

**WEST VILLAGES IMPROVEMENT DISTRICT  
LANDOWNERS' MEETING  
JUNE 27, 2023**

**A. CALL TO ORDER**

The June 27, 2023, Landowners' 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 that showed that notice of the Landowners' Meeting had been published in the *Sarasota Herald-Tribune* on June 13, 2023, and June 20, 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:

Supervisor	John Luczynski	Present
Supervisor	Steve Lewis	Present
Supervisor	Tom Buckley	Present
Supervisor	Christine Masney	Present
Supervisor	John Meisel	Present

Staff members in attendance were:

District Manager	Todd Wodraska	Special District Services, Inc.
District Manager	William Crosley	Special District Services, Inc.
District Manager	Michelle Krizen	Special District Services, Inc.
District Counsel	Lindsay Whelan	Kutak Rock
District Engineer	Giacomo Licari	Dewberry
Operations' Manager	Ryan Johanneman	Special District Services, Inc

Also present from the City of North Port were Commissioner Debbie McDowell and Phil Stokes.

**D. ELECTION OF CHAIR FOR LANDOWNERS' MEETING**

A **MOTION** was made by Mr. Lewis, seconded by Mr. Meisel and passed unanimously electing John Luczynski as Chairman for the Landowners' Meeting.

**E. ELECTION OF SECRETARY FOR LANDOWNERS' MEETING**

A **MOTION** was made by Mr. Lewis, seconded by Mr. Meisel and passed unanimously electing William Crosley as Secretary for the Landowners' Meeting.

**F. APPROVAL OF MINUTES**

**1. June 9, 2022, Landowners' Meeting**

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously approving the minutes of the June 9, 2022, Landowners' Meeting, as presented.

## **2. July 14, 2022, Continued Landowners' Meeting**

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously approving the minutes of the July 14, 2022, Landowners' Meeting, as presented.

### **G. RECEIVE ENGINEER'S REPORT**

#### **1. Presentation of 2023 Urban Area Map**

Mr. Licari presented the population development threshold calculation that will begin once a second resident Board seat is determined by the general election. The purpose of the Urban Area Map is to establish the percentage of areas within the District that have residential development as compared with the total area within the District. Urban area is defined as a contiguous and developed and inhabited area.

Mr. Meisel asked where in the statutes is a Certificate of Occupancy referenced for determining resident population density? Staff explained that if a property was able to be inhabited, that land area would be acknowledged by the existence of a Certificate of Occupancy and so it was reasonable to utilize Certificates of Occupancy to determine the amount of inhabited residential property. This year's Memorandum offers two calculations. Urban Area Map No.1 provides a calculation of 8.17% density and Urban Area Map No. 2 provides 20.41% density. The difference between the two was Urban Maps is Urban Area Map No.1 only calculated the density of habitable lands by the existence of a Certificate of Occupancy, which tracks a strict reading of the statute, and Urban Map No. 2 calculated the density, including developed but uninhabited areas within a subdivision plat, such as ponds, roadways, and other developed, but uninhabited open space and lands. Wetlands and areas under a conservation easement were still excluded from the calculation, as they are neither developed or inhabited, and are never to be developed in the future. While this approach overlooks the plain meaning of the requirement that a property be inhabited in order to be included within the calculation, the calculation was determined using this interpretation for comparison. Staff noted that the statute that requires the urbanization calculation does not require a full turnover of the District to residents and there are many special districts throughout the state that are or may not have a full transition. There was a lengthy discussion regarding the interpretation of this calculation and the fact that the enabling legislation was not clearly written. Also discussed was the more defined transition process used by community development districts and other more modern special districts. Mr. Meisel stated that he felt this calculation would be contested. Ms. Whelan noted that challenging this calculation is required to be received by the District, in writing, and if that occurs, the District will look to Sarasota County for an opinion pursuant to the District's enabling legislation. Mr. Luczynski stated that it was important to note that in both scenarios the percentage of the urban area is below the 26% threshold for turnover of a second resident Seat on the Board. Dewberry recommended that the Board seek to modify its transition process with the State of Florida to avoid ambiguity in the transition process. State legislature approval is required for a legislative amendment to modify the current transition process provided by Chapter 2004-456.

### **H. ELECTION OF SUPERVISORS**

#### **1. Determine Number of Voting Units Represented or Assigned by Proxy**

There were 9,848 voting units represented or assigned by proxy.



## 2. Casting of Ballots

Numbered ballots were cast to all owners present, qualified to vote or persons holding proxies.

## 3. Ballot Tabulation

Ballot tabulation provided 9,819 votes for Christine Masney and 29 votes for Thomas Mulligan.

## 4. Certification of Results

The ballots were certified and the results provided that Christine Masney will serve on the Board until 2027.

## I. LANDOWNER COMMENTS

Mr. Dobrin commented that he had an issue on how the calculation for urban area was performed and asked if District Counsel was aware of anything in the law that contemplates this not to be a unit of local government, to be this hybrid transitional, if she has anything, and if she does not, it is the Board's duty to ask the Attorney General for an interpretation of the law.

Ms. Whelan stated that there was no case law interpreting the urbanization statute. She also noted that an Attorney General Opinion was not binding and so obtaining this type of an opinion would not exculpate the District from potential litigation.

Mr. Dobrin also commented that he felt that Mr. Licari did not get all of the information correct for the urban density calculation and questioned the results provided by the Dewberry Memo.

Pam Kantola commented that Mr. Luczynski had 9,802 proxies, and that of the residents voting, Ms. Masney received 17 votes and Tom Mulligan received 29 votes. Ms. Kantola questioned the resources used to determine the calculation.

## J. ADJOURNMENT

There being no further business to conduct, a **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley adjourning the Landowners' Meeting at 11:42 a.m. That **MOTION** carried unanimously.

*Wm. Crisley*

Secretary/Assistant Secretary

*[Signature]*

Chair/Vice-Chair