

**MINUTES OF MEETING  
WEST LAKELAND  
WATER CONTROL DISTRICT**

A meeting of the Board of Supervisors of the West Lakeland Water Control District was held Monday, July 19, 2021 at approximately 9:10 a.m. immediately following the Landowners Meeting, at The Ruthvens, located 41 Lake Morton Drive, Lakeland, Florida.

Present and constituting a quorum were:

J. Greg Ruthven  
Ann Weeks  
Brandon Clark

Chairman  
Vice Chairperson  
Assistant Secretary

Also present were:

Gary Moyer  
Steven Shealey  
Angel Montagna

District Manager  
District Engineer (via phone)  
District Manager

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Moyer called the meeting to order. The record shall reflect there is a quorum with all Supervisors present.

**SECOND ORDER OF BUSINESS**

**Audience Comments**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Organizational Matters**

**A. Consideration of Resolution 2021-01 Canvassing and Certifying the Results of the Landowners' Election**

Mr. Moyer stated Resolution 2021-01 is a resolution canvassing and certifying the results of the Landowners' election. It reiterates the process we went through; it was a unanimous vote for Mr. Clark.

There being no further discussion,

On MOTION by Mr. Ruthven seconded by Ms. Weeks, with all in favor, Resolution 2021-01 Canvassing and Certifying the Results of the Landowners' Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes, was adopted.
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**B. Oath of Office of Newly Elected Supervisor**

Mr. Moyer stated for the record, I am a Notary of the State and as such I can administer Oath.

*Mr. Moyer being a Notary Public of the State of Florida administered the Oath of Office to Mr. Clark; a copy of the signed Oath is attached hereto and made a part of the public record.*

**C. Designation of Officers (Resolution 2021-02)**

Mr. Moyer stated Resolution 2021-02 designates officers.

On MOTION Mr. Ruthven seconded by Ms. Weeks, with all in favor, Resolution 2021-02 Designating Officers of the District with Mr. Greg Ruthven to serve as Chairman, Ms. Ann Weeks to serve as Vice Chairperson, Ms. Angel Montagna to serve as Secretary, Ms. Trumaine Easy to serve as Treasurer, Mr. Stephen Bloom to serve as Assistant Treasurer, and Mr. Clark to serve as Assistant Secretary was adopted.

**FOURTH ORDER OF BUSINESS**

**Minutes**

**A. Acceptance of the Minutes of the June 22, 2020 Landowners' Meeting**

**B. Approval of the Minutes of the June 22, 2020 Regular Business Meeting**

Mr. Moyer stated each Board member received a copy of the Minutes of the June 22, 2020 Landowners Meeting for acceptance, and the Minutes of the June 22, 2020 Regular Business Meeting for approval, and requested any additions, corrections or deletions.

There not being any,

On MOTION by Ms. Weeks seconded by Mr. Clark, with all in favor, the Minutes of the June 22, 2020 Landowners' meeting were accepted, and the Minutes of the June 22, 2020 regular business meeting were approved.

**FIFTH ORDER OF BUSINESS**

**Public Hearing to Consider Adoption of the Budget for Fiscal Year 2022**

**A. Presentation of Proposed Fiscal Year 2022 Budget**

Mr. Moyer stated the primary purpose to have this meeting is to consider the adoption of the budget for the fiscal year that starts on October 1, 2021 and runs through September 30, 2022. You can see from that budget is for all practical purposes in this fiscal year under Revenues we are fully collected at 99.9%. There are a couple of dollars that have not been collected but it is certainly not significant. In the budget for next year, if we keep the assessment the same at \$11.70

the budget will go up to \$41,207 because there are now 155 new platted lots within the District. Those are added to our assessment roll that is collected by the Tax Collector and that generates different amounts of monies we are talking about.

Ms. Weeks asked can we discuss it?

Mr. Moyer responded sure.

Ms. Weeks stated at the last meeting we did not know where those lots were; do we know where they are now?

Mr. Moyer responded yes; we do. We know where they are, but again, we are relying on the Property Appraiser to provide that information. Mr. Shealy might have it. Are you familiar with the 155 lots that were just platted?

Mr. Shealy responded yes; I am. I spent a good bit of effort this year working with the Property Appraiser's office because we had to identify which new lots drain to the District and which do not. We did not prepare a map of it; we were waiting on the Property Appraiser to update their map.

Ms. Weeks asked are they being billed at the tax office yet?

