

**WEST VILLAGES IMPROVEMENT DISTRICT
PUBLIC HEARING, SPECIAL BOARD MEETING & ATTORNEY-CLIENT SESSION
FEBRUARY 16, 2024**

A. CALL TO ORDER

The February 16, 2024, Special Board Meeting of the West Villages Improvement District (“WVID” or the “District”) was called to order at 10:00 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 February 6, 2024, 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

District Manager	William Crosley	Special District Services, Inc.
District Operations Manager	Ryan Johanneman	Special District Services, Inc.
District Counsel	Lindsay Whelan	Kutak Rock LLP
District Engineer	Giacomo Licari	Dewberry

Also present were District Operations’ Manager, Ryan Johanneman, of Special District Services, Inc.; Michelle Krizen and Andrew Karmeris, District Managers, of Special District Services, Inc.; and members of the public noted on the sign-in sheet.

D. DISCUSSION REGARDING PUBLIC DECORUM AT BOARD MEETINGS

Chairman Luczynski read the Board approved public decorum statement.

E. COMMENTS FROM THE PUBLIC FOR ALL AGENDA ITEMS

Victor Dobrin stated he felt that the January meeting minutes do not accurately reflect the sentiment of his public comments. He further stated that in his opinion, the Coral Springs Improvement District reflects a good example of utility service by a district.

F. APPROVAL OF MINUTES

1. January 11, 2024, Regular Board Meeting

The minutes of the January 11, 2024, Regular Board Meeting were presented for consideration.

A **MOTION** was made by Mr. Buckley, seconded by Mr. Lewis approving the minutes of the January 11, 2024, Regular Board Meeting, as presented.

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

Ms. Whelan advised that the Attorney-Client Session was not needed at this time.

H. GENERAL DISTRICT MATTERS

I. UNIT OF DEVELOPMENT NO. 1

1. Consider Cooperation Agreement with Master Developer and School Board

Ms. Whelan stated that this agreement relates to the construction of a school within the District's boundaries. It sets forth the preliminary understanding and agreement related to the parties' cooperation relative to the future school site.

Section 2 describes the areas and improvements to be constructed for this project that will be conveyed by the School Board to the District after completion (stormwater facilities and wetlands, drainage ditch, and access roadway and Manasota Beach Road turn lanes). The District's only obligation under the agreement is to accept the completed public infrastructure improvements for perpetual maintenance.

Mr. Meisel commented that the District should not maintain and that the school board should maintain. Staff clarified that District owns all other stormwater ponds and wetlands within its boundaries and this provides continuity. Mr. Meisel inquired if there were any improvements that are not maintained by the District. Mr. Luczynski, Mr. Lewis, and Ms. Whelan went over the Gran Paradiso HOA Maintenance Agreement which provides maintenance of District improvements.

Mr. Meisel asked why we were a party to this agreement with the developer and the school board and stated that he feels like there is a conflict of interest relative to the approval of this document. Ms. Whelan responded that the document was prepared by the school board and reiterated that the District's only obligation under this agreement, and the only thing the Board is essentially considering approving is to agree to take ownership and perpetual maintenance of public improvements. The District does not have any control or obligations relative to the development of the public infrastructure or the school site.

Mr. Lewis commented that he feels that the District's obligations under this agreement are not different than any other agreement with local governments for the joint development of public improvements. He asked Ms. Whelan whether she saw anything improper regarding the Board's approval of this agreement which relates to the District's confirmation that it will accept and maintain completed public improvements. Ms. Whelan concurred that these improvements were within the scope of public improvements that the District is permitted to finance, construct, own, operate and maintain. Cooperation Agreement with Master Developer and School Board approved in substantial form.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley approving the Cooperation Agreement with the Master Developer and the School Board, in substantial final form, as presented. Upon being put to a vote, the **MOTION** carried 4 to 1 with Mr. Meisel dissenting.

2. Designate Contractor Prequalification Evaluation Committee

Mr. Crosley stated that during the January meeting, the Board approved Resolution 2024-02 authorizing the Request for Proposals to Prequalify Contractors. March 7, 2024, is the deadline for contractors to submit their applications. On March 11, 2024, a committee will evaluate the applications received. The committee will then present its findings and recommendations to the Board at the March 14, 2024, meeting.

Accordingly, the Board needs to designate certain individuals to serve on the Evaluation Committee. In the past, the Evaluation Committee has consisted of certain members of District staff. In keeping with past practice, staff requests that the Board designate the District Manager, the District Operations' Manager and District Engineer as the Evaluation Committee members.

Mr. Luczynski inquired whether this was just for landscaping. Mr. Crosley confirmed that this was for additional pre-qualifications for all categories and will not affect any prior pre-qualifications so there is no need for a pre-qualified contractor to resubmit an application.

The Board designated William Crosley, Giacomo Licari, and Ryan Johanneman to serve as the Evaluation Committee.

A **MOTION** was made by Mr. Lewis, seconded by Ms. Masney and passed unanimously designating William Crosley, Giacomo Licari, and Ryan Johanneman to serve as the Evaluation Committee, as presented.

3. Consider Change Order No. 6 between the District and The deMoya Group, Inc. for Wellen Park Boulevard Roundabout & US 41/SR 45 Improvements Project

Mr. Licari presented Change Order No. 6, which was submitted by The deMoya Group in connection with the Wellen Park Boulevard Roundabout and US 41 Project. The change order reflects an increase in the contract price in the amount of \$147,688 for reworking the stormwater improvements and additional FDOT requirements regarding mowing and maintenance. Costs are in line with industry standards and staff recommends approval.

Mr. Meisel asked who prepared the plans.

Mr. Luczynski stated that Stantec prepared the plans and sometimes quantities change from plan preparation to construction. This project was complex and there have been hiccups since the permitting was occurring while the design was still being prepared to expedite the development of the project. There has been a need for the moving of fiber lines, etc. This all relates to managing normal obstacles that come up during the development of major infrastructure projects.

Mr. Lewis inquired whether this was normal.

Mr. Licari confirmed that it was normal to have change orders once you started excavating and understand the true conditions of the site.

Ms. Masney asked whether the District would receive final as-builts when the project has been completed. Mr. Licari confirmed that they would be received before final acceptance. Ms. Whelan confirmed that she can personally attest to how diligent Mr. Licari and the engineering team have been regarding obtaining final construction drawings prior to final acceptance and acquisition of public improvements.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Meisel and passed unanimously approving Change Order No. 6 between the District and The deMoya Group, Inc. for the Wellen Park Boulevard Roundabout and US 4/Sr 45 Improvements Project, as presented.

J. UNIT OF DEVELOPMENT NO. 6

1. Consider Agreement between the District and RESPEC Company, LLC for General Irrigation Program Implementation Services

Mr. Johanneman indicated that this Agreement was for the general implementation of the District's irrigation program for fiscal year 2024. This is a standard agreement, substantially similar to the agreements we have entered into with RESPEC in the past. The compensation owed to RESPEC under the agreement will not exceed \$80,000.

Mr. Lewis asked staff to explain, for the benefit of the public, what services a hydrologist provides. Mr. Crosley provided an overview and explained who Dave Kelly was. He also explained that this was a not-to-exceed amount where we are only invoice for actuals.

A **MOTION** was made by Mr. Meisel, seconded by Mr. Lewis and passed unanimously approving the Agreement between the District and RESPEC Company, LLC for General Irrigation Program implementation services not to exceed \$80,000, as presented.

A **MOTION** was then made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously opening the Public Hearing.

K. UNIT OF DEVELOPMENT NO. 10

1. Consider Matters Related to Financing

a. Public Hearing – Master Assessments

- **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 January 24, 2024, and January 31, 2024, as legally required.

- **Receive Public Comment regarding the Public Hearings to Consider Imposition of Special Assessments and to Consider Adoption of Assessment Roll**

There was no public comment at this time.

- **Consider Master Engineer's Report**

Mr. Licari presented the final Master Engineer's Report and confirmed that costs were reasonable and that there had been no changes to the report since the preliminary version was approved in January.

Mr. Meisel asked about the scope of the project, the bond issuance, the improvement conveyance and the reimbursement process.

Mr. Lewis explained the improvement conveyance and reimbursement process. He furthered that the Engineer's Report sets forth the overall scope, but ultimately, what gets reimbursed depends on what public infrastructure is finished first.

Ms. Whelan explained that we historically do not finance 100% of the public improvement costs, so the master reports and master assessment process set forth a maximum not-to-exceed amount relative to what the project would cost if 100% were financed.

Mr. Lewis explained that the District typically issues debt for less than the total construction costs because the lots cannot bear the maximum debt load and also bonds for 100% of public improvements costs are likely not marketable.

Mr. Meisel asked about platting status. Mr. Luczynski indicated that Phase 1 had been platted, but Phase 2 has not yet been platted.

Mr. Meisel inquired about which builders would be within this project. Mr. Luczynski responded that multiple builders were anticipated for this project.

A **MOTION** was made by Mr. Buckley, seconded by Mr. Lewis and passed unanimously approving the Master Engineer's Report, as presented.

- **Consider Master Assessment Report**

Mr. Karmeris presented the final Master Assessment Report and stated that the only change from the preliminary version approved at the January Board meeting was that the word "preliminary" was removed from the report. However, the body of the report and charts and exhibits remain the same.

Ms. Whelan explained, for the benefit of the public, that the District had previously established its Unit No. 10, which is the Village I development area, planned to be developed as Palmera. The establishment of Unit 10 kicked off the assessment process at the January Board meeting and set a Public Hearing to be held during today's meeting after which the Board would levy and impose the master assessment liens for Unit 10. The proposed assessments and bonds do not affect existing developed properties, and only relate to currently undeveloped property owned by the master developer.

Ms. Whelan solicited public comment. There was no public comment.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously approving the Master Assessment Report, as presented.

A **MOTION** was then made by Mr. Lewis, seconded by Ms. Masney and unanimously passed to close public hearing portion of the meeting.

- **Consider Resolution No. 2024-06 – Levying Master Special Assessments**

Resolution No. 2024-06 was presented, entitled:

RESOLUTION 2024-06

A RESOLUTION AUTHORIZING THE DISTRICT'S SERIES 2024 PROJECT FOR CONSTRUCTION AND/OR ACQUISITION OF INFRASTRUCTURE IMPROVEMENTS; EQUALIZING, APPROVING, CONFIRMING, AND LEVYING SPECIAL ASSESSMENTS ON PROPERTY WITHIN UNIT OF DEVELOPMENT NO. 10 OF THE DISTRICT SPECIALLY BENEFITED BY SUCH SERIES 2024 PROJECT TO PAY THE COST THEREOF; PROVIDING FOR THE PAYMENT AND THE COLLECTION OF SUCH SPECIAL ASSESSMENTS BY THE METHODS PROVIDED FOR BY CHAPTERS 170 AND 197, FLORIDA STATUTES, AND CHAPTER 2004-456, LAWS OF FLORIDA, AS AMENDED; CONFIRMING THE DISTRICT'S INTENTION TO ISSUE CAPITAL IMPROVEMENT REVENUE BONDS; MAKING PROVISIONS FOR TRANSFERS OF REAL PROPERTY TO GOVERNMENTAL BODIES AND OTHER EXEMPT ENTITIES; PROVIDING FOR THE RECORDING OF AN ASSESSMENT NOTICE; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Ms. Whelan indicated that included in the agenda package was a standard resolution approving and confirming the levying of master not-to-exceed special assessments on the lands in Unit 10. Additionally, the resolution approves the Master Engineer's Report and the Master Special Assessment Methodology Report just presented. Ms. Whelan explained that when Phase 1 bonds were priced, staff would bring back a supplemental methodology and assessment resolution for Board consideration.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously adopting Resolution No. 2024-06, as presented.

L. ADMINISTRATIVE MATTERS

1. District Engineer

Mr. Licari reported that he had received correspondence from Ajax regarding the start date of the Playmore Road resurfacing project. It was requested of Ajax, who agreed, that this project be deferred until after the Atlanta Braves' spring training season has ended in order to allow some relief from vehicular traffic. Additionally, District staff conducted a site inspection of the West Villages Parkway/Playmore and the Preto Boulevard/Playmore intersections after recent evidence of vehicles going through the intersections without adhering to the posted stop signs. It is anticipated that these intersections will be signalized in the future. More immediate action will be considered in addition to the existing stop sign to provide drivers with additional notification of a "Stop Ahead" or "All Way Stop Ahead" by pavement markings or signage.

2. District Attorney

a. Discussion Regarding Required Ethics Training

Ms. Whelan reported that she had several items for the Board. As of January 1, 2024, Supervisors of special districts must now complete four hours of ethics training every year. Kutak Rock has prepared a memorandum describing how to get the training through the Commission on Ethics and Attorney General's Office, and report compliance which is included in the agenda package. SDS will also circulate the e-mail to the Board very soon if they have not already. Please note that Supervisors will certify completion of

their ethics training for the previous year on the annual Form 1 – Statement of Financial Interests. Accordingly, Supervisors must certify that they completed the ethics training requirements for 2024 on their 2025 Form 1.

There was no substantive update on the irrigation litigation.

As previously discussed with the Board, the parties attended a hearing on the District's motion for Summary Judgment on January 16, 2024, relative to the assessment litigation. A ruling on that motion has not yet been entered by the judge but will be provided to the Board once received.

Ms. Whelan indicated that normally when insurance defense is provided, the insurance defense counsel takes the lead on litigation matters. That did not happen in the irrigation litigation or assessment litigation cases due to the nature of the emergency injunction motions which were filed along with the complaints, which required prompt and immediate attention to the litigation. As the Board is aware from past practice, it can take months for the insurance company to otherwise respond relative to coverage. Now that, after the appeal, we are essentially through the bulk of the emergency motion litigation with respect to the irrigation litigation and now that the emergency injunction motion has been dismissed by the plaintiffs with respect to the assessment litigation case, the transfer of the role of primary lead counsel to the insurance defense counsel, Joe Brown and the litigation team, will occur. The litigation team will still be available as backup and to assist insurance defense counsel as they may require.

