



**ARBORWOOD
COMMUNITY DEVELOPMENT
DISTRICT**

**LEE COUNTY
REGULAR BOARD MEETING
DECEMBER 16, 2019
9:00 A.M.**

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

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AGENDA
ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT
Amenity Center Community Room
Somerset at the Plantation
10401 Dartington Drive
Fort Myers, Florida, 33913
REGULAR BOARD MEETING
December 16, 2019
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. November 18, 2019 Regular Board Meeting.....Page 2
- G. Old Business
 - 1. Update Regarding Street Lighting Project
 - 2. Update on Lake Bank Slope Issue
 - a. Consideration of Conveyance of Somerset Lake Tracts
 - 3. Consider Approval of Agreement for Proposal for Somerset Fountains
- H. New Business
- I. Administrative Matters
 - 1. Manager’s Report
 - a. Financials..... Page 6
 - 2. Engineer Report
 - 3. Field Inspectors Report
- J. Board Members Comments
- K. Adjourn

**NOTICE OF MEETING
ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Arborwood Community Development District will hold a Board Meeting on December 16, 2019, at 9:00 a.m. at the Amenity Center Community Room located at Somerset at The Plantation, 10401 Dartington Drive, Fort Myers, Florida 33913.

The Board 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, located at 27499 Riverview Center Blvd., #253, Bonita Springs, Florida 34134. 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 Board Meeting is asked to advise the District Office at least forty-eight (48) hours before the meeting by contacting the District Manager at (239) 444-5790. 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.

Kathleen Dailey
District Manager
Arborwood Community Development District

www.arborwoodcdd.org

PUBLISH: FORT MYERS NEWS-PRESS 12/06/19

**ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
NOVEMBER 18, 2019**

A. CALL TO ORDER

The November 18, 2019, 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 October 11, 2019, as part of the District's Fiscal Year 2019/2020 Regular Meeting Schedule, as legally required.

C. SEAT NEW BOARD MEMBER

Jack Aycock was seated on the Board.

D. ADMINISTER OATH OF OFFICE

Ms. Dailey swore in Mr. Aycock. Mr. Earlywine previously went over the Sunshine Law, ethics information and responsibilities of a Board Member with Mr. Aycock at the last meeting.

E. 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	Gary Franz	Present
Supervisor	Jay Aycock	Present
Supervisor	Joan Pattison	Present
Supervisor	Lawrence Carr	Present

Staff members in attendance were:

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

Others present were: Mike Myers of Passarella & Associates; and the following residents: Jeff Gordish, Lynn Sullivan, Jerry Strohmer, Roger Bosworth, Valjean Aycock, Chris Anderson, Susan Wood, Sylvester Jones, Lynn Sullivan, Ray Holter and Helen Shoney.

F. ELECTION OF OFFICERS

Mr. Hammond noted that he would not be able to attend all meetings in person.

A **motion** was made by Mrs. Pattison, seconded by Mr. Carr and passed unanimously to keep the current slate of offices, adding Mr. Aycock as an Assistant Secretary, to wit:

Chairman – Terry Hammond
Vice Chairman – Gary Franz
Secretary/Treasurer – Kathleen Dailey Meneely
Assistant Secretaries – Joan Pattison, Lawrence Carr and Jack Aycock.

G. ADDITIONS OR DELETIONS TO THE AGENDA

Ms. Daily requested the addition of Consider Conveyance of Somerset Lake Tracts under Old Business.

There was a consensus of the Board to add the item to the agenda.

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

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

I. APPROVAL OF MINUTES

1. October 21, 2019, Regular Board Meeting

The October 21, 2019, Regular Board Meeting minutes were presented for consideration.

Mr. Franz noted under Administrative Matters, remove one “had” where it reads “had had.” Mr. Aycock noted under Others Present that the correct spelling was “Strohmenger.”

A **motion** was then made by Mrs. Pattison, seconded by Mr. Carr and passed unanimously approving the October 21, 2019, Regular Board Meeting minutes, as amended.

J. OLD BUSINESS

1. Update Regarding Street Lighting Project

Mr. Hammond noted that the project was proceeding, but a bit slower than last month. He indicated that completion was expected in mid-December and everything looked good.

2. Consider Proposal for Somerset Fountains

Mr. Earlywine advised that agenda items J-2 and J-3 should be considered together. He explained that the HOA was comfortable taking the fountains and they will also be responsible for maintaining them.

Ms. Sullivan, President of the Somerset HOA, gave an update on the HOA meeting and the acceptance and maintenance of various fountains, which will be removed at their cost, if necessary. She added that a committee had been set up to monitor the electrical costs of the fountains.

Mr. Earlywine added that the District has the right to terminate the agreement, if the fountains interfere with any permit requirement or maintenance of the lakes.

3. (ADDED ITEM) – Consider Conveyance of Somerset Lake Tracts

Mr. Earlywine went over the background and stated that a bill of sale, similar to what was used in the past, is necessary in order to grant the lakes to the CDD, excluding the fountains. Mr. Evans went over the cost of the lake bank slope issue, adding that there were several alternatives for repairs, ranging from \$15,000-\$50,000, with the \$50,000 repair being a more permanent fix. He stated that Pulte contends the repair is due to erosion. There was general discussion regarding the stance to take with Pulte and Mr. Earlywine disclosed a possible conflict of interest, if the issue is litigated, since the HG&S firm works with Pulte. He suggested pushing back on Pulte for a fix, or split of cost since ownership has not yet been turned over. Mr. Hammond stated that there would be no harm in approaching the firm again. Mr. Earlywine advised that the District has an obligation to accept the ponds, but not until they are in order. He suggested that Mr. Evans firm up a quote for the repairs. Mr. Gordish advised that they have photos of the slope and it has not changed since being built. There was a consensus of the Board to table both above items 2 & 3 until the next meeting.

K. NEW BUSINESS

1. Review Fourth Annual Monitoring Report and South Florida Water Management District Compliance Meeting

Mr. Myers went over the issue, explaining that the District was still monitoring the wetland of the Arborwood Preserve (Parcel C) and that the most recent monitoring report had been submitted, but had received a notice of non-compliance. Mr. Myers noted that the issue was for certain invasives and areas that need plantings so that 80% is covered with non-evasives. He stated that this was a routine letter and required a response in 30 days for which he asked for a temporary extension to come up with a schedule for addressing the issues. He added that he would be drafting a planting plan, estimated to cost between \$3,500- \$5,000, which work would be done during the dry season along with nuisance plant remediation during normal treatment.

A **motion** was made by Mrs. Pattison, seconded by Mr. Carr and passed unanimously directing Mr. Myers to drafting a planting plan, estimated to cost between \$3,500- \$5,000, which work would be done during the dry season along with nuisance plant remediation during normal treatment.

2. Consider Resolution No. 2019-06 – Adopting a Fiscal Year 2018/2019 Amended Budget

Resolution No. 2019-06, entitled:

RESOLUTION NO. 2019-06

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING AND ADOPTING AN AMENDED FINAL FISCAL YEAR 2018/2019 BUDGET (“AMENDED BUDGET”), PURSUANT TO CHAPTER 189, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

Ms. Dailey advised that this was a look back over the past year. Mr. Hammond added that he had reviewed the numbers and was comfortable with the amended budget.

A **motion** was made by Mrs. Pattison, seconded by Mr. Carr and passed unanimously to adopt Resolution No. 2019-06, as presented.

L. ADMINISTRATIVE MATTERS

1. Manager's Report

Financials – Ms. Dailey briefly went over the financials.

Ms. Dailey reminded the Board that their next meeting was scheduled for December 16, 2019.

2. Engineer's Report

a. Update on Lake Bank Slope Issue

This item was discussed earlier on the agenda.

3. Field Inspector's Report

Mr. Hirniak stated that the condition of the lakes looked well and the algae was disappearing. He went over the rainfall averages and indicated that the lake levels were coming down. He also advised of a naturally occurring fish kill in a lake by Glastonbury Circle.

M. BOARD MEMBER COMMENTS

There were no comments from the Board Members.

N. ADJOURNMENT

There being no further business to come before the Board, a **motion** was made by Mr. Carr, seconded by Mr. Aycock and passed unanimously to adjourn the Regular Board Meeting at 10:15 a.m.

Secretary/Assistant Secretary

Chair/Vice-Chair