

**MINUTES OF MEETING  
WEST PORT  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the West Port Community Development District held Multiple Public Hearings and a Regular Meeting on September 13, 2022 at 12:00 p.m., at the Centennial Park Recreation Center, 1120 Centennial Boulevard, Port Charlotte, Florida 33953.

**Present were:**

Christian Cotter  
Jim Manners  
Paul Martin  
Candice Smith

Vice Chair  
Assistant Secretary  
Assistant Secretary  
Assistant Secretary

**Also present were:**

Kristen Suit  
Jere Earlywine (via telephone)  
Matt Morris  
Bethany Stoltzfus (via telephone)  
Residents

District Manager  
District Counsel  
District Engineer  
Evergreen Lifestyles Management

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Suit called the meeting to order at 12:02 p.m. Supervisors Martin, Manners, Smith and Cotter were present, in person. Supervisor Harvey was not present.

**SECOND ORDER OF BUSINESS**

**Public Comments**

Ms. Suit and Ms. Smith explained the protocols for public comments. The Board and Staff took turns introducing themselves.

A resident asked what the \$576 single-family home assessment encompasses. Ms. Suit stated that there are two assessment amounts per home; the Operations and Maintenance (O&M) and the Debt Service portions of the assessments, which will be addressed during the public hearings later in the meeting.

An individual asked how agenda items can be commented on if no copies are available. Ms. Suit stated the agendas are usually posted on the CDD website; going forward, residents can access them from the website at [www.westportcdd.net](http://www.westportcdd.net).

Mr. Cotter stated the Board and Staff will make sure everyone’s questions are answered before the meeting ends.

In response to a resident’s questions regarding whether Board Members reside within the CDD and how they were appointed, Mr. Martin stated the current Board Members are employed by the Developer. Ms. Smith explained that, in new CDDs, the Developer usually appoints/elects the Board of Supervisors until a certain threshold is reached at which point the residents can start being elected to the Board through the General Election process.

Asked when residents can become eligible for Board seats, Mr. Earlywine stated, per Florida Statutes, CDD Boards shift from being Developer-controlled to resident-controlled after six years and with at least 250 qualified electors residing in the CDD. For West Port CDD, the first qualified elector election will be in 2026, wherein two residents will be able to be elected to replace two Developer seats. Interested candidates must be registered to vote in the County and be a resident of the CDD to be considered a qualified elector. Asked if Staff can inform residents when 250 qualified electors/registered voters are residing in the CDD, Ms. Suit replied affirmatively. Ms. Smith stated the information comes directly from the Supervisor of Elections.

**THIRD ORDER OF BUSINESS**

**Public Hearing on Adoption of Fiscal Year 2022/2023 Budget**

**A. Proof/Affidavit of Publication**

The affidavit of publication was included for informational purposes.

**B. Consideration of Resolution 2022-11, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date**

**On MOTION by Mr. Manners and seconded by Mr. Cotter, with all in favor, the Public Hearing was opened.**

Ms. Suit recalled that the Board approved the proposed Fiscal Year 2023 budget, as amended, at the last meeting. She highlighted the changes that were made in the General Fund (GF), including the Tax Collector fee increase on Page 1, the Management fee increase from \$18,000 to \$40,000 on Page 2 and the O&M for Field Ops increase from \$5,500 to \$8,000. She stated the total agreement amount for Evergreen Lifestyle Management is \$55,000 annually; \$40,000 to be paid out of the GF and \$15,000 to be paid out of the Special Revenue Fund (SRF).

Ms. Suit reviewed the line-item increases on Page 5, the Debt Service Amortization Schedules from Assessment Areas 1, 2 and 3 and the Assessment Comparison tables on Pages 19 through 21. Total GF revenues are \$966,981 and total SRF revenues are \$358,128.