Mr. Moyer responded they will be this coming fiscal year.

Ms. Weeks stated so we are looking at the increase in next year.

Mr. Moyer stated yes. Our budget year starts on October 1 and that is what we are talking now that will then go into the 2022 year. For those taxes and assessments, you will get a bill in November, the new people as well as you, and you can pay those through the end of March. You get a discount if you pay it in December, and then it steps down. These 155 lots will be treated like all the rest of the properties.

Ms. Weeks asked is it a single owner or is the developer selling off those lots?

Mr. Moyer responded I do not know that, but I would suspect they are developers who are going to sale those lots.

Ms. Weeks stated it will not be a bulk acreage at that point; it will be like my housing development.

Mr. Moyer stated that is exactly right.

Ms. Weeks stated I am assuming you are saying we do not need to address the issue until next year.

Mr. Moyer stated Mr. Shealy will know with certainty were those lots are next year; and there may be other parcels of land that are platted during the year and that information will also be added to our assessment roll and we would levy \$11.70 against those lots unless we find during the year that there is a need for more maintenance of facilities within the District and then as our budget steps up you would have to go through the process of increasing the \$11.70.

Ms. Weeks stated this is raw land and it has to be structured for the drainage. There will be certain parts of that land that will be the Water District's responsibility to care for.

Mr. Moyer stated that is correct and there will be certain parts of that land that a HOA will be responsible to care for.

Ms. Weeks stated we take care of our own.

Mr. Moyer stated that is correct. These subdivisions basically have HOA's and the water that comes from that property into drainage facilities ultimately discharge into the facilities that we operate and maintain.

Mr. Clark stated all our onsite retention ponds and that stuff is maintained by this District.

Ms. Weeks stated we have to maintain our ponds which is not the case at Steeplechase is my understanding.

Mr. Shealy stated that is correct.

Ms. Weeks asked how do we make sure the developer makes sure they make the homeowner aware of that situation? I am getting too far out into the future, I guess.

Mr. Moyer responded no; I think those were all good questions. He would have to disclose that as part of the sale of the individual lots. We would not be burdened with that responsibility unless he came to this Board and said he wanted the District to operate and maintain that. What we would do is basically say we maintain the major water management features on the property, but the subdivisions provide for their own drainage.

Ms. Weeks stated I am going to get off course a little bit and let us talk about Lakeland Highlands. That is a very large development; are they a part of our District?

Mr. Ruthven responded I do not know if the map goes that far north.

Mr. Moyer stated the redline is what is West Lakeland Water Control District.

Areas of a map were discussed.

**B. Consideration of Resolution 2021-03 Adopting the Fiscal Year 2022 Budget****C. Consideration of Resolution 2021-04 Levying Non-Ad Valorem Assessments**

Mr. Moyer stated the budget has not changed significantly. We did discuss last year Pennoni increasing their fees and we set a cap of \$7,500 for that. I think again, Mr. Shealy will want to do that again this year, but it is a time and materials contract. I can tell you, as you can see from the budget under this year's expenditures he has spent a lot of time on the mapping issues and we have had some problems in the field that we had to take care of that came to us and it got done in a very timely manner and Mr. Shealy is the one that pulled that together. Generally, we are pretty much leaving the budget as it is for this fiscal year. You can see at the bottom of the page; we have a fund balance that will be approximately \$111,000. If something happens that we need to spend more money than is in this budget, we do have some reserves that we can do that. In the motion I would ask the Board to adopt the budget and then authorize staff to the extent that our expenditures exceed the budget to pay for that out of fund balance. What this does is automatically amend your budget if we go over so your budget will always be in balance showing we had sufficient revenues to spend the work we are supposed to do.

Mr. Ruthven stated I am fine with that, but I think there should be some dollar amount.

Mr. Moyer stated whatever you are all comfortable with. As a number, I would say maybe 15% of the fund balance. We do not expect to do that, but it would be roughly \$15,000.

Mr. Clark asked have we had periods of time where that was needed?

Mr. Moyer responded no, but this year will be close because of the work we had to do that was required by SWFWMD. Our budget through the nine months, we are showing \$2,281 still under budget.

Mr. Ruthven asked what do you think?

Mr. Clark responded I think I would okay with 10% or 15%.

Mr. Ruthven stated a dollar amount.

Mr. Clark stated \$10,000.

Mr. Ruthven stated I am okay with that.

The Public Hearing was opened.

Hearing no comment,

On MOTION by Mr. Ruthven seconded by Mr. Clark, with all in favor, Resolution 2021-03 Adopting the Final Budget of the District for Fiscal Year 2022 and authorizing staff to the extent that expenditures exceed the budget to pay up to \$10,000 out of fund balance was adopted.

On MOTION by Mr. Ruthven seconded by Mr. Clark, with all in favor, Resolution 2021-04 Levying Assessments within the District for the Period of October 1, 2021 through September 30, 2022 was adopted.

## **SIXTH ORDER OF BUSINESS**

### **District Manager's Report**

#### **A. Financial Statements**

Mr. Moyer stated for the financial statements through June 30<sup>th</sup>. On revenues through non-ad valorem collections we have collected 99.9%. Our total expenditures through June 30<sup>th</sup> are under budget by \$2,281.

#### **B. Report on Number of Registered Voters – 1,836**

Mr. Moyer reported there are 1,836 registered voters within the District. This is just information for you.

#### **C. Meeting Date for Fiscal Year 2022**

Mr. Moyer stated we advertise in the newspaper stating we do not have a regular meeting schedule so the public knows we will advertise if we need a meeting.

Mr. Ruthven asked why don't we go ahead and pick a day.

Mr. Moyer asked for next year?

Mr. Ruthven responded yes.

Mr. Moyer stated we can do that.

Discussion followed on holding the meeting in August 2022. The consensus of the Board is August 8<sup>th</sup> at 9:00 a.m. at The Ruthvens.

## **SEVENTH ORDER OF BUSINESS**

### **Engineer's Report**

Mr. Shealy stated you should have received an email last week with my report. The big issues this year – worked quite a bit with the Property Appraiser's office with respect to the new development and determining which lots were in the District and which were not. There were several rounds of reviews on that. The bigger issue was back in March we received an email from

SWFWMD about an issue with one of the weirs in Steeplechase. The timing was interesting in that I had scheduled my inspector to go out that very week to get pictures of everything so we could start working on putting together a work scope for updated maintenance. He was able to get out two days later to look at that issue. We worked with Mr. Moyer and got a contractor involved and had everything resolved by May 4<sup>th</sup> and SWFWMD is happy. It was something we did not expect but we were able to get it taken care of.

The bigger issue, and we talked about this last year, is we have some areas that are going to need some significant maintenance in the future. What we decided to do is put together an entire scope of work for the District recognizing that budget-wise you cannot do it all in one year, but we wanted to break it down and try to put something together and get proposals. We have had these out on the street for almost two months now and no responses until Friday when we received one response. I think we sent to four different contractors that do this work. We received a response from Joey at Estates Management saying, "I really want to work with you guys, but we are just so busy and short-handed we cannot put anything together on it right now". With that being said I think our focus for the next year, we currently still have a contract with Florida Permitting, we are going to work with them to extend that for another year and our focus for the next year will be getting some detailed costs and budgets together on this and updating the annual maintenance that we do, looking at areas that need one time cleanings and start trying to get that scheduled a bit a year. That is basically what we have, you have our report, and the maps showing the updated photographs of everything and we continue working on moving that forward. Budget-wise this year we are going to be a little over the \$7,500, it may be around \$8,000 give or take, but given all the unexpected we worked on this year it is not unusual. We agree that \$7,500 for next year's budget is fine and will be submitting a proposal to that affect.

Mr. Clark asked what is the history on Steeplechase and why we are responsible for the maintenance of their pond site drainage?

Mr. Shealy responded that pre-dates me, but from what I have been able to determine looking back, at some point they managed to develop that property and not have the HOA responsible for the storm water; it was dumped into the District somehow. The District would have had to approve it somehow, but I cannot find where that ever happened.

Mr. Ruthven asked are we billing them separately for that?

Mr. Moyer responded no; it is all part of the \$11.70.

Mr. Clark asked they do not have any additional assessment because of it, they just pay the same \$11.70?

Mr. Moyer responded correct.

Ms. Weeks stated I pay the \$11.70.

Mr. Shealy stated we spend more than \$11.70 times the number of lots and what we do out there.

Ms. Weeks asked at Steeplechase?

Mr. Shealy responded yes.

Ms. Weeks asked what does Steeplechase costs?

Mr. Shealy responded off the top of my head, I do not know, but the repair contract this year was \$7,000 or \$8,000.

Ms. Weeks stated I went out and looked at it, what exactly? You are talking about the weir.

Mr. Shealy stated yes. On a pond behind the homes.

Ms. Weeks asked what was the problem with it?

Mr. Shealy responded the problem was it was not constructed very well to begin with, it was an earthen and sod weir and over time it got eroded out. I did talk to one of the homeowners who said that during Hurricane Irma a couple of years ago the pond came up and it washed away. There is a lot indication of alligator and turtle activity on the berm walking back and forth, wearing it down and the water was flowing around the weir, so we reconstructed all of that. We replaced the weir with concrete instead of sod.

Mr. Moyer stated we should not have that problem in the future.

Ms. Weeks stated we know for the future that sod weirs are not good, put something up that is more substantial, and it costs about \$8,000.

Mr. Clark stated I would be interested to know when the District approved taking on that responsibility and what the minutes reflected of that.

Mr. Moyer stated we can go back to look at the minutes.

Mr. Clark stated almost 10% of last year's budget was spent on that replacement. If you look at the scale of the whole thing, we have maintenance on our ponds all the time. It is not incomprehensible that would be a number like that at other times in the future.



Ms. Weeks stated as this develops, most of it is currently warehouses so it does not present a problem, but there could be more housing developments coming in. I think you need to make sure that we, or somebody.

Mr. Ruthven stated we would not be approving that.

Mr. Moyer stated I think Steeplechase was done by Tony. The Board at that time was Tony and two other people, but the two other people were associated with Tony. I think that is probably the story.

Ms. Weeks stated for the 155, do we have to take them?

Mr. Moyer responded we basically set the precedent, other than Steeplechase, that subdivisions maintain their own subdivision drainage. To be consistent with that you would not accept somebody who came to you to say we want you to maintain ponds and water control structures in a private residential community.

Ms. Weeks stated I want to make the point that we have two different types of developments and to me, this Board should be addressing the business development part, not individual homeowners' or housing developments.

Mr. Moyer stated the business development part does maintain their own drainage systems and we then maintain the major outflow systems. We are now applying that same policy to residential developments, as well.

Ms. Weeks stated I understand what you said, but can we not exclude the 155 because I see what is going to happen here, it is going to be a very large development like Steeplechase and those people are not going to know.

Mr. Ruthven stated a Steeplechase will not be approved again. If somebody comes in and wants us to work on their ponds, we are not going to do that.

Ms. Weeks stated we can keep residential developments out.

Mr. Moyer stated they get the benefit of the Master Drainage system that we are responsible for, so they need to pay their \$11.70 for that. If we excluded them then they would not be required to pay the \$11.70 and that is why you cannot formally exclude them.

Mr. Clark stated we would not cover the costs of any of their onsite retention ponds in the District's budget like Steeplechase apparently is. We would catch it once it comes off site and into the main infrastructure.

Mr. Ruthven stated for Steeplechase let us say it is \$20,000 next time. We talked at one time about dissolving the District. You could do that if it got totally out of whack and then they would be stuck paying their own freight. I do not know if there is a way we can special assess those folks.

Mr. Moyer stated there is, it is a rather cumbersome process where we would have to notify them, we would have to have a public hearing on it, and then whatever expenses are necessary.

Mr. Ruthven stated it would be worth it.

Mr. Moyer stated if you had a big number, yes.

Ms. Weeks stated there are still a lot of things that could happen in that developing area.

Mr. Ruthven stated it has probably never happened; I do not know that it has happened before where we have been hit with their expenses.

Mr. Moyer stated no.

Mr. Ruthven asked are there any other concerns that you have?

Mr. Shealy responded at this time no. In early 2023 we will have to do a SWFWMD Recertification. We can handle that; it is not a big deal. I do expect more development out in that area, and we will probably be dealing with the Property Appraiser on getting the boundaries cleared up. Those are the only things we have going other than trying to get better breakdown on what your maintenance costs should be and figuring out a schedule to get all of that done.

#### **EIGHTH ORDER OF BUSINESS**

#### **Supervisors' Requests and Audience Comments**

There being none, the next item followed.

#### **NINTH ORDER OF BUSINESS**

#### **Adjournment**

There being no further business,

On MOTION by Mr. Ruthven seconded by Mr. Clark, with all in favor, the meeting was adjourned.

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Angel Montagna  
Secretary

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J. Greg Ruthven  
Chairman