

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

The Board of Supervisors of the Waterford Landing Community Development District held a Regular Meeting on January 26, 2023 at 11:00 a.m., at the Linsford Amenity Center, 4101 Dutchess Park Road, Fort Myers, Florida 33916.

Present were:

Charles Cox	Chair
Marcina Strang (via telephone)	Vice Chair
Donna Accardo	Assistant Secretary
Robert Stillman	Assistant Secretary
Joyce Hein	Assistant Secretary

Also present, were:

Daniel Rom	District Manager
Vivek Babbar	District Counsel
Carl Barraco (via telephone)	District Engineer

Residents present, were:

Maury Wiese	Helen Hazi	Pat Holcomb	Barbara Hanahan
Linda Young	Herb Klein	David Feyesh	Robert Peterson
Ed Oie	Rod DeMille	Lewis Romain	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Rom called the meeting to order at 11:02 a.m. Supervisors Cox, Stillman, Hein and Accardo were present. Supervisor Strang attended via telephone.

Mr. Rom stated the Oath of Office was administered to Mr. Cox prior to the meeting and Ms. Strang and Ms. Accardo had their Oaths of Office administered and notarized and submitted them directly to the Supervisor of Elections (SOE).

SECOND ORDER OF BUSINESS

Public Comments

Mr. Rom welcomed all meeting attendees and explained the protocols for public comments.

Resident Ed Oie asked when the CDD was established and about the bonds. Mr. Rom stated the CDD has been in existence since 2006; there was a pause in activity due to the recession and then a change in ownership. He explained the bond process.

Resident Robert Peterson asked if the CDD has reserves. Mr. Rom stated that the CDD has a reserve fund and the Unaudited Financials will be reviewed later in the meeting.

Resident Rod Lenick asked about the makeup of the Board and Board Member elections. Mr. Rom discussed the candidate qualifying requirements, including being a citizen of the United States, a Florida resident, a registered voter in Lee County and a resident within the CDD boundaries. Board Members are elected via the General Election and vacated seats are filled by the remaining Board Members. Asked if the CDD is just for Linsford or for other neighborhoods, Mr. Cox stated the boundaries of the CDD encapsulate 252 acres in the development, including three neighborhoods and some of the preserves.

Resident Lewis Romain asked if the CDD has any influence or impact on water pressure problems. Mr. Barraco stated water pressure is a function of the City; the last steps are underway to dedicate the remaining utilities to the City. The City will soon own all remaining water and sewer infrastructure.

Mr. Rom stated his contact information is on the CDD website, waterfordlandcdd.net, and encouraged residents to contact him with any CDD-related questions or concerns.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors, Charles Cox [Seat 3], Marcina Ann Strang [Seat 4] and Donna Accardo [Seat 5] *(the following to be provided in a separate package)*

Mr. Rom reiterated that Mr. Cox, Ms. Strang and Ms. Accardo were sworn in prior to the meeting. He provided and briefly explained the following:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**

C. Financial Disclosure Forms

I. Form 1: Statement of Financial Interests

II. Form 1X: Amendment to Form 1, Statement of Financial Interests

III. Form 1F: Final Statement of Financial Interests

D. Form 8B – Memorandum of Voting Conflict

FOURTH ORDER OF BUSINESS

**Consideration of Resolution 2023-01,
Designating Certain Officers of the District,
and Providing for an Effective Date**

Mr. Rom presented Resolution 2023-01. Ms. Hein nominated the following slate:

Charles Cox	Chair
Marcina Strang	Vice Chair
Robert E. Stillman	Assistant Secretary
Joyce L. Hein	Assistant Secretary
Donna Accardo	Assistant Secretary
Daniel Rom	Assistant Secretary

No other nominations were made.

Prior appointments by the Board for Secretary, Treasurer and Assistant Treasurer remain unaffected by this Resolution.

On MOTION by Mr. Stillman and seconded by Ms. Accardo, with all in favor, Resolution 2023-01, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Updates

• Utility Turnover to City of Fort Myers

Mr. Rom noted the following items:

- At the August or September meeting, the Board directed the District Manager, District Engineer and Chair to continue discussing and meeting with the City Engineer and the City of

Fort Myers regarding final punchlist items for the utilities, to finally transfer the utilities to the City.

