



**ARBORWOOD
COMMUNITY DEVELOPMENT
DISTRICT**

**LEE COUNTY
REGULAR BOARD MEETING
SEPTEMBER 17, 2018
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 17, 2018
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 20, 2018 Regular Board Meeting & Public Hearing Minutes.....Page 2
- G. Old Business
 - 1. Direction on Street Lighting Project.....Page 8
 - 2. Update on Sign Maintenance
- H. New Business
 - 1. Consider Resolution No. 2018-09 – Adopting a Revised Statewide Mutual Aid Agreement.....Page 11
 - 2. Consider Approval of Professional Services Agreement Regarding Arborwood Preserve Project...Page 13
 - 3. Consider Approval of Amendment to Fountain Agreement with Hampton Golf to Address Bonding Requirements.....Page 20
 - 4. Discussion Regarding Lake Maintenance Easement
- I. Administrative Matters
 - 1. Manager’s Report
 - a. Financials.....Page 21
 - 2. Engineer Report
 - 3. Field Inspectors Report
- J. Board Members Comments
- K. Adjourn

Attn: *LAURA*
ARBORWOOD CDD
2501 BURNS RD STE A
PALM BEACH GARDENS, FL 33410

ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2017/2018 REGULAR MEETING SCHEDULE
Regular Meetings of the Board of Supervisors of the Arborwood Community Development District will be held at 9:00 a.m. in the Armenty Center Community Room at Somerset at The Plantation located at 10451 Darrington Drive, Ft. Myers, Florida 33913 on the following dates:
October 16, 2017
November 20, 2017
December 18, 2017
January 22, 2018
February 26, 2018
March 19, 2018
April 16, 2018
May 21, 2018
June 18, 2018
July 16, 2018
August 20, 2018
September 17, 2018

STATE OF FLORIDA COUNTY OF LEE:
Before the undersigned authority personally appeared Shari Terrell, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

Notice of Meetings

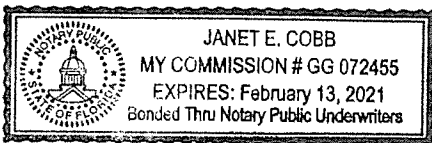
In the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

09/29/17

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 28th of September 2017, by Shari Terrell who is personally known to me.

Janet E Cobb
Janet E Cobb
Notary Public for the State of Florida
My Commission expires February 13, 2021



The meetings are open to the public and will be conducted in accordance with the provisions of Florida law for community development districts. The meetings may be continued in progress without additional notice to a time, date, and location stated on the record. Copies of the agenda for these meetings may be obtained from the District's website or from the District Manager, Special District Services located at 2501A Burns Road, Palm Beach Gardens, Florida 33410. There may be occasions when one or more Supervisors will participate by telephone.

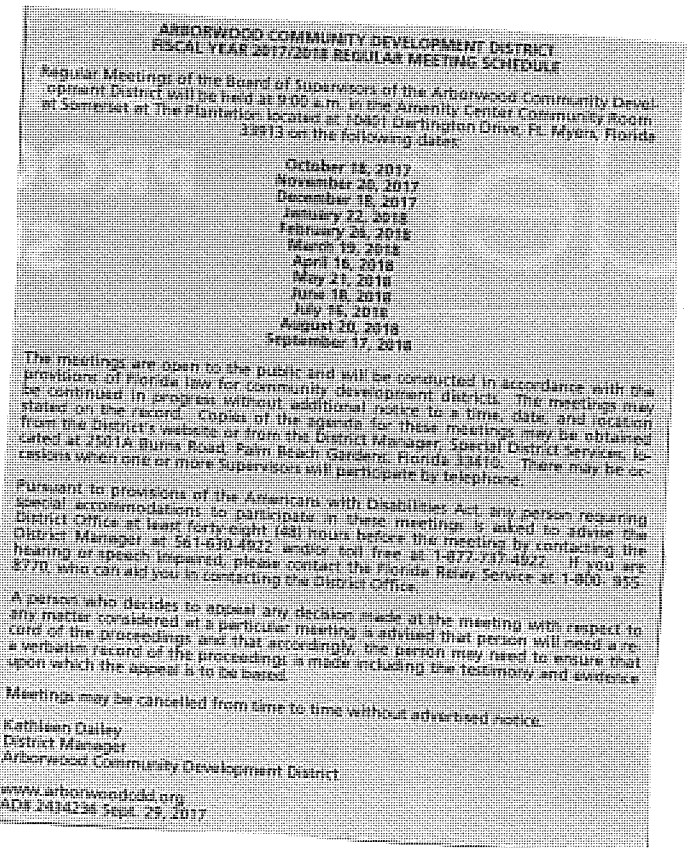
Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the District Office at least forty-eight (48) hours before the meeting by contacting the District Manager at 561-630-4922 and/or toll free at 1-877-737-4522. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-352-8770, 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 a particular 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.