Mr. Martin stated there were multiple bond issuances and every new bond issue was for a separate area; the O&M assessment is for maintenance of the common areas. The Assessment Areas are specific to the neighborhood maintenance, landscaping and irrigation for the individual neighborhood areas. Forestar's areas are managed by the HOA, not the CDD.

In response to an earlier question, Ms. Suit stated the \$576 amount on the tax bill is for the O&M portion of the assessments and the \$412 is the Debt Service portion. The resident had issued a complaint regarding a defective battery in the irrigation system for months and other work not being performed in the community.

Discussion ensued regarding irrigation zones, battery-operated timers, Florida Power & Light (FPL), landscaping controllers, decoder valves, rain sensors and items controlled by the CDD versus those controlled by the HOA.

Another resident voiced her opinion that property owners in the Hammocks are paying the highest assessments and asked why there is a difference between Assessment Area 1 (AA#1) and Assessment Area 2 (AA#2).

Mr. Martin stated AA#1 is comprised of Phase 1 of the Hammocks and Phase 1 of the Isles, which are not neighborhoods; the assessment amounts are based off the Phases and when things were done. The \$576 O&M assessment is based off the unit count multiplied by

the O&M debt, which is split equally amongst 320 units. The bond debt for AA#1 was \$6.6 million and the resulting Debt Service assessments will be the same for 30 years, as the interest rate is locked in.

A resident felt that the buffer area near her home is a disaster, with dead or dying plants and trees, and the areas near the ponds need to be landscaped. Mr. Martin asked for the exact location and stated he is working with the landscapers to replace all dead trees and plants.

The Board and Staff responded to questions regarding installation of native Florida-type plants, landscape maintenance, pond maintenance, stormwater runoff, mosquito control and responsibility for mulching.

Ms. Smith stated that both the CDD and the HOA have contracted with Evergreen Lifestyle Management to oversee maintenance of the community and to manage the vendors; there is one point of contact for residents to submit their concerns.

**On MOTION by Ms. Smith and seconded by Mr. Cotter, with all in favor, the Public Hearing was closed.**

Ms. Suit presented Resolution 2022-11 and read the title.

**On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, Resolution 2022-11, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.**

**FOURTH ORDER OF BUSINESS**

**Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2022/2023, Pursuant to Florida Law**

- A. Proof/Affidavit of Publication**
- B. Mailed Notice(s) to Property Owners**

These items were included for informational purposes.

- C. **Consideration of Resolution 2022-12, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; 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**

**On MOTION by Ms. Smith and seconded by Mr. Cotter, with all in favor, the Public Hearing was opened.**

Mr. Earlywine stated the reason for this Public Hearing is to levy the assessments that secure the budget that was just adopted.

No members of the public spoke.

**On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, the Public Hearing was closed.**

Ms. Suit presented Resolution 2022-12 and read the title.

**On MOTION by Mr. Cotter and seconded by Mr. Martin, with all in favor, Resolution 2022-12, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; 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, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Boundary Amendment  
Funding Agreement**

Mr. Earlywine presented the Boundary Amendment Funding Agreement between the CDD and KL West Port LLC. The goal is to authorize the CDD to annex that property into the CDD's boundaries. Mr. Earlywine requested approval in substantial form.

**On MOTION by Mr. Cotter and seconded by Mr. Manners, with all in favor, the Boundary Amendment Funding Agreement, in substantial form, was approved.**

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-13, Directing the Chairman and District Staff to Request the Passage of an Ordinance by Charlotte County, Florida, Amending the District's Boundaries, and Authorizing Such Other Actions as are Necessary in Furtherance of that Process; and Providing an Effective Date**

Mr. Earlywine presented Resolution 2022-13, authorizing Staff to file the petition.

