



**ARBORWOOD
COMMUNITY DEVELOPMENT
DISTRICT**

**LEE COUNTY
REGULAR BOARD MEETING
JUNE 19, 2023
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
June 19, 2023
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. May 23, 2023 Regular Board Meeting.....Page 2
- G. Old Business
 - 1. Update Regarding Road and School Impact Fee Credits
 - 2. Update Regarding Tree Line Lighting and Repairs
 - 3. Update Regarding Lee County Assuming some of District’s Treeline Streetlights
 - 4. Discussion Regarding Individual Environmental Resource Permit
- H. New Business
- I. Administrative Matters
 - 1. Manager’s Report
 - a. Financials.....Page 7
 - 2. Attorney’s Report
 - 3. Engineer Report
 - 4. Field Inspectors Report
 - 5. Woods and Wetlands Report
- J. Board Members Comments
- K. Adjourn

Miscellaneous Notices

Published in The News-Press on June 12, 2023

Location

Lee County, Florida

Notice Text

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 June 19, 2023, 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 No. 5732815 June 12, 2023

**ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
MAY 23, 2023**

A. CALL TO ORDER

The May 23, 2023, Regular Board Meeting of the Arborwood Community Development District (the “District”) was called to order at 9:03 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 April 10, 2023, 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	Joan Pattison	Present
Vice Chairman	Jeff Gordish	Present
Supervisor	Jack Aycock	Present
Supervisor	Donald Schrotenboer	Present
Supervisor	Karin Hagen	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	

Also present were: Michael McElligott of Special District Services, Inc. (via phone); Pete Maastricht of Maastricht Engineering; and Bethany Brosious of Passarella & Associates.

D. ADDITIONS OR DELETIONS TO THE AGENDA

There were a consensus of the Board to move items to accommodate the professionals, Financial and Budget followed by the Permit and Proposals.

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. April 24, 2023, Regular Board Meeting

The April 24, 2023, Regular Board Meeting minutes were presented for consideration.

It was noted that “Treeline” should be one word. In addition, Ms. Hagen was misspelled under H2 and there were no public comments.

A **motion** was then made by Mr. Schrotenboer, seconded by Mr. Gordish and passed unanimously approving the April 24, 2023, Regular Board Meeting minutes, as amended.

2. Consider Resolution No. 2023-03 – Adopting a Fiscal Year 2023/2024 Proposed Budget

Resolution No. 2023-02 was presented, entitled:

RESOLUTION 2023-03

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ARBORWOOD COMMUNITY DEVELOPMENT DISTRICT APPROVING A PROPOSED BUDGET FOR FISCAL YEAR 2023/2024 AND SETTING A PUBLIC HEARING THEREON PURSUANT TO FLORIDA LAW; ADDRESSING TRANSMITTAL, POSTING AND PUBLICATION REQUIREMENTS; ADDRESSING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. McElligott went over the methodology, noting that while we are locked into the debt portion, we can adjust the O&M portion. Mr. McElligott presented an overview with Option A and Option B. Option A is currently being used and is gross acreage. Option B is net acreage or developable, with the lakes and preserves removed from the total. As seen in the chart, Somerset and Bridgetown will have slight decreases to O&M; all other developments will see an increase. Mr. Schrotenboer asked what was customary in other CDDs. Mr. Haber explained that Arborwood was unique in the breakdown of neighborhoods. Typically one neighborhood is one CDD or there are units of development with multiple bond issuances for each neighborhood. Mr. Gordish believes Option B would be more equitable as the golf course and G and H will pay their share. Mr. Gordish stated that \$60,000 for lake banks seemed to be too high and questioned the number. Mr. Haber reminded the Board that this was the proposed budget and assessments come down from these numbers, but not increase.

On Roll O&M Assessments

PARCEL	Neighborhood	Option A Gross Acres - Current	Option B Net Acres - New	Difference	% Difference
PARCEL A	Marina Bay & Botanica Lakes	\$52.67	\$60.51	\$7.84	14.89%
PARCELS B	Bridgetown	\$102.25	\$96.41	-\$5.84	-5.71%
PARCELS D/E	Somerset	\$299.93	\$253.57	-\$46.36	-15.46%
PARCEL C	Arborwood Preserve	\$62.63	\$74.90	\$12.27	19.59%
PARCEL D/E	Golf Course	\$41,864.26	\$69,215.00	\$27,350.74	65.33%

PARCEL G	Neighborhood Retail	\$2,933.72	\$4,205.19	\$1,271.47	43.34%
PARCEL H-1	Retail/ Commercial	\$1,558.80	\$2,517.01	\$958.21	61.47%
PARCEL H-2	RE Office	\$344.08	\$627.98	\$283.90	82.51%

A **motion** was made by Mrs. Pattison, seconded by Ms. Hagen adopting Resolution No. 2023-03, choosing Option B and setting the Public Hearing for August 21, 2023. Upon being put to a vote, the **motion** carried 4 to 1 with Mr. Schrotenboer dissenting.

