



**SAIL HARBOUR
COMMUNITY DEVELOPMENT
DISTRICT**

**LEE COUNTY
REGULAR BOARD MEETING
FEBRUARY 13, 2017
6:00 P.M.**

Special District Services, Inc.
The Oaks Center
2501A Burns Road
Palm Beach Gardens, FL 33410

www.sailharbourcdd.org
561.630.4922 Telephone
877.SDS.4922 Toll Free
561.630.4923 Facsimile

AGENDA
SAIL HARBOUR COMMUNITY DEVELOPMENT DISTRICT
Hilton Garden Inn
12600 University Drive
Fort Myers, Florida 33907
REGULAR BOARD MEETING
February 13, 2017
6:00 p.m.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Additions or Deletions to Agenda
- E. Comments from the Public for Items Not on the Agenda
- F. Approval of Minutes
 - 1. January 11, 2017 Regular Board Meeting.....Page 2
- G. Old Business
 - 1. Consider Approval/Selection of District Engineer
 - Johnson Engineering – David Robson
 - 2. Discussion Regarding Letter to Residents with Encroachments.....Page 7
- H. New Business
- I. Administrative Matters
 - 1. Financials.....Page 8
- J. Board Members Comments
- K. Adjourn

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News-Press, The

Sept. 26, 2016

Miscellaneous Notices

SAIL HARBOUR COMMUNITY DEVELOPMENT DISTRICT FISCAL YEAR 2016/2017 REGULAR MEETING SCHEDULE NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Sail Harbour Community Development District will hold Regular Meetings in a Meeting Room at the Hilton Garden Inn located at 12600 University Drive, Fort Myers, Florida 33907 at 6:00 p.m. on the following dates: October 10, 2016 November 14, 2016 December 12, 2016 January 11, 2017 February 13, 2017 March 13, 2017 April 10, 2017 May 8, 2017 June 12, 2017 July 10, 2017 August 14, 2017 September 11, 2017 The purpose of the meetings is to conduct any business coming before the Board. Meetings are open to the public and will be conducted in accordance with the provisions of Florida law. Copies of the Agendas for any of the meetings may be obtained from the District's website or by contacting the District Manager at (561) 630-4922 and/or toll free at 1-877-737-4922 five (5) days prior to the date of the particular meeting. From time to time one or more Supervisors may participate by telephone; therefore a speaker telephone will be present at the meeting location so that Supervisors may be fully informed of the discussions taking place. Meetings may be continued as found necessary to a time and place specified on the record. If any person decides to appeal any decision made with respect to any matter considered at these meetings, such person will need a record of the proceedings and such person may need to insure that a verbatim record of the proceedings is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based. In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at any of these meetings should contact the District Manager at (561) 630-4922 and/or toll-free at 1-877-737-4922 at least seven (7) days prior to the date of the particular meeting. Meetings may be cancelled from time to time without advertised notice. SAIL HARBOUR COMMUNITY DEVELOPMENT DISTRICT
www.sailharbourcdd.org PUBLISH: FT. MYERS NEWS-PRESS 09/26/16 Ad# 1602645 September 26, 2016

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SAIL HARBOUR COMMUNITY DEVELOPMENT DISTRICT
 REGULAR BOARD MEETING
 JANUARY 11, 2017

A. CALL TO ORDER

The January 11, 2017, Regular Board Meeting of the Sail Harbour Community Development District was called to order at 6:07 p.m. in a meeting room of the Hilton Garden Inn located at 12600 University Drive, Fort Myers, Florida 33907.

B. PROOF OF PUBLICATION

Proof of publication was presented that notice of the Regular Board Meeting had been published in the *Fort Myers News-Press* on September 26, 2016, as part of the District's Fiscal Year 2016/2017 Regular Meeting Schedule, as legally required.

C. ESTABLISH A QUORUM

It was noted that a quorum was established by the presence of:

Supervisor	Marge Howerton	Present
Supervisor	Richard Balaun	Present
Supervisor	Aaron Roeth	Present
Supervisor	Susan Balaun	Present

Staff members in attendance were:

District Manager	Kathleen Dailey	Special District Services
District Manager	Todd Wodraska	Special District Services
District Counsel	Gerald Knight	Billing, Cochran, Lyles, Mauro & Ramsey, P.A.
Bond Counsel	Steve Sanford	Greenberg Traurig
Interim Engineer	Dave Robson	Johnson Engineering

Also present were District residents, John and June Gill.

D. CONSIDER NEW BOARD MEMBER RESUME

Ms. Gill went over her background and stated that she was an original resident of the Sail Harbour Community Development District. She noted that she has attended CDD meetings in the past and was a member of other boards.

Mrs. Balaun expressed thanks for her interest in serving on the CDD Board.

A **motion** was made by Ms. Howerton, seconded by Ms. Balaun and passed unanimously to appoint June Gill to Seat #5 of the Sail Harbour Community Development District Board of Supervisors.

SAIL HARBOUR COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
JANUARY 11, 2017

- **Seat Board Members**

Susan Balaun holds Seat #1 (Expiration: 2020)

Marge Howerton holds Seat #3 (Expiration: 2020)

June Gill holds Seat #5 (Expiration: 2020)

- **Administer Oath of Office & Review Board Member Responsibilities and Duties**

Ms. Dailey administered the oath of office to Susan Balaun, Marge Howerton and June Gill. Mr. Knight went over the State statute concerning CDDs, ethics and the Sunshine Law, open meetings and communications.

E. ADDITIONS OR DELETIONS TO AGENDA

Ms. Dailey requested the addition of the Organization of the Board and it was the consensus of the Board to do so.

Mrs. Balaun **nominated** Marge Howerton as Chairperson, seconded by Ms. Gill.

Mr. Balaun **nominated** Susan Balaun as Vice Chairperson, seconded by Ms. Gill.

Ms. Howerton **nominated** Kathleen Dailey as Secretary/Treasurer, seconded by Ms. Gill.

Mrs. Balaun nominated Richard Balaun, Aaron Roeth and June Gill as Assistant Secretaries, seconded by Ms. Howerton.

Upon being put to a vote, the **motion** carried 5 to 0 approving the above slate of officers, as presented.

F. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There were no comments from the public for items not on the agenda.

G. APPROVAL OF MINUTES

1. November 14, 2016, Regular Board Meeting

The minutes of the November 14, 2016, Regular Board Meeting were presented for approval. With no changes, a **motion** was made by Ms. Howerton, seconded by Mrs.

SAIL HARBOUR COMMUNITY DEVELOPMENT DISTRICT
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JANUARY 11, 2017

Balaun and passed unanimously to approve the minutes of November 14, 2016, Regular Board Meeting, as presented.

H. OLD BUSINESS

1. Update on Engineer's Annual Report

Ms. Dailey went over the report and noted that the stormwater and common area assets are all fine with only two minor concerns in specific inlets. Ms. Howerton noted that she is working with the landscapers on those issues and that David Robson has been very good to work with as the interim engineer.

I. NEW BUSINESS

1. Consider Approval of Encroachment Agreement

Ms. Howerton gave the background on the issue stating that in 2010 a resident had installed a patio that extended into common area. The Architectural Review Board (ARB) reviewed and the HealthPark had approved the installation. This is process that has been used to approve or deny patio installations. It has been discovered that the CDD actually owns the common property and should therefore be the entity issuing approvals for patio installation. Ms. Dailey read Mr. Knight's recommendations and asked if the Board would prefer to have all of the 35 previously existing encroachments to sign agreements with the CDD. Ms. Howerton stated that the process would be monitored by the ARB and the homeowners' association. She also explained that surveys show that anything beyond 5 feet behind each property would be considered an encroachment and that 6 and 7 foot patios had been previously approved by the Sail Harbor Association. Mrs. Balaun suggested only allowing patios as we do now and Ms. Howerton explained that would be making a policy to allow up to 2 feet of encroachment. Mrs. Balaun asked if the CDD should simply grandfather in what is currently there and Ms. Gill indicated that there is one patio that is clearly more than what is permitted. Ms. Howerton noted that she thought all existing encroachments should have to sign an agreement with the CDD and that she would work on getting those addresses. Mrs. Balaun agreed to help get those addresses of where to send letters and encroachment agreements.

A **motion** was made by Mrs. Balaun, seconded by Mr. Roeth to have residents who currently have encroachments sign the agreement. Upon being put to a vote, the **motion** carried 5-0.

Ms. Dailey noted that this will be a process, as all locations still need to be identified. Mr. Knight noted that if a resident refuses to sign the agreement, the location would be brought back to the Board. He also opined that since all common areas serve a drainage function, any encroachment should not impact that function. Ms. Howerton stated that once an engineer is on board they can help guide us. Ms. Dailey asked the Board for a policy on

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REGULAR BOARD MEETING
JANUARY 11, 2017

encroachments, while the process is being developed and an engineer is being hired. Ms. Howerton stated that 6 or 7 properties are currently asking to build patios.

A **motion** was made by Mr. Roeth, seconded by Ms. Gill and passed unanimously to not allow encroachments until an engineer has been hired in order to set guidelines for such encroachments.

J. ADMINISTRATIVE MATTERS

1. Update on Engineering RFP

Ms. Dailey advised that the Engineer RFP responses are due back February 6, 2017, so she will try to have the proposers available to make presentations at the next Regular Board Meeting scheduled for February 13, 2017. A question arose as to how engineering firms are paid and Mr. Knight responded that they enter into an agreement with the District and provide hourly rates.

K. BOARD MEMBER COMMENTS

Mrs. Balaun stated that there is trash in the common areas, in particular Christmas decorations. Ms. Howerton noted that it should be reported to the Tropical Isles Management Company.

Ms. Howerton reiterated that she would speak with the landscapers, again, about the drainage issues.

Mr. Roeth asked if the CDD owns the lakes to which Mrs. Balaun replied that they do not; Health Park owns the lakes.

L. ADJOURNMENT

There being no further business to come before the Board, a **motion** was made by Ms. Gill, seconded by Mrs. Balaun to adjourn the Regular Board Meeting at 7:15 p.m. The **motion** carried unanimously.

SAIL HARBOUR COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
JANUARY 11, 2017

Secretary/Assistant Secretary

Chair/Vice-Chair

SAIL HARBOUR COMMUNITY DEVELOPMENT DISTRICT

_____, 2017

Re: Encroachment Agreement

Dear _____:

The Sail Harbour Community Development District (“District”) is responsible for the operation of the on-site surface water management and drainage system (the “Drainage System”) serving the Sail Harbour community. The Drainage System is designed to utilize the open, common areas within the community, which are owned by the District, for storm water retention purposes (“Retention Areas”).

To assure that the Drainage System functions properly, it is necessary that encroachments not be placed in the Retention Areas that, either individually or cumulatively with other encroachments, would reduce the capability of such areas to perform their storm water management function as designed. Therefore, the District’s Board of Supervisors has adopted a policy that all existing encroachments, as well as all proposed new encroachments, that exceed certain *de minimis* dimensions identified by the District’s Engineer, must be authorized by the District in accordance with an encroachment agreement between the affected homeowner and the District (“Encroachment Agreement”). If an existing encroachment has been placed in a Retention Area, or a new encroachment is placed in a Retention Area, without an Encroachment Agreement relating to the encroachment being executed, then the District will require that the encroachment be removed.

The District staff has been informed that (i) an existing encroachment (i.e., patio) has been installed adjacent to your home, or you wish to install a new encroachment adjacent to your home, that encroaches, or will encroach, into a Retention Area, and (ii) the dimensions of the encroachment exceed the *de minimis* dimensions identified by the District’s Engineer. Accordingly, please find enclosed the form of a proposed Encroachment Agreement with the District that would allow the existing encroachment to continue in existence in its current condition, or the proposed new encroachment to be installed.

Please review and complete the enclosed form of the proposed Encroachment Agreement, attach a sketch showing the location and dimensions of the encroachment in question as Exhibit “A” of the Encroachment Agreement, then sign the completed Encroachment Agreement where indicated and return the signed Encroachment Agreement to the undersigned at the District’s office address stated above.

Please contact the undersigned if you have any questions regarding the form of the Encroachment Agreement.

Sincerely,

Kathleen Dailey
District Manager

Sail Harbour
Community Development District

**Financial Report For
January 2017**

Sail Harbour Community Development District
Balance Sheet
As of January 31, 2017

	<u>Operating Fund</u>	<u>Capital Projects Fund</u>	<u>Debt Service Fund</u>	<u>General Fixed Assets Fund</u>	<u>Long Term Debt Fund</u>	<u>TOTAL</u>
ASSETS						
Current Assets						
Checking/Savings						
101.100 - Checking	299,319.03	0.00	0.00	0.00	0.00	299,319.03
Total Checking/Savings	<u>299,319.03</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>299,319.03</u>
Total Current Assets	299,319.03	0.00	0.00	0.00	0.00	299,319.03
Fixed Assets						
Earthwork	0.00	0.00	0.00	547,952.00	0.00	547,952.00
Surface Water Management	0.00	0.00	0.00	889,049.00	0.00	889,049.00
Land Acquisition	0.00	0.00	0.00	3,267,406.00	0.00	3,267,406.00
Accum Deprec - Surface Water Mgt	0.00	0.00	0.00	-222,260.00	0.00	-222,260.00
Total Fixed Assets	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>4,482,147.00</u>	<u>0.00</u>	<u>4,482,147.00</u>
Other Assets						
Accounts Receivable	0.00	0.00	0.00	0.00	0.00	0.00
Investments - Interest Account	0.00	0.00	0.43	0.00	0.00	0.43
Investments - Reserve Account	0.00	0.00	191,406.28	0.00	0.00	191,406.28
Investments - Revenue Account	0.00	0.00	407,705.40	0.00	0.00	407,705.40
Investments - Prepayment Account	0.00	0.00	579.95	0.00	0.00	579.95
Investments - Construction Fund	0.00	0.00	0.00	0.00	0.00	0.00
A/R Non Ad Valorem Receipts	0.00	0.00	35,000.20	0.00	0.00	35,000.20
Amount Available In DSF	0.00	0.00	0.00	0.00	634,692.26	634,692.26
Amount To Be Provided	0.00	0.00	0.00	0.00	5,905,307.74	5,905,307.74
Total Other Assets	<u>0.00</u>	<u>0.00</u>	<u>634,692.26</u>	<u>0.00</u>	<u>6,540,000.00</u>	<u>7,174,692.26</u>
TOTAL ASSETS	<u>299,319.03</u>	<u>0.00</u>	<u>634,692.26</u>	<u>4,482,147.00</u>	<u>6,540,000.00</u>	<u>11,956,158.29</u>
LIABILITIES & EQUITY						
Liabilities						
Current Liabilities						
Accounts Payable						
Accounts Payable	39,303.38	0.00	0.00	0.00	0.00	39,303.38
Total Accounts Payable	<u>39,303.38</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>39,303.38</u>
Total Current Liabilities	39,303.38	0.00	0.00	0.00	0.00	39,303.38
Long Term Liabilities						
Special Assessment Debt	0.00	0.00	0.00	0.00	6,540,000.00	6,540,000.00
Total Long Term Liabilities	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>6,540,000.00</u>	<u>6,540,000.00</u>
Total Liabilities	39,303.38	0.00	0.00	0.00	6,540,000.00	6,579,303.38
Equity						
Retained Earnings	225,483.86	0.00	329,614.61	-222,260.00	0.00	332,838.47
Net Income	34,531.79	0.00	305,077.65	0.00	0.00	339,609.44
Current Year Depreciation	0.00	0.00	0.00	0.00	0.00	0.00
Investment In General Fixed Assets	0.00	0.00	0.00	4,704,407.00	0.00	4,704,407.00
Total Equity	<u>260,015.65</u>	<u>0.00</u>	<u>634,692.26</u>	<u>4,482,147.00</u>	<u>0.00</u>	<u>5,376,854.91</u>
TOTAL LIABILITIES & EQUITY	<u>299,319.03</u>	<u>0.00</u>	<u>634,692.26</u>	<u>4,482,147.00</u>	<u>6,540,000.00</u>	<u>11,956,158.29</u>

**SAIL HARBOUR COMMUNITY DEVELOPMENT DISTRICT
MONTHLY FINANCIAL REPORT
JANUARY 2017**

	Annual Budget 10/1/16 - 9/30/17	Year To Date Actual 10/1/16 - 1/31/17
REVENUES		
O & M Assessments	69,069	60,051
Debt Assessments	510,119	443,862
Other Revenues	0	0
Interest Income	300	81
Total Revenues	\$ 579,488	\$ 503,994
EXPENDITURES		
Supervisor Fees	6,000	1,600
Payroll Expense	500	122
Engineering/Inspections	5,000	1,200
Pipe Maintenance/Replacement	10,000	0
Management	24,000	8,000
Legal	5,500	4,200
Assessment Roll	5,000	0
Audit Fees	3,700	0
Arbitrage Rebate Fee	500	0
Travel	500	0
Insurance	5,900	5,778
Legal Advertisements	1,300	966
Miscellaneous	2,100	412
Postage	350	81
Office Supplies	700	68
Dues & Subscriptions	175	175
Trustee Fee	3,800	0
Continuing Disclosure Fee	1,000	0
Website Management	1,500	500
Total Expenditures	\$ 77,525	\$ 23,102
Revenues Less Expenditures	\$ 501,963	\$ 480,892
Bond Payments	(479,512)	(425,394)
BALANCE	\$ 22,451	\$ 55,498
COUNTY APPRAISER & TAX COLLECTOR FEE	(11,583)	(1,135)
DISCOUNTS FOR EARLY PAYMENTS	(23,168)	(19,831)
EXCESS/ (SHORTFALL)	\$ (12,300)	\$ 34,532
Carryover Funds From Prior Year	12,300	0
NET EXCESS/ (SHORTFALL)	\$ -	\$ 34,532
Bank Balance As Of 1/31/17	\$ 299,319.03	
Accounts Payable As Of 1/31/17	\$ 39,303.38	
Accounts Receivable As Of 1/31/17	\$ -	
Available Funds As Of 1/31/17	\$ 260,015.65	

Sail Harbour CDD
Budget vs. Actual
October 2016 through January 2017

	<u>Oct '16 - Jan 17</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Income				
363.100 · O & M Assessments	60,051.44	69,070.00	-9,018.56	86.94%
363.810 · Debt Assessments	443,862.05	510,119.00	-66,256.95	87.01%
363.820 · Debt Assessment-Paid To Trustee	-425,394.45	-479,512.00	54,117.55	88.71%
363.830 · Assessment Fees	-1,135.20	-11,584.00	10,448.80	9.8%
363.831 · Assessment Discounts	-19,830.89	-23,168.00	3,337.11	85.6%
369.401 · Interest Income	81.43	300.00	-218.57	27.14%
369.402 · Carryover From Prior Year	0.00	12,300.00	-12,300.00	0.0%
Total Income	<u>57,634.38</u>	<u>77,525.00</u>	<u>-19,890.62</u>	<u>74.34%</u>
Expense				
511.122 · Payroll Expense	122.40	500.00	-377.60	24.48%
511.131 · Supervisors Fee	1,600.00	6,000.00	-4,400.00	26.67%
511.310 · Engineering	1,200.00	5,000.00	-3,800.00	24.0%
511.311 · Management Fees	8,000.00	24,000.00	-16,000.00	33.33%
511.315 · Legal Fees	4,200.00	5,500.00	-1,300.00	76.36%
511.318 · Assessment/Tax Roll	0.00	5,000.00	-5,000.00	0.0%
511.320 · Audit Fees	0.00	3,700.00	-3,700.00	0.0%
511.330 · Arbitrage Rebate Fee	0.00	500.00	-500.00	0.0%
511.441 · Travel	0.00	500.00	-500.00	0.0%
511.450 · Insurance	5,778.00	5,900.00	-122.00	97.93%
511.480 · Legal Advertisements	965.70	1,300.00	-334.30	74.29%
511.512 · Miscellaneous	412.23	2,100.00	-1,687.77	19.63%
511.513 · Postage and Delivery	81.56	350.00	-268.44	23.3%
511.514 · Office Supplies	67.70	700.00	-632.30	9.67%
511.540 · Dues, License & Subscriptions	175.00	175.00	0.00	100.0%
511.550 · Pipe Maintenance/Replacement	0.00	10,000.00	-10,000.00	0.0%
511.733 · Trustee Fees	0.00	3,800.00	-3,800.00	0.0%
511.734 · Continuing Disclosure Fee	0.00	1,000.00	-1,000.00	0.0%
511.750 · Website Management	500.00	1,500.00	-1,000.00	33.33%
Total Expense	<u>23,102.59</u>	<u>77,525.00</u>	<u>-54,422.41</u>	<u>29.8%</u>
Net Income	<u><u>34,531.79</u></u>	<u><u>0.00</u></u>	<u><u>34,531.79</u></u>	<u><u>100.0%</u></u>