- Discussions between the team and the City have been ongoing for over one year.
- The team met with City representatives and were able to negotiate what was initially discussed and what needed to be repaired and located certain valves within all the utilities in the CDD.
- Within the last four weeks, all repairs were completed and the City was able to inspect and check off the entire checklist.
- The CDD is in the final stages of the turnover process and the City agreed to place a few items on the Commission's agenda for final acceptance of the utilities by the City of Fort Meyers.

Asked about the timing, Mr. Rom assumed it will take approximately 30 days.

Mr. Barraco stated, since the beginning of this CDD, the intention has always been that the water and sewer systems would be dedicated to the City for operation, ownership and maintenance. The City has always supplied the water and always received the sanitary effluent water; this is the last process, wherein the City will take ownership of the actual pipes within and around the CDD.

- **Lake Bank Erosion Inspections**

Mr. Rom stated the inspections were delayed due to the hurricane and subsequently by other rainstorms in the area.

Mr. Barraco stated lake levels are approaching dry season elevation and the observation Engineers commenced the lake inspections, which will be completed in the coming week. A report and recommendations will be presented at the next meeting. Mr. Rom stated, coupled with that, the Board previously asked for the specific properties that might unknowingly be contributing to the lake bank erosion issues to be identified.

In response to Ms. Hein's question regarding violations, Mr. Barraco stated the report will locate any potential violations relative to the South Florida Water Management District (SFWMD) maintenance criteria, which is that slopes at or around the waterline should not be any steeper than 3.5' horizontal and the vertical drop-off should not be more than 9". If

anything is in excess of either of the criteria, it will be documented and highlighted in aerial photographs. It is important to note that some of the erosion is caused by nature, wind and wave action or by things that property owners need to maintain.

- **Traffic Light at Winkler Avenue and Alderman’s Walk Boulevard**

Mr. Rom stated it was determined at the last meeting that the Board will work with the City Council to facilitate installation of a traffic light at Winkler Avenue and Alderman’s Walk Boulevard.

Mr. Cox stated, at its December 5, 2022 meeting, the City Council instructed the City Manager to develop an accelerated plan for installation of the traffic light. There are funds in the City budget this year for the design work. Typically, the design work would be done in the first year, right-of-way (ROW) acquisitions in the second year and installation in the third year. He recently learned that the City Engineer stated that the signal will be installed in less than three years. Ms. Strang stated she also attended the Council meeting and felt that the City is trying to have the traffic light installed. In her opinion, property owners should continue stressing the importance of the traffic light to the Council and the Mayor.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2023-02, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2021 and Ending September 30, 2022; and Providing for an Effective Date

Mr. Rom presented Resolution 2023-02.

On MOTION by Mr. Cox and seconded by Mr. Stillman, with all in favor, Resolution 2023-02, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2021 and Ending September 30, 2022; and Providing for an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Ratification of Denco Construction Inc., First Amendment to Construction Agreement

Mr. Rom presented the Denco Construction Inc., First Amendment to Construction Agreement, which pertains to the utility repairs.

On MOTION by Mr. Cox and seconded by Ms. Hein, with all in favor, the Denco Construction Inc., First Amendment to Construction Agreement, was ratified.

EIGHTH ORDER OF BUSINESS

Ratification of Denco Invoice #010523 for Linsford Valve Repairs

Mr. Rom presented Denco Invoice #010523 for Linsford Valve Repairs, which was previously executed by the Board Chair.

On MOTION by Mr. Stillman and seconded by Ms. Accardo, with all in favor, Denco Invoice #010523 for Linsford Valve Repairs, in the amount of \$36,700, was ratified.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2022

Mr. Rom presented the Unaudited Financial Statements as of December 31, 2022.

On MOTION by Mr. Stillman and seconded by Mr. Cox, with all in favor, the Unaudited Financial Statements as of December 31, 2022, were accepted.

TENTH ORDER OF BUSINESS

Approval of August 25, 2022 Public Hearings and Regular Meeting Minutes

Mr. Rom presented the August 25, 2022 Public Hearings and Regular Meeting Minutes.

On MOTION by Ms. Hein and seconded by Mr. Stillman, with all in favor, the August 25, 2022 Public Hearings and Regular Meeting Minutes, as presented, were approved.

ELEVENTH ORDER OF BUSINESS**Other Business**

In response to Mr. Cox's question regarding the easement that the City requested for the pump, Mr. Barraco stated this is not a CDD item; however, per the City's request, Staff wrote and provided a legal description so that Florida Power & Light (FPL) can have an easement to install permanent power. The project is almost complete. Asked if the easement will not cover any land owned or controlled by the CDD, Mr. Barraco replied affirmatively.

TWELFTH ORDER OF BUSINESS**Staff Reports****A. District Counsel: *Straley & Robin***

Mr. Babbar stated Staff is monitoring the current legislative session and, so far, there is nothing that pertains to CDDs or Special districts. He will continue monitoring the session and provide updates.

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

Mr. Barraco reported the following:

- Several months ago, the Board gave Barraco & Associates permission to respond to a City of Fort Myers Request for Qualifications (RFQ) for a Serena Park project between Alderman's Way and Shumaker. The RFQ was for a consultant to design and help construct infrastructure that will serve the platted lots in the subdivision.
- His firm responded to the RFQ for the project and was selected to provide the Engineering Services for that subdivision; it will go to the Council for approval.

Asked about the construction time length, Mr. Barraco stated one year.

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

- **NEXT MEETING DATE: April 27, 2023 at 11:00 AM**
 - **QUORUM CHECK**

THIRTEENTH ORDER OF BUSINESS**Supervisors' Requests**

There were no Supervisors' requests.

FOURTEENTH ORDER OF BUSINESS**Public Comments**

Resident Helen Hazi asked about the significance of turning the utilities over to the City, what the CDD loses and gains and what the City of Fort Myers provides to the CDD. Mr. Rom stated one benefit in turning the utilities over to the City is that the CDD will no longer be obligated to maintain those utilities; that was the blueprint and it was anticipated from the start. Mr. Barraco stated interested residents can access the original Engineer's Report, which contemplated constructing the infrastructure and dedicating it to the City of Fort Myers for ownership and O&M.

Resident Rod DeMille voiced concerns about flood mitigation; the lake that abuts his property came within inches of breaching his home. He asked if the lakes are inspected regularly and suggested the Board consider an overflow outlay into the canal. Mr. Barraco explained that the purpose of the lakes is to collect and treat stormwater runoff and to attenuate or store runoff from rainfall events. It should be expected that the lakes rise and fall with rainfall. There are controlled discharge points such that the water leaving the system is not any greater than the water that left the system prior to the system being developed. The system is designed so that, if a torrential rainfall raises levels above the design, the perimeter berm will overflow before any homes are breached. Asked who controls the water management system, Mr. Barraco stated the CDD owns, maintains and operates the system. Although there is no regularly scheduled routine maintenance, the District Engineer occasionally inspects of the lake perimeter primarily for safety.

Discussion ensued regarding the weirs, pumping out the lakes, lift stations, generators, manholes, pipes, gutters, downspouts, regulations, controlled elevation, swales, lake erosion inspections, City code inspections and the City owning and maintaining the infrastructure.

A resident voiced his concerns about pollution and illegal port-o-potty dumping and asked if the lake bank erosion inspection is confined to only erosion. Mr. Cox stated the CDD and Master Association are required to monitor water quality in the lakes, as well as maintaining lakeshore vegetation. When conducting their inspections, Mr. Barraco's team examines where the littorals, which help stabilize the banks, are planted and makes recommendations; however, the CDD does not have any responsibility for pollution monitoring.

Mr. Barraco stated if he or a team member discovers an illicit discharge, they will bring it to the Board's attention even though that is not a part of their inspection.

A resident stated, during Hurricane Ian, some areas in Phase 2 experienced street flooding around the box drains and gutters and the Master Association had the drains cleaned. The resident asked if the CDD is responsible for making sure the lines are clean, from the drain to the lake, and are discharging water into the lake correctly. Mr. Barraco stated Alderman's Way is owned, operated and maintained by the CDD so it is the CDD's responsibility. The other roadways are private and are the responsibility of the HOA, except for any pipes that connect one lake to another. The Master Association is responsible for the street drains. Asked who maintains the outflow structures for the ponds and where the release points are located, Mr. Barraco stated the outflow structures are maintained by the CDD and water is discharged into the City's north colonial waterway, which crosses the property. The City controls how the weirs are set in the canal and it is coordinated through the SFWMD.

FIFTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Stillman and seconded by Ms. Accardo, with all in favor, the meeting adjourned at 12:15 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair