

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, August 7, 2017 at 12:30 p.m. at the Oasis Club at ChampionsGate, 1520 Oasis Club Blvd., ChampionsGate, Florida.

Present and constituting a quorum:

Greg Ray	Vice Chairman
Michael Bundy	Assistant Secretary
Benjamin Goldstein	Assistant Secretary
Adam Morgan	Supervisor-Elect
Scott Johnston	Supervisor-Elect

Also present were:

George Flint	District Manager
Andrew d'Adesky	District Counsel
David Reid	District Engineer
Brian Smith	Field Manager
Michelle Barr	Lennar Homes
Darrin Mossing, Jr.	GMS

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Flint called the meeting to order and called the roll.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Organizational Matters**

**A. Acceptance of Resignations and Appointment of Individuals to Fulfill the Board Vacancies**

Mr. Flint: We have a vacant seat. I understand that there's a desire to appoint someone to that seat, which expires November 2019. Are there any nominations to fill that vacancy?

Mr. Ray: I nominate Mr. Adam Morgan.

On MOTION by Mr. Ray, seconded by Mr. Bundy, with all in favor, the appointment of Mr. Adam Morgan to Seat 3, term expiring November 2019, was approved.

Mr. Flint: I understand that Mr. Goldstein wishes to resign.

On MOTION by Mr. Bundy, seconded by Mr. Ray, with all in favor, the resignation of Mr. Benjamin Goldstein, was accepted.

Mr. Flint: Mr. Goldstein’s seat expires in November 2019. Are there any nominations to fill Mr. Goldstein’s seat?

Mr. Morgan: I nominate Mr. Mark Revell.

On MOTION by Mr. Morgan, seconded by Mr. Ray, with all in favor, the appointment of Mr. Mark Revell to Seat 4, term expiring November 2019, was approved.

Mr. Flint: We will make sure that Mark gets sworn in at the next meeting.

*Mr. Goldstein left the meeting.*

**B. Administration of Oaths of Office to Newly Appointed Board Members**

*Mr. Flint, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Adam Morgan.*

Mr. Flint: Let’s reconsider the votes accepting Mr. Goldstein’s resignation and appointing Mr. Revell, because I didn’t swear Mr. Morgan in before the vote.

On MOTION by Mr. Bundy, seconded by Mr. Ray, with all in favor, reconsideration of the resignation of Mr. Benjamin Goldstein, was approved.

On MOTION by Mr. Ray, seconded by Mr. Bundy, with all in favor, reconsideration of the appointment of Mr. Mark Revell to Seat 4, was approved.

Mr. Flint: Mr. Revell is appointed and we will make sure that he gets sworn in before or at the next meeting.

Ms. Barr: George, we want to replace Greg with Scott.

Mr. Bundy: When you spoke to Mark, isn't that what he said?

Mr. Flint: No. We placed Mr. Revell in Mr. Goldstein's seat and appointed Mr. Morgan to the vacant seat. He didn't mention Scott's name. I know that Scott was going to serve on Stoneybrook South at Champions Gate.

Ms. Barr: There have been a couple of decisions.

Mr. Flint: If you want to put Scott on the Board, we can do that now.

Ms. Barr: Yes. We want to get Greg off of the Board.

Mr. Flint: The problem we have is Greg can't resign at this point, because we are down to three Board Members. Do you have Mr. Cuarta's resignation? If we had his resignation, we could put Scott in his seat and Greg could resign.

Ms. Barr: I don't think we are ever going to get that resignation.

Mr. Ray: Matt told me he gave Michelle his resignation.

Ms. Barr: He gave them to me for all of the HOAs, but he never submitted one to the CDD.

Mr. Bundy: Do you have a text message from him saying that?

Ms. Barr: I asked him and he said yes and I emailed him.

Mr. Flint: We can rely on the text and follow-it up. We have Mr. Cuarta's resignation, and we need a motion to accept his resignation.

On MOTION by Mr. Ray, seconded by Mr. Morgan, with all in favor, the resignation of Mr. Matt Cuarta, was accepted.

Mr. Flint: Is there a desire to appoint someone to fill Mr. Cuarta's seat?

Mr. Morgan: I nominate Mr. Scott Johnston.

*Mr. Flint, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Scott Johnston.*

Mr. Flint: I provided Form 1, Statement of Financial Interests, that must be filed within 30 days with the Supervisor of Elections in the County you live in. You must file Form 1F if you leave the Board. You are eligible for compensation as a Board Member or you can waive it.

Mr. d'Adesky: We will follow up with the Code of Ethics and Sunshine Laws that we send to all of the new Supervisors, especially to them.

Mr. Flint: I understand that there is a desire by Mr. Ray to resign.

Mr. Ray: At this time, I would like to resign.

On MOTION by Mr. Morgan, seconded by Mr. Bundy, with all in favor, the resignation of Mr. Greg Ray, was accepted.

Mr. Ray: It's been a pleasure.

Mr. Flint: The Board is now constituted by Mr. Johnston, a vacancy from Mr. Ray's seat, Mr. Bundy, Mr. Revell and Mr. Morgan. I don't know, at this point, if you want to do anything with that vacant seat or leave it open.

Ms. Barr: Leave it open.

**C. Consideration of Resolution 2017-09 Electing Officers**

Mr. Flint: We may want to elect officers at this point. Greg was Vice Chairman. Resolution 2017-09, electing officers was provided to the Board. Historically the Chairman and Vice Chairman are required to be Board Members. The remaining Board Members would be Assistant Secretaries. The District Manager would be Secretary and the District Accountant would be Treasurer. We can take each office individually, or the Board could elect a slate of officers. The critical seats are Chairman and Vice Chairman.

Mr. Morgan: It makes sense for Scott to be Chairman, since he serves on the Storey Lake CDD Board. I will be Vice Chairman.

Mr. Flint: Resolution 2017-09 would have Mr. Johnston as Chairman, Mr. Morgan as Vice Chairman, myself as Secretary, Mr. Bundy and Mr. Revell as Assistant Secretaries and Mr. Ariel Lovera, the District Accountant as Treasurer.

On MOTION by Mr. Goldstein, seconded by Mr. Bundy, with all in favor, Resolution 2017-09 Electing Officers, designating Mr. Scott Johnston as Chairman, Mr. Adam Morgan as Vice Chairman, Mr. George Flint as Secretary, Mr. Ariel Lovera as Treasurer, Mr. Michael Bundy and Mr. Mark Revell as Assistant Secretaries, , was adopted.

**FOURTH ORDER OF BUSINESS**

**Approval of Minutes of the May 1, 2017 Meeting**

Mr. Flint: You have the minutes from May 1, 2017 meeting. Are there any additions, deletions, or corrections to those minutes?

Mr. Morgan: I noticed that Rob questioned the amounts that we are paying to Down to Earth Landscape. Did we ever confirm that was the correct amount?

Mr. Smith: We received some prices from Down to Earth because they added some areas. They have a couple of addendums to their original price, which came from Brightview. What we are currently paying is correct.

Mr. Flint: Brian is the Field Manager. Are there any other questions? If not, we need a motion to approve the minutes.

On MOTION by Mr. Morgan, seconded by Mr. Bundy, with all in favor, the minutes of the May 1, 2017 meeting, as presented, was approved.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2017-08  
Authorizing a Petition to be Filed to Amend  
the Boundaries of the District**

Mr. Flint: I distributed the revised Resolution 2017-08, which is a petition to expand the boundaries of the District. Initially, it was a combination of expansion and contraction. I think the contraction part was removed.

Mr. d'Adesky: This is our standard form resolution to expand the boundaries of the District. It's a statutory procedure. We applied to the County. Typically, in other counties it's a \$15,000 fee, but the County has a fee schedule and they allow \$3,400, which is less expensive. They will also pay the development fees to go through the process. This will add the West Gate parcels to the boundaries of the District, allow us to assess those parcels and exercise our authority over those parcels. It is a relatively quick process; however, they lost one of their staff members who is dedicated to CDDs, so they may be slower than normal. Typically, we have a good relationship with them and they move fairly fast. Hopefully, we can get this done relatively quickly. There is some legal advertising that will go along with that and we will accrue some costs.

Mr. Flint: Are there any questions on the resolution? Not hearing any, the next item followed.

On MOTION by Mr. Morgan, seconded by Mr. Bundy, with all in favor, Resolution 2017-08 Authorizing a Petition to be Filed to Amend the Boundaries of the District, was adopted.

**SIXTH ORDER OF BUSINESS**

**Consideration of Series 2015 Requisitions #10 - #13**

Mr. Flint: We added Requisition #13, which I distributed to the Board. Requisition #10 is for \$6,372.50 for District Engineer services related to Story Lake Phase 2 reimbursement, to be paid out of the Construction and Acquisition Account. Requisition #11 is also for District Engineering services for \$2,275, related to construction acquisition related services, to be paid out of the Construction and Acquisition Account. Requisition #12 is payable to the developer for acquiring certain assets. The detail is behind the requisition in the amount of \$5,386,076.19. You will see a summary of the amounts constituting the \$5,386,076.19, as well as some more detailed background. This requisition will draw down most of the remaining funds.

Mr. Johnston: This is closing out several phases. We still have more to go.

Mr. Flint: You still have \$6.5 million left in the Construction Account after that's paid. If you look at the Balance Sheet on the financials, we are showing that \$5,386,076.19 is the contracts payable amount, with \$6.5 million remaining in the Acquisition Account after its paid. We added Requisition #13, which is payable to the District Engineer for \$7,700. Are there any questions on any of the requisitions? Not hearing any, no members of the public are present. A revised agenda was distributed to the Board.

On MOTION by Mr. Johnston, seconded by Mr. Morgan, with all in favor, the Series 2015 Requisitions #10 - #13, as stated above, was approved.

**SEVENTH ORDER OF BUSINESS**

**Public Hearing**

**A. Consideration of Resolution 2017-10 Adopting the Fiscal Year 2018 Budget and Relating to the Annual Appropriations**

Mr. Flint: This is the public hearing to consider adoption of the Fiscal Year 2018 budget and impose special assessments. We will note that no members of the public are present to provide comment. It is a public hearing, so we will bring it back to the Board. You have Resolution 2017-10, which adopts the Fiscal Year 2018 budget. The body of the resolution will be filled in, according to the attached budget. If you adopt it as attached, we will insert those

numbers, or revise it, if you make changes. This contemplates special assessments of \$359,955, and expenses of the same amount. The per unit assessment amounts would remain the same as the prior year. If there are any questions, we can discuss those.

Mr. Morgan: What is the "London Creek Ranch Maintenance" line item?

Mr. Flint: That's the \$35,000 that we budget. Dave, do you want to explain that?

Mr. Reid: Yes. London Creek Ranch is the mitigation area for the credits that are used where the development impacts the wetlands on the Shingle Creek project. It is a perpetual yearly budget.

Mr. Flint: Some of it goes to maintenance and there are some monitoring repairs.

Mr. Reid: There's no more monitoring. It's all maintenance.

Mr. Morgan: Are those the wetlands that are on the property or off?

Mr. Reid: It's off of the property. The wetlands that are being impacted are on the property, but this mitigation bank is off of the property. It's actually in Polk County.

Mr. Flint: Are there any questions on the budget? If not, we need a motion to adopt Resolution 2017-10.

On MOTION by Mr. Morgan, seconded by Mr. Johnston, with all in favor, Resolution 2017-10 Adopting the Fiscal Year 2018 Budget and Relating to the Annual Appropriations, was adopted.

**B. Consideration of Resolution 2017-11 Imposing Special Assessments and Certifying an Assessment Roll**

Mr. Flint: The next resolution is imposing special assessments associated with the budget that you just approved. There are two attachments; one is the adopted budget that the other is the Assessment Roll, which is the combination of on-roll and some direct bills for the unplatted parcels. Are there any questions on Resolution 2017-11, the assessment resolution? Hearing none, we need a motion to adopt the resolution.

On MOTION by Mr. Morgan, seconded by Mr. Bundy, with all in favor, Resolution 2017-11 Imposing Special Assessments and Certifying an Assessment Roll, was adopted.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Agreement with LLS Tax Solutions, Inc. to Provide Arbitrage Services**

Mr. Flint: The District is required to have an Arbitrage Rebate Calculation performed and reported every five years. The cost of doing it annually, versus every five years is the same, so we recommend that you do it annually. It's the same if you added each year and after five years. It used to be completed by Price Waterhouse, but the individual left there and created LLS Tax Solutions, Inc. Price Waterhouse refers their work to this company.

Mr. Morgan: So this is just to extend the contract for this year?

Mr. Flint: Yes. You enter into this agreement annually, in the amount of \$650, which is budgeted.

Mr. Flint: Are there any other questions on the contract? Not hearing any, the next item followed.

On MOTION by Mr. Morgan, seconded by Mr. Bundy, with all in favor, the agreement with LLS Tax Solutions, Inc. to provide Arbitrage Rebate Calculation Services, in the amount of \$650, was approved.

**NINTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. d'Adesky: I am working on the petition. We are also working on a Conveyance Agreement with Dave and Mark. At this point, we are working with Dave to identify some assets in order to be able to offset some mobility credits. That should be coming up for approval at the next meeting, so it's something to look forward to, with District Counsel signing off on the concept and our internal Counsel review, so we are all on the same page in terms of London Creek Ranch, We are finalizing our acknowledgment that is going to be signed by Mr. Carr, for him to confirm that he's in compliance with the environmental conditions, so there are no cows, fences or other encroachments on the property before they transfer the land. That's all we have on our end.

Mr. Morgan: Is that for the West Gate tract?

Mr. d'Adesky: No, from London Creek Ranch.

Mr. Flint: Why don't you briefly explain that, because some Board Members may not be aware of it.



Mr. d'Adesky: Although we are the permit holder for that particular mitigation area, we do not actually own the underlying land. It's actually owned by a third-party entity. There is going to be a transfer of ownership from one entity to another. As part of that closing, after negotiation, we managed to have the buyer sign an acknowledgment, which is going to indemnify us, in case the corporate entity causes any damage and ensures compliance with the permits. We already have recorded easements, so we can already go on the land to correct any condition or remedy that. That took a little while, because we changed the terms. We added a personal guarantee, at one point, that wasn't acceptance to them, which had to be removed. We finally got it in a condition, which everyone agreed to. We just want to make sure, before this closing happens, that they are currently in a compliant condition. Some cows were on the land, and they said that they wanted the cows. We don't really care, we just don't want them on our property. We want to make sure before that happens that everything is in perfect order. I know that Mr. Randy Austin has been out there to inspect it.

Mr. Bundy: Do we need to go out one more time?

Mr. d'Adesky: I would go one more time.

Mr. Bundy: When is the projected closing?

Mr. d'Adesky: I would say within the next week or two.

Mr. Morgan: Are these credits going to be for the West Gate parcel?

Mr. d'Adesky: They already used a portion of them, but some remained.

Mr. Reid: Most of them have been used. There is a balance in the credit ledger that could be used for lands within the District, so as that parcel is brought in, I think they could use those credits.

Mr. d'Adesky: The District's role in terms of the credits is just to keep the ledger. That's our role as the arbiter.

**B. Engineer**

Mr. Flint: Dave, do you have anything?

Mr. Reid: Yes. I will have to make a quick trip out to London Creek Ranch before I leave for vacation at the end of this week. Randy may have been already out there. If anybody wants to go out and see London Creek Ranch, I go out there three or four times a year, when the Biologist does his maintenance events. He usually has one by the end of September. To close out the budget year, he will do his final one. Then we will take a Friday morning and drive out

and inspect it. If anybody ever wants to go out there, let me know in advance and we can meet up. It's a beautiful piece of property. I always enjoy going out there, except when we have to take down fences. It's fun to go out there and see what beautiful Florida looks like.

Mr. Bundy: That would be great.

Mr. Reid: Other than that, I didn't have anything else. I am updating the maintenance maps to include all of the new parcels and tracts that are being developed, plus the CDD and HOA maps.

**C. District Manager's Report**

**i. Approval of Check Register**

Mr. Flint: You have the Check Register for April 24<sup>th</sup> through July 31<sup>st</sup>, which totals \$151,377.51. The detailed register is behind the summary. If you have any questions we can discuss those.

On MOTION by Mr. Morgan, seconded by Mr. Bundy, with all in favor, the Check Register was approved.

**ii. Balance Sheet and Income Statement**

Mr. Flint: You have the unaudited financial statements through June 30, 2017. No action is required by the Board. On Page 1 of the Balance Sheet, Requisition #12 is reflected, and shows a remaining balance of \$6.5 million in the Construction and Acquisition Account. Then you have the Statement of Revenues and Expenditures for each of the funds behind the Balance Sheet.

