

**MINUTES OF MEETING
WATERFORD LANDING
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Waterford Landing Community Development District held a Public Hearing and a Regular Meeting on July 28, 2021 at 10:00 a.m., at the offices of Barraco and Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901.

Present were:

Charles Cox	Chair
Joyce Hein	Assistant Secretary
Robert Stillman	Assistant Secretary

Also present, were:

Daniel Rom	District Manager
Dana Crosby-Collier (via telephone)	District Counsel
Carl Barraco	District Engineer
Neal Mathes	Barraco & Associates

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Rom called the meeting to order at 10:01 a.m. Supervisors Cox, Hein and Stillman were present. Supervisors Campo and Strang were not present.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRD ORDER OF BUSINESS

**Public Hearing on Adoption of Fiscal Year
2021/2022 Budget**

A. Proof/Affidavit of Publication

The affidavit of publication was included for informational purposes.

B. Consideration of Resolution 2021-05, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2021, and Ending

September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date

Mr. Rom reviewed the proposed Fiscal Year 2022 budget, including adjustments to the “Utility warranty” and “Assigned: lake bank project” line items, Debt Service Fund Budget – Series 2014, Debt Service Schedule and Projected Assessments Table.

On MOTION by Mr. Stillman and seconded by Ms. Hein, with all in favor, the Public Hearing was opened.

No member of the public spoke.

On MOTION by Mr. Cox and seconded by Mr. Stillman, with all in favor, the Public Hearing was opened.

Mr. Rom presented Resolution 2021-05 and read the title.

On MOTION by Ms. Hein and seconded by Mr. Stillman, with all in favor, Resolution 2021-05, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

- **District Engineer: *Barraco and Associates, Inc.***
 - **Status of Utility Turnover to City of Fort Myers**

This item, previously Item 10B, was presented out of order.

Mr. Barraco introduced Mr. Neal Mathes, who was being trained to assist in servicing the firm’s clientele. He reported the following:

- Typically, the water and sewer utilities are constructed by the CDD and later dedicated to the City for ownership and operation and maintenance (O&M).
- Years ago, the City of Fort Myers grew tired of the Developer asking the City relocate recently-installed utilities after conveyance and ceased accepting utilities for ownership until 90% of the homes are completed.

- The CDD has met the City's threshold and commenced the dedication process.
- The City was recently notified that the high-water mark alarm in one of the lift stations went off and contacted Barraco & Associates for assistance. Mr. Barraco examined the lift station with a contractor, who did not charge for his services. It was discovered that one lift station does not have a water meter and the water flow needs to be adjusted. Staff would install a new water meter prior to turnover of the utilities.
- Staff arranged to provide the City with a one-year warranty upon conveyance; the process should be completed within one month.

Discussion ensued regarding possible reasons why the alarm went off, the lift stations, force mains, water levels below the concrete pad and the CDD being responsible for the repairs.

▪ **Discussion: Notification of Construction Work by Black and Veatch (B&V)**

This item was an addition to the agenda.

Mr. Rom read the following email into the record regarding a communication that was received from Mr. Steven Nelson, of Black and Veatch."

"Mr. Nelson called today to give a heads up that Black and Veatch (B&V) will be doing construction work; expanding the potable water infrastructure by installing new wells and pipeline for the City of Fort Myers on City-owned property. This will mean dump trucks on Aldermans Walk Boulevard and a possibility of damage to landscaping, which they will repair. The work should begin on either November 2021 or January 2022."

Mr. Rom stated it was also mentioned that plans could be provided to the CDD. He asked the District Engineer and District Counsel for their feedback with regard to making sure that the CDD is protected, in terms of potential damages.

Mr. Barraco stated he would like to review the plans to get a clearer picture of the proposed work. Asked why wells are being installed, Mr. Cox stated he was previously informed that the City cleared a strip of land that runs perpendicular to the canal, parallel to Aldermans Walk Boulevard, between the canal and the northwest corner of Phase 3, to facilitate construction work. This is part of the City's general plan to allow property owners to clear pepperwood and other exotic vegetation that cannot be mowed.

Discussion ensued regarding the CDD right-of-way (ROW), pedestrians cutting across the Parkway strip to access Aldermans Walk Boulevard, heavy equipment being dropped off to clear the strip of land and the canal, damaged concrete pads, pedestrian use of the pavement

on Aldermans Walk Boulevard and a clearing plan. The consensus was that additional information is needed regarding what kind of access would be required for B&V to complete the work.

Mr. Cox would obtain and forward the plans to District Staff. Mr. Barraco would review the plans and make a video of the current condition of the pavement on Aldermans Walk Boulevard and the landscape prior to commencement of the construction project.

Ms. Collier stated it is necessary for the CDD to request an access easement from any entity doing construction work on CDD property, which allows the party to access the property and guarantee to restore the property to the condition it was in before they entered the property. The easement document would be recorded in the public records.

Mr. Barraco would submit the gathered information to the District Manager for dissemination to the Board. Mr. Rom stated the next meeting would be in November and, if amenable and based on the information that CDD Staff provides, the Board could direct the District Manager and District Engineer to prepare an easement document and authorize the Chair to execute.

On MOTION by Mr. Stillman and seconded by Ms. Hein, with all in favor, authorizing the Chair to coordinate with District Staff to prepare an easement document pertaining to construction work by Black and Veatch on Aldermans Walk Boulevard and authorizing the Chair to execute the document, was approved.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2021-06, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2021/2022; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

Mr. Rom presented Resolution 2021-06 and read the title. This Resolution facilitates the collection of assessments and allows for the budget to be amended, if needed.

On MOTION by Mr. Cox and seconded by Ms. Hein, with all in favor, Resolution 2021-06, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2021/2022; Providing for the Collection and Enforcement of Special Assessments; 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

Presentation of Audited Financial Report for the Fiscal Year Ended September 30, 2020, Prepared by Grau & Associates

Mr. Rom presented the Audited Financial Report for the Fiscal Year Ended September 30, 2020 and noted the pertinent information found in the Audit. There were no findings, recommendations, deficiencies on internal control or instances of non-compliance; it was a clean audit.

Mr. Rom responded to questions regarding the capital assets in relation to utility conveyance, total net position, principal payments, program revenues, internal controls and Grau & Associates.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2021-07, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2020

Mr. Rom presented Resolution 2021-07.

On MOTION by Ms. Hein and seconded by Mr. Stillman, with all in favor, Resolution 2021-07, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2020, was adopted.

SEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2021

Mr. Rom presented the Unaudited Financial Statements as of June 30, 2021.

Asked when Lee County actually transfers the debt service funds to the CDD, Ms. Collier stated once the Tax Collector starts to receive the funds in November, they begin transmitting the funds to the CDD; the process continues for the next five months but Staff would confirm

that. Asked about the unexpended funds from the “Engineering” line item, Mr. Rom stated any surplus funds would automatically go into the Unassigned Fund Balance.

On MOTION by Mr. Stillman and seconded by Mr. Cox, with all in favor, the Unaudited Financial Statements as of June 30, 2021, were accepted.

EIGHTH ORDER OF BUSINESS

Approval of April 29, 2021 Regular Meeting Minutes

Mr. Rom presented the April 29, 2021 Regular Meeting Minutes.

On MOTION by Ms. Hein and seconded by Mr. Stillman, with all in favor, the April 29, 2021 Regular Meeting Minutes, as presented, were approved.

NINTH ORDER OF BUSINESS

Other Business

Ms. Hein asked if there were any responses to the erosion letters to property owners. Mr. Cox stated that one property owner from Phase I responded and, in the owner’s opinion, this issue should be addressed by the builder or the HOA who approved the gutter extensions. Mr. Cox responded that it does not work that way; the gutters are owned by the property owners so they are responsible for remediation; the CDD could provide information on how best to resolve the issue.

Discussion ensued regarding educating homeowners with pools about drainage and remediation matters, lake and dirt ownership, the Master HOA, the property appraiser and the CDD developing and providing homeowners with a list of steps to take to resolve the erosion issues.

The Board issued the following directives:

- Mr. Barraco is to drive through the community and identify homes with drainage issues.
- Mr. Barraco is to offer potential solutions and suggestions to remediate the issues.
- The homeowner is responsible for engaging a contractor and contacting the HOA for approval if the construction work will be on HOA property.

Ms. Hein asked if there were any updates on what the City is doing regarding traffic light on Aldermans Walk Boulevard. Mr. Cox would follow up with Mr. Carl Karacus, a traffic

engineer, for more information. Mr. Rom would gather and disseminate information regarding the traffic light to the Board.

TENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Straley & Robin*

Ms. Collier asked if the Board would like her to research the deeds of the property owners' strips along the water bodies. Mr. Cox replied no.

B. District Engineer: *Barraco and Associates, Inc.*

- **Status of Utility Turnover to City of Fort Meyers**

This item was presented following the Third Order of Business.

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

- **NEXT MEETING DATE: November 18, 2021 at 11:00 A.M.**

- **QUORUM CHECK**

The next meeting will be held on November 18, 2021.

ELEVENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

TWELFTH ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRTEENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned.

<p>On MOTION by Mr. Stillman and seconded by Ms. Hein, with all in favor, the meeting adjourned at 11:21 a.m.</p>
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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair