

**MINUTES OF MEETING  
UNIVERSITY SQUARE  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the University Square Community Development District held a Public Hearing and Regular Meeting on Thursday, August 9, 2018, at 11:45 a.m., at Miromar Development Corporation, 10801 Corkscrew Road, Suite 305, Estero, Florida 33928.

**Present at the meeting were:**

Jeff Staner	Chair
Mark Geschwendt	Assistant Secretary
Michael B. Elgin	Assistant Secretary
Rich Pomeroy	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Greg Urbancic	District Counsel
Charlie Krebs	District Engineer

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 12:06 p.m. Supervisors Staner, Geschwendt, Elgin and Pomeroy were present, in person. Supervisor Byal was not present.

**SECOND ORDER OF BUSINESS**

**Public Comments**

There being no public comments, the next item followed.

**THIRD ORDER OF BUSINESS**

**Public Hearing to Hear Comments and  
Objections on Adoption of Fiscal Year  
2018/2019 Budget**

**A. Affidavit of Publication**

The affidavit of publication was included for informational purposes.

**B. Consideration of Resolution 2018-04, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2018, and Ending September 30, 2019**

Mr. Adams presented Resolution 2018-04. He reviewed the Fiscal Year 2019 budget, which was unchanged since originally presented. In Fiscal Year 2018, all the “Fund balance” was “Unassigned” but Fiscal Year 2019 reflected the addition of an “Assigned” category, with “Working capital” and “Disaster recovery” subcategories and the total “Fund balance” amount was budgeted between “Working Capital”, “Disaster recovery” and “Unassigned”.

In response to the question of what the “Trustee fees” were for, Mr. Adams stated that they were related to the bond. “Trustee fees” were not budgeted for Fiscal Year 2018 but fees were incurred; therefore, the budget line item was included for Fiscal Year 2019. The Trustee Agreement contains a provision for the Trustee to charge this fee annually.

A Board Member asked if the “Disaster recovery” portion of the “Fund balance” was being “charged” to property owners. Mr. Adams stated that it is a subcategory that assigns a portion of the overall “Fund balance” to “Disaster recovery”. The Board could, by motion, shift funds out of the “Assigned” category. A Board Member asked why funds were assigned to “Disaster recovery”. Mr. Adams stated it was the responsible thing to do, as it shows that the Board is planning for the future, rather than just holding a large, inflated “Unassigned” amount in “Fund balance” of more than double the annual budget. Discussion ensued regarding what the “Disaster recovery” and other fund balance funds could be used for.

**Mr. Adams opened the Public Hearing.**

No members of the public spoke.

**Mr. Adams closed the Public Hearing.**

**On MOTION by Mr. Geschwendt and seconded by Mr. Staner, with all in favor, Resolution 2018-04, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2018, and Ending September 30, 2019, was adopted.**

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-05, Making a Determination of Benefit; Imposing Special Assessments for Fiscal Year 2018/2019; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

Mr. Adams presented Resolution 2018-05.

**On MOTION by Mr. Geschwendt and seconded by Mr. Pomeroy, with all in favor, Resolution 2018-05, Making a Determination of Benefit; Imposing Special Assessments for Fiscal Year 2018/2019; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-06, Adopting the Annual Meeting Schedule for Fiscal Year 2018/2019**

Mr. Adams presented Resolution 2018-06.

**On MOTION by Mr. Geschwendt and seconded by Mr. Pomeroy, with all in favor, Resolution 2018-06, Adopting the Annual Meeting Schedule for Fiscal Year 2018/2019, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-07, Memorializing its Policy Relating to Certain Impact Fee Credits Generated From Certain Corkscrew Road Improvements; Providing for General Authorization; Providing for Conflicts; Providing for Severability; and Providing an Effective Date**

Mr. Adams presented Resolution 2018-07.

Mr. Urbancic stated that the District had a 2007A Project bond, which were the bonds set to be refinanced. A portion of the project funds was for improvements on Corkscrew Road, between Ben Hill Griffin Parkway and I-75, which was done through an Interlocal Agreement between the District and the County. As part of the Agreement, some portion of those improvements could be subject to impact fee credits but, since then, no impact fee credits were used so, since the District has impact fee credits with the County it was determined that a policy should be developed to address how the District would administer those impact fee credits. This policy attempts to establish a uniform, reasonable and fair way to use those impact fee credits, which would be for those subjected to the assessments on the 2007A bonds to be entitled to a prorata portion of the impact fee credits, consistent with the assessment

methodology. A Board Member asked for the value of the impact fee credits. Mr. Elgin stated the value was approximately \$1.4 million. Regarding how landowners could claim their portion of the funds. Mr. Urbancic stated that landowners should work with the District Manager’s office and noted that there could be an expiration date on the impact fee credits. Discussion ensued regarding how the fees would be allocated, the extension provision in the Interlocal Agreement, etc. Regarding the \$1.4 million figure, Mr. Elgin clarified that it was the estimated value of the impact fee credit that was issued under the cost estimate for the Interlocal Agreement. He noted that there was a change in municipality, meaning the District is back with the Village of Estero, as opposed to the County; although, since the impact fee credits were granted within the Village of Estero’s current boundaries, they would be available for use, through that municipality and the value needs to be clarified. Mr. Adams would work on the extension to preserve the impact fee credits.

**On MOTION by Mr. Elgin and seconded by Mr. Geschwendt, with all in favor, Resolution 2018-07, Memorializing its Policy Relating to Certain Impact Fee Credits Generated From Certain Corkscrew Road Improvements; Providing for General Authorization; Providing for Conflicts; Providing for Severability; and Providing an Effective Date, was adopted.**

**SEVENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of June 30, 2018**

Mr. Adams presented the Unaudited Financial Statements as of June 30, 2018.

**EIGHTH ORDER OF BUSINESS**

**Approval of May 10, 2018 Regular Meeting Minutes**

Mr. Adams presented the May 10, 2018 Regular Meeting Minutes.

**On MOTION by Mr. Geschwendt and seconded by Mr. Pomeroy, with all in favor, May 10, 2018 Regular Meeting Minutes, as presented, were approved.**

**NINTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel: *Coleman, Yovanovich & Koester, P.A.***

Mr. Urbancic recalled discussion at the last meeting regarding Tract L, which was dedicated to the District. It was originally thought that a portion of the CDD’s part of Tract L must be involved but, after review, it was determined that the rest of the CDD’s portion of Tract L must be involved because of the platting requirements. The replat that will be submitted for the parking lot, plus Tract L, must be replatted, which means the District must join in the plat. The County and other party requested an Affidavit of Authorization from the District allowing the Developer to proceed with the plat.

**On MOTION by Mr. Geschwendt and seconded by Mr. Elgin, with all in favor, authorizing the Chair to execute the Affidavit of Authorization related to the Tract L replat, as required by Lee County, was approved.**

**B. District Engineer: *Hole Montes, Inc.***

There being no report, the next item followed.

**C. District Manager: *Wrathell, Hunt and Associates, LLC***

**i. Consideration of ADA Site Compliance Proposal for Website Compliance Shield, Accessibility Policy and One (1) Annual Technological Audit**

Mr. Adams recalled discussion of this topic at the Miromar Lakes South CDD meeting and stated that Management was taking the same approach for the University Square CDD.

**TENTH ORDER OF BUSINESS**

**Supervisors’ Requests**

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

**ELEVENTH ORDER OF BUSINESS**

**Public Comments**

There being no public comments, the next item followed.

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Staner and seconded by Mr. Elgin, with all in favor, the meeting adjourned at 12:29 p.m.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair