

**MINUTES OF MEETING
VERANDAH WEST
COMMUNITY DEVELOPMENT DISTRICT**

A Regular Meeting of the Verandah West Community Development District's Board of Supervisors was held on **Wednesday, October 14, 2015** at **1:30 p.m.**, at the **Verandah Sales Office, 11571 Verandah Blvd., Ft. Myers, Florida 33905.**

Present and constituting a quorum were:

Jeffrey Jordan	Chair
Susie McIntyre	Vice Chair
Donald Newman	Assistant Secretary
Douglas Sinnard	Assistant Secretary
Paul Zampiceni	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Alyssa Cameron (<i>via telephone</i>)	Hopping Green & Sams
Dave Robson	District Engineer

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:31 p.m., and noted, for the record, that all Supervisors were present, in person.

SECOND ORDER OF BUSINESS

Public Comments [3 minutes per person]

There being no public comments, the next item followed.

THIRD ORDER OF BUSINESS

**Update: Settlement Negotiation with
Prior Owner of 3371 Cypress Marsh
Drive**

Mr. Adams indicated that, at previous meetings, the Board was notified that the Mahles, the prior owners of 3371 Cypress Marsh Drive, "de-vegetated" the conservation area behind their property, to create a view of the golf course. Remediation efforts were undertaken; the plantings

are doing very well and becoming established. The District self-reported the violation and prepared and submitted a restoration plan to the South Florida Water Management District (SFWMD). A part of the restoration plan identified a typical, standard baseline-monitoring schedule. A “day one” condition report, including a narrative and photos of the re-vegetated area, was created. Subsequent annual reports must be submitted over the next five years. The overall cost of re-vegetation, engineering, restoration and follow up reporting was estimated at \$18,000. The Mahles sold the home and the new owner was noticed, prior to closing that the District intended to pursue expense recovery. A demand letter was sent to the Mahles’ attorney; the Mahles responded with a settlement offer of \$500. Staff was authorized to negotiate with the Mahles and their attorney for a minimum settlement of \$5,000.

Ms. Cameron advised that negotiations have gone back and forth several times; District Counsel countered \$7,000 to the Mahles’ last offer of \$2,500. Negotiations continue to move towards a settlement that both parties agree with.

Mr. Adams advised that by dragging out a lengthy settlement negotiation, the District could end up spending more money in attorneys’ fees than what would be recovered. He suggested that the Board authorize Staff and the Chairman to suspend negotiations when they deem appropriate. Due to the District’s self-reporting and the approval of the restoration plan, SFWMD decided not to pursue a formal consent order and did not issue a notice of violation; therefore, the District can forego subsequent annual reporting. The total cost to the District was between \$9,000 and \$10,000.

Mr. Sinnard commented that, following the re-vegetation effort, the damage to the preserve area is unnoticeable and asked if the subsequent annual monitoring was mandatory.

Mr. Adams explained that, because SFWMD decided not to formally pursue the violation, follow-up monitoring is not required; had a consent order been issued, annual monitoring would have been mandatory.

Ms. Cameron confirmed that the Mahles’ last settlement offer was \$2,500. Mr. Jordan remarked that the Board would prefer a settlement amount closer to \$5,000; however, amassing legal fees was counterproductive.

In response to a question from Ms. McIntyre, Mr. Adams confirmed that the Board originally agreed to accept a minimum settlement offer of \$5,000. The Mahles were “digging their heels in”. Ultimately, the actual cost to the District was not as high as originally estimated.

Discussion ensued regarding the unauthorized clearing of the conservation area.

Ms. McIntyre felt that the Board must set an example, as clearing a conservation area is not acceptable. Mr. Adams suggested that a newsletter article informing the community that the preserve areas are protected, that any disturbance can result in fees and asking residents to report any unauthorized vegetation clearance, would be helpful. Similar approaches made an impact in other communities.

Mr. Sinnard asked about the District's financial position. Mr. Adams reiterated that the Mahles made a settlement offer of \$2,500; the District counteroffered \$7,000 and was awaiting the Mahles' response. Negotiations will likely end if the Mahles offer between \$3,000 and \$3,500. This District spent roughly \$6,000 for vegetation, \$2,000 for initial report monitoring and \$1,500 for initial legal involvement. A settlement agreement will be prepared once negotiations are exhausted.

Mr. Jordon commented that SFWMD could be contacted if a homeowner has a problem with the preserve area behind their home. Ms. Crismond suggested that homeowners contact District Management first and she will assess the issue. Ms. Crismond advised that homeowners have the right to remove any encroachment on their property, as long as they do not enter the conservation area.

On MOTION by Mr. Jordan and seconded by Mr. Newman, with all in favor, authorization for the Chair and Staff to finalize negotiations with the prior owner of 3371 Cypress Marsh Drive and for the Chair to execute a settlement agreement, were approved.

FOURTH ORDER OF BUSINESS

Approval of August 12, 2015 Public Hearing and Regular Meeting Minutes

Mr. Adams presented the August 12, 2015 Public Hearing Regular Meeting Minutes and asked for any additions, deletions or corrections.

On MOTION by Mr. Zampiceni and seconded by Mr. Newman, with all in favor, the August 12, 2015 Public Hearing and Regular Meeting Minutes, as presented, were approved.

FIFTH ORDER OF BUSINESS

Other Business

Mr. Adams recalled that, at the last meeting, the Board approved an easement for construction of a walkway and an observation tower on a lot along the Orange River, which was not granted in its plat. An email was sent to the project’s contractor and engineer, SFWMD and Mr. Robson, notifying them of the Board’s approval. Work has not started. Once the project is permitted by SFWMD and the tower’s footprint is identified, an easement will be prepared and recorded.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being no report, the next item followed.

B. Engineer

There being no report, the next item followed.

C. Manager

i. Approval of Unaudited Financial Statements as of August 31, 2015

Mr. Adams presented the Unaudited Financial Statements as of August 31, 2015.

ii. NEXT MEETING DATE: January 13, 2016 at 6:30 P.M.

The next meeting will be held on January 13, 2016 at 1:30 p.m., rather than 6:30 p.m., as reflected on the agenda.

SEVENTH ORDER OF BUSINESS

Supervisors’ Requests

There being no Supervisors’ requests, the next item followed.


EIGHTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned.

**On MOTION by Mr. Jordan and seconded by Mr. Newman,
with all in favor, the meeting adjourned at 1:48 p.m.**


Secretary/Assistant Secretary


Chair/Vice Chair