Kathleen Dailey
District Manager
Arborwood Community Development District

www.arborwoodcdd.org
AD# 2434236 Sept. 28, 2017



ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT
PUBLIC HEARING & REGULAR BOARD MEETING
AUGUST 20, 2018

A. CALL TO ORDER

The August 20, 2018, Regular Board Meeting of the Arborwood Community Development District was called to order at 9:00 a.m. in the Amenity Center Community Room at 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 31, 2018, and August 7, 2018, 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	Terry Hammond (via phone)	Present
Vice Chairman	John Hamilton (via phone)	Present
Supervisor	Lawrence Carr	Present
Supervisor	Joan Pattison	Present
Supervisor	Gary Franz	Present

Staff members in attendance were:

District Manager	Kathleen Dailey	Special District Services, Inc.
General Counsel	Wes Haber (via phone)	Hopping Green & Sams, P.A.
District Engineer	Josh Evans	JR Evans Engineering
Field Inspector	Bohdan Hirniak	

Others present were: Michael McElligott (via phone) of Special District Services, Inc.; Mike Myers of Passarella & Associates; David Caldwell of WCI Communities; and the following District residents: Jeff Gordish, Chris Anderson, Jack Aycock, Steve Tiscione, Brian Boyle and Dale Kraemer.

D. ADDITIONS OR DELETIONS TO THE AGENDA

Ms. Dailey asked that a Chair be chosen for the meeting since the designated Chair and Vice Chair were attending by phone. There was a consensus of the Board to appoint Joan Pattison as the Chair for the meeting.

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

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

ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT
PUBLIC HEARING & REGULAR BOARD MEETING
AUGUST 20, 2018

F. APPROVAL OF MINUTES

1. July 16, 2018, Regular Board Meeting

The July 16, 2018, Regular Board Meeting minutes were presented for approval.

Mr. Carr noted under F1, paragraph 5, one “that” should be removed and “work” should be “word.”

Mr. Franz noted under G3, the word “in” should be inserted before “circulation.”

A **motion** was made by Mr. Carr, seconded by Mr. Franz and passed unanimously approving the July 16, 2018, Regular Board Meeting minutes, as amended.

The Regular Board Meeting was then recessed and the Public Hearing on the Fiscal Year 2018/2019 Final Budget was called to order.

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 31, 2018, and August 7, 2018, as legally required.

2. Receive Public Comment on Fiscal Year 2018/2019 Final Budget

Mr. McElligott went over the budget and stated that no letters were necessary for assessment increases except for Parcel C. There was no public comment.

3. Consider Resolution No. 2018-06 – Adopting a Fiscal Year 2018/2019 Final Budget

Resolution No. 2018-06 was presented, entitled:

RESOLUTION 2018-06

THE ANNUAL APPROPRIATION RESOLUTION OF THE ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGETS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

A **motion** was made by Mr. Carr, seconded by Mr. Franz and passed unanimously to adopt Resolution No. 2018-06, as presented.

The Public Hearing on the Fiscal Year 2018/2019 Final Budget was closed and the Public Hearing on the Annual Assessment Roll was called to order.

ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT
PUBLIC HEARING & REGULAR BOARD MEETING
AUGUST 20, 2018

4. Receive Public Comment on Fiscal Year 2018/2019 Annual Assessment Roll

Mr. Haber advised that assessments had not increased except for the landowners in Parcel C who were mailed letters. There was no public comment.

5. Consider Resolution No. 2018-07 – Adopting a Fiscal Year 2018/2019 Annual Assessment Roll

Resolution No. 2018-07 was presented, entitled:

RESOLUTION 2018-07

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT MAKING A DETERMINATION OF BENEFIT AND IMPOSING SPECIAL ASSESSMENTS FOR FISCAL YEAR 2018/2019; 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. Franz, seconded by Mr. Carr and passed unanimously to adopt Resolution No. 2018-07, as presented.

The Public Hearing on the Fiscal Year 2018/2019 Annual Assessment Roll was closed and the Regular Board Meeting was reconvened.

H. OLD BUSINESS

1. Update on Sign Maintenance

Mr. Haber went over the background on the signs and the fact that the CDD had no interest in the maintenance of them. Mr. Haber contacted Pulte who responded that they would like to maintain the signs. He suggested an agreement be negotiated in order to maintain the signs. Mr. Franz asked if the maintenance would end when the sales process was over for Pulte and Mr. Haber responded that he presumed it would, but he could incorporate a reasonable notice requirement into the agreement. Mr. Hamilton stated that he felt the timeframe would be about three years until the sales process was over.

A **motion** was made by Mr. Hamilton, seconded by Mr. Carr and passed unanimously directing Mr. Haber to draft the appropriate agreement.

2. Update on Street Lighting Project

Mr. Hammond stated that there was no update, but that it should be on the agenda in September.

ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT
PUBLIC HEARING & REGULAR BOARD MEETING
AUGUST 20, 2018

3. Update on Somerset Preserve Activity

Mr. Haber stated that an agreement had been signed by the Somerset HOA and sent to Ms. Dailey. He added that the HOA president and consultant had gone to the South Florida Water Management District (SFWMD) who is not requiring any further remediation. Mike Myers indicated he walked the area with SFWMD and they did not have an issue, but rather provided guidance.

4. Update on Woods & Wetlands Somerset Exotic Removal

Mr. Haber explained the background of the contract for this service that Woods & Wetlands signed with an exhibit that included two thin strips that were not included when they worked for the HOA. As these extra parcels need maintenance, Woods & Wetlands had proposed a cost of \$12,900 to do this maintenance as part of the original proposal. Mike Myers stated he had spoken with Woods & Wetlands who have now lowered the cost for the maintenance to \$7,900, in consideration of the confusion with the contract. He stated that Woods & Wetlands do not know why the addition of the two parcels had been missed. Mr. Franz stated that if the map used as an exhibit was accurate, then that is what the company agreed to maintain and it should be at their expense. Mr. Carr expressed that they should have looked at the map and been aware of the area when they signed the contract. Mr. Hammond opined, and it was the consensus of the Board, to take the position that Woods & Wetlands has a contract with the District and the CDD expects them to honor it. Mr. Myers asked if the Board would agree to let them do it over time, since it is a three year contract. It was the consensus of the Board to allow them to do so and Mr. Myers stated he would bring the issue back to the Board.

I. NEW BUSINESS

1. Consider Resolution No. 2018-08 – Adopting a Fiscal Year 2018/2019 Meeting Schedule

Resolution No. 2018-08 was presented, entitled:

RESOLUTION NO. 2018-08

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT,
ESTABLISHING A REGULAR MEETING SCHEDULE FOR FISCAL
YEAR 2018/2019 AND SETTING THE TIME AND LOCATION OF SAID
DISTRICT MEETINGS; AND PROVIDING AN EFFECTIVE DATE.**

Ms. Dailey went over the revised dates from what was printed in the book, which should have reflected meetings on the third Monday of each month.

A **motion** was made by Mr. Franz, seconded by Mr. Carr and passed unanimously to adopt Resolution No. 2018-08, as amended to reflect the third Monday of each month.

ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT
PUBLIC HEARING & REGULAR BOARD MEETING
AUGUST 20, 2018

2. Discussion Regarding Insurance Site Visit Recommendations

Mr. Hamilton advised that he had met with the Egis Insurance reps who went over the District's physical assets, ponds and preserves. He stated they had recommended signage warning of wildlife and went over their enclosed letter. He added that the reps were fairly confused on what the District owned and he would like to make sure the District is not over insured. Mr. Hammond asked that the current policy be provided to Board Members. He opined that the issue of extra signage was discussed some time ago and it has always been concluded that there is not a cost benefit in terms of liability. There was general discussion that signage is nice to do, but there is no substantial reason to do it in terms of cost. Mr. Hamilton asked Ms. Dailey to find out if installing wildlife signage would reduce the premium and to be sure Egis would not deny coverage if signage was not placed in the District.

3. Consider Approval of WCI Phase 2C Plat

Mr. Caldwell presented the plat and stated that it fills in the blanks from the prior plat. Mr. Haber suggested the Board approve the plat, subject to Michael McElligott of SDS confirming that no additional true-up payment is required.

A **motion** was made by Mr. Franz, seconded by Mr. Carr approving the WCI Phase 2C Plat, subject to Special District Services, Inc. confirming that no additional true-up payment is required.

J. ADMINISTRATIVE MATTERS

1. Manager's Report

Mr. Hammond stated that the financials looked good and asked Mr. McElligott to look at the traffic monitoring line item. He felt the expense was paid to Evans Engineering, but should be broken out to show the expense under this line item. Mr. McElligott stated he would look into it.

Ms. Dailey reminded the Board that the next meeting was scheduled for September 17, 2018.

2. Engineer's Report

Mr. Evans advised that he had met with Pulte on the lake bank improvements in Bridgetown & Somerset and was awaiting a response.

Mr. Evans advised that 10-15% of the subaqueous pipes had been inspected and the report will be presented in the future. He stated that there was no area that was very bad and any repairs are in random locations. He noted he would be getting a cost for those repairs.

There was a general discussion on grass clippings in drains and the schedule for cleaning.

Mr. Evans left the meeting via phone at 10:12 am.

ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT
PUBLIC HEARING & REGULAR BOARD MEETING
AUGUST 20, 2018

3. Field Inspector Report

Mr. Hirniak stated that algae was prevalent throughout the area and he has spoken with Clarke Aquatics about extra spraying in some areas.

Mr. Hirniak mentioned that lake edge trimming looks quite nice where it had been done.

Mr. Hirniak stated that spike rush and torpedo grass had been expanding into the lakes. He added that the spike rush can supplement oxygenation, but the torpedo grass is woolly and not beneficial. He added that Clarke sprays regularly. Overall, he opined that the health of the lakes was good, as he sees life in the ponds. Mr. Hammond asked if Clarke had completed the flow way spraying and Mr. Hirniak responded that they had.

K. BOARD MEMBER COMMENTS

There were no comments from the Board Members.

L. ADJOURNMENT

There being no further business to come before the Board, a **motion** was made by Mr. Franz, seconded by Mr. Carr and passed unanimously to adjourn the Regular Board Meeting at 10:20 a.m.

Secretary/Assistant Secretary

Chair/Vice-Chair

Re: Plantation / Commerce Maintenance

Josh Evans <josh@jrevansengineering.com>

Thu 3/15/2018 5:37 PM

To: Saeed Kazemi <SKazemi@cityftmyers.com>;

Cc: ganthony@cityftmyers.com <ganthony@cityftmyers.com>; Terry Hammond <thammond.arborwood@hotmail.com>; Wes Haber <WesH@hgslaw.com>; Kathleen Dailey (kdailey@sdsinc.org) <kdailey@sdsinc.org>;

Dear Saeed,

This e-mail follows up our previous correspondence regarding the City taking responsibility for the ownership and maintenance of Plantation Gardens Drive and Commerce Lakes Drive (the "Roadways"). As you are aware from the meeting we had in November 2017 at the City's offices, it is the Arborwood Community Development District's (the "District") position that the City already owns and is responsible for the maintenance of the Roadways. Subsequent to that meeting, it is my understanding that the City acknowledged such ownership and maintenance responsibility and would begin taking the necessary acts to formalize this acknowledgement. In connection with this acknowledgement, the City requested that the District make a good faith consideration of installing additional streetlights on the Roadways. It being understood that the District has no obligation to install such streetlights.

The District has acted in good faith in complying with the City's request. Specifically, the District has included a discussion of the streetlight project on its agenda for the past several meetings. More substantively, the District recently refunded its outstanding bonds and chose to set aside funds for the purpose of giving itself the ability to install certain streetlights. These funds would have otherwise been used to further reduce the amount of the District's outstanding bonds, resulting in lower assessments for the entire community. The District's decision to set aside these funds, at the expense of reducing assessments, evidences the District's good faith consideration of installing additional streetlights on the Roadways. Although funds for this project have been reserved, a final decision regarding the installation of additional streetlights on the Roadways is subject to recommendation and approval by the District's Board of Supervisors.

As of the date of this e-mail, the District is unaware of the City taking any action to formalize its ownership and maintenance responsibility. It is the District's understanding that the City Council was going to take formal action to evidence the City's ownership and maintenance responsibility. If such action has been taken, will you please send me documentation? It was also the District's understanding that the City had ordered signage for the Roadways, however, it does not appear that any signage has been installed.

The District will not consider a recommendation regarding the installation of streetlights on the Roadways until formal written action is taken by the City to evidence its ownership and maintenance responsibility for the Roadways. Additionally, to the extent that the District does decide to move forward with completing the streetlight system for the Roadways, it will also want to speak to the City about the City taking ownership, operation and maintenance responsibility for the entire streetlight system, including the existing lights and the ones installed to complete the system.

Should you care to discuss any of the foregoing in more detail, please don't hesitate to give me a call.

Thank you.

Joshua R. Evans, P.E.

ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT
PUBLIC HEARING & REGULAR BOARD MEETING
FEBRUARY 5, 2018

A **motion** was made by Mr. Hamilton, seconded by Mr. Franz and passed unanimously to adopt Resolution No. 2018-02, as presented.

3. Discussion and Recommendation Regarding Proposals for Additional Streetlights on Plantation Gardens and Commerce Lakes

Mr. Hammond gave a background on the street lighting project and explained that the Board needs to decide to either provide funding or shut the door, since the money would need to be built into the refinancing deal. He opined that with the discussions with the City, he is of the strong opinion that the District should do the lighting project and the \$600,000 amount provides the Board with the most flexibility. Mr. Haber added that discussions are ongoing with the City and if the light project is completed, then the City may take over maintenance, which would lower O&M costs. There was general discussion on what should be done and Mr. Franz summarized by stating that the District's obligation is to do what we deem as reasonable. Mr. Trebilcock stated that until the street light system has been completed, the City is not comfortable taking over the lighting. He added that the District has an obligation to maintain what is there today and the point is to turn it all over after the additional installation. He confirmed, after a question from Mr. Carr, that \$600,000 was sufficient to complete both projects. Mr. Hammond advised that the Board would not be making a decision on the project today, but rather would be making a decision on reserving money. Mr. Carr asked what the current maintenance amount is on the lights and Mr. Hammond stated that with insurance, electricity and maintenance the cost about \$15,000 to \$20,000 annually. Mr. Hamilton noted that he was leaning toward flexibility.

A **motion** was made by Mr. Franz, seconded by Mr. Hammond and passed unanimously to set aside \$600,000 within the refinancing transaction for capital improvements.

J. ADMINISTRATIVE MATTERS

1. Manager's Report

KD reminded the Board that the next scheduled meetings were February 26 and March 19.

2. Engineer's Report

Mr. Evans advised that every two years an engineering traffic study was done and that he is getting a quote from Plummer and Assoc. to prepare one.

Mr. Carr asked that the engineer to look at the school bus time/pick up for Botanica Lakes and Mr. Trebilcock stated that he would bring it to the attention of County Transportation, as it is a school and DOT issue.

3. Field Inspector Report

Mr. Hirniak gave a summary of his first month and stated that he had reviewed 36 lakes and the ridden edges where he could with a golf cart, which was provided by the golf course. He stated

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Overview:

The Arborwood CDD initiated the street lighting improvements on Treeline Avenue, Plantation Gardens and Commerce Lakes in 2012. As a first step, a street lighting report was prepared in 2013. The street lighting report reviewed available options of street lights regarding layout, style and type of fixtures. This included the option of street lights in the median or right of way, and the use of Metal-halide, high pressure sodium or LED, or some combination thereof. Coordination with Lee County and the City of Fort Myers was included, since the county and city has jurisdiction over the roadways as well. The lighting report provided design recommendations with regard to lighting. The overall system was designed ultimately to have a complete and uniform lighting system, though with an initial focus on intersection lighting.

Questions:

1. **Can light poles be eliminated, or spaced further apart?** The project lighting system design was based on a specific pole and fixture at a set spacing. Eliminating poles at this point would negatively impact the lighting uniformity and light levels, thus not meeting the approved design criteria.
2. **Can the system be designed to a different (lower) light level?** The lighting standards established for the project met the minimum design standards per Florida Department of Transportation (FDOT) criteria for the proposed roadway classifications. Treeline Avenue lighting levels are based on a 1.5 average horizontal foot-candles (arterial level lighting) and Plantation Gardens/Commerce Lakes are based on 1.0 average horizontal foot-candles (collector roadways). Lowering the light levels would result in the project not being in compliance with the recommended and adopted standards for the project.

Project Adopted Lighting Criteria/Standards:

ROADWAY CLASSIFICATION	ILLUMINATION LEVEL AVERAGE INITIAL HORIZONTAL FOOT CANDLE (H.F.C.)	UNIFORMITY RATIOS	
TREELINE AVENUE (MAJOR ROAD)	1.5	4:1 OR LESS	10:1 OR LESS
PLANTATION GARDENS PKY AND COMMERCE LAKES DRIVE (OTHER ROADWAYS)	1.0	4:1 OR LESS	10:1 OR LESS

RESOLUTION NO. 2018-09

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT, STATE OF FLORIDA, APPROVING THE REVISED FLORIDA STATEWIDE MUTUAL AID AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State Emergency Management Act, Chapter 252, Florida Statutes, authorizes the state and its political subdivisions to develop and enter into mutual aid agreements for reciprocal emergency aid and assistance in case of emergencies too extensive to be dealt with unassisted; and

WHEREAS, the Board of Supervisors of the Arborwood Community Development District (“District”) hereby approve an agreement with the State of Florida, Division of Emergency Management, concerning the Statewide Mutual Aid Agreement; and

WHEREAS, the Florida Department of Emergency Management requires an independent special district to participate in the Statewide Mutual Aid Agreement to be eligible for funds under Administrative Rule 27P-19, Base Funding for County Emergency Management Agencies and Municipal Competitive Grant and Loan Programs;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT, STATE OF FLORIDA, THAT:

Section 1. The above recitals are hereby adopted.

Section 2. That execution of the attached revised Statewide Mutual Aid Agreement is hereby authorized, and the Agreement is hereby approved.

PASSED, ADOPTED and EFFECTIVE this 17th day of September, 2018.

ATTEST:

**ARBORWOOD
COMMUNITY DEVELOPMENT DISTRICT,
FLORIDA**

By: _____
Secretary/Assistant Secretary

By: _____
Chairperson/Vice Chairperson

STATEWIDE MUTUAL AID AGREEMENT

**TO BE DISTRIBUTED
UNDER SEPARATE COVER**



PASSARELLA & ASSOCIATES INC

TO: Jeff Gordish
FROM: Mike Myers *mm/pz*
DATE: Revised August 15, 2018
RE: Pennington Place
Project No. 18SPC2919

On August 9, 2018, we attended an on-site review of the preserve area located at the southeast end of Pennington Place with the South Florida Water Management District (SFWMD). The purpose of the review was to determine if any remedial action was necessary following the removal of dead trees from the preserve. Those in attendance included:

1. Matt Brosious – SFWMD
2. Jeff Gordish – Somerset Homeowners Association (HOA)
3. Mike Myers – Passarella & Associates, Inc. (PAI)

The following are highlights of the on-site meeting and comments made by agency staff:

- At the start of the meeting I distributed two maps: one from the Lee County Property Appraiser's office with the approximate property boundaries shown, and one with a closer view of the preserve area in question, without boundaries.
- We explained to Matt that a company that was doing some dead vegetation maintenance work in the buffer area, located on the north side of the golf course and the south side of the residential homes along Milford Place, had continued those activities into the preserve area in question. The company did not realize it was a preserve area since there is no fence delineating where the buffer area ends and the preserve area begins.
- After walking along the west side of the preserve area, Matt did not see any issues. He noted that since the preserve monitoring requirements for Arborwood have already been satisfied, the need to do additional plantings (i.e., to meet the 80 percent coverage by native vegetation success criteria) was not necessary. He further commented that if we wanted to voluntarily install some native trees on the northern tip of the preserve, that would not be a problem but it is not required. He recommended installing bald cypress (*Taxodium distichum*) because they seemed to be doing better than the slash pine (*Pinus elliottii*), since this area gets pretty wet during the summer.

- Matt said the dead trees/vegetation along the edge of preserves on-site can be removed, with prior approval, if they pose a hazard to structures such as homes or pool cages. If vegetation has fallen into yards, common areas, or the golf course, it can be removed without prior approval. The SFWMD prefers the dead or fallen material be removed from the site and not left in the preserve since this can contribute to a potential fire hazard during the dry season.
- The removal of dead trees/vegetation located further in a preserve area that does not pose a risk to structures will also require prior SFWMD approval, according to Matt. An example of this was the preserve area located on the south side of the main entrance to Somerset at the Plantation, which we reviewed following the Pennington Place preserve area.
- The dead trees should remain, unless we wish to mitigate their removal. The mitigation would require a planting plan be submitted to the SFWMD first, for their consideration and approval. The plan should identify the preserve location and the number of trees to be removed. Each dead tree to be removed would require one seven-gallon replacement tree. The replacement tree does not necessarily need to be the same species as the removed tree. Matt recommended bald cypress be planted to replace the dead pine trees at the entrance preserve, because that is what is recruiting naturally. No young pines were growing in this area because it was likely too wet.
- Matt did not think a permit modification was necessary if dead trees were removed and replaced. He did suggest that if the Community Development District or HOA are considering this, they should identify all the problem areas in the various preserves and submit one plan, rather than separate submittals for each preserve.

MM/pz

cc: Matt Brosious

PROFESSIONAL SERVICES AGREEMENT

SECTION 1 – GENERAL

THIS IS AN AGREEMENT made as of _____, 2018, between **Arborwood Community Development District** (“CLIENT”) and **Passarella & Associates, Inc.** (“CONSULTANT”).

This Agreement is for Arborwood Preserve (“Project”), formerly known as Parcel C, consisting of 265.38± acres located in Section 34, Township 45 South, Range 25 East, Lee County, Florida. The wetland monitoring is applicable to the on-site preserve areas totaling 20.67± acres and includes three (3) previously established monitoring transects.

CLIENT and CONSULTANT in consideration of their mutual covenants herein agree in respect of the performance or furnishing of professional ecological services (“Services”) by CONSULTANT with respect to the Project and the payment for those services by CLIENT as set forth below.

CLIENT and CONSULTANT each is hereby bound and the partners, successors, executors, administrators, assigns and legal representatives of CLIENT and CONSULTANT are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators, assigns and legal representatives of such other party, in respect to all covenants, agreements, and obligations of this Agreement.

SECTION 2 – SCOPE OF SERVICES

Execution of this Agreement by CONSULTANT and CLIENT constitutes CLIENT’S written authorization to CONSULTANT to proceed on the date first above written with the Services described in Exhibit A, (“Scope of Services”) and in the other exhibits listed below. This Agreement will become effective on the date first above written.

SECTION 3 – COMPENSATION

For services provided and performed by CONSULTANT for providing and performing the Task(s) set forth and enumerated in Exhibit A entitled “Scope of Services,” the CLIENT shall compensate the CONSULTANT as provided in Exhibit B.

For Reimbursable Expenses, in addition to payments provided for CONSULTANT and CONSULTANT’s Sub-Consultants, CLIENT shall pay CONSULTANT for reimbursable expenses incurred by CONSULTANT as set forth in Exhibit B.

Invoices for CONSULTANT’s services, Sub-Consultants, and Reimbursable Expenses will be prepared in accordance with CONSULTANT’s standard invoicing practices and will be submitted to CLIENT by CONSULTANT at least monthly. The amount billed for these services will be calculated on the basis set forth in Exhibit B. Invoices are due and payable on receipt.

If CLIENT fails to make any payment due to CONSULTANT for services and expenses within thirty days after receipt of CONSULTANT’s invoice, CONSULTANT may, after giving seven day’s written notice to CLIENT, suspend services under this Agreement until CONSULTANT has been paid in full all amounts due for services, expenses and charges. In the event of a disputed or contested billing, only that portion so contested may be withheld from payment, and the undisputed portion will be paid.

If either the CLIENT or CONSULTANT terminates this Agreement, CONSULTANT will be paid for all services performed or furnished in accordance with this Agreement by CONSULTANT through the date of termination on the basis specified in Exhibit B including any costs reasonably incurred by CONSULTANT that are directly attributable to the termination. CONSULTANT will be paid for the charges of CONSULTANT's Sub-Consultants employed to perform or furnish services to the extent such services have been performed or furnished in accordance with this Agreement through the effective date of the termination. CONSULTANT also will be paid for all unpaid Reimbursable Expenses.

SECTION 4 – STANDARD OF PERFORMANCE

The standard of care for all professional consulting and related services furnished by CONSULTANT under this Agreement will be the care and skill ordinarily used by members of the CONSULTANT's profession practicing under the same or similar circumstances at the same time and in the same locality. CONSULTANT makes no warranties, expressed or implied, under this Agreement or otherwise, in conjunction with CONSULTANT's services.

SECTION 5 – LIMITATION OF LIABILITY

CONSULTANT's total liability to CLIENT for any loss or damage, including but not limited to special and consequential damages arising out of or in conjunction with the performance of services or any other cause, including CONSULTANT's professional negligent acts, errors, or omissions, shall not exceed the CONSULTANT's compensation, and CLIENT hereby releases and holds harmless CONSULTANT from any liability above such amount.

SECTION 6 – EXHIBITS

This Agreement is subject to the provisions of the following Exhibits (if checked) which are attached to and made a part of this Agreement:

- Exhibit A. "Scope of Services"
- Exhibit B. "Compensation"
- Exhibit C. "Consultant's Hourly Rate Schedule"
- Exhibit D. "Reimbursables"

IN WITNESS WHEREOF, the parties warrant and represent that they are authorized to enter into this Agreement for Professional Services. CLIENT hereby authorizes the performance of the services in Exhibit A and agrees to pay the charges resulting therefrom as identified in Exhibit B. As CLIENT or CLIENT's legal representative, I have read, understand, and agree to the business terms and conditions contained herein including the CONSULTANT's Limited Liability printed on Page 1 of this Agreement.

CLIENT:
Arborwood Community Development District

CONSULTANT:
Passarella & Associates, Inc.

Signature

Signature

By: _____
Name Typed or Printed

By: Kenneth C. Passarella
Name Typed or Printed

Title: _____

Title: President

Address for giving notices:

Arborwood Community Development District
c/o Special District Services, Inc.
27499 Riverview Center Boulevard, Suite 253
Bonita Springs, Florida 34134
Phone: (941) 875-4195
Fax: () -

Address for giving notices:

Passarella & Associates, Inc.
13620 Metropolis Avenue, Suite 200
Fort Myers, Florida 33912
Phone: (239) 274-0067
Fax: (239) 274-0069

Attest: _____

Signature

(IF CORPORATION, AFFIX CORPORATE SEAL)

OR

State of _____

County of _____

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____ who is personally known to me or who has produced _____ as identification.

Notary Public

Name typed, printed or stamped

(Seal)

EXHIBIT A

Exhibit A consisting of one (1) page referred to and controlled by the terms and conditions contained in the Professional Services Agreement between CLIENT and CONSULTANT for professional services dated _____, 2018.

Services not set forth in this Exhibit A, or not listed or described herein, are expressly excluded from the Scope of the Professional Services of the CONSULTANT. The CONSULTANT assumes no responsibility to perform any services not specifically identified and/or otherwise described in this Exhibit A.

Initial:

CLIENT _____

CONSULTANT _____

SCOPE OF SERVICES

<u>Task</u>	<u>Description</u>
1.0	On-Site Third Annual Mitigation Monitoring
1.1	Conduct third annual mitigation monitoring along previously established transects.
1.2	Prepare and submit monitoring reports to the appropriate review agencies.
2.0	Wetland Well Monitoring Installation and Monitoring
2.1	Purchase and install two continuously recording ground monitoring wells.
2.2	Download the monitoring data on a quarterly basis for one year.
2.3	Prepare the data for inclusion in the third annual monitoring report.

EXHIBIT B

Exhibit B consisting of one (1) page referred to and controlled by the terms and conditions contained in the Professional Services Agreement between CLIENT and CONSULTANT for professional services dated _____, 2018.

Initial:

CLIENT _____

CONSULTANT _____

COMPENSATION

For services provided and performed by CONSULTANT for providing and performing the Task(s) set forth and enumerated in Exhibit A entitled "Scope of Services," the CLIENT shall compensate the CONSULTANT as follows:

Task	Description	Fee Type	Amount
1.0	On-Site Third Annual Mitigation Monitoring	LS	\$3,400.00
2.0	Wetland Well Monitoring Installation and Monitoring	LS	\$2,800.00
Total:			\$6,200.00

Fee Type Definitions:

Lump Sum (LS): Includes all direct and indirect labor costs, personnel related costs, overhead and administrative costs, which may pertain to the services performed, provided and/or furnished by the CONSULTANT as may be required to complete the services in Exhibit A. The total amount of compensation to be paid the CONSULTANT shall not exceed the amount of the total Lump Sum compensation established and agreed to. The portion of the amount billed for CONSULTANT's services which is on account of the Lump Sum will be based upon CONSULTANT's estimate of the proportion of the total services actually completed at the time of billing.

**CONSIDER APPROVAL OF
AMENDMENT TO FOUNTAIN
AGREEMENT WITH HAMPTON GOLF
TO ADDRESS BONDING REQUIREMENTS**

**TO BE DISTRIBUTED
UNDER SEPARATE COVER**

Arborwood Community Development District
Budget vs. Actual
October 2017 through August 2018

	Oct '17 - Aug 18	Budget	\$ Over Budget	% of Budget
Income				
01-3100 · O & M Assessments (On-Roll)	359,013.52	337,632.00	21,381.52	106.33%
01-3301 · O&M Assessments-Off Roll	19,037.00	43,626.00	-24,589.00	43.64%
01-3814 · Debt Assessments-2005-2-Master	2,109,702.75	1,929,686.00	180,016.75	109.33%
01-3816 · Debt Assessments (2006A-2)	24,789.70	24,800.00	-10.30	99.96%
01-3817 · Debt Assessments (2006A-3)	802,739.60	802,726.00	13.60	100.0%
01-3818 · Debt Assessments (2014A)	291,699.80	220,728.00	70,971.80	132.15%
01-3824 · Dbt Asses-To Trustee-05-2-Mastr	-2,031,687.45	-2,123,539.00	91,851.55	95.68%
01-3826 · Debt Asses-Pd To Trustee-2006A2	-23,820.55	-22,862.00	-958.55	104.19%
01-3827 · Debt Asses-Pd To Trustee-2006A3	-771,353.30	-754,563.00	-16,790.30	102.23%
01-3829 · Debt Asses-Pd To Trustee-2014A	-280,294.65	-1,209,995.00	929,700.35	23.17%
01-3830 · Assessment Fees	-8,687.80	-66,312.00	57,624.20	13.1%
01-3831 · Assessment Discounts	-131,580.22	-132,623.00	1,042.78	99.21%
01-3850 · Miscellaneous Income	0.00	140,000.00	-140,000.00	0.0%
01-3914 · Dbt Assm-Off Roll-05A2	4,472.00	1,312,145.00	-1,307,673.00	0.34%
Total Income	364,030.40	501,449.00	-137,418.60	72.6%
Expense				
01-1130 · Payroll Tax Expense	673.20	912.00	-238.80	73.82%
01-1131 · Supervisor Fees	8,800.00	12,000.00	-3,200.00	73.33%
01-1310 · Engineering	30,304.36	40,000.00	-9,695.64	75.76%
01-1311 · Management Fees	31,819.26	34,712.00	-2,892.74	91.67%
01-1313 · Website Management	1,375.00	1,500.00	-125.00	91.67%
01-1315 · Legal Fees	21,817.61	45,000.00	-23,182.39	48.48%
01-1318 · Assessment/Tax Roll	0.00	5,000.00	-5,000.00	0.0%
01-1320 · Audit Fees	5,350.00	5,700.00	-350.00	93.86%
01-1330 · Arbitrage Rebate Fee	3,350.00	4,000.00	-650.00	83.75%
01-1332 · Amortization Schedule Fee	0.00	1,000.00	-1,000.00	0.0%
01-1450 · Insurance	14,496.00	16,000.00	-1,504.00	90.6%
01-1480 · Legal Advertisements	9,040.08	5,500.00	3,540.08	164.37%
01-1512 · Miscellaneous	2,284.57	3,000.00	-715.43	76.15%
01-1513 · Postage and Delivery	1,539.87	1,000.00	539.87	153.99%
01-1514 · Office Supplies	3,275.07	2,500.00	775.07	131.0%
01-1540 · Dues, License & Subscriptions	175.00	175.00	0.00	100.0%
01-1551 · Trustee Fees - 2005 Master	32,229.23	47,000.00	-14,770.77	68.57%
01-1743 · Continuing Disclosure Fee	4,000.00	5,000.00	-1,000.00	80.0%
01-1803 · Aquatic Maintenance	0.00	2,000.00	-2,000.00	0.0%
01-1811 · Professional Fee & Permits (GF)	0.00	2,000.00	-2,000.00	0.0%
01-1814 · Electricity	132.74	2,000.00	-1,867.26	6.64%
01-1816 · Treeline Preserve Maint-Exotics	0.00	5,000.00	-5,000.00	0.0%

Arborwood Community Development District
Budget vs. Actual
October 2017 through August 2018

	Oct '17 - Aug 18	Budget	\$ Over Budget	% of Budget
01-1818 · DRI / Traffic Monitoring	9,775.00	10,000.00	-225.00	97.75%
01-1819 · Environmental Consulting-Passarella	9,291.02	15,000.00	-5,708.98	61.94%
01-1820 · Panther Mitigation Maint-Exotics	55,568.54	84,000.00	-28,431.46	66.15%
01-1821 · Miti Maintenance (Parcel C)	0.00	5,000.00	-5,000.00	0.0%
01-1822 · Street Lighting-Utility & Maint	20,535.55	15,000.00	5,535.55	136.9%
01-1824 · Field Inspector (Somerset Only)	12,130.96	35,000.00	-22,869.04	34.66%
01-1825 · Lake Maintenance-Somerset Only	32,977.00	50,000.00	-17,023.00	65.95%
01-1826 · Preserve Maint -Somerset Only	0.00	45,000.00	-45,000.00	0.0%
01-1850 · Capital Outlay - Small	0.00	1,000.00	-1,000.00	0.0%
Total Expense	310,940.06	500,999.00	-190,058.94	62.06%
Net Income	53,090.34	450.00	52,640.34	11,797.85%

Bank Balance As Of 8/31/18	\$ 282,646.27
Accounts Payable As Of 8/31/18	\$ 7,083.12
Other Assets As Of 8/31/18	\$ 900.00
Total Fund Balance As Of 8/31/18	\$ 276,463.15