With respect to the urbanization litigation, the District is still awaiting the insurance company review relative to confirmation as to whether we have insurance coverage for this claim, but otherwise there is no update on the litigation.

At the last Board meeting, Kutak Rock was asked to again confirm that special districts such as WVID are able to amend their special acts to provide for a definitive turnover provision in lieu of utilizing the Ch. 189.401, F.S. urban area calculation process, given Mr. Meisel's assertion that this conduct was not permitted. The Board was updated on this research after that meeting, but for the benefit of the public, again reviewed the applicable statutes to confirm that the District has the authority to modify its election process as proposed. The lobbying team has additionally confirmed that there is nothing in legislative procedure requirements that would prohibit this action. The provision that Mr. Meisel referred to prohibits a special district from exempting itself from the election requirements in sec. 189.04, F.S. However, the District is not proposing to amend its special act relative to the requirements in sec. 189.04, F.S. Instead, the urban area calculation process is contained in sec. 189.041, F.S. for which there is no exemption prohibition and for which, to our knowledge, all stewardship and improvement special districts similar to WVID have declined to utilize in favor of a defined turnover threshold as this Board has requested staff to pursue legislatively.

The validation hearing for Unit 10 has been set for March 18, 2024, at 9:30 AM.

Ms. Whelan announced that she would be taking family leave in late summer and Michael Eckert will manage District matters in her absence. Mr. Eckert is a seasoned veteran with decades of experience in special district work and also has experience with WVID staff. He will start to transition into District matters starting in the next few weeks.

3. District Operations' Manager

Mr. Johanneman had nothing further to report.

4. District Manager

Mr. Crosley reported that the District would hold a public Master Irrigation Presentation Meeting on March 5, 2024, at 1 PM in the Public Safety Building. The District Engineer, District Operations' Manager and Dave Kelly, the District's hydrologist, will provide an overview of the District's master irrigation system and will hold a Q&A session. In addition, a Public Irrigation Rate Study Public Outreach Meeting will be held on March 21, 2024, at 1 PM also in the Public Safety Building. This workshop meeting will be an opportunity for the public to get an overview of the GovRates 2023 rate study and to hold a Q&A session.

Additionally, Sarasota County/City of North Port have updated their FEMA flood maps and will hold 3 open houses to discuss the new maps, which are to be effective March 27, 2024. There are some affected areas within the District that have revisions in the maps. The maps are posted on the City of North Port website.

It was noted that the next Regular Board Meeting would be held March 14, 2024.

M. BOARD MEMBER COMMENTS

Mr. Luczynski stated that he had recently spoken with Spencer Anderson from Sarasota County, and the County has received \$25 Million of federal HUD funding for the south River Road widening project. The County has been trying to coordinate a public/private partnership for this project but the federal funding has caused some issues with that approach. The County has requested that its preference is for the District to be involved and handle some or all of the construction of the project, with the engineering costs to ultimately be funded by the master developer and for the construction costs to be funded by the County, utilizing HUD funding. There is also a need for a combined stormwater infrastructure plan that the District needs to be involved with. The District would need to enter into a tri-party agreement with the County and the master developer which will be brought before the Board for consideration in the future.


Mr. Meisel inquired about the costs and the involvement of the City of North Port. Mr. Luczynski commented that the City was not involved with this project.

Ms. Whelan stated that her understanding, per John Luczynski's description, is that the District would oversee and fund the costs of the project, but since the District does not have the funds on hand to proceed with this project, the master developer has agreed to enter into a deficit funding agreement with the District where they will ultimately be responsible for funding the costs so that the District does not have to go out and issue additional bond debt for this project.

N. ADJOURNMENT

There being no further business to come before the Board, the Special Board Meeting was adjourned at 11:07 a.m. on a **MOTION** made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously.


Secretary/Assistant Secretary


Chair/Vice Chair



✓

MEETING DATE: February 16, 2024

Please print your name & address below.

Print Name **LEGIBLY**

Address/Company

Pam Kantola

Gran Paradiso

Bob Hughes

125606 hipert, Cr 34293

CON TIM CLARSTON

20880 GRANKALO DR./6P

Lin. VICTOR DOBRIN

20327 REALE

Shyell Thuron

19251 Lappaxis St

Bruce Turner

19251 Lappiaia



SPEAKER'S FORM

If you wish to speak on any Agenda item, please complete a separate form for each item.

TO ENSURE YOUR NAME IS CALLED FOR THE CORRECT AGENDA ITEM PLEASE COMPLETE THIS SECTION.

AGENDA ITEM/CASE NUMBER:

RELATING TO:

Minutes E/Int 6

NAME:

LIEUTENANT VICTOR DOBRIN

ADDRESS:

20329 REALMS CIR

Please return this form to the City Clerk or Recording Secretary prior to the Agenda Item being brought forward by the Hearing Officer.