

**WEST VILLAGES IMPROVEMENT DISTRICT  
PUBLIC HEARING, SPECIAL BOARD MEETING & ATTORNEY-CLIENT SESSION  
SEPTEMBER 14, 2023**

**A. CALL TO ORDER**

The September 14, 2023, Special Board Meeting of the West Villages Improvement District (“WVID” or the “District”) was called to order at 11:00 a.m. in the Chambers Room of the City of North Port located at 4970 City Hall Boulevard, North Port, Florida 34286.

**B. PROOF OF PUBLICATION**

Proof of publication was presented which showed the notice of the Special Board Meeting had been published in the *Sarasota Herald-Tribune* on August 25, 2023, and September 1, 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	John Luczynski	Present in person
Vice Chairman	Steve Lewis	Present in person
Supervisor	Tom Buckley	Present in person
Supervisor	Christine Masney	Present in person
Supervisor	John Meisel	Present in person

Staff members in attendance were:

District Manager	William Crosley	Special District Services, Inc.
District Manager	Todd Wodraska	Special District Services, Inc.
District Manager	Andrew Karmeris	Special District Services, Inc.
Finance	Michael McElligott	Special District Services, Inc.
District Counsel	Lindsay Whelan	Kutak Rock LLP
District Engineer	Giacomo Licari (via Zoom)	Dewberry

Also present were Cynthia Wilhelm of Nabors, Giblin & Nickerson; and Spencer Anderson, Sarasota County Engineer.

Also see the sign-in sheet.

**D. DISCUSSION REGARDING PUBLIC DECORUM AT BOARD MEETINGS**

Mr. Luczynski went over the District’s public comment policy that was adopted in 2016 and read aloud remarks pertaining to the policy, which is attached hereto.

**E. COMMENTS FROM THE PUBLIC ON ALL AGENDA ITEMS**

Pam Kantola commented that she felt the District was not following Florida Statutes when it comes to calculating the turnover of board seats.

## **F. APPROVAL OF MINUTES**

### **1. August 17, 2023, Regular Board Meeting & Attorney-Client Session**

Mr. Lewis suggested changing the reference in agenda item I2 to state Taylor Morrisson instead of “developer” to ensure no one confuses which developer is being referenced as responsible for paying the road expenses. Mr. Lewis also suggested changing the word from “developer” and instead naming “Mattamy Tampa/Sarasota LLC” in agenda item K1 for the responsibility to pay bond issuance due diligence if the bond does not close. Mr. Lewis also suggested that agenda item G3 be rewritten for clarity on when the irrigation system could be running after a rainfall event, and that the new agreed upon meeting time was changed to 10:00 not 9:00 a.m.

Mr. Meisel stated that he made an inquiry at the last meeting as to whether a conference call was held where both GovRates and Manson Bolves representatives attended. Ms. Whelan stated that after the August meeting she reviewed her notes and confirmed that WVID staff and GovRates had one call with Manson Bolves to ask them to provide backup for any capital installation costs that the master developer has funded and what its position was regarding the existing contractual well availability rate.

A **MOTION** was then made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously approving the August 17, 2023, Regular Board Meeting & Attorney-Client Session minutes, as amended.

## **G. ATTORNEY-CLIENT SESSION RELATIVE TO GRAN PARADISO HOA IRRIGATION LITIGATION**

Ms. Whelan stated that there was no need for advice from the Board at this time.

Mr. Meisel stated that he reached out to Ms. Whelan prior to the September meeting requesting that she seek a formal opinion from the Ethics Commission on whether Supervisors could vote on certain district matters and asked if she had reached out to the Commission. Ms. Whelan stated that she had previously discussed with Mr. Meisel that her firm’s legal representation is to the entire District Board acting as a collegiate body, not individual Supervisors, and that nothing prohibits individual Supervisors from retaining their own legal counsel to represent them relative to their ethical obligations or from contacting the Commission on Ethics on their own behalf. However her firm, as legal counsel to the WVID , does not have the authority to expend public funds on matters like these related to individual Supervisors without receiving direction from the Board to do so.

A **MOTION** was made by Mr. Meisel authorizing Ms. Whelan to reach out to Ethics Commission to determine if Supervisors voting on issues that come before the Board relative to the FY 24 budget that may benefit their employer is a conflict of interest.

Mr. Lewis stated that he preferred for the current process to play out for the Commission on Ethics to make a determination relative to whether an ethics violation has occurred by the Supervisors relative to their employment with the master developer.



Ms. Whelan inquired as to why Supervisor Meisel was concerned about the adoption of the FY 24 budget. Supervisor Meisel stated that he was concerned about the Unit 6 assessment as it relates to the irrigation litigation and the distribution of assessments which in his opinion could be a potential conflict of interest.

Ms. Whelan stated she does not represent individual Supervisors and she is not advising them personally, but that generally she wanted Supervisor Meisel to be aware that there is an exception to the prohibition against special district board members voting on matters that inure to the benefit of their employer that exists for one-acre one-vote landowner-elected board members and that this definition includes all four of the WVID Board members that are employed by the master developer. She then explained the history of special districts. She specifically discussed that Florida law expressly provides that it is the landowners that initially elect board members for special districts and that those board members are most often employees or representatives of the landowner or master developer since they have development expertise which is needed during the period of time that the districts are under active land development. Residents generally do not have expertise in coordinating the urban development of large tracts of land. The voting conflicts exception for one-acre one-vote special district board seats exists in Florida law because these boards are voting on matters all the time that ultimately affect the landowners within a district, including the master developer who is a landowner and their employer, and that the purpose of a special district would be frustrated without this exemption. She added that in her opinion no special district in the State could adopt a budget if the law was applied the way Supervisor Meisel was interpreting the law.

Supervisor Meisel stated every WVID Supervisor had a fiduciary responsibility to not only the landowners but to the residents as well.

Mr. Meisel's **MOTION** failed for a lack of a second.

Supervisor Meisel stated that he planned to file ethics complaints against the Supervisors.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously to recess the Special Board Meeting and open the Public Hearing.

## **H. GENERAL DISTRICT MATTERS**

### **1. Public Hearing – Fiscal Year 2023/2024 Final Budget**

#### **a. Proof of Publication**

Proof of publication was presented which showed the notice of the Public Hearing had been published in the *Sarasota Herald-Tribune* on August 25, 2023, and September 1, 2023, as legally required.

#### **b. Receive Public Comment on Fiscal Year 2023/2024 Final Budget and Assessments**

Ruth Theurer complimented the Board and administrative staff on the unit guide that was included with the assessment letters that were sent to each resident as a result of an increase to operations and maintenance assessments. Ms. Theurer also suggested that residents attend the meetings and listen and educate themselves on District matters.



Pam Kantola commented that the Gran Paradiso Property Owners Association (GPPOA) has still not been reimbursed for Hurricane Ian damages. Ms. Kantola also commented that she is not supportive of the District billing the residents for its defense relative to the irrigation lawsuit.

Chairman Luczynski stated that Ms. Kantola's comments on the GPPOA not yet being reimbursed for Hurricane Ian damages was not telling the whole story of what has occurred to date, and that he wanted to correct the record. He stated that he was entitled as Chairman of the Board to respond to public comments that are not accurate to avoid the dissemination of false information.

Ms. Kantola and other residents made public outbursts at which time a representative of the City of North Port Police Department determined that it was necessary to maintain order and requested meeting attendees refrain from public outbursts or that the meeting could not continue. Chairman Luczynski asked that Ms. Kantola be removed from the meeting and called for a 10 minute recess to the meeting and public hearing at 12 PM. Ms. Whelan sounded the halls and the meeting resumed at 12:10 PM.

Chairman Luczynski stated that he wanted to provide some data and information in regards to Ms. Kantola's comment regarding nonpayment of Hurricane Ian damages to the GPPOA. Chairman Luczynski stated that he sent an email to the GPPOA board members and staff on about June 6<sup>th</sup> requesting invoice documentation showing that the money that the GPPOA spent on the Hurricane Ian damages was completed only on District property and not on any POA or resident property. Since WVID is a government entity, it is not appropriate for the Board to spend public money to maintain private property. After months of asking for this documentation without the GPPOA providing invoices to confirm that the work was only done on WVID property, he stated that he then offered to approve payment upon receiving a notarized affidavit of both 1) a representative of the GPPOA and 2) their contractor(s) that said all of the work that was done on District property and no money was spent on private property. To date neither Ms. Kantola nor anyone else on the GPPOA board has even given the respect to WVID to respond to that email. Chairman Luczynski additionally stated that there have been other emails sent from District staff to the GPPOA board and staff on July 6<sup>th</sup>, August 25<sup>th</sup>, and as more recently asking for the same information. He stated that the WVID Board is not improperly holding any money back, and it is unfair that WVID staff is being beleaguered every month by Ms. Kantola and others stating that those bills have not been paid and insinuating that the District is doing something improper.

Ms. Masney asked Supervisor Meisel, as a resident of Gran Paradiso, if he had any comments on this matter. Supervisor Meisel stated that he was not on the GPPOA board and does not speak to the GPPOA board on any matters related to the GPPOA. Chairman Luczynski stated that he did not believe Supervisor Meisel's statement that he was not currently in communication with the GPPOA board members and their legal counsel.

Manager Crosley confirmed that all of the emails sent for requests for documentation have been copied to the entire GPPOA board of directors, GPPOA Manager Michelle LeCroy, the District Chairman, and District Counsel.

Paul Maloney stated his dissatisfaction on the Unit 6 special assessment being considered for legal representation to defend the frivolous Gran Paradiso Property Owners Association irrigation lawsuit and prefers that these costs be assessed in Unit 3.

Jennifer Detweiler stated that she is in agreement with Mr. Maloney, Mr. Cobb and Mr. Brady's statements, and that she desired unity in the Wellen Park community.



Jim Cranston stated that he wanted to let everyone know there were many residents who oppose GPPOA's irrigation litigation efforts, and who will strongly endorse both the WVID FY 24 budget decision and the District's urbanization map. Mr. Cranston stated that the GPPOA irrigation lawsuit was initiated against the District, in violation of Chapter 720 of the Florida Statutes which requires a homeowner vote needed to pursue litigation in advance of filing the litigation. Mr. Cranston asked why the legal defense of the GPPOA irrigation lawsuit should be burdened by all of the communities in Wellen Park instead of just Gran Paradiso that brought the lawsuit. He further stated that he looks forward to supporting the District Board and being part of the solution.

Steve Glunt thanked the WVID Board for their work. Mr. Glunt also stated that civility on both sides of the GPPOA irrigation litigation is needed and that he desires to get all parties to the table to sit down and talk.

Manager Crosley read statements from Larry Cobb and Neil Brady who were not able to attend the public hearing, but provided written statements which will be entered into the official record.

Manager Crosley made a brief presentation of the 2023-2024 Budget by unit of development. Mr. Crosley explained the District's budget process started back in June when a budget workshop was held on June 19<sup>th</sup>, 2023, with Chairman Luczynski and Supervisor Meisel attending along with District staff and several residents. At the budget workshop, the details of the proposed FY 24 budget were reviewed by unit of development and that there was detailed discussion for each unit. The proposed budget was then presented to the WVID Board at its June 27, 2023, meeting where the Board approved the proposed budget, as presented, with no changes. Manager Crosley indicated that there have been no substantive changes from the proposed budget in the version of the final budget you are reviewing today at your public hearing.

Supervisor Meisel stated the assessments have to have a direct beneficiary to the property and asked who is benefitting from the assessment to Unit 6. Ms. Whelan responded that Florida law requires that assessments be fairly and reasonably allocated among the benefited land. Michael McElligott of SDS stated that Unit 6 was created for the sole purpose of being an enterprise fund relative to the District's provision of irrigation service to its customers so that is an appropriate unit to capture litigation expenses, along with Unit 3 which filed the lawsuit. He stated that all connected users of the District's irrigation utility benefit from the operation of that utility, including relative to the defense of litigation related to the operation of the utility. Unlike the irrigation fees charged by WVID relative to the provision of irrigation water, which hinge on how much water is received from users and their proportionate use of the system, all connected users benefit from the operation of the irrigation utility relative to the District's extra-ordinary expenses related to the defense of litigation equally if they are receiving irrigation water from the District.

Supervisor Meisel stated that he wanted assessments for legal defense to be in Unit 1 because Islandwalk would then be included since they drive by an irrigated roadway right-of-way on US 41. He also stated that he had issue with the assessment allocation not being on an ERU basis.

Supervisor Meisel cited the Boca Raton v. State of Florida case and asked Ms. Whelan if she was aware of the case. Ms. Whelan confirmed that she was aware of the case and that it establishes the legal requirements for a special assessment. Mr. Meisel then threatened to coordinate a lawsuit against the District relative to the Unit 6 assessment.



Mr. McElligott offered that the District is not bound to use an ERU schedule utilized to bill irrigation user fees for the District's provision of water, which is charged based on volume in determining its assessment allocation. He stated that there are different requirements and considerations for determining the allocation of rates/fees and the allocation of special assessments. He reiterated that the irrigation rates are charged per the irrigation rate study, which was not prepared by an assessment consultant, based on metrics tied to a property's use or volume of water received by the District. However, the extra-ordinary costs related to the litigation affect all connected users the same regardless of lot size, and so the litigation affects and benefits all connected users equally regardless of how much water they are receiving.

Chairman Luczynski stated that in response to prior public comments, if the GPPOA wants to settle the irrigation lawsuit then they need to provide an offer of settlement to the District since they are the party that filed the lawsuit. The Chairman discussed the vast reliance on wells to receive irrigation water in Gran Paradiso, and the fact that the 2009 irrigation supply agreement between the GPPOA and WVID was only for Englewood Water District (EWD) reclaimed water and no other source, unlike the current WVID irrigation supply agreement that the GPPOA is challenging which provides for the District's provision of irrigation water from stormwater, well water, and reclaimed water from three different sources. He reminded the Board that that the District's agreement with EWD for reclaimed water will terminate in March 2024, at which point EWD will cease providing water to the District and so if the 2009 irrigation water supply agreement between WVID and GPPOA is deemed by the Court to be the operative irrigation supply agreement to the Gran Paradiso community, then it appears that Gran Paradiso will be left without any source of supply of irrigation water. Mr. Meisel indicated that he believed that the EWD agreement will not terminate until 2026. Ms. Whelan confirmed that EWD had previously provided the District with a 5-year termination notice and that it will cease providing water to the District in early 2024.

Chairman Luczynski went on to state that if the District does not have well water because the well availability fee is not in place and we no longer have a commitment from the owner of the well rights to provide us with the water drawn from the wells, then there will not be enough irrigation quality water to properly irrigate the overall Wellen Park project. He stated that unfortunately reclaimed water will never provide more than 20%-40% of the total irrigation demand for the project and so the District has to also rely on stormwater and well water for its total irrigation demand.

Supervisor Lewis asked Supervisor Meisel to provide solutions to matters affecting the District and its residents and landowners instead of only grandstanding and criticizing the District. Upon being asked by Supervisor Meisel to provide examples, Supervisor Lewis responded that he believes Supervisor Meisel wearing his "vote yes on deannexation" t-shirt supporting Mr. Meisel's political action committee during WVID's August and September Board meetings is an example.

Ms. Whelan stated in response to Mr. Meisel's questions on the Unit 6 assessment that, pursuant to Florida law, the District has broad latitude in determining the appropriate assessment areas as well as the method of assessment allocation, and that she believed the District's budget and assessment consultants from SDS discussed in detail their rationale for the Unit 6 assessment and allocation. Ms. Whelan further noted that in a project of this size, multiple areas can benefit from a given assessment and that for example, the lands within Unit 3 also likely benefit in a manner that is able to be allocated fairly and reasonably since the lawsuit relates to an attempt to invalidate irrigation supply agreements between WVID and the GPPOA. However, upon threats from Mr. Meisel at prior meetings that he would file a lawsuit against the District if it were to assess Gran



Paradiso for the litigation that its homeowners' association filed against the District, District staff determined that while both Unit 3 and Unit 6 benefit, Unit 6 appeared to be the more prudent unit for the costs to be captured, at least initially until the conclusion of the litigation, in order to ward off threatened litigation on this topic.

Ms. Whelan also discussed that Unit 6 is the unit specifically established for the District's provision of irrigation service to its users and so Unit 1, for example, does not seem like an appropriate unit because we have an established unit for irrigation matters. Also, the Unit 1 boundary is both over-inclusive in that it includes developed property that WVID does not provide irrigation service to and is under-inclusive in that it does not include undeveloped property located in Sarasota County that the District will provide service to in the future once development proceeds in that area. Ms. Whelan stated that she can appreciate Supervisor Meisel's desire to advocate that the WVID Board should change the assessment area and allocation proposed by the District's professional assessment and budget consultants in a manner that reduces his FY 24 assessment, however just because a resident or landowner does not like the assessment allocation or the amount does not make the assessment wrong or legally improper.

Ms. Whelan further stated that the FY 24 budget, including the Unit 6 assessment area and assessment allocation, was discussed in significant detail at the WVID budget workshop held in June and which was attended by Supervisor Meisel, Chairman Luczynski, and District residents and that Supervisor Meisel did not raise any of these concerns at that workshop meeting. She further stated that the FY 24 budget presented and adopted at the June WVID Board meeting was substantially the same as that presented at the budget workshop and that Supervisor Meisel did not raise any of these concerns at that meeting either. She explained that the maximum FY 24 special assessment caps were set based on the budget and assessment levels in the proposed FY 24 budget that was approved by the District at the June Board meeting, and at this point it's not even legally possible to move an assessment to a different unit because then we would have not provided residents and landowners the legally required notice as to their maximum FY 24 special assessment levels.

Supervisor Meisel stated that he felt he had addressed his concerns about the Unit 6 assessment and would vote against adoption of the budget.

**c. Consider Resolution No. 2023-17 – Adopting a Fiscal Year 2023/2024 Final Budget**

Resolution No. 2023-17 was presented, entitled:

**RESOLUTION 2023-17**

**THE ANNUAL APPROPRIATION RESOLUTION OF THE WEST VILLAGES IMPROVEMENT DISTRICT ("DISTRICT") RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGETS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.**

A **MOTION** was made by Mr. Lewis. Seconded by Ms. Masney adopting Resolution No. 2023-17, as presented. Upon being put to a vote, the **MOTION** carried 4 to 1 with Mr. Meisel dissenting.

The Public Hearing was then closed and the Special Board Meeting was reconvened.

**d. Consider Resolution No. 2023-18 – Adopting a Fiscal Year 2023/2024 Assessment Roll**

Mr. Crosley presented Resolution No. 2023-18, entitled:

**RESOLUTION 2023-18**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WEST VILLAGES IMPROVEMENT DISTRICT MAKING A DETERMINATION OF BENEFIT AND IMPOSING SPECIAL ASSESSMENTS FOR FISCAL YEAR 2023/2024; 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. Lewis, seconded by Mr. Buckley and passed unanimously adopting Resolution No. 2023-18, as presented.

**2. Consider Form of Direct Collection Agreement**

Ms. Whelan explained that this agreement provides an additional collection mechanism for undeveloped lands which are directly billed their special assessments. Entering into this agreement provides the District with greater protection in an unlikely event of default by a direct-billed landowner as it allows the District to pursue foreclosure of its assessment lien based on both assessment and contract law principles. She indicated that the Board is being asked to approve the form of the direct collection agreement and that her office would work with the District Manager's office to get a separate agreement prepared for each direct-billed landowner.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously approving the Form of Direct Collection Agreement, as presented.

**3. Consider Resolution No. 2023-19 – Adopting a Fiscal Year 2023/2024 Meeting Schedule**

Resolution No. 2023-19 was presented, entitled:

**RESOLUTION NO. 2023-19**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WEST VILLAGES IMPROVEMENT DISTRICT, ESTABLISHING A REGULAR MEETING SCHEDULE FOR FISCAL YEAR 2023/2024 AND SETTING**



**THE TIME AND LOCATION OF SAID DISTRICT MEETINGS; AND  
PROVIDING AN EFFECTIVE DATE.**

It was noted that this schedule follows the historical meeting day of the second Thursday of each month with the exception that the Board Meeting time will now be at 10:00 a.m.

A **MOTION** was made by Mr. Luczynski, seconded by Mr. Lewis and passed unanimously adopting Resolution No. 2023-19, as presented.

**4. Discussion Regarding Response from Sarasota County Regarding Urbanization Map**

Ms. Whelan stated that for the benefit of residents in attendance today that may not have attended our last several Board meetings, the District is required by the Florida Statutes to have an urbanization map completed at least every 5 years to determine when the next Board seat will turn over from being elected on a one-acre one-vote landowner basis to a qualified elector/resident basis. The next seat turns over once 26% of the lands within the District is deemed to be urbanized as defined in Florida Statutes. The District Engineer prepared and presented its map at the District's June meeting which found that the District is 8.17% or 20.41% urbanized, depending on how strictly the language of the Florida Statutes is construed. The District received a challenge to that map from David Fernstrum who is a resident within the District. Pursuant to Florida law, upon receiving a challenge to its maps the District is required to have the County Engineer prepare its own independent map for presentation to the Board. So what the Board is reviewing today is the independent map prepared by Sarasota County for the Board's consideration.

Spencer Anderson, Sarasota County Engineer, reviewed Sarasota County's urbanization report which found that the District is 21.8% urbanized.

Supervisor Meisel asked how many urbanization calculations the county has performed in the past. Mr. Anderson responded that this was the first calculation that the County has performed.

Supervisor Meisel asked Mr. Anderson what the letters "PE" stand for after his name. Mr. Spencer responded that it is a professional engineering license in the State of Florida.

Mr. Meisel asked if Mr. Anderson reached out to any American Institute of Certified Planners (AICP) to validate what he was validating on his report. Mr. Anderson responded that he consulted with the County Planning and Development Services Department including those with AICP's, as well as the County Attorneys' office to develop the map that was issued to the District.

Mr. Meisel asked how much of the area would be permanently uninhabitable which would then not qualify towards the total number of acres for urbanization and why was it left out of the denominator if it will never be inhabited. Mr. Anderson responded that the Florida Statutes did not require the County to determine urbanization within only the developable portions of the district boundary and that the statute requires the County to determine urbanization within the entire district boundary.

Chairman Luczynski stated that the County used occupancy permits as of June 30, 2023, as opposed to Dewberry using information as of January 1, 2023, and that he believes that those two points lead to the 1.4 % difference of urbanization on the two reports.



Supervisor Lewis commented that he understood why this calculation is contentious because the statute is unclear and there could be multiple opinions on how to construe it, and it's a subjective calculation. Supervisor Lewis stated that he felt that it was in the District residents' and landowners' best interest to amend the existing District enabling legislation to change the turnover provision from the existing calculation to the formula that other improvement and stewardship districts in the State utilize without issue.

Supervisor Meisel stated that he reached out to AICP planner Bill Spikowski who feels that the District and the County are calculating the urbanization incorrectly. Supervisor Meisel then stated that he was aware of residents who would file a lawsuit against the district challenging the urbanization calculation and that he was putting the District Supervisors on notice that it will happen if the WVID Board adopts the study that has been done.

A **MOTION** was made by Mr. Luczynski, seconded by Ms. Masney approving the Dewberry urbanization report, as presented. Upon being put to a vote, the **MOTION** carried 4 to 1 with Mr. Meisel dissenting.

The Board discussed the possibility of obtaining a legislative amendment to its special act to change the process that WVID has to follow relative to the turnover of Board seats from a subjective standard to an objective standard based on a formula that other special districts throughout the State utilize.

Ms. Whelan explained, for the benefit of residents in attendance today that may not have attended the June Board meeting where this topic was previously discussed, that no special improvement and stewardship districts established over the last 20 or so years that she is aware of use the subjective urbanization calculation process in Ch. 189 of the Florida Statutes that WVID's enabling legislation requires it to utilize. The vast majority, if not all, of the stewardship and improvement districts established since WVID follow an objective formula to determine when a seat converts over to a resident-elected seat. Ms. Whelan summarily explained that the formula is based on anticipated population within WVID. She identified that you would take the projected total build-out population and reduce that amount to account for the amount of people anticipated to be over 18 and registered to vote in Sarasota County, which is based on objective US Census and Sarasota County Supervisor of Elections records. Once you determine the anticipated total number of registered electors living within the District, each seat turns over at every 1/5 interval. The annual number of registered electors is routinely calculated for other special districts, and is calculated and distributed by the County Supervisor of Elections. District staff would utilize the annual number of registered electors provided by the County to determine when the next Board seat would turn over to a general election process. Ms. Whelan stated that the benefit of this alternative method is that it's an objective calculation. She stated that the question of when another Board seat turns over is essentially a non-issue for all other improvement and stewardship districts and that WVID is one of the only districts that continues to have these discussions and debate on resident turnover requirements since it utilizes the antiquated urbanization calculation process set forth in Chapter 189 of the Florida Statutes.

A **MOTION** was then made by Mr. Lewis authorizing District staff to take the actions necessary to change WVID's procedure of determining when a seat is converted to a resident-elected seat to follow the objective method that is consistent with other special districts throughout the State of Florida.



Supervisor Meisel state that he wanted to see the calculation to see if it benefitted a faster resident turnover prior to making a decision on whether to amend the District's special act and that he did not want to incur the cost of a legislative amendment.

Supervisor Lewis responded that the turnover threshold that an objective formula calculates should not matter in this inquiry and that the whole point is that it is a fair and neutral calculation that other special districts throughout the State have used for 20 years without issue. He stated that by proceeding with the legislative amendment, the District would end up saving on litigation costs since every year it adopts its urbanization report under threat of litigation from residents and a legislative boundary amendment will be more cost efficient than litigation.

Chairman Luczynski inquired regarding timing and cost. Ms. Whelan advised that the 2024 legislative session is fast approaching and that she would do her best to get this matter timely coordinated, but in any event she needs Board direction at this meeting in order to proceed with a legislative amendment for the 2024 legislative session in order to comply with legislative rules relating to filing these types of bills. She estimated the expense to amend the District enabling legislation to be approximately \$60,000, with cost efficiencies likely gained by the fact that WVID is requesting the Legislature to allow it to use an objective process that they are familiar with and that other stewardship and improvement districts utilize without issue.

Mr. Lewis' **MOTION** was seconded by Ms. Masney and upon being put to a vote, the **MOTION** carried 4 to 1 with Mr. Meisel dissenting.

## **I. UNIT OF DEVELOPMENT NO. 1**

### **1. Consider Change Order No. 4 between the District and The deMoya Group, Inc. for Wellen Park Boulevard Roundabout & US41/SR 45 Improvements Project**

Mr. Crosley explained that Change Order No 4 reflects an increase of \$500,000 due to utility delays, extended overhead, and extended maintenance of traffic. This increase brings the new contract total to \$10,398,370.34.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Luczynski and passed unanimously approving Change Order No. 4 between the District and The deMoya Group, Inc. for Wellen Park Boulevard Roundabout & US41/SR 45 Improvements Project in the amount of \$500,000, as presented.

## **J. UNIT OF DEVELOPMENT NO. 3**

### **1. Discussion Regarding Matters Related to GP Litigation**

There was nothing to discuss under this standing matter.

## **K. UNIT OF DEVELOPMENT NO. 7**

### **1. Consider Matters Relating to 2023 Bonds**

Ms. Whelan discussed a general overview of the bond issuance process and explained that this issuance is for Tract F-3 in Village F and Phases 1A, 1B, and 2A in Village G-1B and does not affect any existing landowners.

**a. Consider Preliminary Supplemental Engineer's Report**

Mr. Licari presented the Preliminary Supplemental Engineer's Report outlining the cost of the capital improvement plan for neighborhood infrastructure improvements Tract F-3 in Village F and Phases 1A, 1B, and 2A in Village G-1B. Mr. Licari confirmed that these costs are reasonable for a project of this size and scope.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously approving the Preliminary Supplemental Engineer's Report, in substantial form.

**b. Consider Preliminary Supplemental Assessment Methodology Report**

Mr. Karmeris presented the Preliminary Supplemental Assessment Methodology Report and explained the assessments are fairly and reasonably allocated and that the methodology is consistent with previous methodologies.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously approving the Preliminary Supplemental Methodology Report, in substantial form.

**c. Consider Resolution No. 2023-21 – Adopting a Delegated Award Resolution**

Resolution No. 2023-21 was presented, entitled:

**RESOLUTION NO. 2023-21**

**A RESOLUTION DELEGATING TO THE CHAIRMAN OF THE BOARD OF SUPERVISORS OF WEST VILLAGES IMPROVEMENT DISTRICT (THE "DISTRICT") THE AUTHORITY TO APPROVE THE SALE, ISSUANCE AND TERMS OF SALE OF WEST VILLAGES IMPROVEMENT DISTRICT SPECIAL ASSESSMENT REVENUE BONDS (UNIT OF DEVELOPMENT NO. 7), SERIES 2023 (VILLAGES F-3 AND G-1), AS A SINGLE SERIES OF BONDS UNDER THE MASTER TRUST INDENTURE (THE "SERIES 2023 BONDS") IN ORDER TO FINANCE THE SERIES 2023 PROJECT; ESTABLISHING THE PARAMETERS FOR THE PRINCIPAL AMOUNTS, INTEREST RATES, MATURITY DATES, REDEMPTION PROVISIONS AND OTHER DETAILS THEREOF; APPROVING THE FORM OF AND AUTHORIZING THE CHAIRMAN TO ACCEPT THE BOND PURCHASE CONTRACT FOR THE SERIES 2023 BONDS; APPROVING A NEGOTIATED SALE OF THE SERIES 2023 BONDS TO THE UNDERWRITER; RATIFYING THE MASTER TRUST INDENTURE AND APPROVING THE FORM OF FOURTH SUPPLEMENTAL TRUST INDENTURE AND AUTHORIZING THE EXECUTION AND DELIVERY THEREOF BY CERTAIN OFFICERS OF THE DISTRICT; APPOINTING A TRUSTEE, PAYING AGENT AND BOND REGISTRAR FOR THE SERIES 2023 BONDS; APPROVING THE FORM OF THE SERIES 2023 BONDS; APPROVING THE FORM OF AND AUTHORIZING THE USE OF THE PRELIMINARY LIMITED**



**OFFERING MEMORANDUM AND LIMITED OFFERING MEMORANDUM RELATING TO THE SERIES 2023 BONDS; APPROVING THE FORM OF THE CONTINUING DISCLOSURE AGREEMENT RELATING TO THE SERIES 2023 BONDS; AUTHORIZING CERTAIN OFFICERS OF THE DISTRICT TO TAKE ALL ACTIONS REQUIRED AND TO EXECUTE AND DELIVER ALL DOCUMENTS, INSTRUMENTS AND CERTIFICATES NECESSARY IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE SERIES 2023 BONDS; AUTHORIZING THE VICE CHAIRMAN AND ASSISTANT SECRETARIES TO ACT IN THE STEAD OF THE CHAIRMAN OR THE SECRETARY, AS THE CASE MAY BE; SPECIFYING THE APPLICATION OF THE PROCEEDS OF THE SERIES 2023 BONDS; AUTHORIZING CERTAIN OFFICERS OF THE DISTRICT TO TAKE ALL ACTIONS AND ENTER INTO ALL AGREEMENTS REQUIRED IN CONNECTION WITH THE ACQUISITION AND CONSTRUCTION OF THE SERIES 2023 PROJECT; AND PROVIDING AN EFFECTIVE DATE.**

Ms. Wilhelm presented the Delegated Award Resolution which delegates to the Chairman of the Board the authority to enter into a bond purchase contract and approves the forms of certain documents needed in order to market, price, and sell the bonds.

A **MOTION** was made by Mr. Buckley, seconded by Mr. Lewis and passed unanimously adopting Resolution No. 2023-21, as presented.

**d. Consider Draft Ancillary Financing Agreements**

- **Acquisition Agreement**
- **Collateral Assignment Agreement**
- **Completion Agreement**
- **True-Up Agreement**

Ms. Whelan presented the forms of the ancillary financing agreements and indicated that these are substantially the same forms approved by the Board in previous bond issuances and that they protect the District's interests.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Luczynski and passed unanimously approving the above referenced forms of the ancillary financing agreements, in substantial form.

**L. UNIT OF DEVELOPMENT NO. 10**

**1. Consider Resolution No. 2023-22 – Unit Designation Resolution**

Resolution No. 2023-22 was presented, entitled:

**RESOLUTION 2023-22**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
THE WEST VILLAGES IMPROVEMENT DISTRICT**

**DESIGNATING “WEST VILLAGES IMPROVEMENT DISTRICT UNIT OF DEVELOPMENT NO. 10;” SETTING A HEARING ON THE APPROVAL AND CONFIRMATION OF THE ESTABLISHMENT OF SUCH UNIT; PROVIDING FOR RECORDATION OF THIS RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Ms. Whelan advised that the District has received a petition to establish a new unit of development for a development project in Village I referred to as “Palmera.” She explained that the adoption of this resolution will kick off the unit establishment process and a public hearing will be held on the unit establishment at the District’s October Board meeting. It is anticipated that bond issuance proceedings will commence at some point after that public hearing.

A **MOTION** was made by Mr. Buckley, seconded by Mr. Lewis and passed unanimously adopting Resolution No. 2023-22, as presented.

**2. Consider Bond Financing Team Funding Agreement**

Ms. Whelan presented the bond financing team funding agreement for proposed Unit 10 which provides that the landowner wanting to establish this unit will be responsible for all District costs associated with this issuance in the unlikely event that the bonds do not close. Ms. Whelan indicated that this is substantially the same agreement as prior forms used for prior bond issuances.

A **MOTION** was made by Mr. Buckley, seconded by Mr. Lewis and passed unanimously approving the Bond Financing Team Funding Agreement, as presented.

**3. Consider Rule G17 Underwriting Agreement with FMS Bonds, Inc.**

Ms. Whelan presented the underwriting agreement and explained that approving this agreement today will allow FMS Bonds to proceed with due diligence and document preparation relative to the financing.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously approving the Rule G17 Underwriting Agreement with FMS Bonds, Inc., as presented.

**M. ADMINISTRATIVE MATTERS**

**1. District Engineer**

Mr. Licari stated that he sent the GPPOA a memo and plan for roadway resurfacing for the District-owned roads in Gran Paradiso. A response has not been received as of this meeting.

Mr. Licari also advised that the Playmore road resurfacing project was still being coordinated with the contractor and that a schedule has not yet been set.

**2. District Attorney**

There was no report at this time. **3. District Operations’ Manager**



Mr. Johanneman updated the Board on the Islandwalk outfall project. The Islandwalk side of the project has been completed and land restored back to the original condition and the District side of the outfall is operational and flowing.

#### **4. District Manager**

Mr. Crosley advised that the next meeting was scheduled for October 12, 2023, at 10:00 a.m.

#### **N. BOARD MEMBER COMMENTS**

Supervisor Meisel asked if someone could send him the proposed formula for the Board seat turnover conversion. Ms. Whelan responded that she would be happy to send that to him. There was further discussion with the Board regarding who would be eligible to vote in elections once a Board seat transitioned pursuant to the Chapter 189 process that the District is currently required to utilize.

Ms. Whelan explained that pursuant to the District's current turnover process, only "qualified electors" can vote for the transitioned seats which is limited to landowners who are registered to vote within the District. However, the turnover formula that most all other special districts utilize and that has been requested by the Board at today's meeting utilizes a more expansive eligibility that includes any resident of the District who is registered to vote, whether a landowner or renter. So if the District changes its Board turnover requirements to the more modern and widely-used method, more people within the District will have the right to vote in future District general elections versus the method that WVID is currently following.

#### **O. ADJOURNMENT**

There being no further business to come before the Board, the Special Board Meeting was adjourned at 1:54 p.m. on a **MOTION** made by Mr. Lewis, seconded by Ms. Masney and passed unanimously.

  
Secretary/Assistant Secretary

  
Chair/Vice Chair

**Remarks by WVID Chairman John Luczynski**  
**Public Decorum at WVID Board of Supervisors Meetings**  
*Updated: August 7, 2023*

I'd like to take a few moments today to review the West Villages Improvement District public comment policy, specifically as it relates to public decorum during meetings and workshops.

The WVID policy includes rules governing decorum at public meetings and workshops, particularly when addressing the Board of Supervisors. However, outbursts during recent meetings have made it clear it was not only necessary for the Board to review the policy, but also take steps to ensure it is being properly enforced.

The policy, which was approved in 2016, definitively states:

- Community members wishing to speak must direct their comments to the Board as a whole, not a specific member of the Board or any staff member.
- No person, other than a Board member or staff member, can enter into a discussion with a public speaker while they are speaking, without the permission of the chairman or presiding officer.
- Speakers and attendees must refrain from disruptive behavior, making vulgar or threatening remarks, or launching personal attacks against the Board, staff or community members.

The WVID policy gives the chairman or presiding officer the discretion to remove attendees who disregard the rules from the meetings. In this scenario, the presiding officer may declare a recess and contact local law enforcement. If a person does not immediately leave the premise, the presiding officer may request that the person be placed under arrest.

The prevalence of disruptive behavior by some attendees has proven there is a need to strictly enforce the WVID public comment and public decorum policy. This includes adding a law enforcement presence, who will have the authority to remove attendees who have been deemed unruly and out of order.

The WVID Board of Supervisors encourages citizen participation and appreciates civil feedback from attendees. Thank you for your cooperation and support so that we may conduct business in a respectful and professional manner.



Revd  
9/13/23  
wrc

WVID Supervisors, staff, ladies and gentlemen:

I am a permanent resident of Mattamy Renaissance since 2019. I am writing the WVID Board to register my strong objection to being forced to pay for another litigation excursion initiated by, and championed by your Board Member, Mr. John Meisel.

Ironically, Mr. Meisel was elected to the WVID Board to equally and fairly represent the needs of **ALL** residents. His election was NOT for the purpose of pursuing personal grievances, or the narrow interests of his own development, all to be funded by the community as a whole.

The substantial costs and consequences of the Gran Paradiso water litigation, which this WVID Board is forcing me to pay for, is centered entirely on overt willful actions within and by Gran Paradiso alone. Gran Paradiso is the sole Plaintiff. Gran Paradiso is the sole litigating party. Those of us who reside in other community developments should not be forced to pay for their actions or misdeeds.

The cost of this litigation, along with any subsequent studies, reports, and consultations will most certainly trigger higher rates, taxes and fees for everyone. I urge this Board to allocate the entire cost of this matter to Gran Paradiso via a Special Assessment or other means, and to leave the other Wellen Park communities and Unit 6 out of this.

There is an additional aspect of this matter which is concerning. A possibility of a conflict of interest is surfacing in the actions of Mr. Meisel as a WVID Board Member. If this litigation was not duly authorized by the Gran Paradiso community; and it certainly was not by other Wellen Park developments outside Gran Paradiso (all of whom are being forced to pay for this); nor is this litigation on behalf of, or in the best interest of the very Board on which he is serving; then it appears that Mr. Meisel may be unable to fairly and impartially fulfill his duties equally on behalf of **ALL** residents of Wellen Park.

For this reason, I call upon Mr. Meisel to resign as a WVID Board Member, to be replaced by another who is able to set aside any appearance of personal pursuits and work effectively alongside other Board Members on behalf of our **entire** community and for the betterment of our future.

We are on the threshold of tremendous growth and unlimited future potential. I urge every single Board Member to "get on with" building and growing our community. We are no longer Mayberry-RFD. Any Board Member who cannot focus on building the future rather than litigating and working to alter the past, please resign for the good of all.

Thank You,

Neil Brady

11799 Alessandro Ln

Venice, FL 34293

Rec'd  
9/13/23  
WRC

WVID Supervisors, team members and guests,

I am unable to make it to this meeting in person due to demands of my job. I feel it is important enough to send this to be shared in your meeting Thursday.

My wife and I moved into Renaissance in 2019 as full-time residents. I am asking that the board review the issue of all residents needing to pay for one man's and one development's action. I feel that if Gran Paradiso and their board has decided to take legal action that they alone should be responsible for such action and affiliated expenses and all costs in doing so not that of other developments within the improvement district.

Thank you,  
Larry Cobb  
11583 Alessandro Lane  
Venice, FL



WVID Supervisors, Staff, Ladies and Gentlemen,

I'm CDR Jim Cranston, from Gran Paradiso. I have chosen to speak to you today, because I want you to know that there are many citizens, who oppose GP's irrigation litigation efforts, and who will strongly endorse both the WVID's budget decision and Urbanization Map. I would also like to thank the SC Engineer & PE for personally presenting the County's position.

I understand why the WVID must make an assessment, for litigation costs, in response to John Meisel's and the GPPOA's litigation, which alleges predatory, developer pricing and improper/illegal water use agreements. These 2 allegations are wholly wrong ... they are falsely based and without legal precedent of unlawfulness or impropriety. For your information ...

1. While finishing my 2-year term on the GPPOA BOD, in Nov & Dec 2022, John Meisel and another BOD member initiated the subject irrigation litigation, without either a BOD vote OR the required FL ST 720 prerequisite community vote.
2. In spite of the 5 emails, that I personally wrote, advising the President and fellow BOD members, including one WVID Supervisor here, present, ... that litigation of this nature & magnitude REQUIRED an affirmative community vote, BEFORE litigation was commenced, ... it was quietly and without community approval initiated, anyway.
3. I am embarrassed to stand before you and know that due to my community's misguided litigation ... all of you (minus Island walk) will have to pay for the indiscretions of a couple of individuals, who neglected their fiduciary responsibility and now have shown that **they do not understand what "putting the community first" REALLY means .**

For our WVID Supervisors: Please explain why WVID's litigation defense costs, caused by one community's frivolous and ill-gotten litigation effort, should be distributed to all the communities who have neither been represented, nor will be benefitted? Why do all of my Wellen Park neighbors have to pay for GP's mistake?

Furthermore, your supporters understand that community planning involves engineering, financing, insuring, bonding, construction management, population/needs forecasting, etcetera ... activities which are completed by knowledgeable professionals and management teams, who collaborate.

We know community planning is NOT a social media, Green-shirt, "fight du jour". We look forward to supporting WVID, and most of all, being part of the solution.

Thank you for the opportunity to speak, today.

James S. Cranston, CDR/USN(Ret)  
USCG Lic. Ship's Master

Mr. John Meisel  
September 13, 2023  
Page 2 of 2

The Dewberry methodology (and part of the county methodology) is also at odds with the methodology the U.S. Census Bureau uses to continually identify "urban areas" that "encompass residential, commercial, and other nonresidential urban land uses."

In the long run, these unwarranted exclusions from the urban area totals would mean that even when development of West Villages is complete, a very substantial portion of the West Villages Improvement District would still not be considered part of the "contiguous developed and inhabited urban area." Instead of the West Villages Improvement District transitioning gradually to elected supervisors as development progresses, the interim "one-acre-one vote" system would become the end-state for the incorrectly excluded land — clearly contrary to F.S. 189.041.

Sincerely,

A handwritten signature in cursive script that reads "Bill Spikowski".

Bill Spikowski, FAICP





## SPIKOWSKI PLANNING ASSOCIATES

September 13, 2023

John Meisel  
13419 Campanile Court  
Venice, FL 34293

Dear Mr. Meisel:

You asked me to review and comment on the methodology being used by the West Villages Improvement District to determine whether any additional supervisors should be elected as development within the district progresses.

I reviewed the urbanization report prepared for the district by Dewberry on June 5, 2023. I also reviewed a followup letter from Sarasota County Public Works dated August 25, 2023, which presents an "Urban Area Map" that is similar to maps prepared by Dewberry but which differs in certain important respects. I have also reviewed Florida Statutes 189.041 which sets forth the procedures for transitioning special districts from one-acre/one-vote governance to governance by elected supervisors.

This statute requires a regularly updated computation of the acreage of the "contiguous developed and inhabited urban area" within the district. As the ratio of urban area to total area increases beyond pre-set levels, this statute requires that additional supervisors will be elected rather than selected on the interim one-acre/one-vote basis.

Dewberry plucked the word "inhabited" from the statutory phrase and created a new definition for it that essentially limits the computation to only finished residential lots with occupiable houses. The result is that many other components of each development are NOT counted as part of the "contiguous developed and inhabited urban area"; these components can include retention lakes, wetland preserves, major roads, golf courses, clubhouses, parks, utility areas, businesses, government offices, etc.

The Dewberry methodology is contrary to Florida Statutes 189.041 because Dewberry artificially limits the urban area to finished residential lots only. A similar methodology was used by Sarasota County for development that is actively underway; however the county for the most part properly analyzed land in Island Walk and most land north of S. Tamiami Trail (Gran Paradiso, Renaissance, etc.). Curiously, Sarasota County then categorically excluded all parcels it designated as commercial because those parcels were deemed not "inhabited," with no consideration given to the physical state or the development status of those parcels.

WEST VILLAGES IMPROVEMENT DISTRICT

SIGN-IN SHEET

MEETING DATE: September 14, 2023

Please print your name & address below.

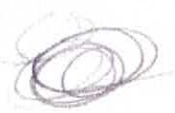
Print Name LEGIBLY

Address/Company

Paul Maloney	13740 Kelma Street.
Jennifer Detwiler	11695 Alessandro Ln
Robert O'Neill	13450 Campanile Ct
Lisa O'Neill	13450 Campanile Ct
Fred Pasquasi	13349 Campanile Ct
Mary Ann Pasquasi	13349 Campanile Ct
Sam Kanto	13220 Amerigo Ln
Jim CRANSTON	20880 GRANLAGO DR.
Linda Olson Colombo	20259 Passagio DR.
R. Ghyll Theurer	19251 Lappacio St
Bruce Theurer	19251 Lappacio St.
CINTHIA ELLIS	20309 REALE CIRCLE



## WEST VILLAGES IMPROVEMENT DISTRICT

SIGN-IN SHEETMEETING DATE: September 14, 2023

Please print your name &amp; address below.

Print Name LEGIBLY

Address/Company

Arthur Adams	19415 Solazana St, Venice
JACK KERSTETTER	12070 GAI BERTI CIR. VENICE
John Goughlin	20200 Convento Pl. Venice
Tom DeSANTIS	13897 KARINA ST, VENICE
CHRIS ZAGAJA	20310 GRANLAGO DR. VENICE
Debbie ZAGAJA	20310 GRANLAGO DR Venice
Connie PARENTEAU	13740 Yelma ST, Venice
Mary Ellen Abdelnour	20051 Ragazza Circle Venice
Bill Abdelnour	20051 Ragazza Circle Venice
Steve Glunt	13898 Vaicanza Drive
STEVE HEMPING	IW
NORINE HEMPING	IW
MICHAEL GROWNSBERG	IW