



**ARBORWOOD  
COMMUNITY DEVELOPMENT  
DISTRICT**

**LEE COUNTY  
REGULAR BOARD MEETING  
MAY 16, 2022  
9:00 A.M.**

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

[www.arborwoodcdd.org](http://www.arborwoodcdd.org)  
561.630.4922 Telephone  
877.SDS.4922 Toll Free  
561.630.4923 Facsimile

**AGENDA**  
**ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT**  
Bridgetown at the Plantation Amenity Center - Barbados Room  
11741 Kingsbridge Boulevard  
Fort Myers, Florida 33913  
**REGULAR BOARD MEETING**  
**May 16, 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
  - 1. April 18, 2022 Regular Board Meeting.....Page 2
- G. New Business
  - 1. Consider Approval of Alvarez Partial Release of Easement Agreement.....Page 6
- H. Old Business
  - 1. Update on Request of Somerset’s for Memorial Bench
  - 2. Discussion Regarding Plantation Golf and Country Club Request for Repair of Lake Bank Erosion Behind Number 13 Green
- I. Administrative Matters
  - 1. Manager’s Report
    - a. Financials.....Page 7
    - b. Update on FPL Streetlight Classification
  - 2. Attorney’s Report
    - a. Update on Aeration Agreement
  - 3. Engineer Report
    - a. Update on Erosion at Glastonbury & Epping Way Locations
  - 4. Field Inspectors Report
- J. Board Members Comments
- K. Adjourn

The News-Press  
media group  
news-press.com A GANNETT COMPANY

Attn:  
ARBORWOOD COMMUNITY DEVELOPMEN  
2501 BURNS RD STE A  
PALM BEACH GARDENS, FL 33410

ARBORWOOD COMMUNITY  
DEVELOPMENT DISTRICT  
REVISED FISCAL YEAR 2021/2022  
REGULAR MEETING SCHEDULE

Regular Meetings of the Board of Super-  
visors of the Arborwood Communi-  
ty Development District will be held at  
9:00 a.m. in the Bridgetown at the  
Plantation Amenity Center - Barbados  
Room located at 11741 Kingsbridge  
Boulevard, Fort Myers, Florida 33913  
on the following dates:

- April 18, 2022
- May 16, 2022
- June 20, 2022
- July 18, 2022
- August 15, 2022
- September 19, 2022

STATE OF FLORIDA COUNTY OF LEE:  
Before the undersigned authority personally appeared  
Nicole Jacobs, 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

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 re-  
cord. Copies of the agenda for these  
meetings may be obtained from the  
District's website or from the District  
Manager, Special District Services, lo-  
cated at 2501A Burns Road, Palm Beach  
Gardens, Florida 33410. There may be  
occasions when one or more Supervi-  
sors will participate by telephone.

ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT  
REVISED FISCAL YEAR 2021/2022 REGULAR MEETING  
SCHEDULE Regular Meetings of the Board of Supervisors of  
the Arborwood C

In the Twentieth Judicial Circuit Court was published in said  
newspaper editions dated in the issues of or by publication on  
the newspaper's website, if authorized, on :

04/08/2022

Pursuant to provisions of the Ameri-  
cans with Disabilities Act, any person  
requiring special accommodations to  
participate in these meetings is asked  
to advise the District Office at least for-  
ty-eight (48) hours before the meeting  
by contacting the District Manager at  
561-630-4922 and/or toll free at 1-877-  
737-4922. 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.

Affiant further says that the said News-Press is a paper of  
general circulation daily in Lee County 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 said  
newspaper editions dated:

A person who decides to appeal any  
decision made at the meeting with re-  
spect to any matter considered at a  
particular meeting is advised that per-  
son will need a record of the proceed-  
ings and that accordingly, the person  
may need to ensure that a verbatim re-  
cord of the proceedings is made includ-  
ing the testimony and evidence upon  
which the appeal is to be based.

Sworn to and Subscribed before me this 8th of April 2022, by  
legal clerk who is personally known to me.

