



**ARBORWOOD
COMMUNITY DEVELOPMENT
DISTRICT**

**LEE COUNTY
REGULAR BOARD MEETING
JANUARY 17, 2022
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
January 17, 2022
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
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- G. Old Business
- H. New Business
 - 1. Discussion Regarding Excessive Littoral Trimming in Bridgetown
- I. Administrative Matters
 - 1. Manager’s Report
 - a. Financials.....Page 6
 - 2. Engineer Report
 - a. Discussion Regarding Plans and Timing for Somerset Pond Bank Repairs
 - 3. Field Inspectors Report
- J. Board Members Comments
 - 1. Further Discussion on Maintenance of Flowway – Aycock
- K. Adjourn

Miscellaneous Notices



Published in The News-Press on January 7, 2022

Location

Lee County, Florida

Notice Text

NOTICE OF MEETING ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT The Board of Supervisors (the "Board") of the Arborwood Community Development District (the "District") will hold a Board Meeting on January 17, 2022, at 9:00 a.m. at the Amenity Center 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 Meneely District Manager Arborwood Community Development District www.arborwoodcdd.org Legal No. 5059406, January 7, 2022

**ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
NOVEMBER 15, 2021**

A. CALL TO ORDER

The November 15, 2021, 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 at 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 October 6, 2021, as part of the District’s Fiscal Year 2021/2022 Meeting Schedule, 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	Gary Franz	Present
Vice Chairman	Joan Pattison	Present
Supervisor	Jack Aycock	Present
Supervisor	Lawrence Carr	Present
Supervisor	Jeff Gordish	Present

Staff members in virtual attendance were:

District Manager	Kathleen Meneely	Special District Services, Inc.
General Counsel	Wes Haber (via phone)	Kutak Rock, LLC
District Engineer	Josh Evans	JR Evans Engineering
Field Inspector	Bohdan Hirniak	

Others present were: Neale Montgomery, Chris Anderson, Helen Shorey and Charles Humphreys.

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. September 20, 2021, Regular Board Meeting

The September 20, 2021, Regular Board Meeting minutes were presented for consideration.

A **motion** was made by Mr. Gordish, seconded by Mr. Carr and passed unanimously approving the September 20, 2021, Regular Board Meeting minutes, as presented.

G. OLD BUSINESS

1. Consider Ratification of Town Plantation South De-Watering Agreement

Mr. Haber explained that the Board had previously approved the agreement, subject to certain provisions, which had been included. He added that the agreement had been signed by the Chair and was included today for ratification.

A **motion** was made by Mr. Gordish, seconded by Mrs. Pattison and passed unanimously ratifying the Town Plantation South De-Watering Agreement, as presented.

H. NEW BUSINESS

1. Discussion Regarding Attorney Status with Kutak Rock, LLC

Mr. Haber advised that in between meetings, HGS had ceased to exist and the special district practice group joined the firm of Kutak Rock LLC. He added that the law requires a letter to its clients giving it the choice of #1 - authorizing an agreement with the new firm and transfer of records; or #2 - seek new legal counsel and transfer records to that firm. He added that if the Board chooses #1, the rates remain the same as they were with HGS.

A **motion** was made by Mr. Aycock, seconded by Mrs. Pattison and passed unanimously choosing the first option of authorizing an agreement with the new firm and the transfer of records

2. Introduction of Bethany Brosious of Passarella & Associates, Inc.

Mike Myers advised that he was retiring in January and thanked the Board for the many years he has worked with them. He then introduced Bethany Brosious who will be taking his place and indicated that she had done work in the development. Bethany gave her background and the Board welcomed her. They also wished Mr. Myers well in his retirement.

3. Consider Agreement with Passarella & Associates, Inc.

Mr. Myers stated that work was being performed without a formal agreement. He presented a formalized document prepared by Mr. Haber.

A **motion** was made by Mr. Gordish, seconded by Mr. Aycock and passed unanimously approving the agreement with Passarella & Associates, Inc., as presented.

4. Consider Release of Sign Easement

Mr. Haber gave the background of the easement and where the sign was located. He added that there was a maintenance agreement for the sign with Centex/Pulte and Pulte was near completion in the development. Mr. Haber went on to state that if the Board wanted to release the easement, the landowner could take the signs and maintain them or have them removed. Mr. Montgomery, representing the landowner, stated they would like to control the area. Mr. Gordish stated that the irrigation for the area was from Somerset and would need

to be capped off to which Mr. Montgomery stated capping the line was fine. Mr. Haber explained that if the Board was interested in releasing the easement, they would need to terminate the agreement with Centex. Mr. Montgomery stated that he had a conversation with Mike Hueniken of Pulte and they were not motivated to maintain the sign. Mr. Haber stated that all three parties needed to get on the same page, as it can shorten the timeframe if all parties agree.

After discussion, a **motion** was made by Mr. Aycock, seconded by Mr. Carr and passed unanimously directing staff to communicate with Centex to mutually terminate the agreement and work with the landowner; and further authorizing the Chair to effectuate any documents in order to do so.

I. ADMINISTRATIVE MATTERS

1. Manager's Report

a. Financials

Ms. Meneely went over the financials. There were no questions from the Board Members.

Ms. Meneely advised of the upcoming meeting dates: December 20, 2021, and January 17, 2022. There was a consensus of the Board to cancel the December meeting.

2. Engineer's Report

a. Update on Design of Baffles for Basin 1's Control Structures

Mr. Evans advised he was working on a draft design to send to Mr. Aycock and their community could decide what to do with it and if they are willing to pay to have it installed. Mr. Aycock gave the background on the structure and stated that a backhoe would be needed in order to build the trench and it would also need to be approved by the South Florida Water Management District (SFWMD). He added that he was hoping the CDD would participate in the costs.

Mr. Carr stated that the CDD only owned the lakes in Somerset and Bridgetown. Mr. Aycock responded that Bridgetown had some water that flows to this control structure. Mr. Carr asked if this benefitted the preserve and Mr. Evans stated that it did not; it only creates a more manageable system.

Mr. Franz asked if there was any reason Botanica Lakes would not be responsible for the expense of their own structure. Mr. Aycock stated it was because Botanica Lakes was taking care of part of the District's water. Mr. Evans added that the baffles should have been in the original permit, but were not, as it reduces maintenance. He further stated his intent was to prepare the conceptual design and hand it off to Botanica Lakes to pay for the installation. Mr. Franz asked for a rough cost estimate to which Mr. Evans stated it was between \$3,000 and \$8,000. Mr. Aycock expressed his opinion that it was in fairness that the CDD would participate. Mr. Carr stated that the CDD does not own the structure and the CDD's participation is Mr. Evans' time on the design. Mr. Franz agreed that the CDD could give technical expertise and the design, but the cost of installation and maintenance should remain with Botanica Lakes. He continued that Botanica Lakes has the obligation to maintain the structure and the CDD can put them on notice if not doing what is necessary in order to hold up that responsibility. Mr. Carr stated the CDD does not even have the ability to inspect the area. There was general discussion on the original permit and Mr. Franz stated that the CDD should not be involved with SFWMD, as Botanica Lakes should be the ones approaching them and doing their own negotiations for the baffle construction. He added that the CDD protects what is their responsibility and Botanica Lakes should take care of theirs. It was the consensus of the Board to provide the design, but not participate in negotiations with SFWMD or the cost of installation and maintenance. Mr. Evans stated that if Botanica Lakes wanted to

hire him on this issue, he would be glad to do it if the District Board was okay with him doing so. It was the consensus of the Board to allow him to do so.

3. Field Inspector's Report

Mr. Hirniak advised that everything was operating normally and that the area was going into the dry season. He indicated that there were some issues with Brazilian pepper and added that there was an issue of areas being oversprayed, which killed the grass. He will check with Clark on the issue. Mr. Hirniak also noted that depending on the area, some are sprayed for the sidewalk or occasionally by boat.

Mr. Hirniak also noted that there was an issue with a pool construction on Milford where they dumped the water in the front and flooded the area. He added that it was unsightly, but did not impact the lake and was back to normal.

J. BOARD MEMBER COMMENTS

1. Discussion on Pool Plan Guidance – Gordish

Mr. Gordish stated that when new contractors are working in the development, he thought Mr. Evans had some type of plan guidance to provide to them. Mr. Evans stated the contractors get guidance from the City and it would take about 4-5 hours for him to put together a document. Mr. Carr stated that Bridgetown ARB has such a drawing and they would be glad to share it. There was general discussion on proper dewatering in the yards and not on the driveway or curb.

2. Discussion on Maintenance of North Side of Flow Way – Gordish

Mr. Aycock advised that at the Marina Bay annual meeting residents complained about the spikerush blocking the flow way and indicated it was getting out of hand. He added that the CDD had the responsibility to maintain the flow way. Mr. Evans stated he would take a look at it to see if it was restricting the flow. Mr. Aycock stated it was not restricting the flow. Mr. Gordish stated that if it was not effecting the flow way the HOA could maintain the banks and it was not a CDD issue.

Mr. Gordish stated he had requested info on the Lee County street lights and the annual cost of operation. Mr. Evans stated he knew where the lights were and could get Mr. Gordish what he has. Ms. Meneely stated she could pull out the costs for the lights.

K. ADJOURNMENT

There being no further business to come before the Board, a **motion** was made by Mrs. Pattison, seconded by Mr. Carr and passed unanimously to adjourn the Regular Board Meeting at 10:40 a.m.

Secretary/Assistant Secretary

Chair/Vice-Chair

Arborwood Community Development District
Budget vs. Actual
October through December 2021

	<u>Oct - Dec 21</u>	<u>FY 21/22 Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Income				
01-3100 · O & M Assessments (On-Roll)	451,380.92	504,210.00	-52,829.08	89.52%
01-3305 · O&M Assesmnts-Off Roll-WCI-LNNR	0.00	3,565.00	-3,565.00	0.0%
01-3812 · Debt Assessments (2018)	2,361,403.70	2,637,865.00	-276,461.30	89.52%
01-3818 · Debt Assessments (2014)	519,424.95	812,114.00	-292,689.05	63.96%
01-3822 · Debt Assess-Pd To Trustee-2018	-2,259,743.45	-2,532,350.00	272,606.55	89.24%
01-3829 · Debt Assess-Pd To Trustee-2014	-497,063.45	-788,905.00	291,841.55	63.01%
01-3830 · Assessment Fees	-9,966.60	-10,000.00	33.40	99.67%
01-3831 · Assessment Discounts	-133,487.73	-148,892.00	15,404.27	89.65%
01-9400 · Other Revenue	0.00	15,000.00	-15,000.00	0.0%
Total Income	431,948.34	492,607.00	-60,658.66	87.69%
Expense				
01-1130 · Payroll Tax Expense	76.50	880.00	-803.50	8.69%
01-1131 · Supervisor Fees	1,000.00	11,000.00	-10,000.00	9.09%
01-1310 · Engineering	1,812.00	32,500.00	-30,688.00	5.58%
01-1311 · Management Fees	9,363.00	37,452.00	-28,089.00	25.0%
01-1313 · Website Management	499.98	2,000.00	-1,500.02	25.0%
01-1315 · Legal Fees	541.00	23,000.00	-22,459.00	2.35%
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	0.00	2,000.00	-2,000.00	0.0%
01-1332 · Amortization Schedule Fee	0.00	500.00	-500.00	0.0%
01-1450 · Insurance	9,983.00	12,000.00	-2,017.00	83.19%
01-1480 · Legal Advertisements	653.44	5,500.00	-4,846.56	11.88%
01-1512 · Miscellaneous	463.45	3,500.00	-3,036.55	13.24%
01-1513 · Postage and Delivery	90.99	1,200.00	-1,109.01	7.58%
01-1514 · Office Supplies	279.90	2,300.00	-2,020.10	12.17%
01-1540 · Dues, License & Subscriptions	175.00	175.00	0.00	100.0%
01-1555 · Trustee Fees	0.00	30,000.00	-30,000.00	0.0%
01-1743 · Continuing Disclosure Fee	0.00	4,000.00	-4,000.00	0.0%
01-1811 · Professional Fee & Permits	0.00	1,250.00	-1,250.00	0.0%
01-1816 · Treeline Preserve Maint-Exotics	0.00	6,000.00	-6,000.00	0.0%
01-1818 · DRI / Traffic Monitoring	0.00	10,000.00	-10,000.00	0.0%
01-1819 · Environmentl Cnsltng-Passarella	1,375.00	20,000.00	-18,625.00	6.88%
01-1820 · Panther Mitigation Mnt-Exotics	0.00	80,000.00	-80,000.00	0.0%
01-1822 · Street Lighting-Utility & Maint	2,130.91	15,000.00	-12,869.09	14.21%
01-1824 · Field Inspector - Somerset Only	5,845.36	25,500.00	-19,654.64	22.92%

Arborwood Community Development District
Budget vs. Actual
October through December 2021

	<u>Oct - Dec 21</u>	<u>FY 21/22 Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
01-1825 · Lake Maintenance-Somerset Only	11,517.00	46,100.00	-34,583.00	24.98%
01-1826 · Preserve Maint - Somerset Only	0.00	35,000.00	-35,000.00	0.0%
01-1827 · Flowway Maintenance	0.00	4,600.00	-4,600.00	0.0%
01-1828 · Preserve Maint (Parcel C Only)	0.00	10,800.00	-10,800.00	0.0%
01-1829 · Lake Bank Erosion Mte(Somerset)	0.00	36,500.00	-36,500.00	0.0%
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%
01-1850 · Capital Outlay - Small	0.00	1,000.00	-1,000.00	0.0%
Total Expense	<u>45,806.53</u>	<u>492,607.00</u>	<u>-446,800.47</u>	<u>9.3%</u>
Net Income	<u>386,141.81</u>	<u>0.00</u>	<u>386,141.81</u>	<u>100.0%</u>

Bank Balance As Of 12/31/21	\$ 2,517,624.97
Accounts Payable As Of 12/31/21	\$ 1,856,839.86
Other Assets As Of 12/31/21	\$ -
Total Fund Balance As Of 12/31/21	\$ 660,785.11