3. Consider Individual Environmental Resource Permit –

This is a request from the property owner to adjust the permit. They are not seeking to change ours, but the CDD owns land that encompasses for the permit. Mr. Maastricht was present to answer any questions. The permit has been conditionally issued with the requirement that the CDD will provide a letter of authorization to water management. This dates to a previous project started in 2006. An ERP was issued so that would change the shape of the lake. The size of the lake would essentially be the same, but it would allow easements around the lake. A discussion ensued. Should we sell or grant a construction access agreement? If bond money was used, can we sell? Easement costs paid by the requester? There are 2 issues: the letter for the permit and rights to the property. Mrs. Pattison does not feel comfortable issuing those without additional information. The Board does not feel comfortable spending money to investigate the matter.

A **motion** was made by Mr. Gordish, seconded by Ms. Hagen and passed unanimously authorizing Mr. Schrotenboer to work with District staff and the landowner to sign an agreement to research the request.

G. OLD BUSINESS

1. Update Regarding Road and School Impact Fee Credits

Ms. Krizen has been pulling District records and we have been able to match amounts with an entity that should have been assigned the credits. However, it is still inconclusive. The process should have been: 1. The CDD would give the developer a certificate to take to the County. 2 The developer will take the certificate to the County for transfer. Currently, we are not sure where the breakdown occurred. What is best for the CDD? Do other parties have claims? A quiet claim is a process to notify all parties that you are interested in claiming the credits. Is that the correct choice?

A **motion** was made by Mr. Gordish, seconded by Ms. Hagen and passed unanimously authorizing Mr. Haber to research the proper methodology to quiet title or the best process and other obligations for the Road and School Credits.

H. NEW BUSINESS

1. Consider Proposal for Treeline Lighting and Repairs

The District only received one proposal from American Infrastructure in the amount of \$74, 590. It was noted that the District has an insurance claim that will be processed concurrently with this to cover the work minus the deductible.

A motion was made by Mr. Gordish, seconded by Mr. Schrotenboer and passed unanimously approving the proposal from American Infrastructure in the amount of \$74,590 for the Treeline lighting and repairs, as presented.

2. Review E-Mail from Lee County Commissioner Pendergrass' Office and Meeting Scheduled for June 5, 2023, Regarding Treeline Streetlights

Mr. Gordish noted that he had a meeting scheduled with Commissioner Pendergrass on June 5, 2023, to discuss the County assuming some of the District's lighting.

3. Consider Proposal for Lake Bank Repairs

Mr. Lorenz presented an updated proposal with finalized numbers.

A **motion** was made by Mr. Gordish, seconded by Ms. Hagen and passed unanimously approving the proposal from JR Evans Engineering in the amount of \$51,100 for lake bank repairs, as presented.

4. Consider Proposal from Woods and Wetlands for Exotic Maintenance

A **motion** was made by Mrs. Pattison, seconded by Ms. Hagen and passed unanimously approving the proposal from Woods and Wetlands in the amount of \$10,800 for exotic maintenance within the Parcel C Preserves.

I. ADMINISTRATIVE MATTERS

1. Manager's Report

a. Financials

The financials were presented and the Supervisors had no questions.

It was noted that the next meeting was scheduled for June 19, 2023, and the Public Hearing on the budget was set for August 21, 2023.

2. Attorney's Report

It was noted that the Board would be required to do annual training on ethics. More information will be provided as it becomes available.

3. Engineer's Report

Mr. Lorenz had nothing further to report.

4. Field Inspector's Report

Everyone was reminded that this was the dry season and that the lakes continued to recede and looked healthy. Year-to-Date rainfall is typically 10 inches – currently we are at 5 inches. The irrigation on the golf course is causing erosion, especially since it has been so dry. The 13th green repair needs additional attention.

5. Woods and Wetlands Report

There have been some inspections in the preserves in preparation of treatment. Treatment will take place in the next month or so. A reinspection will take place after the treatment. The dead tree will be topped or removed during the treatment.

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 Ms. Hagen, seconded by Mr. Aycock and passed unanimously adjourning the Regular Board Meeting at 10:45 a.m.

Secretary/Assistant Secretary

Chair/Vice-Chair

Arborwood Community Development District
Budget vs. Actual
October 2022 through May 2023

	<u>Oct '22 - May 23</u>	<u>22/23 Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Income				
01-3100 · O & M Assessments (On-Roll)	498,933.43	503,606.00	-4,672.57	99.07%
01-3305 · O&M Assesments-Off Roll-Lennar	0.00	1,011.00	-1,011.00	0.0%
01-3812 · Debt Assessments (2018)	2,612,263.40	2,636,069.00	-23,805.60	99.1%
01-3818 · Debt Assessments (2014)	598,350.35	603,623.00	-5,272.65	99.13%
01-3822 · Debt Assess-Pd To Trustee-2018	-2,504,383.15	-2,530,626.00	26,242.85	98.96%
01-3829 · Debt Asses-Pd To Trustee-2014	-573,640.10	-609,673.00	36,032.90	94.09%
01-3830 · Assessment Fees	-10,069.50	-10,000.00	-69.50	100.7%
01-3831 · Assessment Discounts	-143,126.27	-149,732.00	6,605.73	95.59%
01-3922 · Debt Direct Bill - Lennar(2014)	0.00	30,195.00	-30,195.00	0.0%
01-9400 · Other Revenue	1,375.00	18,000.00	-16,625.00	7.64%
Total Income	479,703.16	492,473.00	-12,769.84	97.41%
Expense				
01-1130 · Payroll Tax Expense	413.10	880.00	-466.90	46.94%
01-1131 · Supervisor Fees	5,400.00	11,000.00	-5,600.00	49.09%
01-1310 · Engineering	33,198.89	32,500.00	698.89	102.15%
01-1311 · Management Fees	25,712.00	38,568.00	-12,856.00	66.67%
01-1313 · Website Management	1,333.28	2,000.00	-666.72	66.66%
01-1315 · Legal Fees	5,892.00	22,000.00	-16,108.00	26.78%
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	150.00	500.00	-350.00	30.0%
01-1450 · Insurance	10,839.00	12,000.00	-1,161.00	90.33%
01-1480 · Legal Advertisements	1,724.16	5,500.00	-3,775.84	31.35%
01-1512 · Miscellaneous	1,354.49	3,300.00	-1,945.51	41.05%
01-1513 · Postage and Delivery	333.52	1,150.00	-816.48	29.0%
01-1514 · Office Supplies	531.70	2,300.00	-1,768.30	23.12%
01-1540 · Dues, License & Subscriptions	175.00	175.00	0.00	100.0%
01-1555 · Trustee Fees	4,246.25	30,000.00	-25,753.75	14.15%
01-1743 · Continuing Disclosure Fee	3,000.00	4,000.00	-1,000.00	75.0%

**Arborwood Community Development District
Budget vs. Actual
October 2022 through May 2023**

	<u>Oct '22 - May 23</u>	<u>22/23 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%
01-1815 · Miscellaneous Maintenance	13,556.01	0.00	13,556.01	100.0%
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	11,727.50	22,000.00	-10,272.50	53.31%
01-1820 · Panther Mitigation Mnt-Exotics	40,000.00	80,000.00	-40,000.00	50.0%
01-1822 · Street Lighting-Utility & Maint	4,645.32	13,000.00	-8,354.68	35.73%
01-1824 · Field Inspector - Somerset Only	17,216.08	25,500.00	-8,283.92	67.51%
01-1825 · Lake Maintenance-Somerset Only	30,712.00	46,100.00	-15,388.00	66.62%
01-1826 · Preserve Maint - Somerset Only	4,500.00	35,000.00	-30,500.00	12.86%
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>217,660.30</u>	<u>492,473.00</u>	<u>-274,812.70</u>	<u>44.2%</u>
Net Income	<u><u>262,042.86</u></u>	<u><u>0.00</u></u>	<u><u>262,042.86</u></u>	<u><u>100.0%</u></u>

Bank Balance As Of 5/31/23	\$ 650,137.75
Accounts Payable As Of 5/31/23	\$ 75,519.77
Other Assets As Of 5/31/23	\$ -
Total Fund Balance As Of 5/31/23	\$ 574,617.98

Series 2014A-1 Bond Balance As Of 5/31/23	\$ 4,220,000.00
Series 2014A-2 Bond Balance As Of 5/31/23	\$ 890,000.00
Series 2018A-1 Bond Balance As Of 5/31/23	\$ 18,750,000.00
Series 2018A-2 Bond Balance As Of 5/31/23	\$ 6,830,000.00
Total Bond Balance As Of 5/31/23	\$ 30,690,000.00