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

Kathleen Meneely  
District Manager  
Arborwood Community Development  
District  
www.arborwoodcdd.org  
AD#5200936 Apr. 8, 2022

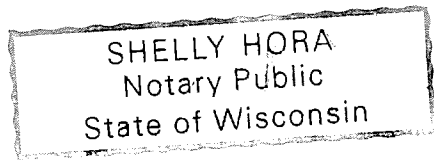
Nicole Jacobs  
Affiant

Shelly Hora  
Notary State of Wisconsin, County of Brown

8-25-23  
My commission expires

# of Affidavits 1

This is not an invoice



**ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT  
REGULAR BOARD MEETING  
APRIL 18, 2022**

**A. CALL TO ORDER**

The April 18, 2022, Regular Board Meeting of the Arborwood Community Development District (the “District”) was called to order at 9:10 a.m. in the Bridgetown at the Plantation Amenity Center located at 11741, 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 April 8, 2022, 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: Bethany Brosious of Passarella & Associates; Ray Holter, Helen Shorey, Arthur Alvarez and Gene Crawford.

**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**

Mr. Alvarez requested the Board reconsider his swimming pool located at 12067 Westmoreland Way, which was built with an 8-inch encroachment into the CDD’s easement. He clarified that he was requesting a partial release of easement so that he would have a clear title on his property. He handed out a survey showing where the pool foundation and enclosure was built into the easement, which is arch shaped, so the corners encroach within the easement. Mr. Franz asked if the HOA checked the construction and Mr. Holter indicated the

encroachment was caught when they went to review the pool. Mr. Franz requested the HOA add a step to their process in the future to be sure pools are built where they are supposed to be. Mr. Crawford, who is on the HOA, stated that a process has been put into place so that this does not happen again. Mr. Evans stated that the encroachment does not cause a problem in the easement and Mr. Aycock opined that he was comfortable with the variance if the District is not going to need this small portion of the easement. Discussion ensued regarding setting a precedence and Mr. Haber explained that when you have a circumstance such as this one where there were several factors that make it unlikely to ever have the same factors again. He added that any such requests could be reviewed on a case-by-case basis.

A **motion** was made by Mr. Gordish, seconded by Mr. Aycock and passed unanimously approving a partial release of the easement in the areas encroached upon by the pool, based on the Board's review that it will not impact stormwater maintenance and not intending to set a precedent; and further requiring the owner to pay the costs involved and authorizing the Chair to execute the release.

Mr. Holter asked for an update on the aeration agreement. Mr. Haber stated that he needed the legal description of where the aeration will be installed. Mr. Evans stated that if the HOA gets him the information, he can get it to Mr. Haber. Mr. Crawford stated that Dragonfly would like to install while the ponds are low. Mr. Evans indicated he could approve the equipment so it can be ordered, which would be at the HOA's risk until the Board approves the agreement, but at least that would get the equipment on its way. Mr. Aycock stated he would like to see the plans on the solar panel locations.

## **F. APPROVAL OF MINUTES**

### **1. March 21, 2022, Regular Board Meeting**

The March 21, 2022, Regular Board Meeting minutes were presented for consideration.

Mrs. Pattison noted on Page 3 the word "area" should be "error."

A **motion** was made by Mrs. Pattison, seconded by Mr. Carr and passed unanimously approving the March 21, 2022, Regular Board Meeting minutes, as amended.

## **G. OLD BUSINESS**

There were no Old Business items to come before the Board.

## **H. NEW BUSINESS**

### **1. Consider Somerset's Request for Memorial Bench**

Ms. Meneely went over the correspondence received by the HOA, which requested placing a memorial bench on CDD property. Mr. Haber advised that if this was approved, a license agreement would need to be put into place authorizing the use and obligating maintenance and liability to the HOA. Mrs. Pattison asked if approving would set a precedence and Mr. Haber advised that it would since others may want memorial benches. He added that the CDD had the obligation to treat all homeowners the same unless there was different criteria. Mr. Carr expressed that this request was the definition of a slippery slope as far as setting a precedence. Mr. Gordish stated that there was a 2007 agreement between the District, Somerset and Pulte that may cover items such as this. Mr. Haber indicated he would look at the agreement, but doubted it covers items such as this. General discussion ensued regarding the location, slab size and bench size. There was a consensus of the Board to have Mr. Haber look into the agreement to determine if such a request would be allowed and for the HOA to provide more information regarding the bench and slab measurements.

## **2. Consider Proposal for Flow Way Ditch Treatment**

Mr. Hirniak went over the details of the Clarke proposal in the amount of \$2,350.

A **motion** was made by Mr. Gordish, seconded by Mr. Carr and passed unanimously approving the Clarke proposal in the amount of \$2,350 for the flow way ditch treatment, as presented.

## **3. Discussion Regarding Plantation Golf and Country Club Request for Repair of Lake Bank Erosion behind Number 13 Green**

Mr. Franz advised that Frank Lyta, the former Superintendent of the golf course, had asked that this area be looked at for erosion. Mr. Evans indicated that it was the District's responsibility, as it is a traditional lake slope back and will be evaluated during the annual lake bank inspection. He added that it may need to be addressed sooner, along with an area that Mr. Gordish had provided pictures of and noted that he would bring the information back to the next meeting.

### **I. ADMINISTRATIVE MATTERS**

#### **1. Manager's Report**

##### **a. Financials**

Ms. Meneely went over the financials. There were no questions.

Ms. Meneely reminded the Board that their next meeting was scheduled for May 16, 2022, and that the June 20, 2022, meeting would include a Public Hearing on the budget.

##### **b. Update on FPL Streetlight Classification**

Ms. Meneely went over the memo in the agenda, stating that FPL only put the streetlight classification rate in place in 2017. She added that FPL was reviewing and if approved, would need to close the current accounts and open new accounts under the streetlight rate.

##### **c. Discussion Regarding Treeline Streetlight Maintenance Contract Requirements for Inspection/Repair**

Mr. Gordish advised that there were three streetlights out on Treeline that have been out for at least three months. He questioned if the contract indicates inspections are required. Ms. Meneely noted she thought a monthly inspection was required and would send the contract to the Board Members as well as call for maintenance on the streetlights that are out.

#### **2. Attorney's Report**

##### **a. Update on Cell Tower Property Assessment Research**

Mr. Haber advised that he had looked into the methodology with Mr. McElligott of SDS regarding the cell tower property. He explained that the parcel was never included in the methodology as it abuts a conservation area and was originally owned by Worthington, the developer. He stated that the CDD had a right to levy an assessment, which would require a needs analysis on the level of benefit, letters sent, resolutions drawn up and public notices published, including a map of the area. General discussion took place on the potential income versus the costs of obtaining such for the .23-acre parcel. No action was taken with the direction to look at this in the future at such time the methodology is revised.

**3. Engineer's Report**  
**a. Update on Somerset Pond Erosion Repairs**

Mr. Evans stated the repairs were under contract with the material having been ordered and an anticipated start date of May 2, 2022. He added that it was approximately a three-week job and he will let Somerset know of the schedule.

Mr. Evans stated that he was almost finished with the Stormwater Needs Analysis required by the State of Florida.

Mr. Evans indicated that he had received the easement documentation for the water tank area, and he will provide same to the attorney and Ms. Meneely for the record.

**4. Field Inspector's Report**

Mr. Hirniak noted that the ponds and vegetation looked dry, but normal. He added that the rainfall amounts were 50% of what was considered normal for this time of year.

**J. BOARD MEMBER COMMENTS**

There were no further comments from the Board Members.

**K. ADJOURNMENT**

There being no further business to come before the Board, a **motion** was made by Mr. Aycock, seconded by Mrs. Pattison and passed unanimously adjourning the Regular Board Meeting at 10:45 a.m.

---

Secretary/Assistant Secretary

---

Chair/Vice-Chair

**CONSIDER APPROVAL OF ALVAREZ PARTIAL  
RELEASE OF EASEMENT AGREEMENT**

**TO BE DISTRIBUTED  
UNDER SEPARATE COVER**



**Arborwood Community Development District  
Budget vs. Actual  
October 2021 through April 2022**

	<u>Oct '21 - Apr 22</u>	<u>21/22 Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>Income</b>				
01-3100 · O & M Assessments (On-Roll)	497,363.46	504,210.00	-6,846.54	98.64%
01-3305 · O & M Assesments (Off-Roll)	0.00	3,565.00	-3,565.00	0.0%
01-3812 · Debt Assessments (2018)	2,601,964.30	2,637,865.00	-35,900.70	98.64%
01-3818 · Debt Assessments (2014)	572,340.00	812,114.00	-239,774.00	70.48%
01-3822 · Debt Assess-Pd To Trustee-2018	-2,494,295.05	-2,532,350.00	38,054.95	98.5%
01-3829 · Debt Asses-Pd To Trustee-2014	-548,657.05	-788,905.00	240,247.95	69.55%
01-3830 · Assessment Fees	-9,993.54	-10,000.00	6.46	99.94%
01-3831 · Assessment Discounts	-141,940.34	-148,892.00	6,951.66	95.33%
01-9400 · Other Revenue	0.00	15,000.00	-15,000.00	0.0%
<b>Total Income</b>	<b>476,781.78</b>	<b>492,607.00</b>	<b>-15,825.22</b>	<b>96.79%</b>
<b>Expense</b>				
01-1130 · Payroll Tax Expense	443.70	880.00	-436.30	50.42%
01-1131 · Supervisor Fees	5,800.00	11,000.00	-5,200.00	52.73%
01-1310 · Engineering	18,269.88	32,500.00	-14,230.12	56.22%
01-1311 · Management Fees	21,847.00	37,452.00	-15,605.00	58.33%
01-1313 · Website Management	1,166.62	2,000.00	-833.38	58.33%
01-1315 · Legal Fees	4,256.00	23,000.00	-18,744.00	18.5%
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	9,983.00	12,000.00	-2,017.00	83.19%
01-1480 · Legal Advertisements	1,218.32	5,500.00	-4,281.68	22.15%
01-1512 · Miscellaneous	1,300.96	3,500.00	-2,199.04	37.17%
01-1513 · Postage and Delivery	228.87	1,200.00	-971.13	19.07%
01-1514 · Office Supplies	690.60	2,300.00	-1,609.40	30.03%
01-1540 · Dues, License & Subscriptions	175.00	175.00	0.00	100.0%
01-1555 · Trustee Fees	12,174.38	30,000.00	-17,825.62	40.58%
01-1743 · Continuing Disclosure Fee	3,000.00	4,000.00	-1,000.00	75.0%

**Arborwood Community Development District  
Budget vs. Actual  
October 2021 through April 2022**

	<u>Oct '21 - Apr 22</u>	<u>21/22 Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
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	4,477.50	20,000.00	-15,522.50	22.39%
01-1820 · Panther Mitigation Mnt-Exotics	0.00	80,000.00	-80,000.00	0.0%
01-1822 · Street Lighting-Utility & Maint	4,100.67	15,000.00	-10,899.33	27.34%
01-1824 · Field Inspector - Somerset Only	14,519.12	25,500.00	-10,980.88	56.94%
01-1825 · Lake Maintenance-Somerset Only	26,873.00	46,100.00	-19,227.00	58.29%
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%
<b>Total Expense</b>	<u>131,524.62</u>	<u>492,607.00</u>	<u>-361,082.38</u>	<u>26.7%</u>
<b>Net Income</b>	<u><b>345,257.16</b></u>	<u><b>0.00</b></u>	<u><b>345,257.16</b></u>	<u><b>100.0%</b></u>

<b>Bank Balance As Of 4/30/22</b>	<b>\$ 682,669.38</b>
<b>Accounts Payable As Of 4/30/22</b>	<b>\$ 62,768.92</b>
<b>Other Assets As Of 4/30/22</b>	<b>\$ -</b>
<b>Total Fund Balance As Of 4/30/22</b>	<b>\$ 619,900.46</b>