

**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 31, 2019, at 11:00 a.m., at 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901.

Present were:

Mark Taylor	Chair
Kenneth Bloom	Vice Chair
Brian O'Donnell	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Kristin Schalter	District Counsel
Carl Barraco	District Engineer
Charlie Cox	Resident
John Campo	Resident
Marci Strang	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 11:00 a.m. Supervisors Taylor, O'Donnell and Bloom were present, in person.

SECOND ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

THIRD ORDER OF BUSINESS

Update: Landowners Meeting/Election and General Election

Ms. Cerbone provided the following update:

- Two of the three Board seats went to General Election in November 2018. A notice was placed in the paper, pursuant to Florida Statutes.

- No registered voters within the District contacted the Supervisor of Elections to qualify for either of the seats and appear on the General Election ballot.
- One seat was up for election at the November Landowners’ meeting but no one was elected, as no landowners or property owners attended or proxied their votes.
- As a result of no one being elected at the November General Election and Landowners’ meeting, there would be three open seats.
- At the conclusion of the Landowner’s meeting, a Regular Meeting was held with Supervisors, Taylor, O’Donnell and Bloom; Supervisor Bloom was considered a holdover.
- Within 90 days of the meeting, Ms. Cerbone contacted the HOA Property Manager to inquire about any property owners who were registered voters within the District who were interested in being considered for a Board seat.

Ms. Schalter stated, in addition to being a registered voter, a candidate must be a U.S. Citizen, at least 18 years old and reside within the District’s boundaries. There was a holdover Supervisor so there would be a quorum in order to officially conduct business on the agenda.

FOURTH ORDER OF BUSINESS

Consider Appointment to Seat 5; Term Expires November, 2022

Ms. Cerbone asked for a nomination to fill Seat 5. Supervisor Taylor nominated Mr. John Campo. There were no other nominations.

On MOTION by Mr. Bloom and seconded by Mr. Taylor, with all in favor, the appointment of Mr. John Campo to Seat 5; Term Expires November, 2022, was approved.

- **Administrative of Oath of Office to Newly Appointed Supervisor**

Ms. Cerbone, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Campo. Ms. Cerbone provided and briefly explained the following items:

- i. **Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- ii. **Membership, Obligations and Responsibilities**
- iii. **Financial Disclosure Forms**

- a. **Form 1: Statement of Financial Interests**
- b. **Form 1X: Amendment to Statement of Financial Interests**
- c. **Form 1F: Final Statement of Financial Interests**
- iv. **Form 8B – Memorandum of Voting Conflict**

Ms. Schalter stated that the way Florida’s public records laws are set up and with the Sunshine amendment, it is very important for Board Members to only communicate with one another through the District Manager. Regarding emails, Ms. Cerbone stated, in the event of public records requests, Management would handle the requests; Board Members need only inform Management of resident requests, as it serves as the records custodian. Ms. Schalter stated that Board Members should keep all personal data from potentially being exposed in a records request and recommended that Board Members avoid replying to all when corresponding via email with District Staff. She would forward a memo with important information about public records laws and the Sunshine amendment and reminded the new Board members that, if they elected to be paid \$200 per meeting, it should be indicated on the disclosure form.

- **Mr. Ken Bloom – Verbal Resignation from Seat 4**

This item was an addition to the agenda.

Mr. Bloom verbally resigned from the Board.

On MOTION by Mr. Taylor and seconded by Mr. O’Donnell, with all in favor, the Mr. Kenneth Bloom’s verbal resignation, was accepted.

Mr. Bloom left the meeting.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2019-05, Declaring Vacancies in Seats 3 and 4 of the Board of Supervisors, Pursuant to Section 190.006(3)(B), Florida Statutes; and Providing An Effective Date

Ms. Cerbone presented Resolution 2019-05.

On MOTION by Mr. O’Donnell, and seconded by Mr. Taylor, with all in favor, Resolution 2019-05, Declaring Vacancies in Seats 3 and 4 of the Board of Supervisors, Pursuant to Section 190.006(3)(B), Florida Statutes; and Providing An Effective Date, was adopted.

- **Consider Appointment of Qualified Electors for Seat 3 and Seat 4 Vacancies**

Mr. Taylor nominated Mr. Charlie Cox for Seat 3 and Ms. Marci Strang for Seat 4. There were no other nominations.

On MOTION by Mr. O’Donnell and seconded by Mr. Taylor, with all in favor, appointment of Mr. Charlie Cox to Seat 3 and Ms. Marci Strang to Seat 4, was approved.

- **Administration of Oath of Office to Newly Appointed Supervisors**

Ms. Cerbone, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Cox and Ms. Strang.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2019-06, Electing the Officers of the Waterford Landing Community Development District, and Providing for an Effective Date

Ms. Cerbone presented Resolution 2019-06. Mr. Taylor nominated the following slate of officers:

- | | |
|---------------------|-----------------|
| Chair | Mark Taylor |
| Vice Chair | Brian O’Donnell |
| Secretary | Craig Wrathell |
| Treasurer | Craig Wrathell |
| Assistant Secretary | Charles P. Cox |
| Assistant Secretary | Marci Strang |
| Assistant Secretary | John Campo |
| Assistant Secretary | Cindy Cerbone |
| Assistant Treasurer | Jeff Pinder |

No other nominations were made.

On MOTION by Mr. Cox and seconded by Mr. Taylor, with all in favor, Resolution 2019-06, Electing the Officers of the Waterford Landing Community Development District, and Providing for an Effective Date, as nominated, was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of Bill of Sale and Special Warranty Deeds

Ms. Cerbone stated, as a development is completed, typically, water, sewer and other items are built by the CDD, through municipal bond funds or by Developer contribution, followed by a bill of sale from the Developer to the CDD and then from the CDD to either the City or County, whichever is the local governmental utility operator. Ms. Schalter stated, when a District transitions from Developer-controlled to resident-controlled, the Developer no longer owns any property within the District. This means that common areas, such as ponds and conservation areas, are usually still Developer-owned and, upon the transition, deeds from those tracts of land go from the Developer to the CDD. Lee County has a two-step process for public infrastructure and bills of sale with it first going from the Developer to the CDD and then from the CDD to the City; this is the first part of the two-step process. Items B through I relate to the actual land that will go to the CDD for the common areas and Item A relates to potable water, sanitary sewer, etc. The items being turned over from the Developer to the CDD are being done temporarily and upon returning to her office, Ms. Schalter will forward the items from the CDD to the City of Fort Meyers so that the City can take over their maintenance. All items presented today would be approved in substantial form. A Board Member asked if the infrastructure is all transferred at the same time. Mr. Barraco explained that the infrastructure is separated into three sections; the water management system, the utilities and the roadways. The roadway and water management systems are completed and will be maintained by the HOA. The utilities are provided by the City of Fort Meyers, which requires 90% of the homes in a subdivision to be completed prior acceptance for utility operation and maintenance. In this case, the CDD is 90% completed. Ms. Cerbone stated that the CDD contracted with the Master HOA for maintenance and the only item that the CDD did not contract with the HOA on was the lake

bank maintenance so the Board must decide whether it will be a CDD or HOA assessment. Mr. Barraco stated, typically, the most cost-effective arrangement is to allow the Master HOA to handle the maintenance. The Board and Staff conferred about lake bank maintenance, the South Florida Water Management District (SFWMD), CDD map, easements, roadways, website lawsuits and Americans with Disabilities Act (ADA) compliance. Ms. Schalter recommended approving the Bill of Sale and Special Warranty Deeds, in substantial form.

- A. Bill of Sale for Public Utility and Drainage Infrastructure**
- B. Special Warranty Deed from Waterford Landing Acquisitions LLC to CDD for Common Area Tracts**
- C. Special Warranty Deed for Lake Within Tract L-7**
- D. Special Warranty Deed for Lake Within Tract L-8**
- E. Special Warranty Deed for Lake Within Tract L-9**
- F. Special Warranty Deed for Lake Within Tract L-10 (first legal)**
- G. Special Warranty Deed for Lake Within Tract L-10 (second legal)**
- H. Special Warranty Deed for Lake Within Tract L-11**
- I. Special Warranty Deed for Lake Within Tract L-12**

On MOTION by Mr. Taylor and seconded by Mr. Cox, with all in favor, the Bill of Sale and Special Warranty Deeds, Items A through I, in substantial form, subject to Developer review and District Counsel review, were approved.

EIGHTH ORDER OF BUSINESS

Discussion: Future Meeting Dates, Times and Location

- Fiscal Year 2019 Adopted Meeting Schedule**

Ms. Cerbone stated that, with the appointment of the three new Board Members, it is necessary to revisit the Fiscal Year 2019 Adopted Meeting Schedule. The next meetings were scheduled for Wednesday, April 24, 2019 and Wednesday, July 24, 2019. The Board consensus was to keep the same schedule.

NINTH ORDER OF BUSINESS

Approval of Unaudited Financial Statements as of December 31, 2018

Ms. Cerbone presented the Unaudited Financial Statements as of December 31, 2018. Mr. Taylor questioned the “Engineering public facilities report” line item at 232%. Ms. Cerbone would check and have expenses re-classed if necessary.

On MOTION by Mr. Taylor and seconded by Mr. O’Donnell, with all in favor, the Unaudited Financial Statements as of December 31, 2018, were approved.

TENTH ORDER OF BUSINESS

Approval of Minutes

- A. November 28, 2018 Landowners’ Meeting**
- B. November 28, 2018 Regular Meeting**

Ms. Cerbone presented the November 28, 2018 Landowners’ Meeting and the November 28, 2018 Regular Meeting Minutes.

On MOTION by Mr. Taylor and seconded by Mr. Cox, with all in favor, the November 28, 2018 Landowners’ Meeting and the November 28, 2018 Regular Meeting Minutes, as presented, were approved.

ELEVENTH ORDER OF BUSINESS

Other Business

There being no other business, the next item followed.

TWELFTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel: *Straley & Robin***

Ms. Schalter stated that the turnover documents, including the Grant of Easement and second Bill of Sale were forthcoming; everything would be pending Developer approval and would be presented at the next meeting. In response to Mr. Taylor’s question, Ms. Cerbone confirmed that the utilities Phases 1 and 3 would be conveyed to the City for operation and maintenance. Discussion ensued regarding the turnover documents, lake tracts, a CDD map exhibit, the SFWMD, easements, landscape and fence maintenance, irrigation and the proposed budget.

- B. District Engineer: *Barraco and Associates, LLC***

Mr. Barraco stated that the Board was briefly introduced to his colleagues, Steve and Lauren, who are very familiar with this project and the CDD and completed all the research on Item 7.

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

Ms. Cerbone reminded the new Board Members to fill out the Oath of Office so that it could be notarized and asked if they would like to be compensated. Mr. Cox, Mr. Campo and Ms. Strang replied affirmatively. In response to Ms. Strang’s question regarding setting up emails, Ms. Cerbone would email all three new Board Members, copy the Administrator and request that CDD emails be established for each of them. Regarding resident complaints and requests, Ms. Cerbone urged Ms. Strang to forward all CDD issues and complaints to Management.

- **NEXT MEETING: April 24, 2019 at 10:00 A.M.**

The next meeting was scheduled for April 24, 2019 at 10:00 a.m.

THIRTEENTH ORDER OF BUSINESS

Supervisors’ Requests

There being no Supervisors’ requests, the next item followed.

FOURTEENTH ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

FIFTEENTH ORDER OF BUSINESS

Adjournment


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

On MOTION by Mr. Taylor and seconded by Mr. O’Donnell, with all in favor, the meeting adjourned at 12:29 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair