

**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 24, 2025 at 11:00 a.m., at the Linsford Amenity Center, 4101 Dutchess Park Road, Fort Myers, Florida 33916.

Present:

Charles Cox	Chair
Edward Fitzgerald III	Vice Chair
Bill Smith	Assistant Secretary
Ronald J. Bozinovich	Assistant Secretary
Marcina Strang (via telephone)	Assistant Secretary

Also present:

Daniel Rom	District Manager
Kristen Thomas (via telephone)	Wrathell, Hunt and Associates LLC (WHA)
Whitney Sousa (via telephone)	District Counsel
Frank Savage (via telephone)	District Engineer
Nicole Baker (via telephone)	Seabreeze Erosion Solutions
Joyce Hein	Resident
Suzanne Azevedo	Resident
Anthony Marciano	Resident
Eric Schaefer	Resident
Steven Matthes	Resident
Dave Scarvino	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Rom called the meeting to order at 11:01 a.m. Supervisors Cox, Fitzgerald, Bozinovich and Smith were present. Supervisor Strang attended via telephone.

SECOND ORDER OF BUSINESS

Public Comments

Resident Anthony Marciano asked if the seashells installed around the ponds raised the pH levels, if it is being monitored and if the lakes are interconnected even during the dry season.

Regarding pond pH levels, Mr. Rom stated Staff can ask the vendor that installed the seashells around the ponds. Regarding pond interconnection, Mr. Savage stated not all are interconnected because catch basins are wholly interconnected within it, and the inverts of the inter-connection pipes are well below the dry season water table so levels are still responsive to one another during dry season. Regarding monitoring, Mr. Cox stated SOLitude Lake Management (SOLitude) maintains the lake banks and vegetation and RMC Geologic manages water quality; both test monthly and report to the South Florida Water Management District (SFWMD), who issued the permits to operate the lakes. The lakes are being monitored for water quality.

Resident Steven Matthes noted that the CDD is on an old quarry, and asked if the floral plants are for erosion control, esthetics or both. Mr. Savage stated the littorals provide stabilization for water quality in areas at and below the control elevation and some lakes need littorals for code requirements.

Resident Dave Scarvino stated his questions are related to lake bank remediation costs and asked when can he ask about the financing. Mr. Cox stated residents can pose funding-related questions after the proposed budget has been presented.

Resident Eric Schaefer asked if there is any consideration to deepen the lakes to hold more water. Mr. Rom stated extending the lakes was previously discussed but it is not possible.

A resident noted that some ponds have functioning fountains and some do not, and asked why. Mr. Rom stated the Master Association handles pond maintenance outside the current lake bank restoration project.

Discussion ensued regarding pond depths, the Master Association decision to deactivate 19 fountains due to significant evaporation loss, the SFWMD and pond aeration maintenance.

THIRD ORDER OF BUSINESS

Discussion Item(s)

A. Status of Remediation Efforts for Lakes 5, 10 and 16 (Phase 1)

Mr. Rom called attention to the Barraco and Associates (Barraco) Memorandum regarding the Linsford Lake Bank Remediation project and stated updates are provided every Friday. The April 18, 2025 Memorandum is the latest update.

Mr. Savage discussed the littorals in Lake 5, catch basin installations in Lake 10, Seabreeze's recommendation that the existing contract and existing section be honored and that the shelf should be taken all the way down to the current water levels. He recently conferred with Seabreeze regarding several discrepancies related to the section where the horizontal width of the shelf should be 6' to 10', an undefined measure, and going below control down to the dry season water table. Based on the current conditions, the dry season water table is not a well-defined elevation for this project. Because the area will be susceptible to scour, due to exposure particularly in this very dry season, the recommended solution is to install temporary sod in those areas. This is a proprietary solution based on the section that Seabreeze produced. Seabreeze created its section, and Engineering approved and incorporated that section into the final agreement, which is why Staff's consensus is to honor that aspect of the current agreement. Seabreeze would like to discuss any ongoing work. They were hoping there would be potential relief on these current remaining lakes but, after review, Barraco's position is that it is not warranted at this time.

Mr. Cox asked if the "relief" Seabreeze wants is that they do not have to take it to the low water mark or if it is that an addendum be added to the contract to cover Seabreeze's additional cost for shells to take it to the low water mark. Mr. Savage stated he thinks Seabreeze would consider both options acceptable. Staff is also open to the Board's consideration of a change order on the existing contract for additional shelving but does not think one is necessarily warranted based on the existing agreement.

Ms. Sousa thinks if the CDD is not approving any change then the project should continue.

Mr. Cox stated, when the shelf was completed on Lake 5, Barraco's inspectors spoke with the crew and insisted that the shelf be taken down to the water line and it was later disclosed that the principals at Seabreeze disagreed with that decision. They believed the 10'-wide band satisfied the contract and that is what started the discussion of whether or not the cross section of their theoretical application was a binding agreement. Barraco's position was that the drawing shows that, at the low water mark, the shelves are below the low water level so it does not matter if it takes 14' of shelf, it needs to go down to the low water level.

Ms. Sousa stated, based on the District Engineer's recommendation and her subsequent review, the vendor presented a different diagram of the project and the CDD's position is that it is not what was previously agreed upon. Mr. Cox stated a quick resolution is needed, as Seabreeze is preparing to install shells at Lake 16; the Board must decide whether to require them to install another 2' or 2½' of sea shells around Lake 10.

Mr. Fitzgerald moved to direct the District Engineer to instruct Seabreeze to adhere to the present contract for the three lakes, following the cross section that was already presented. Mr. Cox stated that Seabreeze should absorb the costs for additional materials.

Discussion ensued regarding the increasing project costs, the terms of the existing contract, Mr. Savage's recent communications with Seabreeze, why Seabreeze is opposed to taking the shelf down to the waterline and the Board being open to future discussion with the vendor because of its lifetime warranty offer.

On MOTION by Mr. Fitzgerald and seconded by Mr. Bozinovich, with all in favor, authorizing Engineering to ask Seabreeze to adhere to the existing contract, for the install to be down to current water levels and subsequently to revisit this scenario for future agreements with Seabreeze, was approved.

Mr. Cox provided the following updates:

- New sod was installed around Lake 10. HOA 1's irrigation pump recently had a fire near the connection box, and asked a vendor to assess it and provide a repair timeframe.
- Nicole Baker, of Seabreeze was apprised of the irrigation issue, and a crew will be dispatched to hand-water the sod until HOA 1's irrigation pump is operational. She did not state if there would be an additional cost for labor; it may be, but it is better than letting the sod die.
- Approximately 11 or 12 drain boxes were installed on Lake 10 to intercept runoff from residential lawns. A few residents inquired about connecting their gutters to the drain boxes that are installed so it goes into the pipes to send the gutter water out to the lake. Mr. Cox asked District Counsel if this can be done and she opined that there is a process which involves the District Engineer determining that the drain box is big enough, ensuring that there are

appropriate indemnifications in place and clear responsibilities for who maintains the section between the box and the gutter.

Ms. Sousa stated another component is Staff could draft an agreement stating that residents who request the tie-in will be treated equally, and the Board could adopt a form of agreement that would be supported upon approval and signatures that contains all of those provisions, including the indemnification and maintenance responsibilities.

Discussion ensued regarding whether to have Staff draft the agreement or wait to have a formal request from the homeowners, sending a letter to homeowners about the drain box installations, wording of the letter, size of the drain boxes, the lake maintenance easement, homeowner's maintenance responsibility and if there are any connections that would affect Seabreeze, including that Seabreeze be indemnified in the draft.

The consensus was that the CDD would not pipe gutters down to the lake, instead, to uphold the Engineers' and Seabreeze' decision to install 10x24" drain boxes to intercept the runoff and have them drain underneath the shell layer out onto the lake.

On MOTION by Mr. Smith and seconded by Mr. Bozinovich, with all in favor, allowing drain tie-ins from resident properties to drain box, subsequent to District Manager, District Counsel and District Engineers reviews and approvals and authorizing the Chair or Vice Chair to execute an agreement, was approved.

Mr. Rom read the following message from the owner of Seabreeze into the record:

"Frank, I've read your email and decision, I've instructed by General Manager to take the shells all the way to the water level on the second and third lakes so that they match the specs of the first lake. However, I will meet with my team to discuss any price differences that may occur on future lakes due to this determination request and get back with you guys promptly. I do think in this particular community, the shells look very nice when taken down to the waterline."

Discussion ensued regarding which entity will maintain the lakes, SOLitude being asked to modify the contract to exclude Lakes 5, 10 and 16, asking the Master Association not to renew the SOLitude contract, engaging Seabreeze for lake maintenance and the costs.

FOURTH ORDER OF BUSINESS**Consideration Item(s)****A. Delay in Planting the Littoral Plants Until Rainy Season 2025**

Mr. Rom recalled that the Board approved the selection of littorals for Phase 1 and the future and was amenable to placing the order for delivery withing 10 to 14 days. However, Seabreeze recommended waiting until the rainy season to install littorals due to drought concerns and lack of irrigation. The Board concurred with the recommendation to delay planting.

Seabreeze Erosion Solutions Proposals**I. Phase 2 Proposal for Remediating the Next 4 Lakes in 2026**

Total project cost: \$578,945.

II. Remediating All 16 Remaining Lakes in 2026

Total project cost: \$1,998,605.

Discussion ensued regarding the proposals, average cost per lake, unit pricing, project timing, linear footage, cost-savings, future water levels, control elevation, proposal revisions based on assumption that the lakes will go down to the low water mark and the status of the drain box locations on Lake 16.

These items were tabled.

B. Barraco & Associates Proposals**I. Phase 2 Field Services Support****II. Field Services Support Over 16 lakes**

Addendum Totals: Option 1: \$25,7000, Option 2: \$67,700.

These items were tabled.

C. Bank Loan Option(s) to Fund Remediation of All 16 Remaining Lakes in 2026**I. Synovus Bank****II. Truist Bank**

Mr. Rom stated he sought loans in the amount of \$2.2 million from both banks, requested three-year and five-year quotes and there is no prepayment penalty for either bank.

Discussion ensued regarding the bank loan options, possibly borrowing more than \$2.2 million, debt service, and which financing option fits best with the proposed budget.

D. Consideration of Resolution 2025-05, Approving a Proposed Operation and Maintenance Budget for Fiscal Year 2025/2026; Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting, and Publication Requirements; and Providing an Effective Date

Mr. Rom presented Resolution 2025-05. He reviewed the proposed Fiscal Year 2026 budget, highlighting increases, decreases and adjustments, compared to the Fiscal Year 2025 budget, and explained the reasons for any changes.

Mr. Cox stated this assumes what is going to be done on the lakes; whether it is more cost-effective to do the 16 remaining lakes via a three-year loan or the four lakes.

Discussion ensued regarding reducing the "Lake bank restoration" line item from \$860,700, to a much lesser amount; if there will be an assessment decrease due to the bond refinance, the three-year versus the five-year loan options, if assessments can be kept flat, if it is beneficial to wait to complete the remediation project and erosion conditions.

Ms. Strang directed Mr. Rom to produce a three-year and five-year assessment snapshot before the next meeting. Mr. Rom will ask Mr. Pinder to review the loan option budget file.

The following change will be made:

Page 1 "Lake bank restoration" line item: Reduce from \$860,700 to a five-year loan option, the lowest annual cost.

On MOTION by Mr. Cox and seconded by Mr. Fitzgerald, with all in favor, Resolution 2025-05, Approving a Proposed Operation and Maintenance Budget for Fiscal Year 2025/2026, as amended to adjust the Lake bank restoration line item to the lowest annual cost bank loan option; Setting a Public Hearing Thereon Pursuant to Florida Law for August 28, 2025 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.

E. Consideration of Resolution 2025-06, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2025/2026 and Providing for an Effective Date

Mr. Rom presented Resolution 2025-06. The following changes will be made to the Fiscal Year 2026 meeting schedule:

DATE: Insert November 13, 2025; February 26, 2026; and March 26, 2026

On MOTION by Mr. Bozinovich and seconded by Mr. Cox, with all in favor, Resolution 2025-06, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2025/2026, as amended, and Providing for an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of March 31, 2025

On MOTION by Mr. Smith and seconded by Mr. Bozinovich, with all in favor, the Unaudited Financial Statements as of March 31, 2025, were accepted.

SIXTH ORDER OF BUSINESS

Approval of March 26, 2025 Special Meeting Minutes

The following changes were made:

Line 12: Replace line with “Edward Fitzgerald III” and “Vice Chair”

Line 14: Change “Edward Fitzgerald III” to “Bill Smith”

On MOTION by Mr. Bozinovich and seconded by Mr. Cox, with all in favor, the March 26, 2025 Special Meeting Minutes, as amended, were approved.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Straley Robin Vericker

Ms. Sousa reminded the Board Members to complete the required four hours of ethics training by December 31, 2025, and to file Form 1.

Ms. Sousa will circulate online training course options to Board Supervisors.

B. District Engineer: Barraco and Associates, Inc.

There was no report.

Mr. Cox provided an update on the Serena Park project.

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

- **NEXT MEETING DATE: August 28, 2025 at 11:00 AM [Adoption of FY2026 Budget]**
 - **QUORUM CHECK**

EIGHTH ORDER OF BUSINESS**Supervisors' Requests**

There were no Supervisor requests.

NINTH ORDER OF BUSINESS**Public Comments**

Mr. Scarvino noted the three-year and five-year analysis and the impact on assessments and voiced his opinion that the CDD should plan on using reserve funds for each of the payoffs, in full, for the year or as it goes over the three and five-year plans. He questioned why more reserve funds were not set aside sooner for the costly remediation effort.

Mr. Rom stated he presented a pared down budget of professional and administrative expenses so there is not much of an opportunity for annual savings and, to recoup excess surpluses over the years, an assessment increase would have to be imposed.

Mr. Marciano asked how having two lake maintenance vendors affects Seabreeze's lifetime guarantee and what the lifespan of a lake is and asked about the drain boxes. Mr. Rom stated the Master Association is transitioning to Seabreeze for lake maintenance. Mr. Cox stated a "lifetime" warranty means as long as the vendor maintains the lakes in perpetuity. Regarding the drain boxes, Mr. Savage stated they are intended to help with localized erosion by capturing upstream runoff once it hits the CDD area of jurisdiction and Seabreeze is identifying where to install additional catch basins lake by lake.

Discussion ensued regarding Lake 14, catch basins, gutters, downspouts and responsibility for storm drain maintenance.

TENTH ORDER OF BUSINESS**Adjournment**

On MOTION by Mr. Fitzgerald and seconded by Mr. Smith, with all in favor, the meeting adjourned at 1:06 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair