is a coordinated effort to bid out landscaping services. Lennar has brought Mark Yahn from SunScape Consulting to assist with preparing the scope, cost sheets and the maps. The CDD would work cooperatively with Lennar and the HOA at Storey Lake. We would have to go through a separate process so I'm just asking the Board to authorize us to work on that and bring back responses as a result.

Ms. Barr: We are not bidding out Shadow Lake.

Mr. Flint: We're not?

Ms. Barr: No.

Mr. Flint: I thought we were doing everything. You're not doing Storey Park either?

Ms. Barr: No. We are just starting with ChampionsGate. That is the only thing that Mark is engaged in.

Mr. Flint: So just ignore what I just said and we will delete this item.

### **THIRTEENTH ORDER OF BUSINESS      Staff Reports**

#### **A.      Attorney**

There being none, the next item followed.

#### **B.      Engineer**

Mr. Reid: We are starting the next CDD reimbursement with Mark. I'm going to start getting into it this week. I also spoke with Randy Austin with Austin Environmental who is doing the maintenance out of London Creek Ranch. He is going out this week to start his final maintenance event before it starts raining. So, I kind of updated him on what we talked about as far as the ownership change. He says every time he goes down there, he has to put a new lock on the fence. His crews are also having that problem. So evidently, there's been a change. I guess Jim Carr is out because he left.

Mr. Morgan: Yes. The partners don't like anyone in there.

Mr. Bonin: Did they cut our locks on the fences?

Mr. Reid: Yes.

Mr. Morgan: They kept cutting the CDD locks and putting private locks on there.

Mr. Reid: Even in South Florida, he is cutting locks.

Mr. Bonin: Who keeps doing it?

Mr. Reid: The guy that's running the private tract.

Mr. Bonin: He knows he is not supposed to be doing it, but does it anyway?

Mr. Reid: Yes. I haven't gotten involved with it. We are just getting started. I gave Randy Austin a heads up as to why his locks are disappearing. The same thing with the maintenance guy.



Mr. Bonin: Does he have an agreement to be on the property?

Mr. Reid: He owns the private tract and has an easement or hunting lease.

Mr. Bonin: How long is that lease?

Mr. Reid: Its forever, but we have an easement over the entire mitigation area and so does South Florida.

Mr. Bonin: Who granted him the hunting lease?

Mr. Morgan: Its real technical. I have all of the documents, but I don't have them with me.

Mr. Bonin: If this guy is being a problem...

Mr. Morgan: He has full rights to access his property and we gave him the rights to go hunting. I'm not sure, but he seems to think that gate is his.

Mr. Reid: He has an access easement that goes all the way down to his private parcel. If he's cutting those locks, I'm afraid of what else he might be doing.

Mr. Bonin: Do we have to go on his property for access?

Mr. Morgan: No.

Mr. Bonin: So can we go through another gate?

Mr. Morgan: No.

Mr. Bonin: Why not?

Mr. Reid: There's only one road.

Mr. Morgan: There's only one road that is two miles long.

Mr. Bonin: So when you come up to the gate, who's property do you drive onto?

Mr. Reid: It's on the mitigation parcel.

Mr. Bonin: So it's not his property. He just has an easement over it to get to his property.

Mr. Morgan: Yes.

Mr. Reid: Everybody in the middle has a public access easement over that property.

Ms. Barr: Does he have a key to the lock?

Mr. Morgan: He keeps cutting the combination lock.

Mr. Reid: He cuts the chain and puts his own lock on it for access because he thinks no one is allowed in there, except for him, I guess. So, he is cutting everybody else's locks.

Mr. Bonin: If that's what is happening, then we need to do something about it. At a minimum, we need to send a very sternly written demand letter, at the very least, because if we know this is happening, we have to take action. We can't allow him to restrict public access.

Mr. Reid: Randy said if it keeps happening and he's threatening in any way, he's done and we won't be able to get someone in there to maintain it.

Mr. Bonin: Does he have a hunting lease over the entire mitigation area, Adam?

Mr. Morgan: He can do whatever he wants with the tract because its private property. The way Rob Miller set it up with the District was that he bought the land, then deeded it over as a conservation easement, but had internal hunting rights. He couldn't do anything else to the property except maintain it. He could burn it or mow it.

Mr. d'Adesky: Is he in violation?

Mr. Morgan: That's what we are trying to determine.

Mr. Reid: Nobody knows because we haven't been down there. Randy is going to go down there to see what's happening. At one time, we had cows in there and we had fences put up. This is the guy that instigated all of that.

Mr. Bonin: Let's get a copy of this lease and see how loosely it is worded. Can he do whatever he wants at carte blanche?

Mr. Morgan: No.

Mr. Bonin: What about the tax-exempt status?

Mr. d'Adesky: The Board had to approve the conveyance, but never approved the hunting license because it was purely private. So, we never reviewed that. We could approve the terms of the hunting license to make sure that he is not violating it.

Mr. Bonin: It was the tax-free foundation or tax-exempt foundation that transferred over.

Mr. d'Adesky: It guarantees our access to the property. The point is, right now he's depriving us of access to the property. That's why I specifically need to take immediate action to tell him not to do that. It's a situation where nobody else but him could be doing this. So presumptively he's doing this until he proves otherwise. I will send him a demand letter and see how he responds. If he doesn't, then we have to take action because that's permit noncompliance.

Mr. Bonin: We will have to watch this because if he keeps us out, I'm just concerned that the cows are going to reappear.

Mr. d'Adesky: My question is how the cows and fences and all of the other encroachments that were causing violations, passed. This is even bigger though because access is huge.

Mr. Morgan: Get in touch with me about London Creek and when he goes out there.

Mr. Reid: Okay.

Mr. Morgan: I will probably go with you so just let me know.

**C. District Manager's Report**

**i. Approval of Check Registers**

Mr. Flint: You have the check register from February 25, 2019 through March 25, 2019. Are there any questions?

Mr. Bonin: Is the total \$44,443.17?

Mr. Flint: Yes.

Mr. Morgan: I gave it a glance over and didn't see anything.

Mr. Flint: \$17,000 of it is debt service assessment revenue that is being transferred to the Trustee. If there are no questions, we need a motion to approve it.

On MOTION by Mr. Morgan seconded by Mr. Bonin with all in favor the February 25, 2018 through March 25, 2019 Check Register was approved.

**ii. Balance Sheet and Income Statement**

Mr. Flint: You have the unaudited financial reports through April. No action is required, but if you have any questions, we can discuss those.

**iii. Selection of District Records Office within Osceola County**

Mr. Flint: Since we have switched District Engineers, we lost our local records office, but I understand that we can make arrangements at the Hideaway Club to house the necessary documents. If the Board approves, we need a motion to designate the Hideaway Club within the Storey Lake development as the local records office.

On MOTION by Mr. Bonin seconded by Mr. Morgan with all in favor designating the Hideaway Club within the Storey Lake development as the local records office was approved.

**FOURTEENTH ORDER OF BUSINESS      Other Business**

There being none, the next item followed.

**FIFTEENTH ORDER OF BUSINESS      Supervisor's Requests**

There being none, the next item followed.

**SIXTEENTH ORDER OF BUSINESS      Adjournment**

On MOTION by Mr. Morgan seconded by Mr. Bonin with all in favor the meeting was adjourned at 12:22 p.m.

  
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Secretary/Assistant Secretary

  
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Chairman/Vice Chairman