**iii. Presentation of Arbitrage Rebate Calculation Report**

Mr. Flint: We have the Arbitrage Rebate Calculation Report as of May 27, 2017 for the Series 2015 Bonds, which indicates a negative cumulative rebate requirement of \$1.5 million, meaning that there are no arbitrage issues. I would ask for a motion to accept that report.

On MOTION by Mr. Morgan, seconded by Mr. Bundy, with all in favor, the filing of the Arbitrage Rebate Calculation Report, was approved.

**iv. Approval of Fiscal Year 2018 Meeting Schedule**

Mr. Flint: You have the annual meeting schedule, indicating that the Board would meet on the first Monday of each month, with the exception of January and September. I believe we may want to delete the July 2<sup>nd</sup> meeting, to be consistent with the other two Boards.

Mr. Morgan: That makes sense.

Mr. Flint: Are there any questions on the annual meeting schedule? If not, we need a motion to approve it as amended.

On MOTION by Mr. Morgan, seconded by Mr. Bundy, with all in favor, the Fiscal Year 2018 meeting schedule, as amended, was approved.

Mr. Flint: Brian, do you have a Field Manager's Report for the Board?

Mr. Smith: Yes. Everything is going well. We had a smooth transition from BrightView to Down to Earth. One of the lights out front was struck by lightning, so they were down for a bit. We are working through that. Most of them were back up and running. They are low voltage LEDs that have a driver in them. When it was hit by lightning, it blew all of the drivers. I'm going back and forth on whether I should purchase all new drivers, but if they get hit again, they will go out. I'm trying to go with a simpler system. It's more of just a simple fixture, with one of those 50-watt LED bulbs, so when it does go out, it's much easier to repair.

Mr. Morgan: Can we ground that system better, so it would withstand a lightning strike?

Mr. Smith: They put the transformer in the ground. I think at some point, we may want to change out the transformers. It's somewhat complex for a low voltage system, and there are a lot of lights out there. Over time, I think that we should just simplify it and make it more like a Ford Truck type of system, versus a Mercedes Benz, so it's easier to fix and doesn't break down as often.

Mr. Morgan: That makes sense.

Mr. Smith: Outside of that, we are looking at plant replacements, enhancements and palm tree issues. For our next Board meeting, I will bring proposals to get those things taken care of. Outside of that, everything is going well. For the new area, we are looking at getting pricing for Bahia for the property in the back. We don't know when that is going to be turned over, but we have a price from our contractor, if that needs to be turned over for maintenance.

Mr. Morgan: Where will there be Bahia in the back?

Mr. Smith: In back of the project where our landscaping ends and Junior Davis is working.

Mr. Morgan: Is that off of Storey Lake Boulevard?

Mr. Smith: Storey Lake Boulevard, all the way back where you have the large roundabout, just before you get to the Target. You have the retention ponds. Everything is Bahia, including behind Target. I don't know if you want to turn over that landscaping for maintenance. Obviously, it's going to have improvements at some point, but I don't know if the mowing maintenance is part of it. Junior mowed it recently, so it may be part of his contract. I just wanted the Board to know that we have a price from our current maintenance contractor.

Mr. Morgan: I would think that whoever is doing the work down there would be responsible for installing the Bahia.

Mr. Smith: The Bahia is installed. This would just be for the maintenance of the Bahia. They probably put it down for erosion purposes. Eventually they are going to upgrade it.

Mr. Burley: That was the basic cover for the construction phase.

Mr. Smith: I'm moving more towards the retention ponds, if you need us to start maintaining them. I guess Junior still has maintenance responsibilities.

Mr. Reid: Until he's done, he would I think, but then that would be turned over to the CDD.

Mr. Flint: Let's allow him to do it for the time being.

Mr. Morgan: Thanks!

**TENTH ORDER OF BUSINESS**

**Other Business**

There being none the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Supervisor's Requests**

Mr. Flint: Is there anything else from the Board? I appreciate everyone's patience when the seats were exchanged during the meeting. If there's nothing further, we need a motion to adjourn.

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Morgan, seconded by Mr. Bundy, with all in favor, the meeting was adjourned.

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman