

**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, 2019, at 10:00 a.m., at 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901.

Present were:

Mark Taylor	Chair
Brian O'Donnell	Vice Chair
John Campo	Assistant Secretary
Marci Strang	Assistant Secretary
Charles Cox	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Kristin Schalter (via telephone)	District Counsel
Carl Barraco	District Engineer
Steve Coleman	Barraco and Associates, Inc.

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 10:00 a.m. All Supervisors were present, in person.

SECOND ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

THIRD ORDER OF BUSINESS

Consideration of Resolution 2019-07, Approving Proposed Budgets for Fiscal Year 2019/2020 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; and Providing an Effective Date

Ms. Cerbone reviewed the proposed Fiscal Year 2020 budget line items and noted that no funds were allocated to the "Engineering-public facilities report" line item since the Report is

only due to the County every five years. The Report is due and would be submitted in late 2019 or early 2020. Since about \$4,000 of the \$12,000 was spent in the prior fiscal year, some of the current budget would be used to offset "Unassigned" and "Engineering" deficiencies, due to unforeseen engineering expenses related to conveyance of utility documents. She distributed an alternate proposed Fiscal Year 2020 budget, which assigns \$12,000 to the "Engineering-public facilities report" line item and, if approved, it would cause assessments to increase \$13. In order for assessments to remain flat, Mr. Taylor suggested using "Assigned: lake bank project" funds, since an arbitrary amount was used and they did not know how much work needed to be done. Ms. Cerbone recalled that, about two years ago, the Board estimated \$50,000 in total, if the project was done all at once, and began building reserve funds of \$10,000 per year so that projects could be done in phases.

Mr. Barraco stated most engineering issues, going forward, would be tied to maintaining lake banks and only time will tell if a smaller or larger amount would be needed. He recommended monitoring them annually so it does not get out of control; it was okay to skip one year. The first Report would be more expensive than future Reports, as those would only need to be updated. The City's criteria is to require lake bank remediation when there is a vertical step greater than 9" and the slope is steeper than designed, 4' horizontally to 1' vertically. The District is responsible for the lakes, certain roadways and landscaping, which would be maintained by the HOA, through a Maintenance Agreement. The District would transfer ownership and operation of all the utilities to the City once 90% of the homes are built.

Ms. Schalter stated the Bill of Sale for Phases 1 and 3 were approved, in substantial form, at the last meeting. Phase 2 was omitted, since the criteria for completion was not met. Mr. Barraco stated that the process was proper and consistent with the Engineer's Report. He would omit Phase 2 since the project was not complete; however, before submitting Phases 1 and 3 to the City, he would present a status report at the next meeting, after mapping out each component, showing whether an item is complete and operational, who owns it and when it was dedicated to the City. Ms. Cerbone stated, typically, the District's protocol is to submit conveyances back-to-back, without any lapse in time from the Developer's conveyance to the CDD and the CDD's conveyance to the City. She did not recommend the District retain conveyances and not transfer them to the City immediately, as it involves some risk to the District to take ownership, should something happen to it.

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Before determining how much is needed, Mr. Barraco recommended inspecting the lake perimeters at least once or twice a year and providing the Board with a report comprised of a map, photograph and condition of every lake. Ms. Cerbone stated, as in her other Districts, it is in the District’s best interest for the District Engineer to perform the work or coordinate the work with a subcontractor. Mr. Barraco confirmed that all lakes must be certified as complete to the South Florida Water Management District (SFWMD), which he confirmed was done. A Board Member requested further clarification of how to determine ownership of the dirt around the lake shore. Mr. Barraco stated, since ownership varies, the plat must be reviewed to make the determination of whether there is an easement to maintain it and if it is owned by the District. Ms. Cerbone stated that, in her other Districts, the Master Association maintains it. The next agenda would include an item related to Mr. Barraco’s review of plat dedications and an overview of ownership and maintenance. Since the lake bank, which is comprised of the area around the lake from the water line up to about 10’ to 20’, as noted on the plats, was conveyed to the District at the last meeting, Mr. Barraco would confirm whether SFWMD was notified that the District is now the legal entity responsible for ownership and that the Master Association, through the Maintenance Agreement, would maintain the lake banks.

Ms. Cerbone stated, once the discussed changes to the proposed Fiscal Year 2020 budget are made, she would email the Board with the assessment amount and any recommendations if, after the changes, the assessments do not remain flat.

On MOTION by Mr. Cox, and seconded by Mr. Taylor, with all in favor, Resolution 2019-07, Approving Proposed Budgets for Fiscal Year 2019/2020, as amended to incorporate changes as discussed, and Setting a Public Hearing Thereon Pursuant to Florida Law for July 24, 2019 at 10:00 a.m., at 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901; Addressing Transmittal, Posting and Publication Requirements; and Providing an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Discussion: Lindsford Master Association, Inc., Common Area Maintenance Agreement and First Amendment to the Common Area Maintenance Agreement

This item was presented during the Fifth Order of Business.

Ms. Schalter stated this item could be deferred until July or the documents could be approved, in substantial form, transferring Phase 1 only, since no deeds were involved and it was for infrastructure only. Mr. Taylor stated the Board's original intent was for the Developer to convey these items to the District; he would abstain from any vote on this matter since he is with the Developer. Ms. Cerbone stated that Mr. Taylor must execute the Conflict Waiver form.

▪ **Discussion: Lindsford Master Association, Inc., Common Area Maintenance Agreement and First Amendment to the Common Area Maintenance Agreement**

This item, previously the Fourth Order of Business, was presented out of order.

Mr. Barraco stated the map in the agenda package was created based on the plats and reflect areas where the CDD was granted an easement to access areas to maintain the lakes, and the underlying land is owned by the lot owner, meaning anyone other than the CDD.

Regarding whether Mr. Taylor must execute a Conflict Waiver form, as previously discussed, Ms. Schalter read the statute and stated she did not believe there was any conflict since the CDD owns the infrastructure, at this time, not the Developer.

Mr. Barraco used Lot 65 as an example. Ownership of the lake tract was split, 5' on the lot and 15' in the lake the map would be revised to add the underlying landowner of the 5' and 15' areas, as there is confusion regarding who has maintenance responsibility and certain areas are not being maintained. Although the Master HOA is to maintain the 15' that the CDD owns, pursuant to the Maintenance Agreement, it should contract with the neighborhood HOA to maintain the entire 20' area. Ms. Schalter stated, while updating the map, Mr. Barraco should consider the deeds, since they were not sent to the Property Appraiser.

Ms. Cerbone stated lake bank maintenance and roadway maintenance services were excluded from the original Maintenance Agreement. She was unsure whether the First Amendment to the Agreement included repairing potholes, etc., on CDD-owned roads. Ms. Schalter confirmed that any repairs, maintenance and resurfacing on CDD roads would be performed by the Master Association; the CDD would perform stormwater infrastructure related work. Ms. Cerbone stated funds must be assigned to stormwater infrastructure.

Since it recently happened in a neighboring area, Ms. Strang asked about the CDD's potential liability, should a child waiting for the school bus at Alderman's Walk Boulevard and Winkler Avenue die, since it is CDD property. Ms. Cerbone stated the CDD, as governmental

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entity, has sovereign immunity. A Board Member stated that, although the School District did not install any signs, it decided to place the bus stop at the traffic light on Winkler; the children are waiting at the CDD owned right-of-way (ROW). Ms. Schalter would research the matter, regarding signs, procedures, etc., and provide Ms. Cerbone with the findings to present at the July meeting. Ms. Cerbone confirmed that, according to the Amendment to the Agreement, the CDD contracted with the Master Association to repair, maintain and resurface CDD roads but, because of these discussions, she requested the Board approve directing the District Engineer, District Manager and District Counsel review the Maintenance Agreement to ensure everything is covered or to come back with recommendations if another amendment is necessary, which would be presented to the Master Association for their review and approval, or they would need to assign funds in the proposed budget for those items not covered in the Agreement.

Mr. Barraco stated, while reviewing the Agreement, he would make sure it includes the future maintenance areas and that the intent is extremely clear. A Board Member stated the Developer completed the initial cleaning and replants, etc., and the obligatory five or six years maintenance and then turned it over. Ms. Schalter stated wetlands are typically described as a separate area from lakes and lake banks and should be included as such.

On MOTION by Ms. Strang and seconded by Mr. O'Donnell, with all in favor, the Bill of Sale and Special Warranty Deed from the CDD to the City of Fort Myers, Phase 1 only, in substantial form, subject to Mr. Barraco's review, and authorizing the District Engineer, District Manager and District Counsel to review the Maintenance Agreement to ensure the responsibilities of each component are covered, was approved.

Ms. Schalter would provide the revised document to Ms. Cerbone for the Chair to execute today.

SIXTH ORDER OF BUSINESS

Approval of Unaudited Financial Statements as of March 31, 2019

Ms. Cerbone presented the Unaudited Financial Statements as of March 31, 2019.

On MOTION by Mr. Cox and seconded by Ms. Strang, with all in favor, the Unaudited Financial Statements as of March 31, 2019, were approved.

Ms. Cerbone presented the January 31, 2019 Regular Meeting Minutes.

On MOTION by Mr. Taylor and seconded by Mr. O'Donnell, with all in favor, the January 31, 2019 Regular Meeting Minutes, as presented, were approved.

EIGHTH ORDER OF BUSINESS

Other Business

There being no other business, the next item followed.

NINTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Straley & Robin*

Ms. Schalter reported the following:

- Recommendations from Egis Insurance and Risk Advisors (Egis): The District's insurance carrier provided five guidelines for Districts to follow to ensure their websites are compliant with the Americans with Disabilities Act (ADA); which she would forward.

The District's website appears to meet most of those guidelines; therefore, Egis would continue to provide coverage for that section of the policy, as long as the District continues to make progress on these guidelines. As one of the Districts listed in the original lawsuit, Ms. Cerbone confirmed that all documents on the CDD's website were remediated and that the information was being paired down.

- Bill of Sales: At the Board's direction today, the Bill of Sales would be revised to include Phase 1 infrastructure only and be sent to Ms. Cerbone, for the Chair to execute.
- Developer executed documents would be submitted to the County Clerk's office for recording and confirmation would be sent to Ms. Cerbone.

As the District's maps were updated, Ms. Schalter hoped that the Clerk and Property Appraiser's records would reflect the same. Ms. Cerbone would obtain the original documents, sent directly to Mr. Barraco's office, after the meeting.

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

Mr. Barraco asked when the next meeting would be held, as he wanted to present his first Lake Bank Report at the end of the year. Discussion ensued regarding whether to add more meetings to the Annual Meeting Schedule and setting a January meeting, which would be

preferred since water levels are lower in the dry season and would provide better results, etc. Based on how far along Phase 3 is at the July meeting would influence when the next meeting would be held for the Board to consider conveyance and to present the Lake Bank Report.

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

i. 808 Registered Voters in District as of April 15, 2019

There were 808 registered voters residing within the District as of April 15, 2019.

Ms. Cerbone stated Seats 1 and 2, currently held by Supervisors O’Donnell and Taylor, respectively, would transition to General Election in November, 2020. She discussed the General Election process and urged Supervisors to encourage residents interested in being on the Board to consider running for a seat. This item would be included on the next agenda.

ii. NEXT MEETING DATE: July 24, 2019 at 10:00 A.M.

The next meeting will be held on July 24, 2019 at 10:00 a.m.

TENTH ORDER OF BUSINESS

Supervisors’ Requests

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

ELEVENTH ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

TWELFTH ORDER OF BUSINESS

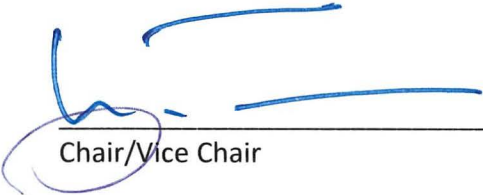
Adjournment

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 12:02 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair