

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

The Board of Supervisors of the Waterford Landing Community Development District held a Public Hearing and Regular Meeting on July 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
Lisa Dao	Wrathell, Hunt and Associates LLC
Kristin Schalter	District Counsel
Carl Barraco	District Engineer

**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**

**Public Hearing on Adoption of Fiscal Year  
2019/2020 Budget**

**A. Proof/Affidavit of Publication**

The affidavit of publication was included for informational purposes.

**B. Consideration of Resolution 2019-08, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2019, and Ending September 30, 2020; Authorizing Budget Amendments; and Providing an Effective Date**

Ms. Cerbone presented the Proposed Fiscal Year 2020 budget.

**Ms. Cerbone opened the public hearing.**

No members of the public spoke.

**Ms. Cerbone closed the public hearing.**

Ms. Cerbone presented Resolution 2019-08 and read the title.

**On MOTION by Mr. Taylor and seconded by Mr. Cox, with all in favor, Resolution 2019-08, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2019, and Ending September 30, 2020; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.**

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2019-09, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2019/2020; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

Ms. Cerbone presented Resolution 2019-09 and read the title.

**On MOTION by Ms. Strang and seconded by Mr. Taylor, with all in favor, Resolution 2019-09, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2019/2020; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2019-10, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2019/2020 and Providing for an Effective Date**

Ms. Cerbone presented Resolution 2019-10 and read the title.

**On MOTION by Mr. Taylor and seconded by Mr. Cox, with all in favor, Resolution 2019-10, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2019/2020 and Providing for an Effective Date, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2018 Prepared by Grau & Associates**

Ms. Cerbone stated presented the Fiscal Year 2018 Audited Financial Report. There were no issues, inconsistencies or deviations from any auditing standards and the financial statements were presented fairly in all material respects. There were no recommendations, findings or instances of noncompliance. She reviewed the audit and pointed out financial highlights.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2019-11, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2018**

Ms. Cerbone presented Resolution 2019-11.

**On MOTION by Ms. Strang and seconded by Mr. O'Donnell, with all in favor, Resolution 2019-11, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2018, was adopted.**

**EIGHTH ORDER OF BUSINESS**

**Ratification of First Amendment to the Common Area Maintenance Agreement**

Ms. Cerbone recalled discussions at the last meeting about ownership, as the community has multiple HOAs and a CDD. Since the CDD had attempted to contract all maintenance and repairs of District infrastructure to the Master, certain items must be clarified. The purpose of the First Amendment was to clarify that the CDD Board wants the HOA to repair and maintain the only roadway that the District owns within the District boundaries. Once the First Amendment is ratified, a previously-distributed Second Amendment would be considered.

Ms. Cerbone presented the First Amendment to the Common Area Maintenance Agreement and supporting documents, including a map reflecting the only road that the CDD owns within the District boundaries, along with other maps. Ms. Schalter stated that the CDD

owns the tracts that were previously conveyed from the Developer, including the roads and the lake banks, which need to be added to the Maintenance Agreement. The First Amendment adds the road and the Second Amendment would add the lake banks, etc. Mr. Barraco stated that he was engaged by the City to work on the access road project that is proposed to be the Serena Park Improvement District (SPID) and, if the Board was interested, it could direct Staff and a Board Member to meet with the City to learn about the SPID. He doubted that the District would need to get involved other than to inform the City that it is supportive of the effort and the reason the project is going forward is because there is one group of investors that owns a significant amount of lots who are being proactive in trying to complete the construction. Discussion ensued regarding directing District Staff to approach the City to investigate road maintenance and improvements, costs, permitting and zoning requirements and the meeting at City Hall. It was decided that Mr. Cox and Mr. Barraco would attend the meeting. Mr. Barraco suggested the Board make a motion establishing the Board Member who will accompany him to the meeting, noting that the District is supportive of the construction of infrastructure on the private lots adjacent to the District.

**On MOTION by Ms. Strang and seconded by Mr. Taylor, with all in favor, authorizing the District Engineer and Supervisor Cox to meet with the City and advise of the District's support of an advancement of traffic improvements for entry and exit within the community, was approved.**

**On MOTION by Mr. Taylor and seconded by Mr. O'Donnell, with all in favor, the First Amendment to the Common Area Maintenance Agreement, was ratified.**

Regarding the Second Amendment, Ms. Cerbone recalled that, at the previous meeting, several topics covered related to ownership and a complicated maintenance structure, such as footage, littorals, etc. Mr. Barraco stated the District is responsible for maintaining the lakes' maintenance and water control elevation. Landward, there is 20', which allows the District access to maintain the lakes; the 20' is typically 5' within the lake tract and 15' on lots with an easement for the District to use for access. Discussion ensued regarding where the Master Association, CDD and neighborhood HOAs maintain, needing an agreement between the Master Association and HOAs, etc. Ms. Schalter stated Staff originally tried to capture the 5', versus 15'

but it was eventually decided it would be easier to say the Master maintains the entire 20'; therefore, the version presented would have a slight adjustment in Sections 2 and 3a. The Second Amendment would be revised and emailed to Ms. Cerbone. In the interim, the Board should approve it in substantial form. Discussion ensued regarding language in the Agreement, the revised exhibit and potential increase in Master dues.

Ms. Cerbone read the following into the record:

“When the original Maintenance Agreement was put together, the District contracted with the Master Association to repair and maintain all stormwater facilities, conservation areas, wetlands, sidewalks and landscaping features.”

Ms. Cerbone stated that it could be interpreted that the paragraph included lake banks, lake bank erosion and mitigation expenses. The language should be clarified because the budget has lake bank reserves and there is no reason to have it in two places. Since the motion on the Second Amendment was pending, she inquired if, as part of the Second Amendment, the lake banks should be clarified. Discussion ensued regarding the lake banks, the HOA, reserve funds in the budget and preserve maintenance. Ms. Schalter felt that the concern in the Second Amendment was if the lake banks are being added specifically and it could be argued in the future, if all interested parties change, it could be interpreted as requiring lake bank mitigation. If the Board opts to leave the document as is, including the lake banks, a rule could be added under the maintenance services section stating that the CDD agrees to pay for lake bank mitigation or the District could enter into a separate cost-sharing agreement where the HOA would bill the CDD for the cost of lake bank mitigation. She summarized that the Master HOA would be responsible for the water, vegetation and mowing the banks/preserve maintenance and the CDD would be responsible for actual lake bank restoration and mitigation. A Board Member asked if this item could be considered at the next meeting, Ms. Cerbone stated that the next meeting would be in 2020 and Staff would like to make the updates and circulate it to the Board for review prior to finalization and approval.

**On MOTION by Ms. Strang and seconded by Mr. O'Donnell, with all in favor, the Second Amendment to the HOA Agreement, in substantial form, subject to adjustments discussed by the Board and Staff, was approved.**

Mr. Taylor asked the Board to look for residents who might want to join the Board.

**TENTH ORDER OF BUSINESS**

**Approval of Unaudited Financial Statements as of June 30, 2019**

Ms. Cerbone presented the Unaudited Financial Statements as of June 30, 2019.

**On MOTION by Mr. Taylor and seconded by Mr. O'Donnell, with all in favor, the Unaudited Financial Statements as of June 30, 2019, were approved.**

**ELEVENTH ORDER OF BUSINESS**

**Approval of April 24, 2019 Regular Meeting Minutes**

Ms. Cerbone presented the April 24, 2019 Regular Meeting Minutes.

**On MOTION by Mr. Cox and seconded by Mr. O'Donnell, with all in favor, the April 24, 2019 Regular Meeting Minutes, as presented, were approved.**

**TWELFTH ORDER OF BUSINESS**

**Other Business**

There being no other business, the next item followed.

**THIRTEENTH ORDER OF BUSINESS**

**Staff Reports**

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

There being no report, the next item followed.

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

Mr. Barraco reported the following:

- The map would be updated to show that the District maintains the lakes solely for erosion.
- Regarding the meeting with the City, the Board may want to amend the motion to give Mr. Cox the authority to begin discussions and voice the CDD's support, in hopes that the City would take over ownership, operation and maintenance, if the Board is agreeable.
- Since the dry season would commence before the next meeting, permission to inspect the lake slopes in order to report any significant erosion was requested.

Ms. Strang asked if that was built into the budget. Mr. Barraco replied affirmatively. Mr. Taylor asked when the CDD could turn over the utilities in Phase 1 and/or the townhomes to the City. Mr. Barraco stated when 90% of the lots are completed. Ms. Strang directed the District Engineer inspect the lots for erosion.

➤ Since the irrigation water permit, currently in the Developer’s name, was due to expire, permission to inform Cardno that the District would accept the position as a permittee for the water use permit was requested.

The Board directed Mr. Barraco to proceed with lake bank inspection and manage the water use permit issue.

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

As to how the Board preferred to receive the agenda. Mr. Taylor stated by email, in advance, with hard copies available at meetings for residents and Board Members.

**FOURTEENTH ORDER OF BUSINESS**

**Supervisors’ Requests**

Ms. Strang recalled a discussion at the last meeting about potential liability if a child is struck in the CDD’s common area while at the school bus stop. She was concerned about a safety issue and asked about the CDD’s liability if a child is hit and a lawsuit is filed. Ms. Schalter stated any City property, which would include the sidewalk ROW, is the City’s responsibility to control and protect, but, if a child is struck on CDD property, it would be private cause of action just as any other car accident in the community. The best solution would be to ask the School Board to install proper signage in the City’s ROW so children have a designated spot to gather and wait for the school buses. Ms. Strang would contact the School Board.

**FIFTEENTH ORDER OF BUSINESS**

**Public Comments**

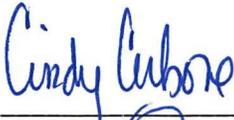
There being no public comments, the next item followed.

**SIXTEENTH ORDER OF BUSINESS**

**Adjournment**

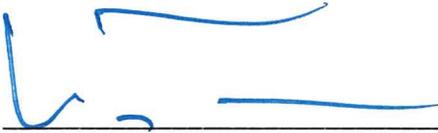
There being no further business to discuss, the meeting adjourned.

**On MOTION by Mr. Taylor and seconded by Mr. O’Donnell, with all in favor, the meeting adjourned at 11:38 a.m.**



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Secretary/Assistant Secretary



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Chair/Vice Chair