

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

The Board of Supervisors of the Waterford Landing Community Development District held a Regular Meeting on May 9, 2024 at 1:00 p.m., at the Linsford Amenity Center, 4101 Dutchess Park Road, Fort Myers, Florida 33916.

Present:

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

Also present:

Daniel Rom	District Manager
Kristen Thomas	Wrathell, Hunt and Associates, LLC
Whitney Sousa (via telephone)	District Counsel
Frank Savage	District Engineer
Ed Fitzgerald	Supervisor-Appointee

Residents present:

Susan Diorio	Ron Bozinovich	Kevin O'Connor	Charles Tennusch
David Feyesh	Other Residents		

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Rom called the meeting to order at 1:08 p.m.

Supervisors Cox, Hein and Stillman were present. Supervisor Strang attended via telephone. Supervisor Accardo was absent.

SECOND ORDER OF BUSINESS

Public Comments

Mr. Rom explained the protocols for public comments during Regular Meetings.

No members of the public spoke.

THIRD ORDER OF BUSINESS**Acceptance of Resignation of Donna Accardo [Seat 5]**

Mr. Rom presented Ms. Donna Accardo's resignation and thanked Ms. Accardo for her service to the community.

On MOTION by Ms. Hein and seconded by Mr. Cox, with all in favor, the resignation of Ms. Donna Accardo from Seat 5, was accepted.

FOURTH ORDER OF BUSINESS**Consideration of Appointment to Fill Unexpired Term of Seat 5; Term Expires November 2026**

Mr. Cox nominated Mr. Ed Fitzgerald to fill Seat 5.

No other nominations were made.

On MOTION by Mr. Stillman and seconded by Ms. Hein, with all in favor, the appointment of Mr. Ed Fitzgerald to fill Seat 5, was approved.

Mr. Cox discussed Mr. Fitzgerald's background and public service as an associate judge, County attorney, HOA president, City Councilmember and Board of Education member.

Mr. Rom, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Edward Fitzgerald. Mr. Rom provided the following items, which he will review with Mr. Fitzgerald following the meeting:

A. Required Ethics Training and Disclosure Filing

- **Sample Form 1 2023/Instructions**

Mr. Rom presented the Memorandum related to the requirement for Board Members to complete four hours of ethics training by December 31, 2024 and to file Form 1 electronically by July 1, 2024. Mr. Fitzgerald will not be required to complete the ethics continuing education requirement in 2024; he has until December 31, 2025. Ms. Sousa discussed ethics training her firm will be conducting, via Zoom; no in-person quorum is necessary for the training.

B. Membership, Obligation and Responsibilities

C. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees

D. Form 8B: Memorandum of Voting Conflict for County, Municipal and other Local Public Officers

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2024-02, Electing and Removing Officers of the District and Providing for an Effective Date

Mr. Rom presented Resolution 2024-02. Ms. Hein nominated the following:

Charles P. Cox, Sr.	Chair
Marcina Ann Strang	Vice Chair
Joyce L. Hein	Assistant Secretary
Robert E. Stillman	Assistant Secretary
Edward Fitzgerald III	Assistant Secretary

No other nominations were made.

This Resolution removes the following from the Board:

Donna Accardo	Assistant Secretary
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The following prior appointments by the Board remain unaffected by this Resolution:

Craig Wrathell	Secretary
Daniel Rom	Assistant Secretary
Craig Wrathell	Treasurer
Jeff Pinder	Assistant Treasurer

<p>On MOTION by Mr. Fitzgerald and seconded by Ms. Hein, with all in favor, Resolution 2024-02, Electing, as nominated, and Removing Officers of the District and Providing for an Effective Date, was adopted.</p>
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SIXTH ORDER OF BUSINESS

Consideration of Lake Bank Restoration Estimates

A. Crocker Land Development, LLC #598

B. SOLitude Lake Management

Mr. Rom recalled that, at a previous meeting, the Board authorized the District Engineer to solicit bids for lake bank restoration.

Mr. Savage stated that, during the previous meeting, he gave an extensive overview regarding the lake bank inspection and presented an exhibit detailing various aspects of the erosion observed. The Board authorized Staff to solicit estimates for Phase 1 restoration, which includes Lakes 5, 10 and 14, and designated Mr. Cox as the CDD liaison to work with Staff in between meetings. He distributed a summary of impacted lake banks and stated that, while three contractors asked to submit estimates, one bidder withdrew their proposal.

The Board and Staff discussed the Summary, the scope of work, changes to the phases of remediation, plans and specifications, the proposals received, use of in-haul and reclaimed materials and the recommended approaches for lake bank remediation. The District Engineer's recommendation for coconut erosion mat materials was discussed.

Mr. Savage discussed the expected lifespan of repairs and the ongoing nature of lake bank erosion remediations. He suggested reserves be set aside for long-term management of projects. Photo documentation and inspection processes address pre and post-conditions. Although permitting is not required for remediations, the District Engineer recommends reputable contractors; after the preconstruction meeting, the District Engineer provides minimal on-site supervision and monitoring to reduce costs.

Discussion ensued regarding the need to ascertain how the sod at Lake 5 will be watered, given the possible lack of sprinklers. Mr. Kevin O'Connor will **investigate** it and advise.

At Ms. Strang's request, Mr. Rom stated he will ensure that before and after photos are taken. Mr. Savage stated the information related to the exact locations of the erosion will also be retained. Ms. Strang thinks drone video would be excellent.

Discussion ensued regarding the scope of work and estimates provided.

Mr. Savage stated the estimates came in higher than anticipated; prices generally increase slightly when splitting a project into phases. His firm has worked with both SOLitude and Crocker Land Development (Crocker) many times. He disclosed that Barraco's Chief Project Manager, Doug Tarr, is the son-in-law of the owner of Crocker.

Mr. Fitzgerald asked if "bulkhead" solutions were considered and stated, in a Development in **South Carolina**, at which he was President, an expansive study of materials was **done** and they found that, in the long term, the hardened solution more than paid for itself.

Mr. Savage stated that hardened shoreline solutions, which are more expensive and require permitting, can be considered. He stated many of his CDDs are in Lee County and Lee

County has a very strong resistance to large amounts of hardened shorelines; he is unsure if the City of Fort Myers has the same restrictions.

The Board and Staff discussed hardened shorelines, permitting with the City and with the South Florida Water Management District (SFWMD) and if the greater initial cost provides greater longevity and overall cost-savings over time with a hardened shoreline.

Mr. Savage discussed his experience with hardened shorelines installed in Southwest Florida. Other Barraco employees can provide additional information, research and opinions and present hardened shoreline and other solutions for consideration.

Discussion ensued regarding lake bank erosion repairs in other CDDs.

Ms. Strang suggested obtaining estimates for more permanent solutions.

It was noted that there is a very narrow window for the erosion repairs behind the Phase 3 Amenity Center. Mr. Savage stated, if approval is not received during today's meeting, those repairs will likely need to be delayed until the next dry season.

Mr. Rom stated that the Crocker proposal does not include a warranty, possibly due to the impending rainy season.

Mr. Savage stated that any solution other than what is currently permitted through the City, which is restoration to current conditions, will likely require permitting, which might be tricky and time consuming. There is prudence to waiting and considering all options; there are no aspects of the project that require immediate action but completing at least one lake could provide the Board with information when the Board considers subsequent phases.

Discussion ensued regarding the proposal verbiage related to warranty and the likelihood that new estimates will be needed for remediation to begin after the rainy season, probably in December.

Mr. Savage stated, once the scope is determined, the erosion should be clearly documented and the scope of work trued-up before work begins. If the criteria changes, SOLitude can be reconsidered, as its bid was withdrawn based on the previous scope of work. He stated that lake bank restoration is best done during the dry season because the water level needs to be low enough to excavate and reshape the shorelines and to adjust the slope on bulkheads and underwater. Work is best done when conditions are as dry as possible. Some initial research is needed before he can opine on a bulkhead solution.

Resident Kevin O'Connor asked if the CDD has ever undertaken any lake remediation. Mr. Rom stated that the Developer did some minor remediation right after turnover but this is the Board's first round of remediation. Remediation will be functional and not purely aesthetic. Mr. O'Connor asked if property owners closer to the encroaching water should be moved up on the priority list.

Mr. Rom stated that Lake 5 was prioritized because those properties do not have additional issues arising from private property; therefore, those areas can be addressed **sooner**. Homeowners in some other areas must address issues arising from private property before the CDD can perform its work. Asked how long the remediation project across all phases will take, Mr. Rom estimated that it could take as long as ten years.

The scope of work, erosion remediation methods, possibility of water rising above the sod line and the usage of sod intentionally installed below the water line for erosion control purposes, were discussed.

Asked if erosion can affect water levels and necessitate dredging, Mr. Savage stated the volume of the lakes versus the amount of erosion loss is unlikely to necessitate dredging. He stated that all 19 lakes are not interconnected; there are several sub-basins.

Discussion ensued regarding the lakes, basins and interconnections. It was noted that, theoretically, within the basin, all of the lakes will rise and fall to the outfall level.

Mr. Savage stated that control structures at the discharge point dictate water levels.

Mr. Rom noted the need to consider timing; the SOLitude proposal includes specific warranties for materials and labor but the Crocker proposal does not, which is likely due to the timing. He stated that the Board needs to approve the proposed Fiscal Year 2025 budget by June 15, 2024. He recalled Mr. Fitzgerald's discussion of an order of magnitude and analysis and estimated that the solutions outlined in the Crocker proposal could cost upwards of \$1 million for all the lakes and the bulkhead solutions are seemingly costlier in the short term.

<p>On MOTION by Mr. Stillman and seconded by Ms. Hein, with all in favor, declining the proposals, deferring remediation work and authorizing Staff to review alternate bulkhead solutions and present other proposals or an analysis, were approved.</p>
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The Board authorized Mr. Cox to work with Staff regarding further proposals, including the bulkhead solution.

Mr. Savage left the meeting at 2:22 p.m.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2024-03, Approving a Proposed Operation and Maintenance Budget for Fiscal Year 2024/2025; Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting, and Publication Requirements; and Providing an Effective Date

Mr. Rom presented Resolution 2024-03. He reviewed the proposed Fiscal Year 2025 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal Year 2024 budget, and explained the reasons for any changes. Assessments would increase \$54.50 per unit.

Discussion ensued regarding the possibility of obtaining a loan, if the more expensive bulkhead option is deemed in the best interest of the CDD. Mr. Rom will research and advise.

On MOTION by Mr. Stillman and seconded by Ms. Hein, with all in favor, Resolution 2024-03, Approving a Proposed Operation and Maintenance Budget for Fiscal Year 2024/2025; Setting a Public Hearing Thereon Pursuant to Florida Law on August 22, 2024 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.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2024-04, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2024/2025 and Providing for an Effective Date

Mr. Rom presented Resolution 2024-04.

The following change will be made to the Fiscal Year 2024/2025 Meeting Schedule:

DATE: Insert "November 21, 2024"

On MOTION by Mr. Cox and seconded by Mr. Fitzgerald, with all in favor, Resolution 2024-04, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2024/2025, as amended, and Providing for an Effective Date, was adopted.

NINTH ORDER OF BUSINESS**Acceptance of Unaudited Financial Statements as of March 31, 2024**

On MOTION by Ms. Hein and seconded by Mr. Stillman, with all in favor, the Unaudited Financial Statements as of March 31, 2024, were accepted.

TENTH ORDER OF BUSINESS**Approval of January 25, 2024 Regular Meeting Minutes**

On MOTION by Ms. Hein and seconded by Mr. Stillman, with all in favor, the January 25, 2024 Regular Meeting Minutes, as presented, were approved.

ELEVENTH ORDER OF BUSINESS**Staff Reports****A. District Counsel: Straley Robin Vericker**

- Required Ethics Training**

Ms. Sousa discussed the Sunshine Law requirements, public records requests, Code of Ethics and potential voting conflicts, as outlined in the packet provided by the District Manager. Board Members are encouraged to contact the District Manager or District Counsel with questions or when possible conflicts arise.

Ms. Sousa will email the Board Members to schedule workshops for the required ethics training, which will be conducted via Zoom.

B. District Engineer: Barraco and Associates, Inc.

There was no report.

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

- 1,512 Registered Voters in District as of April 15, 2024**

Mr. Rom noted the following:

➤ Seats 1 and 2, currently held by Joyce Hein and Robert Stillman, respectively, will be up for election at the November 2024 General Election.

➤ Candidates must be a citizen of the United States, at least 18 years of age, a legal resident of Florida, reside within the CDD and be a registered voter in Lee County.

➤ The candidate qualifying period is noon, June 10, 2024 to noon, June 14, 2024; information is available from the Supervisor of Elections.

- **NEXT MEETING DATE: August 22, 2024 at 11:00 AM**

- **QUORUM CHECK**

All Supervisors confirmed their attendance at the August 22, 2024 meeting.

TWELFTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

THIRTEENTH ORDER OF BUSINESS

Public Comments

Mr. O'Connor thanked the Board and Staff for their contributions. He asked if a combination of the two solutions for lake bank remediation, bulkhead and other remediation, can be combined. Mr. Stillman replied affirmatively; as Mr. Savage indicated, the SFWMD will have a lot of input and the amount of hardscape might be limited. Some remediations might address slope and placement of bulkhead and normal runoff must be considered; the solution must not impede water reaching the lake.


Discussion ensued regarding homes where the lot grading was altered since first approved by the City, whether it was due to settling, alteration, swimming pools or gutter discharge. As discussed at the last meeting, the CDD can only spend funds on CDD property; in some cases, homeowners will be required to address issues on their property before the CDD can address remediations.

Ms. Sousa noted that it might be possible for the CDD to finance certain remediations on CDD property that it is required to maintain.



FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Cox and seconded by Mr. Stillman, with all in favor, the meeting adjourned at 2:53 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair
Charles P Cox