

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

The Board of Supervisors of the Waterford Landing Community Development District held a Special Meeting on February 6, 2020, at 11:30 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 |
| Daniel Rom | Wrathell, Hunt and Associates, LLC |
| Kristin Schalter | District Counsel |
| Steve Coleman | District Engineer |
| Carl Barraco | Barraco and Associates, LLC |
| Ronald Inge | Member of the Public |

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 11:30 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/Approval of Deed from
Waterford Landing Acquisitions LLC to CDD**

Ms. Cerbone stated the Third, Fourth and Fifth Orders of Business would be addressed together and recalled discussion at the previous meeting about a potential opportunity for roadway improvements that would benefit the CDD and an adjacent area. District Staff followed up, attended meetings with City officials and would present their findings.

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Referencing slides, Mr. Barraco presented exhibits of the Serena Park assessment area, mainly platted lots with no infrastructure, and stated that Mr. Ron Inge, who represents a majority of the lot owners, was in attendance today. The City pledged to build infrastructure to serve the lots in place. In previous discussions, the Board examined different ways to exit the lots to the east, via San Marcos Way, through the CDD's roadway. When Lindsford was originally completed, it was zoned to be a public right-of-way (ROW) with access to all of the lots; however, as discussed at the previous meeting, the Board would like to have another ingress and egress point, in addition to Winkler Avenue, and examined entering from Aldermans Walk, down to San Marcos Way, to Veronica Shoemaker Boulevard. Ultimately, the City of Fort Myers would require the CDD to enter into agreements with them to facilitate the roadway improvements. A Board Member asked if a stop light would be installed to safely make a left turn. Mr. Barraco explained that, to install a traffic signal anywhere in Florida, certain warrants must be met or the request would not be approved by the Department of Transportation (DOT). Discussion ensued regarding traffic studies, strips of land owned and operated by the CDD, roadway improvements, maintenance responsibilities of the City, pavers, the ROW and traffic concerns caused by the completion of 235 additional residences in the area. Mr. Barraco stated, if a roadway project is approved, the City would draft the construction plans, the Board would review them and allow the City to construct roads in the CDD ROW. His impression was that the CDD wants to maintain control of the ROW and would like the City to fund the maintenance of the roadway, when it needs to be resurfaced. Ms. Strang asked if it could be negotiated that the City would maintain Aldermans Walk and install a traffic light on Winkler Avenue and Aldermans Walk. Mr. Barraco would make the suggestion to the City. Ms. Schalter stated a traffic study must usually be conducted to determine if a traffic signal is warranted and, while unsure of the specifics, the interlocal agreement that would be drafted could require the City to pay for a traffic study to see if a traffic light is warranted. A Board Member shared that, at a recent City Council meeting, a proposal to conduct a traffic study for the Winkler Corridor was introduced and, although the study was completed and submitted to the City Manager's office, there were no updates. Ms. Schalter suggested making a public records request for the traffic study. Mr. Barraco stated it is the City's contention that the CDD should provide access for the lots and, from an engineering and a zoning perspective, that requirement exists. Discussion ensued regarding residential traffic, required access, the turnabouts and tract ownership. Ms. Schalter stated that she can only process deeds to the CDD from the Developer and cannot give anything

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to the HOA; the Developer would need to engage an attorney for that, as she only represents the District. The Board must decide on ownership of two sections and whether it wants to allow the City to construct connections for those areas. Ms. Cerbone suggested deciding on the roadway improvements first and then discussing the other parcels that must be turned over. Mr. Cox voiced his opinion that the Board should use all of its leverage to get the City to install a traffic light at the intersection of Winkler Avenue and Aldermans Walk and, if the City agrees to maintain the road surface and gutters, that should address resident concerns about having additional traffic in the area. The vast majority of Lindsford and Serena Park residents would continue to use the intersection of Aldermans Walk and Winkler Avenue. Ms. Strang noted an issue with school buses, which is a safety concern for the CDD. Ms. Schalter stated the Board would receive a copy of the existing traffic study and it would not be prudent to include a requirement in the agreement for a traffic study if one has already been done. Discussion ensued regarding traffic studies, warrants, traffic consultants, etc. Ms. Cerbone summarized that the Board could decline the acquisitions outright or approve them with the following contingencies:

1. The City takes all responsibility for all maintenance.
2. If the traffic study has been completed and it meets the warrants of having traffic signalization installed, that the City funds it and completes it within a certain time period.
3. If the current traffic study does not meet the warrants that would force signalization, require a traffic study every five years for the next 15 years or for a reasonable time period.

Ms. Cerbone restated all of the options the Board could consider regarding the City making roadway improvements, an interlocal agreement with the City being responsible for various maintenance items, completing a traffic study for the intersection of Aldermans Walk and Winkler Avenue and, if a study shows that a signal is warranted, require installation within a certain time period, and if the study is not conclusive, that another study would be ordered after a specific time period had elapsed. She suggested holding a special meeting in March to receive and review feedback from the City. Ms. Schalter stated Staff also needs authorization to contact and meet with City officials to discuss these matters before any paperwork is drafted. Discussion ensued regarding zoning, roadway connections, the contingencies, public and private road maintenance, access for emergency vehicles and engaging a land use attorney.

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On MOTION by Mr. Cox and seconded by Mr. Taylor, with all in favor, authorizing District Staff to consult with a land use attorney regarding current zoning obligations, at a not-to-exceed amount of \$1,500, was approved.

Ms. Cerbone asked if the Board should start a conversation between the City, District Staff and Mr. Cox, as Board Representative, regarding a potential interlocal agreement with the contingencies discussed.

On MOTION by Ms. Strang and seconded by Mr. O'Donnell, with all in favor, authorizing Mr. Cox to simultaneously coordinate with District Staff and the City of Fort Myers to discuss a potential interlocal agreement regarding roadway improvements within the CDD, was approved.

On MOTION by Ms. Strang and seconded by Mr. Taylor, with all in favor, scheduling a Special Meeting, if needed, for Monday, March 9, 2020 at 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901 at 10:30 a.m., was approved.

FOURTH ORDER OF BUSINESS

Consideration/Approval of Deed from Waterford Landing CDD to City of Fort Myers

Ms. Cerbone stated, simultaneous to acquiring data from the land use attorney, it was agreed that Mr. Cox would coordinate with appropriate District Staff in a conference call with the appropriate City officials. She asked if the traffic study should be included as one of the talking points with the City, separate from the larger discussion of ongoing maintenance of the roadway. Mr. Barraco stated the City previously verbally agreed to the maintenance. Ms. Cerbone stated, if the previously-conducted traffic study is available, copies would be requested.

For transparency, Mr. Barraco stated, on the record, that he was previously engaged by the City of Fort Myers to provide services for Serena Park and, although the City stated there are no conflicts of interest, if the Board perceives that a conflict exists, he would address it.

FIFTH ORDER OF BUSINESS

Consideration of Third Amendment to the Common Area Maintenance Agreement

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Referencing a map, Ms. Cerbone presented a list of 28 parcels or “slivers” within the District that are still in the name of Waterford Landing Acquisitions that need to be conveyed. A number of other parcels, in green, were conveyed and have a Bill of Sale from the Developer to the District. Although those parcels were recorded, they are not yet reflected on the Property Appraiser’s website. Discussion ensued regarding the Property Appraiser’s records. Ms. Cerbone noted that lake maintenance was contracted with the HOA and recommended for that footage to be conveyed to the HOA and not to the CDD, as it gives the HOA the opportunity for rule enforcement regarding access. Ms. Schalter voiced her belief that the CDD already transferred several tracts to the HOA. Asked if all of the “L” tracts above and the below the control elevation were deeded to the CDD, Ms. Schalter stated it is indicated on the spreadsheet. Upon checking the Property Appraiser’s website, Mr. Coleman stated it did not mention the lakes; a large portion of Aldermans Walk is still owned by the CDD, along with pieces all along the lake. The amended maintenance agreement must first be approved by the Board before Management recommends acceptance of the properties for ownership. Ms. Cerbone stated, with the exception of future lake bank mitigation, there is currently no funding in the budget for repair maintenance; the CDD cannot assume maintenance of any additional improvements. She recommend acceptance of the property being conveyed, simultaneously with an amendment to the maintenance agreement with the Master Association. As to why the item could not be tabled to the next fiscal year budget, Ms. Cerbone replied that tabling it would delay the conveyance. She suggested that the Board direct District Counsel to draft a Third Amendment to the Common Area Maintenance Agreement, stating that the HOA would maintain any properties that the CDD takes ownership of and the document could be approved at the March meeting. Ms. Schalter would draft the Amendment.

SIXTH ORDER OF BUSINESS**Discussion: Traffic Enforcement Options**

Ms. Cerbone stated that Mr. Cox and District Staff exchanged emails about traffic enforcement. Mr. Cox stated that all of the documentation and signage were completed and the agreement was forwarded to the attorney at Rockpoint one week ago. This item would be included on the March agenda as a discussion item, if it is available; otherwise, it would be on the April agenda.

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SEVENTH ORDER OF BUSINESS**

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**Discussion: Updated Provisions of District's
Rules of Procedure**

A. Amended and Restated Rules of Procedure

Ms. Schalter stated the Amended Rules of Procedure contain statutory updates of the CDD's rules, which must be presented at a public hearing for review and approval.

B. Resolution 2020-01, To Designate Date, time and Place of Public Hearing and Authorization to Publish Notice of Such Hearing for the Purpose of Adopting Amended and restated Rules of Procedure; and Providing an Effective Date

Ms. Cerbone presented Resolution 2020-01.

On MOTION by Mr. Taylor and seconded by Mr. Cox, with all in favor, Resolution 2020-01, To Designate Date, time and Place of Public Hearing for April 22, 2020 at 10:00 a.m., at 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901, and Authorization to Publish Notice of Such Hearing for the Purpose of Adopting Amended and restated Rules of Procedure; and Providing an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

**Approval of Unaudited Financial
Statements as of December 31, 2019**

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

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

NINTH ORDER OF BUSINESS

**Approval of July 24, 2019 Public Hearing
and Regular Meeting Minutes**

Ms. Cerbone presented the July 24, 2019 Public Hearing and Regular Meeting Minutes.

On MOTION by Ms. Strang and seconded by Mr. Taylor, with all in favor, the July 24, 2019 Public Hearing and Regular Meeting Minutes, as presented, were approved.

TENTH ORDER OF BUSINESS

Other Business

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Ms. Strang asked about the littorals in the lakes. Mr. Cox stated that the littoral plants are required and cannot be touched. Asked if the plants could take over the lake, Mr. Barraco stated the plants are primarily to remove nutrients and phosphorus from entering the pond; generally, littorals grow really fast and can be harvested and thinned out but not totally removed. Overall, littorals are beneficial and residents should not worry about them.

ELEVENTH 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*

There being no report, the next item followed.

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

- **NEXT MEETING DATE: April 22, 2020 at 10:00 A.M.**
 - QUORUM CHECK

Ms. Cerbone stated the next meeting will be held on March 9, 2020 at 10:30 a.m., but, if the information was not obtained from the City, that meeting would be cancelled. The proposed budget would be presented at the April meeting.

TWELFTH ORDER OF BUSINESS

Supervisors' Requests

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

THIRTEENTH ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

FOURTEENTH ORDER OF BUSINESS

Adjournment

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

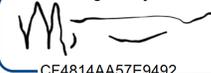
On MOTION by Mr. Taylor and seconded by Mr. Campo, with all in favor, the meeting adjourned at 1:23 p.m.

WATERFORD LANDING CDD

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Secretary/Assistant Secretary

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Chair/Vice Chair