

**MINUTES OF MEETING  
AVENTURA ISLES  
COMMUNITY DEVELOPMENT DISTRICT**

A Public Hearing and Regular Meeting of the Aventura Isles Community Development District was held on **Monday, July 8, 2013 at 10:00 a.m.**, at **190 NE 199th Street, Suite 206, Miami, Florida 33179.**

**Present at the meeting were:**

Richard "Rick" Feather	Chair
Anthony "Tony" Valle	Vice Chair
Eric Reiter	Assistant Secretary
Lauren Arcaro	Assistant Secretary

**Also present were:**

Craig Wrathell	District Manager
Howard McGaffney	Wrathell, Hunt and Associates, LLC
Gerry Knight	District Counsel
Neil Eisner ( <i>via telephone</i> )	Developer
Jason Eisner ( <i>via telephone</i> )	Developer's Closing Agent

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Wrathell called the meeting to order at 10:08 a.m., and noted, for the record, that Supervisors Feather, Arcaro, Valle and Reiter were present, in person. Supervisor Eisner was not present.

**SECOND ORDER OF BUSINESS**

**Proofs of Publication**

Mr. Wrathell presented the proofs of publication for today's public hearing and regular meeting.

Mr. Wrathell explained that today's public hearings relate to Chapters 197, 170 and 190. He recalled that the Board passed a resolution related to Chapter 197, at the last meeting, which is for utilization of the uniform method of levying and collecting special assessments. The Board approved the first resolution stating its intent to use the property appraiser and tax collector.

Today’s public hearing and adoption of a resolution will commemorate the District’s intent to use the property appraiser and tax collector. Mr. Wrathell pointed out that the District does not have time to include the assessments on this year’s tax bills but they will, beginning next November.

The other resolutions are related to the Chapter 170 process. The Board will sit as the equalizing board.

**THIRD ORDER OF BUSINESS**

**Approval of June 3, 2013 Organizational Meeting Minutes**

Mr. Wrathell presented the June 3, 2013 Organizational Meeting Minutes and asked for any additions, deletions or corrections.

**On MOTION by Mr. Valle and seconded by Mr. Feather, with all in favor, the June 3, 2013 Organizational Meeting Minutes, as presented, were approved.**

**FOURTH ORDER OF BUSINESS**

**Engineer’s Report**

Mr. Wrathell recalled that the Engineer’s Report was reviewed in detail, at the last meeting, and approved by the Board. He noted that Page 10 outlines the “Summary of Costs” for the project, in totality, which is estimated to total \$12,894,657. The “Distribution of Costs” reflects the various infrastructure categories to be funded by the District. Page 11 lists the improvements and who plans to own and operate those improvements.

**FIFTH ORDER OF BUSINESS**

**Master Special Assessment Methodology Report**

Mr. Wrathell presented the Master Special Assessment Methodology Report (Methodology).

Mr. Wrathell noted that Page 11 describes the costs, as contained in the Engineer’s Report. Page 10 provides the preliminary assessment roll. Table 2, on Page 12, contains a financing model for financing 100% of the improvements, via bonds. He noted that, in addition

to the \$12,894,657 in improvements, the total bond proceeds amount takes other items, such as costs of issuance, debt service reserve, capitalized interest, etc., into consideration, to arrive at the \$18,340,000 amount; however, he expects that bonds will be issued for an amount somewhat less.

Mr. Wrathell explained that Table 3, on Page 12, reflects the planned units. Table 4, on Page 13, identifies the assessment apportionment, including the maximum amount of assessment, per unit, and annual assessment payment, per unit, that may be levied on these units. Mr. Wrathell believes that the actual bond issue will be less than the amount represented in the methodology.

Mr. Wrathell explained that the bonds will go through the bond validation process, in court, prior to issuance. In response to a question, Mr. Knight indicated that it takes 60 to 90 days for the hearing; he believes that the complaint, necessary for the bond validation hearing, was already filed. Mr. Knight stated that, once the judge rules, there is a 30-day appeal period prior to issuing bonds; he anticipates that bonds can be issued in October. Mr. Knight confirmed that the judge rarely delays the ruling; they usually rule at the hearing.

Mr. Knight indicated that the District Manager and District Engineer usually attend the hearing and, occasionally, the Chair will be asked to attend.

**SIXTH ORDER OF BUSINESS**

**Mailed Notice to Property Owner**

Mr. Wrathell reviewed the mailed notice sent to the affected property owners. Mr. Feather asked how Management will be notified of future property owners, as the properties are sold. Mr. Wrathell indicated that these projects typically have a capitalized interest period, which will generally run from now, through next November, when the assessments will be placed on the tax bills, for the first time.

Mr. Wrathell explained that the District was not created soon enough for assessments to appear on the upcoming November tax bills. If the developer capitalizes interest, for the next year, no interest or principal and interest payments are due on the bonds until the following year; this is the easiest way to handle this situation. Another option, assuming the developer does not wish to utilize capitalized interest, is for the District to submit a bill to the developer to pay the

debt assessments. In response to a question, Mr. Wrathell stated that this is a non-ad valorem assessment.

Mr. Feather advised that he and Mr. Jason Eisner, had discussions regarding how to deal with assessments. Ms. Arcaro noted that some property owners want to pay off their assessments at their closing. Mr. Feather pointed out that the assessments could not be paid off at the closing because the amount is unknown, until the bonds are issued. Mr. Feather confirmed that, once bonds are issued, the property owner can pay off their full debt assessment amount; however, the property owner will still be billed, yearly for operation and maintenance (O&M) assessments.

Mr. Wrathell stated that interested property owners should contact his office for their payoff amount, once the bonds are issued.

Discussion ensued regarding the capitalized interest period. It was noted that, beginning next November, in 2014, everyone, except those that paid off their debt assessments, will see both a debt and an O&M assessment on their tax bill. It was confirmed that, going forward, everything will be sold as lots.

Mr. Feather indicated that the developer has not yet specified if they will utilize a capitalized interest period. Mr. Wrathell suspects that the developer will utilize the capitalized interest period. It was noted that, if the capitalized interest period is not used, they should begin collecting assessments from the homebuyers at the closing. Ms. Arcaro asked if they would be collecting the assessments for next year's taxes, not this year. Mr. Feather replied affirmatively; until the actual assessment amounts are known, the amount should be estimated and collected at the closing.

Mr. Wrathell indicated that the Restrictive Covenant, which the District signed with Miami-Dade County, specifies the maximum amount of debt assessment that can be placed on the properties. He recommended working from those figures. It was suggested that, prior to spending a lot of time on this issue, the District confer with Mr. Neil Eisner to see what he wants to do. Mr. Wrathell will contact Mr. Eisner.

**SEVENTH ORDER OF BUSINESS**

**Public Hearing to Consider the Adoption of an Assessment Roll and the Imposition of Special Assessments Relating to the Financing and Securing of Certain Public Improvements**

- *Hear testimony from the affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments on the property.*

Mr. Wrathell reiterated that the capital improvements are outlined in the Engineer's Report that was previously approved and reviewed again, at today's meeting. The proposed assessment levels and the plan to fund those improvements, via special assessments, are outlined in the Master Special Assessment Methodology Report, which was also previously approved and discussed again.

**\*\*\*Mr. Wrathell opened the Public Hearing.\*\*\***

Mr. Wrathell asked if there were any affected property owners that wished to comment on the proposed improvements planned to be funded via special assessments.

**\*\*\*Mr. Neil Eisner and Mr. Jason Eisner joined the meeting, via telephone, at approximately 10:28 a.m.\*\*\***

Mr. N. Eisner indicated that Mr. J. Eisner was contacted by a few buyers, prior to closing, who wish to pay off their bond assessment at their closing, and asked if it could be done.

Mr. Wrathell stated that, as the bonds are not issued yet, a finite figure cannot be provided to the buyers. He explained that the buyers could either pay an estimated amount at their closing or, once the bonds are issued, the buyers can contact the District Manager's office for the amount to make their full payment. Buyers always have the option to pay off their debt assessments; the only concern now is because the bonds are not yet issued.

Mr. N. Eisner advised that, if a buyer wants to give money, up front, he wants to take it and asked Management to calculate the approximate amount, so it can be collected at closings.

Mr. Knight had no issue with this approach and noted that the developer could use the payoff amount listed in the Restrictive Covenants and issue refunds, if the buyer overpays. Mr. Knight reminded everyone that the O&M assessments will remain on the property; those assessments cannot be paid off. Only debt assessments can be paid off. He recommended that the developer also collect the O&M assessments at closing.

Mr. Wrathell advised that his office will provide everyone with the Restrictive Covenant assessment levels for use as the buydown amount.

Speaking to Mr. N. Eisner and Mr. J. Eisner, Mr. Wrathell indicated that there are two (2) ways to handle this situation. When the bonds are issued, a capitalized interest period can be

included, which places bond funds into an account to pay the bond interest for the first three (3) payment dates. He noted that this option reduces the construction account, accordingly. The second option is to bill the developer for the amounts due, on each call date, at which time the developer can prorate the debt assessments at closing.

Mr. N. Eisner indicated that he instructed Mr. J. Eisner to prorate the assessments and add them to the closing costs. Mr. Wrathell summarized that Mr. N. Eisner does to want a capitalized interest period; he wants to prorate at closing and use the figures in the Restrictive Covenants as the payoff amount. Buyers, that do not want to pay off the full amount, will be charged a prorated figure calculated by the developer at the closing.

Mr. Knight pointed out that the developer must not only collect those assessments for this year; they must also collect for next year because the assessments will not be on the tax roll until November, 2014, which will be collected for the 2015 payments.

Mr. Wrathell explained that, when assessments are on the tax bill, the District is collecting them in advance of when payments are due. He reviewed the collection process and timing of interest and principal and interest payments. Mr. Wrathell advised that the payments that the developer must be concerned about are the November 1, 2013, May 1, 2014 and November 1, 2014 payments. He voiced his feeling that the November 1, 2013 payment will be minimal, due to the timing of the bond issuance.

Mr. Knight stressed that, if the developer does not collect for the 2014 assessments, at closing, they will end up paying those assessments. Mr. Wrathell reiterated that the developer must collect the maximum debt assessment amount listed in the Restrictive Covenants, plus O&M assessments.

Mr. N. Eisner detailed his understanding of what amounts to collect at closing. Mr. Knight clarified that, depending on when the bonds are issued, there might not be any assessments due for 2013; the important thing is to collect for all of 2014. Regarding the timing and structure of the debt service and interest payments, Mr. Knight recommended that the developer discuss it with Mr. Kessler.

Mr. Wrathell suggested that the developer focus on collecting the 2014 assessments, at closing, along with the O&M assessments.

Mr. N. Eisner summarized that Mr. Wrathell’s office will provide Mr. J. Eisner with the figures so that assessments for principal and interest, due in 2014, along with O&M assessments, can be collected at closing.

Discussion ensued regarding collecting O&M assessment amounts and how to prorate them, as the fiscal year differs from the calendar year. Mr. Wrathell explained that, if the developer wants to collect prorated O&M assessments for Fiscal Year 2013, it would be for the period of July 1 through September 30, 2013, which equates to \$40, on a \$161 annual O&M assessment amount, and prorating the \$40 for the time period.

Mr. Wrathell summarized that there will be no capitalized interest period; the District will send assessment bills to the developer and the developer will collect a portion of the Fiscal Year 2013 O&M assessment, along with the entire Fiscal Year 2014 debt and O&M assessments, from buyers, at closing, which will be used to pay the assessment bills.

*\*\*\*Mr. Neil Eisner and Mr. Jason Eisner left the meeting at approximately 10:54 a.m.\*\*\**

**On MOTION by Mr. Reiter and seconded by Mr. Valle, with all in favor, the improvements, as outlined in the Engineer’s Report and the plan to issue special assessments were approved.**

- *Thereafter, the governing authority shall meet as an equalizing board to hear any and all complaints as to the special assessments on a basis of justice and right.*

Mr. Wrathell explained that the Board is now sitting as the equalizing board to hear any and all complaints as to the special assessments on the basis of justice and right. He noted that, at this time, based upon public or landowner comments, the Board can make adjustments to the assessments, as proposed. Mr. Wrathell reiterated that no complaints or comments were received.

**On MOTION by Mr. Valle and seconded by Ms. Arcaro, with all in favor, the final assessments, as proposed, were approved.**

**EIGHTH ORDER OF BUSINESS**

**Consider Resolution 2013-18, Authorizing District Systems, Facilities, Services and Related Infrastructure Improvement Projects; Equalizing, Approving, Confirming, Imposing and Levying Certain Non-Ad Valorem Special Assessments on Property Specially Benefitted by Such Projects to Pay the Cost Thereof; Providing for the Payment and The Collection of Such Special Assessments by the Method Provided for by Chapters 170 and 197, Florida Statutes; Confirming the District's Intention to Issue Special Assessment Revenue Bonds**

Mr. Wrathell presented Resolution 2013-18 for the Board's consideration. Mr. Knight explained that this resolution approves the final assessment roll, levies the assessments and imposes an assessment lien, on the property, to secure payment of the assessments. Once bonds are issued, assessment collection to pay the debt service, on the bond, will begin. Mr. Knight advised that the assessments are for a period not exceeding 30 years and the preferred method of collection is on the tax roll, under the uniform method; however, the Board reserves the right to collect assessments, directly, if necessary.

**On MOTION by Mr. Reiter and seconded by Ms. Arcaro, with all in favor, Resolution 2013-18, Authorizing District Systems, Facilities, Services and Related Infrastructure Improvement Projects; Equalizing, Approving, Confirming, Imposing and Levying Certain Non-Ad Valorem Special Assessments on Property Specially Benefitted by Such Projects to Pay the Cost Thereof; Providing for the Payment and The Collection of Such Special Assessments by the Method Provided for by Chapters 170 and 197, Florida Statutes; Confirming the District's Intention to Issue Special Assessment Revenue Bonds, was adopted.**

Mr. Knight pointed out that, although Exhibits A and B are not included with Resolution 2013-18, they are the same Engineer's Report and Master Special Assessment Methodology Report previously approved and included in the agenda.



Mr. Wrathell advised that a Board meeting will be held prior to the issuance of the bonds, at which time the Supplemental Assessment Methodology Report and a bond delegation resolution will be approved.

**NINTH ORDER OF BUSINESS**

**Update: Water & Sewer**

Mr. Wrathell recalled that Miami-Dade County required certain agreements to be in place for the water and sewer improvements to be conveyed to the District, so that the District could convey them to the District. He advised that the County also requires a maintenance bond or letter of credit; Management located a surety company that was willing to issue a maintenance bond.

**TENTH ORDER OF BUSINESS**

**Notice of Landowner's Meeting – August 5, 2013 at 10:30 A.M.**

**A. Sample Notice**

- *Chapter 190.006 Board of Supervisors; Members and Meetings  
(2)(a) Within 90 days following the effective date of the rule or ordinance establishing the district, there shall be held a meeting of the landowners of the district for the purpose of electing five supervisors for the district. Notice of the landowners' meeting shall be published once a week for 2 consecutive weeks in a newspaper which is in general circulation in the area of the district, the last day of such publication to be not fewer than 14 days or more than 28 days before the date of the election. The landowners, when assembled at such meeting, shall organize by electing a chair who shall conduct the meeting. The chair may be any person present at the meeting. If the chair is a landowner or proxy holder of a landowner, he or she may nominate candidates and make and second motions*

**B. Election Instructions**

**C. Official Ballot**

**D. Landowner's Proxy**

Mr. Wrathell stated that the next meeting is scheduled for August 5, 2013 and recommended holding the Landowner's Meeting on the same day, just prior to the Regular Meeting. The Board agreed to commence the Landowner's Meeting at 10:00 a.m., rather than at 10:30 a.m.

**On MOTION by Mr. Reiter and seconded by Mr. Valle, with all in favor, scheduling the Landowner’s Meeting for Monday, August 5, 2013 at 10:00 a.m., and authorizing the District Manager to advertise, accordingly, was approved.**

**ELEVENTH ORDER OF BUSINESS**

**Notice of Public Hearing and Regular Meeting to Adopt Fiscal Year 2013/2014 Budget – August 5, 2013, *immediately following Landowner’s Meeting***

Mr. Wrathell presented the Notice of Public Hearing and Regular Meeting to adopt the Fiscal Year 2013/2014 budget. Mr. Wrathell noted that the notice should be changed to “Fiscal Year 2012/2013”, throughout.

**On MOTION by Mr. Valle and seconded by Ms. Arcaro, with all in favor, the Notice of Public Hearing and Regular Meeting to Adopt Fiscal Year 2012/2013 Budget on August 5, 2013, at 10:00 a.m., was approved.**

**TWELFTH ORDER OF BUSINESS**

**Discussion/Consideration: Responses to RFQ for District Engineering Services**

**A. Affidavit of Publication**

Mr. Wrathell presented the affidavit of publication.

**B. Respondents**

- i. Baljet Environmental, Inc.**
- ii. CSA Central, Inc. (CSA Group)**
- iii. Keith & Schnars, P.A.**
- iv. Schwebke-Shiskin & Associates, Inc.**

Mr. Wrathell reviewed the information provided by the respondents and noted that Schwebke-Shiskin & Associates, Inc., currently serves as the Interim District Engineer.

**C. Ranking Form**

Mr. Wrathell explained that this is not a price-based ranking process; it is based purely on qualifications. He reviewed the ranking form and noted that the Supervisors will rank each firm,

based on the qualifications submitted, with a ranking of 1 to 4, with 1 being the best. The firm receiving the lowest combined point total will be the #1 ranked firm. Management would then negotiate with the #1 ranked firm and bring the terms to the Board for approval. If the Board does not approve the terms, negotiations continue with the #2 ranked firm. In response to a question, Mr. Knight stated that the engineering rates should be fairly consistent, in terms of hourly rates.

Mr. Wrathell announced that Schwebke-Shiskin & Associates, Inc., was the #1 ranked firm, receiving 4 points. The #2 ranked firm was CSA Central, Inc., (CSA Group), with 8 points, followed by Keith & Schnars, P.A., with 12 points and Baljet Environmental, Inc.

**On MOTION by Mr. Valle and seconded by Mr. Reiter, with all in favor, acceptance of the rankings, as announced, was approved.**

**On MOTION by Mr. Valle and seconded by Ms. Arcaro, with all in favor, authorizing the District Manager and District Counsel to negotiate agreements and a fee schedule with the #1 ranked firm, Schwebke-Shiskin & Associates, Inc., for District Engineering services, and proceed with negotiations with the next highest ranked firm, if an agreement cannot be reached, was approved.**

**THIRTEENTH ORDER OF BUSINESS**

**Board Member Compensation (*deferred from June 3, 2013 Organizational Meeting*)**

Mr. Wrathell stated that the Board has the option to receive \$200 compensation per meeting.

This item was deferred to the next meeting.

**FOURTEENTH ORDER OF BUSINESS**

**Other Business**

There being no other business, the next item followed.

**FIFTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

There being nothing additional to report, the next item followed.

**B. Interim District Engineer**

There being no report, the next item followed.

**C. District Manager**

**i. NEXT MEETING DATE: August 5, 2013**

- **Landowner’s Meeting: 10:30 A.M.**
- **Public Hearing and Regular Meeting: *immediately following Landowner’s Meeting***

Mr. Wrathell indicated that the Landowner’s Meeting will be held August 5, 2013 at 10:00 a.m., at this location, with the Regular Meeting immediately following.

**SIXTEENTH ORDER OF BUSINESS**

**Audience  
Requests**

**Comments/Supervisors’**

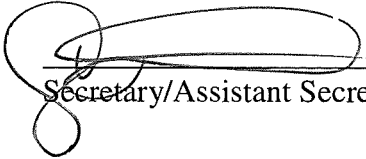
There being no audience comments or Supervisors’ requests, the next item followed.

**SEVENTEENTH ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Ms. Arcaro and seconded by Mr. Reiter, with all in favor, the meeting adjourned at 11:15 a.m.**



Secretary/Assistant Secretary



Chair/Vice Chair