ARBORWOOD
COMMUNITY DEVELOPMENT DISTRICT

LEE COUNTY

REGULAR BOARD MEETING
SEPTEMBER 16, 2024
9:00 A.M.

Special District Services, Inc.
27499 Riverview Center Boulevard, #253
Bonita Springs, FL 33134

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

AGENDA
ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT
Amenity Center Community Room
Somerset at the Plantation
10401 Dartington Drive
Fort Myers, Florida, 33913
REGULAR BOARD MEETING
September 16, 2024
9:00 A.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. August 19, 2024 Regular Board Meeting & Public Hearing……Page 2
G. Old Business
    1. Update on Traffic Study
    2. Update on the Dragonfly Repairs
H. New Business
    1. Discussion Regarding School Impact Fee Credits……Page 7
I. Administrative Matters
    1. Manager's Report
        a. Financials…….Page 9
    2. Attorney's Report
    3. Engineer Report
    4. Field Inspectors Report
    5. Preserves Compliance Updates
J. Board Members Comments
K. Adjourn

NOTICE OF REGULAR BOARD MEETING
ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT

The Board of Supervisors (the "Board") of the Arborwood Community Development District (the "District") will hold a Regular Board Meeting (the "Meeting") on September 16, 2024, at 9:00 a.m. in the Amenity Center Community Room, Somerset at the Plantation, 10401 Dartington Drive, Fort Myers, Florida 33913. The purpose of the Regular Board Meeting is for the Board to consider any business which may properly come before it.

The Meeting is open to the public and will be conducted in accordance with the provisions of Florida law for community development districts. The Meeting may be continued in progress without additional notice to a time, date, and location stated on the record. A copy of the agenda for the Meeting may be obtained from the District's website or by contacting the District Manager, Special District Services, at (941) 223-2475. There may be occasions when one or more Supervisors will participate by telephone.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this Meeting is asked to advise the District Office at least forty-eight (48) hours before the Meeting by contacting the District Manager at (561) 630-4922. If you are hearing or speech impaired, please contact the Florida Relay Service at 1 (800) 955-8770, who can aid you in contacting the District Office.

A person who decides to appeal any decision made at the Meeting with respect to any matter considered at the Meeting is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

Meetings may be cancelled from time to time without advertised notice.

District Manager
Arborwood Community Development District

www.arborwoodcdd.org

PUBLISH: FORT MYERS NEWS-PRESS 09/06/24

ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT
PUBLIC HEARING & REGULAR BOARD MEETING
AUGUST 19, 2024

A. CALL TO ORDER

The August 19, 2024, Regular Board Meeting of the Arborwood Community Development District (the "District") was called to order at 9:00 a.m. in the Amenity Center Community Room of the Somerset at the Plantation located at 10401 Dartington Drive, Fort Myers, Florida 33913.

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 July 30, 2024, and August 6, 2024, as legally required.

C. ESTABLISH A QUORUM

It was determined that the attendance of the following Supervisors constituted a quorum and it was in order to proceed with the meeting:

Chairman	Jeff Gordish	Present
Vice Chairperson	Karin Hagen	Present via phone
Supervisor	Jack Aycock	Present via phone
Supervisor	Donald Schrotenboer	Present
Supervisor	Christopher Anderson	Present

Staff members in attendance were:

District Manager	Michelle Krizen	Special District Services, Inc.
General Counsel	Wes Haber (via phone)	Kutak Rock, LLC
District Engineer	Ryan Lorenz	JR Evans Engineering
Field Inspector	Bohdan Hirniak	Special District Services, Inc.

Also present was Bethany Brosious of Passarella & Associates.

D. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

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

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

F. APPROVAL OF MINUTES

1. June 17, 2024, Regular Board Meeting

The June 17, 2024, Regular Board Meeting minutes were presented for consideration.

A **MOTION** was made by Mr. Gordish, seconded by Mr. Schrotenboer and passed unanimously approving the June 17, 2024, Regular Board Meeting minutes, as presented.

Ms. Krizen then recessed the Regular Board Meeting and opened the Public Hearing.

G. PUBLIC HEARING

1. Proof of Publication

Proof of publication was presented that notice of the Public Hearing had been published in the *Fort Myers News-Press* on July 30, 2024, and August 6, 2024, as legally required.

2. Receive Public Comment on Fiscal Year 2024/2025 Final Budget

There was no public comment on the Fiscal Year 2024/2025 Final Budget.

3. Consider Resolution No. 2024-04 – Adopting a Fiscal Year 2024/2025 Final Budget

Resolution No. 2024-04 was presented, entitled:

RESOLUTION 2024-04
[FY 2025 APPROPRIATION RESOLUTION]

THE ANNUAL APPROPRIATION RESOLUTION OF THE ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT") RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET(S) FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024, AND ENDING SEPTEMBER 30, 2025; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

Ms. Krizen presented the budget noting that it was consistent with the proposed budget, with no increases in assessments.

A **motion** was made by Mr. Gordish, seconded by Ms. Hagen and passed unanimously adopting Resolutions No. 2024-04, as presented.

4. Consider Resolution No. 2024-05 – Adopting a Fiscal Year 2024/2025 Assessment Roll

Resolution No. 2024-05 was presented, entitled:

RESOLUTION 2024-05
[FY 2025 ASSESSMENT RESOLUTION]

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT PROVIDING FOR FUNDING FOR THE FY 2025 ADOPTED BUDGET(S); PROVIDING FOR THE COLLECTION AND ENFORCEMENT OF SPECIAL ASSESSMENTS, INCLUDING BUT NOT LIMITED TO PENALTIES AND INTEREST THEREON; CERTIFYING AN ASSESSMENT

ROLL; PROVIDING FOR AMENDMENTS TO THE ASSESSMENT ROLL; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A **motion** was made by Mr. Schrotenboer, seconded by Mr. Gordish and passed unanimously adopting Resolution No. 2024-05, as presented.

Ms. Krizen then closed the Public Hearing and reconvened the Regular Board Meeting.

H. OLD BUSINESS

1. Status of Pulte Parcel Transfer

The Board was advised that the transfer had been completed and the deed recorded.

2. Update on Traffic Study

The DRI has been rescinded by the state and region. The City of Fort Myers still requires the study. Mr. Gordish was speaking with the City Manager, who recommended the CDD use the City's traffic study to satisfy the requirement.

3. Update on Dragonfly Repairs

The repairs have not yet been completed.

One quote was received for the golf course erosion repairs at a cost of $600 -$1,700 per location (3 locations). A second option is expected later this week.

A **motion** was made by Mr. Schrotenboer, seconded by Mr. Gordish and passed unanimously authorizing District staff to coordinate and execute a contract for the repairs not to exceed $5,000.

I. NEW BUSINESS

1. Consider Resolution No. 2024-06 – Adopting a Fiscal Year 2024/2025 Meeting Schedule

Resolution No. 2024-06 was presented, entitled:

RESOLUTION NO. 2024-06

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT, ESTABLISHING A REGULAR MEETING SCHEDULE FOR FISCAL YEAR 2024/2025 AND SETTING THE TIME AND LOCATION OF SAID DISTRICT MEETINGS; AND PROVIDING AN EFFECTIVE DATE.

A **motion** was made by Mr. Schrotenboer, seconded by Mr. Anderson and passed unanimously adopting Resolution No. 2024-06, as presented.

2. Consider Resolution No. 2024-07 – Adopting Goals and Objectives

Resolution No. 2024-07 was presented, entitled:

RESOLUTION 2024-07

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT ADOPTING GOALS, OBJECTIVES, AND PERFORMANCE MEASURES AND STANDARDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Haber explained that there was a new state law requiring districts to have measurable goals and objectives. The District will be required to report on the goals annually.

A **motion** was made by Mr. Schrotenboer, seconded by Mr. Anderson and passed unanimously adopting Resolution No. 2024-07, as presented.

3. Discussion Regarding Bridgetown Report

Mr. Lorenz went over the report. The cattails have been sprayed and trees are not causing any backups to the flow way.

J. ADMINISTRATIVE MATTERS

1. Manager's Report

a. Financials

The financials were presented. A request for the Summerset and Bridgetown funds available to be included in the monthly financials was made.

The commercial property requested information on the responsibilities of the lake owned by the District. Mr. Haber will reach out to the property manager to advise.

It was noted that a resident reached out regarding the grasses in the lakes, requesting that the District remove the littoral plants, as they are overgrown. Mr. Hirniak and Mr. Lorenz stated that the growth was beneficial for the lake. The littoral plants are part of the pond design and required by permit, providing nutrients and soil stability.

2. Attorney's Report

Mr. Haber had nothing further to report but was available for questions. The Board had no questions at this time.

3. Engineer's Report

Mr. Lorenz went over the drain inspections. Sewer viewer has a daily rate of $3,900. The inspection could be scheduled for November/December.

A **motion** was made by Mr. Gordish, seconded by Mr. Schrotenboer and passed unanimously authorizing District staff to coordinate and execute a contract with Sewer Viewer in the amount of $16,000 for Somerset and $3,900 for Bridgetown.

4. Field Inspector's Report

There has been above normal rainfall this year; 36 inches is typical for this time; last year we were at 24 inches. The current year-to-date is 52 inches. The stormwater system is working as designed.

5. Preserves Compliance Report

The preserve exotic contractors have completed the treatments and everything looks good. The increased water levels are helping to kill off some of the invasives plants. Mr. Gordish noticed some vines growing and inquired if they should be treated. Ms. Brosious explained the vines should not be growing too thick. Ms. Brosious will check the area out and alert Woods and Wetlands.

K. BOARD MEMBER COMMENTS

There were no further comments from the Board Members.

L. ADJOURNMENT

There being no further business to come before the Board, a **MOTION** was made by Mr. Schrotenboer, seconded by Mr. Anderson and passed unanimously adjourning the Regular Board Meeting at 10:13 a.m.

_____ _____

Secretary/Assistant Secretary Chair/Vice-Chair

GODFREY & KAHN

833 EAST MICHIGAN STREET, SUITE 1800
MILWAUKEE, WISCONSIN 53202-5615

TEL • 414.273.3500 FAX • 414.273.5198

WWW • GKLAW.COM

August 28, 2024

VIA EMAIL: mkrizen@sdsinc.org
Ms. Michelle Krizen
Arborwood Community Development District
Special District Services, Inc.
27499 Riverview Center Blvd., #253
Bonita Springs, FL 34134

Re: KCS Plantation, LLC
Lee County School Impact Fee Credits

Dear Michelle:

Your letter dated December 11, 2023 to Brian Stock, a copy of which is attached, has been forwarded to our law firm in connection with our administration of the estate of Brian's father, Kenneth C. Stock ("K.C."). Please be advised that K.C. Stock died on November 28, 2022. We appreciate your highlighting the fact that the Lee County School Impact Fee Credits totaling $458,216.69 allocated to KCS Plantation, LLC by the Arborwood Community Development District are unclaimed. Counsel recently reviewed closing documents from the sale of K.C.'s related property and found no specific reference to an assignment or transfer of these impact fee credits.

K.C. Stock was the sole member of KCS Plantation, LLC. The LLC was subject to a statutory non-probate transfer to the KENNETH C. STOCK 2004 REVOCABLE TRUST following K.C.'s death. The LLC and all of its underlying assets, including the unclaimed Lee County School Impact Fee Credits totaling $458,216.69 allocated to KCS Plantation, LLC by the Arborwood Community Development District, were deemed to be transferred without probate to the Trust pursuant to Wis. Stat. §766.58(3)(f). On July 1, 2024, KCS Plantation, LLC was transferred by the KENNETH C. STOCK 2004 REVOCABLE TRUST to the GEORGIA STOCK 2004 REVOCABLE TRUST. Accordingly, the GEORGIA STOCK 2004 REVOCABLE TRUST is the current owner of KCS Plantation, LLC and its underlying assets, including the impact fee credits.

Attached for your records are the following documents:

1. Articles of Organization of KCS Plantation, Inc.;

2. Death certificate for Kenneth C. Stock;

3. Marital Property Agreement between Kenneth C. Stock and Georgia Stock, Paragraph Fourth (A) of which provides for the statutory non-probate transfer of K.C.'s assets to the KENNETH C. STOCK 2004 REVOCABLE TRUST;

4. Assignment of KCS Plantation, LLC from the KENNETH C. STOCK 2004 REVOCABLE TRUST to the GEORGIA STOCK 2004 REVOCABLE TRUST; and

5. Certification of Trust for GEORGIA STOCK 2004 REVOCABLE TRUST.

Please proceed to transfer and release the credits to the GEORGIA STOCK 2004 REVOCABLE TRUST, the sole member of KCS Plantation, LLC. All forms and paperwork required in connection with this matter should be forwarded to me.

If you have questions regarding this matter, please contact me. Thank you for your assistance.

Very truly yours,

GODFREY & KAHN, S.C.

David H. Patzer

DHP:sla
Attachments
cc: Brian Stock (via email, no encls.)
Keith Gelder (via email, no encls.)
Tina Warnke (via email, no encls.)
Karryn Dawood (via email, no encls.)

Arborwood Community Development District
Budget vs. Actual
October 2023 through August 2024

	Oct '23 - Aug 24	23/24 Budget	$ Over Budget	% of Budget
Income				
01-3100 · O & M Assessments	539,278.28	539,375.00	-96.72	99.98%
01-3812 · Debt Assessments (2018)	2,633,363.15	2,633,569.00	-205.85	99.99%
01-3818 · Debt Assessments (2014A)	618,634.30	618,715.00	-80.70	99.99%
01-3822 · Debt Assess-Pd To Trustee-2018	-2,527,173.40	-2,528,226.00	1,052.60	99.96%
01-3829 · Debt Asses-Pd To Trustee-2014A	-593,688.30	-593,966.00	277.70	99.95%
01-3830 · Assessment Fees	-11,715.00	-10,000.00	-1,715.00	117.15%
01-3831 · Assessment Discounts	-141,142.24	-151,642.00	10,499.76	93.08%
01-9400 · Other Revenue	0.00	18,000.00	-18,000.00	0.0%
Total Income	517,556.79	525,825.00	-8,268.21	98.43%
Expense				
01-1130 · Payroll Tax Expense	612.00	880.00	-268.00	69.55%
01-1131 · Supervisor Fees	8,000.00	11,000.00	-3,000.00	72.73%
01-1310 · Engineering	6,903.74	50,000.00	-43,096.26	13.81%
01-1311 · Management Fees	36,410.00	39,720.00	-3,310.00	91.67%
01-1313 · Website Management	1,833.26	2,000.00	-166.74	91.66%
01-1315 · Legal Fees	6,719.50	22,000.00	-15,280.50	30.54%
01-1318 · Assessment/Tax Roll	0.00	5,000.00	-5,000.00	0.0%
01-1320 · Audit Fees	0.00	5,350.00	-5,350.00	0.0%
01-1330 · Arbitrage Rebate Fee	1,000.00	2,000.00	-1,000.00	50.0%
01-1332 · Amortization Schedule Fee	0.00	500.00	-500.00	0.0%
01-1450 · Insurance	12,371.00	12,000.00	371.00	103.09%
01-1480 · Legal Advertisements	2,203.48	5,500.00	-3,296.52	40.06%
01-1512 · Miscellaneous	2,429.72	3,300.00	-870.28	73.63%
01-1513 · Postage and Delivery	574.80	1,150.00	-575.20	49.98%
01-1514 · Office Supplies	693.25	2,300.00	-1,606.75	30.14%
01-1540 · Dues, License & Subscriptions	175.00	175.00	0.00	100.0%
01-1555 · Trustee Fees	12,738.75	30,000.00	-17,261.25	42.46%
01-1743 · Continuing Disclosure Fee	3,000.00	4,000.00	-1,000.00	75.0%
01-1811 · Professional Fee & Permits	0.00	1,250.00	-1,250.00	0.0%
01-1816 · Treeline Preserve Maint-Exotics	6,000.00	6,000.00	0.00	100.0%

Arborwood Community Development District
Budget vs. Actual
October 2023 through August 2024

	Oct '23 - Aug 24	23/24 Budget	$ Over Budget	% of Budget
01-1818 · DRI / Traffic Monitoring	0.00	10,000.00	-10,000.00	0.0%
01-1819 · Environmentl Cnsltng-Passarella	20,281.05	22,000.00	-1,718.95	92.19%
01-1820 · Panther Mitigation Mnt-Exotics	80,000.00	80,000.00	0.00	100.0%
01-1822 · Street Lighting-Utility & Maint	79,791.68	10,000.00	69,791.68	797.92%
01-1824 · Field Inspector - Somerset Only	21,872.96	25,500.00	-3,627.04	85.78%
01-1825 · Lake Maintenance-Somerset Only	43,457.48	46,100.00	-2,642.52	94.27%
01-1826 · Preserve Maint - Somerset Only	46,250.00	35,000.00	11,250.00	132.14%
01-1827 · Flowway Maintenance	0.00	4,600.00	-4,600.00	0.0%
01-1828 · Preserve Maint (Parcel C Only)	7,000.00	7,000.00	0.00	100.0%
01-1829 · Lake Bank Erosion Mte(Somerset)	45,565.00	45,000.00	565.00	101.26%
01-1830 · Strmwtr Drains Ins/MTE-Somerset	0.00	20,000.00	-20,000.00	0.0%
01-1831 · Strmwtr Drains Ins (Bridgetown)	0.00	2,500.00	-2,500.00	0.0%
01-1839 · Lake Bank Inspection-Somerset	5,401.88	6,500.00	-1,098.12	83.11%
01-1840 · Lake Bank Inspection-Bridgetown	6,258.13	6,500.00	-241.87	96.28%
01-1850 · Capital Outlay - Small	0.00	1,000.00	-1,000.00	0.0%
Total Expense	457,542.68	525,825.00	-68,282.32	87.01%
Net Income	**60,014.11**	**0.00**	**60,014.11**	**100.0%**

Note: Street Lighting - Utility & Maintenance Includes $74,590 Expenditure which was almost entirely covered by Fiscal Year 2022/2023 Insurance Claim Reimbursements.

Bank Balance As Of 8/31/24	$ 516,154.29
Accounts Payable As Of 8/31/24	$ 26,905.36
Other Assets As Of 8/31/24	$ -
Total Fund Balance As Of 8/31/24	$ 489,248.93

Series 2014A-1 Bond Balance As Of 8/31/24	$ 4,015,000.00
Series 2014A-2 Bond Balance As Of 8/31/24	$ 470,000.00
Series 2018A-1 Bond Balance As Of 8/31/24	$ 17,540,000.00
Series 2018A-2 Bond Balance As Of 8/31/24	$ 6,100,000.00
Total Bond Balance As Of 8/31/24	$ 28,125,000.00