**On MOTION by Mr. Manners and seconded by Ms. Smith, with all in favor, Resolution 2022-13, Directing the Chairman and District Staff to Request the Passage of an Ordinance by Charlotte County, Florida, Amending the District's Boundaries, and Authorizing Such Other Actions as are Necessary in Furtherance of that Process; and Providing an Effective Date, was adopted.**

**SEVENTH ORDER OF BUSINESS**

**Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2021, Prepared by Berger, Toombs, Elam, Gaines & Frank**

Ms. Suit presented the Audited Financial Report for the Fiscal Year Ended September 30, 2021 and noted the pertinent information. There were no findings, recommendations, deficiencies on internal control or instances of non-compliance; it was a clean audit.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-14, Hereby Accepting the Audited Financial**

**Report for the Fiscal Year Ended  
September 30, 2021**

Ms. Suit presented Resolution 2022-14 and read the title.

**On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, Resolution 2022-14, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2021, was adopted.**

**NINTH ORDER OF BUSINESS**

**Consideration of Evergreen Lifestyle  
Management, LLC, First Amendment to  
Field Operations Agreement**

Ms. Suit presented the Evergreen Lifestyle Management, LLC, First Amendment to Field Operations Agreement, in the amount of \$4,583.33 monthly. She reiterated that the total Agreement amount is \$55,000 annually; \$40,000 to be paid out of the GF and \$15,000 to be paid out of the SRF.

Mr. Earlywine stated the motion should be to approve in substantial form. Ms. Smith stated that the correct scope should be outlined, as there were questions regarding pond maintenance. Mr. Earlywine stated it would be appropriate to include that Ms. Smith would coordinate with Staff to finalize the scope.

**On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, the Evergreen Lifestyle Management, LLC, First Amendment to Field Operations Agreement, in substantial form, adding a revised Exhibit A to the amendment, and authorizing Ms. Smith to coordinate with Staff to revise the scope of services in Exhibit A, was approved.**

**TENTH ORDER OF BUSINESS**

**Ratification of FMSbonds, Inc., MSRB Rule  
G-17 Disclosure**

Ms. Suit presented the FMSbonds, Inc., MSRB Rule G-17 Disclosure. Mr. Earlywine stated the Agreement discloses that FMSbonds is an Underwriter instead of a financial advisor.

**On MOTION by Ms. Smith and seconded by Mr. Martin, with all in favor, the FMSbonds, Inc., MSRB Rule G-17 Disclosure, was ratified.**

**ELEVENTH ORDER OF BUSINESS**

**Ratification of Acquisition of Utilities, Roadway and Stormwater Improvements & Work Product, Hammocks Phase III**

Mr. Earlywine presented the Acquisition of Utilities, Roadway and Stormwater Improvements & Work Product for Hammocks Phase III.

**On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, the Agreement and Acquisition of Utilities, Roadway and Stormwater Improvements & Work Product for Hammocks Phase III, in the amount of \$3,060,211.59, was ratified.**

**TWELFTH ORDER OF BUSINESS**

**Ratification of Stormwater Management Needs Analysis**

Ms. Suit presented the Stormwater Management Needs Analysis Report submitted to the County by the June 30, 2022 due date.

**On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, the Stormwater Management Needs Analysis Report, was ratified.**

**THIRTEENTH ORDER OF BUSINESS**

**Ratification of Amendment to Landscape and Irrigation Services Agreement with Vision Landscape Services of Florida, Inc.**

Ms. Suit presented the Amendment to Landscape and Irrigation Services Agreement. Mr. Earlywine stated the exhibit outlines an additional scope for additional services.

Ms. Smith asked if there is a maintenance map to facilitate working with Evergreen to identify what is in the boundaries of maintenance. Mr. Morris was directed to commence drafting and/or updating a CDD maintenance area map and email it to the District Manager for dissemination to District Counsel and to the Board for feedback and review.



**On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, the Amendment to Landscape and Irrigation Services Agreement with Vision Landscape Services of Florida, Inc., was ratified.**

**FOURTEENTH ORDER OF BUSINESS**

**Consideration/Ratification of CDD/HOA Maintenance Agreements**

Ms. Suit presented the following:

- A. Cove at West Port Community Association, Inc. (Assessment Area Two)**

**On MOTION by Mr. Cotter and seconded by Mr. Martin, with all in favor, the Cove at West Port Community Association, Inc. for Assessment Area Two, in substantial form, was approved.**

- B. Vistas at West Port Landings Association, Inc. (Landings East)**

**On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, the Vistas at West Port Landings Association, Inc. (Landings East), was ratified.**

**FIFTEENTH ORDER OF BUSINESS**

**Ratification of Deeds**

Ms. Suit presented the following:

- A. Quit Claim Deed and Grant of Easements [Forestar (USA) Real Estate Group Inc.]**
- B. Quit Claim Deed [KL West Port LLC]**

**On MOTION by Mr. Cotter and seconded by Mr. Martin, with all in favor, the Quit Claim Deed and Grant of Easements [Forestar (USA) Real Estate Group Inc.] and the Quit Claim Deed [KL West Port LLC], were ratified.**

**SIXTEENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of July 31, 2022**

Ms. Suit presented the Unaudited Financial Statements as of July 31, 2022.

**On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, the Unaudited Financial Statements as of July 31, 2022, were accepted.**

**SEVENTEENTH ORDER OF BUSINESS**

**Approval of June 14, 2022 Regular Meeting Minutes**

Ms. Suit presented the June 14, 2022 Regular Meeting Minutes.

**On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, the June 14, 2022 Regular Meeting Minutes, as presented, were approved.**

**EIGHTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel: *K.E. Law Group, PLLC***

Mr. Earlywine reported the following:

- Staff recently completed the West Port bond issue and is gearing up for the Forestar bond issue and the boundary amendment in 2023.
- All projects are close to completion.
- Staff will work on getting all deeds delivered and preparing Project Completion Resolutions.

**B. District Engineer: *Morris Engineering and Consulting, LLC***

There was no report.

**C. Field Operations: *Evergreen Lifestyles Management, LLC***

There was no report.

**D. District Manager: *Wrathell, Hunt and Associates, LLC***

- **NEXT MEETING DATE: October 11, 2022 at 12:30 P.M.**
- **QUORUM CHECK**

The October 11, 2022 meeting was cancelled. The Landowner’s Election will be on November 1, 2022.

**NINETEENTH ORDER OF BUSINESS**

**Board Members’ Comments/Requests**

There were no Board Members' comments or requests.

**TWENTIETH ORDER OF BUSINESS**

**Public Comments**

In response to a resident's question regarding her property tax bill, Ms. Smith stated assessments are collected through the Tax Collector and are not final, since they were just adopted today. Staff will submit them to the Tax Collector for inclusion on the final bill.

Asked about the expectation going forward, Ms. Suit stated \$576 is the exact amount listed on the proposed tax bill notice.

Discussion ensued regarding the Truth in Millage (TRIM) Notice, proposed tax bill, Board of County Commissioners, different assessment areas, bond issuances, etc.

Asked if the CDD has an independent Auditor, Ms. Suit stated the audit, which was prepared by Berger, Toombs, Elam, Gaines & Frank (BTEGF), was presented earlier in the meeting. Asked how best to obtain a copy of the audit, Mr. Manners stated it is on the CDD website.

Asked about landscaping the pond areas, Mr. Manners hoped that it will be completed by the end of the year. All the areas in the Isles have been landscaped except one section.

The Board responded to questions regarding the common areas, a natural buffer area along Centennial Boulevard, the Hammocks, construction debris cleanup, ongoing construction, the Westport Expansion project, an access road, solar streetlights and a meter cam.

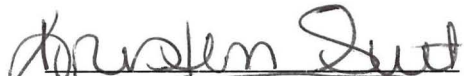
**TWENTY-FIRST ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Martin and seconded by Mr. Cotter with all in favor, the meeting adjourned at 1:38 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair