

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

The Board of Supervisors of the Waterford Landing Community Development District held a Regular Meeting on April 27, 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	Vice Chair
Donna Accardo	Assistant Secretary
Robert Stillman	Assistant Secretary

Also present, were:

Daniel Rom	District Manager
Whitney Sousa	District Counsel
Doug Tarn (via telephone)	District Engineer

Residents present, were:

Ron Bozinovick	Rod DeMille	Steve Matthes	Jacinto Bernardo
Howard Cohen	Jeff Penn	Maury Wiese	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Rom called the meeting to order at 11:01 a.m.

Supervisors Cox, Strang, Stillman, and Accardo were present. Supervisor Hein was not present.

SECOND ORDER OF BUSINESS

Public Comments

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

No members of the public spoke.

THIRD ORDER OF BUSINESS

Presentation of Audited Financial Report for the Fiscal Year Ended September 30, 2022, Prepared by Grau & Associates

Mr. Rom presented the Audited Annual Financial Report for the Fiscal Year Ended September 30, 2022 and accompanying disclosures. There were no findings, irregularities or instances of noncompliance; it was an unmodified opinion, otherwise known as a clean audit.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2023-03, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2022

Mr. Rom presented Resolution 2023-03.

On MOTION by Ms. Strang and seconded by Mr. Stillman, with all in favor, Resolution 2023-03, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2022, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2023-04, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; and Providing an Effective Date

Mr. Rom presented Resolution 2023-04. He reviewed the proposed Fiscal Year 2024 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal Year 2023 budget, and explained the reasons for any changes. He recalled that assessments increased in Fiscal Year 2023 because, for at least the last two years, the CDD was making necessary punch list repairs for turnover of the utility system to the City of Fort Myers. Turnover of the utilities to the City was always the plan and the CDD has records showing numerous attempts to have the City perform inspections to complete the punch list items in order to affect the turnover. While this was pending, there was no choice but to budget for substantial repairs and collect funds in advance. It turned out that the CDD only had to spend

approximately 35% of the funds collected toward those repairs and the City approved the turnover of the utility systems.

Ms. Strang commended Mr. Cox and the team, as it is expected that only approximately \$45,000 will be spent of the approximately \$179,000 budgeted in Fiscal Year 2023. Mr. Cox stated that City Councilwoman Terolyn Watson was very helpful.

Mr. Rom discussed the need to build reserves for lake bank erosion restoration work, given the maturity and history of the CDD; some work is needed now and only \$24,000 is in reserves for this purpose. The low reserves reflect the Board's commitment to keeping assessments low; however, the District Engineer estimated that necessary repairs will total approximately \$450,000. For this reason, rather than lowering the assessments, given that the CDD is under budget for Fiscal Year 2023, Mr. Rom recommended keeping the Fiscal Year 2024 assessment levels the same as in Fiscal Year 2023 and directing the additional funds of approximately \$181,000 toward the Unassigned fund balance, which would increase Unassigned funds to approximately \$307,000.

Discussion ensued regarding Unassigned fund balance, funding the repairs, timing of assessments and scheduling of lake bank restoration work.

Mr. Rom stated, because the CDD has only professional and administrative expenses and a very minimal budget, Capital Improvement projects are generally funded by increasing assessments. He distributed and presented recommendations to allocate Unassigned funds toward the lake bank erosion restoration. He estimated that an assessment increase of approximately \$150 per unit in Fiscal Year 2024 would provide sufficient funds to complete the entire lake bank project.

Mr. Tarn noted the following in response to questions:

- Lake bank remediation projects are often completed in phases over a few years.
- Regarding the percentage of CDD ponds that need attention in Fiscal Year 2024, some areas noted by the inspector appear to have a greater than 3.5':1' slope, which exceeds what is allowed by the South Florida Water Management District (SFWMD) maintenance criteria that states that vertical steps or drop-offs should not be more than 9" and slopes at or around the waterline should not be any steeper than 3.5':1'. The areas will be inspected more closely to determine the next best steps.

➤ Regarding how frequently work might need to be redone once the project is completed, many repairs last as long as ten years. A regular maintenance program with annual inspections provides for small problems to be addressed before they develop into large issues.

➤ Since every lake has some erosion, evaluating the lakes and addressing them in order of severity is suggested.

➤ Based on current pricing, the total estimate for all 19 lakes is approximately \$450,000.

Mr. Tarn described preferred repair methods and fill material and recommended planting littorals following remediation to further slow wave action and stabilize lake banks.

Ms. Strang noted that, with 19 lakes, the cost per lake will be approximately \$24,000.

Mr. Cox stated that previous repairs by Ronto were inadequate, as fill washed into the lake, and asked if the repair Mr. Tarn recommends will have greater durability. Mr. Tarn replied affirmatively.

Discussion ensued regarding whether to raise assessments in Fiscal Year 2024, the need to plant littorals and additional possible expenses.

Mr. Rom noted that another option is to levy one large assessment to fund the project and complete the work sooner, to possibly realize a cost savings compared to the cost if spread over several years.

Mr. Tarn stated, with the approaching rainy season, the soonest work can begin will be in early 2024. The SFWMD requires ongoing maintenance and the CDD is the operational entity. Regarding other maintenance the CDD is responsible for, Mr. Tarn stated he needs to check with Mr. Barraco.

Mr. Cox asked if the CDD owns the interconnecting pipes and if they are inspected regularly. Mr. Tarn does not believe his firm was engaged for those inspections.

Mr. Rom stated he must review the Maintenance Agreement but, typically, the HOA is responsible for that type of maintenance despite ownership by the CDD.

Mr. Cox thinks the Master Association is responsible, from the street drain and into the lake; the CDD owns the interconnecting pipes and the two outfall structures. He asked if a maintenance program is in place. He asked Mr. Tarn to find out if a preventive maintenance program is needed for the interconnecting pipes and outfall structures.

Mr. Rom suggested adding a lake maintenance line item to the proposed Fiscal Year 2024 budget. Mr. Cox stated the Master Association engages contractors to perform algae and

shoreline weed treatments and monitor water quality. He believes there is a need to budget for inspection and cleanout of the pipes. Mr. Rom asked how frequently service should be done following the initial inspection and cleanout. Mr. Tarn stated it depends but lake interconnects and outfalls could be done once a year.

Mr. Rom suggested determining a per unit assessment amount and he will then budget accordingly, upon receipt of Mr. Tarn’s proposal.

Mr. Cox suggested an assessment increase of \$85 per unit, with a portion of the funds to be allocated to lake maintenance. The following change was made to the proposed Fiscal Year 2024 budget:

Page 1: Add “Lake maintenance” line item; amount to be determined

On MOTION by Mr. Stillman and seconded by Ms. Strang, with all in favor, Resolution 2023-04, Approving a Proposed Budget for Fiscal Year 2023/2024, as amended, and Setting a Public Hearing Thereon Pursuant to Florida Law for August 24, 2023 at 11:00 a.m., at the Linsford Amenity Center, 4101 Dutchess Park Road, Fort Myers, Florida 33916; Addressing Transmittal, Posting and Publication Requirements; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Updates

- **Lake Bank Erosion Inspections**

Mr. Rom recalled the Board previously asked the District Engineer to identify specific properties that might unknowingly be contributing to lake bank erosion and recommend a solution and provide an approximate cost and contractor information. District Management will inform homeowners of their responsibility to address drainage issues and forward the information provided by the District Engineer.

Mr. Cox noted that the CDD is limited to addressing erosion from the control elevation down. He asked who pays for erosion remediation within the 20’ maintenance easement owned by the Master Association.

Mr. Tarn thinks the gutters and/or roof drains causing issues can be piped directly into the lake; he will confer with Mr. Wes Anderson, of Code Enforcement, and provide an update.

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

Mr. Rom noted that installation of a traffic light at Winkler Avenue and Alderman’s Walk Boulevard is not a CDD matter, but asked if anyone has an update.

Mr. Cox stated Ms. Nicole Monahan advised that it is in the City’s budget. He believes the design work was presented to the City Council and the City Manager is to assemble a plan. He has seen no mention of this on City Council schedules. While it is not CDD business, he wants this included on the agendas since it is of interest to the community.

SEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of March 31, 2023

Mr. Rom presented the Unaudited Financial Statements as of March 31, 2023.

On MOTION by Ms. Strang and seconded by Mr. Cox, with all in favor, the Unaudited Financial Statements as of March 31, 2023, were accepted.

EIGHTH ORDER OF BUSINESS

Approval of January 26, 2023 Regular Meeting Minutes

Mr. Rom presented the January 26, 2023 Regular Meeting Minutes.

On MOTION by Mr. Stillman and seconded by Ms. Accardo, with all in favor, the January 26, 2023 Regular Meeting Minutes, as presented, were approved.

NINTH ORDER OF BUSINESS

Other Business

There was no other business.

TENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Straley Robin Vericker

Ms. Sousa stated the current legislative session is being monitored and updates will be provided regarding issues that pertain to CDDs.

B. District Engineer: Barraco and Associates, Inc.

There was no report.

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

- **1,529 Registered Voters in District as of April 15, 2023**
- **NEXT MEETING DATE: August 24, 2023 at 11:00 AM**
 - **QUORUM CHECK**

ELEVENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

TWELFTH ORDER OF BUSINESS

Public Comments

Resident Steve Matthes asked who is responsible for the pond affecting the inlet and outlet. He noted that the City issued a stop order when trees were cut. Mr. Cox stated the lake sits within a conservation area for which the CDD is responsible; however, it is surrounded by private property. The Master Association maintains the lake on behalf of the CDD but the CDD has no control over what goes on around it. About 18 months ago, the City ordered property owners on the west side to remove invasive Melaleuca and Brazilian Peppers. He suggested Mr. Matthes direct this question to City Councilwoman Terolyn Watson. He noted that the watershed north of the roundabout drains through that area.

Resident Rod DeMille pointed out that the CDD website mistakenly states the CDD is east of I-75. Mr. Cox thanked him for bringing this to the Board's attention.

THIRTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Cox and seconded by Mr. Stillman, with all in favor, the meeting adjourned at 12:05 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair