

**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 27, 2022 at 11:00 a.m., at the offices of Barraco and Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901.

Present were:

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|-----------------|---------------------|
| Charles Cox | Chair |
| Marcina Strang | Vice Chair |
| Joyce Hein | Assistant Secretary |
| Robert Stillman | Assistant Secretary |

Also present, were:

| | |
|-------------------------------------|-------------------|
| Daniel Rom | District Manager |
| Dana Crosby-Collier (via telephone) | District Counsel |
| Carl Barraco | District Engineer |

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Rom called the meeting to order at 11:03 a.m. Supervisors Cox, Strang, Stillman and Hein were present. One seat was vacant.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRD ORDER OF BUSINESS

Consider Appointment to Fill Unexpired Term of Seat 5 (*Term Expires November 2022*)

This item was presented following the Twelfth Order of Business.

- **Administration of Oath of Office to Newly Appointed Supervisor (*the following will be provided in a separate package*)**

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
 - I. Firm 1: Statement of Financial Interests**
 - II. Firm 1X: Amendment to Form 1, Statement of Financial Interests**
 - III. Firm 1F: Final Statement of Financial Interests**
- D. Form 8B – Memorandum of Voting Conflict**

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2022-01, Designating Certain Officers of the District, and Providing for an Effective Date

This item was deferred to the next meeting.

FIFTH ORDER OF BUSINESS

Status of Utility Turnover Punch List to City of Fort Myers

Mr. Barraco stated transferring ownership and operations of water and sewer systems would typically have been done years ago; however, the City changed the terms to commence transfers once 90% of the homes in the entire subdivision are completed.

Mr. Barraco distributed and presented a proposal from Haleakala Construction, Inc. The proposal addresses the City of Fort Myers’ lengthy punch list items for not only the utility system but also cleaning the storm sewers and provides a one-year warranty.

Mr. Barraco expressed his opinion that the items are not reasonable and suggested approaching the City Engineer to work through this and, if necessary, elevate the matter to a higher-ranking City Representative. He responded to a question about pro-rating certain costs and stated that he was on-site with the City Representatives as the as-built plans were reviewed. He reiterated that further conversation with the City Engineer is necessary, as he felt that a percentage of responsibility is with the City, since they inspected and placed the systems into service years ago and should have accepted conveyance then. He thought the City should

deem the current punch list items as maintenance items, since the City should have been monitoring the systems once they went into service.

On MOTION by Ms. Strang and seconded by Ms. Hein, with all in favor, authorizing Mr. Barraco, Ms. Crosby-Collier, Mr. Rom and the Chair to meet with the City of Fort Myers Engineer and other Representatives to discuss the Rule Change and review the Utility Turnover Punch List items to further the utility dedication to the City, was approved.

Mr. Barraco suggested using the CDD’s Easement Agreement to the City as leverage to resolve the Utility Turnover. Discussion ensued to clarify the purpose of the Agreement, which was for the Eldon Road location. It was noted that the Chair executed it but the District Engineer delayed submitting it to the City.

Mr. Barraco asked if the Board was aware of a separate issue with the City concerning how they are using the easements by the canal.

Mr. Cox stated the City’s response to his request for an apology for closing Aldermans Walk Boulevard for 30 minutes, without prior notification, and request for assurances that this would not happen again, was unprofessional.

Discussion ensued about whether this is a safety issue. Assurances from the City that it would monitor traffic so residents would not be inconvenienced for more than five minutes was recalled. Mr. Cox stated that the City’s response included the Access Agreement, which highlighted the statement that “they would use customary and reasonable efforts not to block the intersection unnecessarily and that it does not owe the CDD an explanation”. The Board’s consensus was for the CDD’s designated parties to address this with the City Engineer as well.

SIXTH ORDER OF BUSINESS

Discussion: City Request to Finalize all City Permits Post-Developer

Mr. Barraco suggested and the Board agreed to the CDD’s designated parties discussing the CDD’s position on this matter with the City. The CDD’s position is that the City needs to

review the punch list, as some items are not associated with utilities and, therefore, not a CDD issue but rather a Ronco or Berkshire issue.

Mr. Barraco stated that stormwater structures are clearly not utilities and, although the CDD is responsible for maintaining them, they are not responsible for its original construction to convey over to the City. Mr. Baracco stated he would schedule a meeting with the City Engineer and, depending on the outcome, the CDD might need to elevate this to higher-ranking City Representatives.

On MOTION by Ms. Hein and seconded by Mr. Stillman, with all in favor, authorizing Mr. Barraco, Ms. Crosby-Collier, Mr. Rom and the Chair to meet with the City of Fort Myers Engineer and other Representatives to discuss the City's Request to Finalize all City Permits Post-Developer, was approved.

SEVENTH ORDER OF BUSINESS

Update: Lake Bank Erosion Inspections

This item was presented following the Eighth Order of Business.

EIGHTH ORDER OF BUSINESS

Ratification of Barraco and Associates, Inc. Work Order No. 1 for Stormwater Needs Analysis

Mr. Rom presented Work Authorization No. 1, in the amount of \$5,000, that was previously executed by the Chair due to the upcoming deadline. Due to recent legislation, it was necessary to engage the District Engineer to prepare and submit a 20-Year Stormwater Management Needs Analysis Report by June 30, 2022.

Mr. Rom and Ms. Crosby-Collier considered the \$5,000 fee standard. It was noted that unassigned fund balance will be used for this unbudgeted expense; a new budget line item will be added to future budgets.

Mr. Barraco stated, since this is the first report, he expected the subsequent reports, required every five years, to be easier to complete and cost less.

On MOTION by Ms. Strang and seconded by Mr. Cox, with all in favor, Barraco and Associates, Inc., Work Order No. 1, to prepare the Stormwater Management Needs Analysis Report, in the not-to-exceed amount of \$5,000, was ratified.

▪ **Update: Lake Bank Erosion Inspections**

This item, previous the Seventh Order of Business, was presented out of order.

Mr. Barraco reviewed two sets of maps. One identified areas of lake bank erosion and another included the slope conditions. Slopes steeper than 4:1 will require mitigation. He explained the difference between linear erosion, which is due to wind and wave action, and localized erosion, which is typically due to broken gutters between residences, broken sprinkler heads or pool discharge.

Mr. Barraco stated he would continue the process and present steps at the next meeting that may include a recommendation to have the hazardous localized erosion areas addressed now. That would involve providing homeowners with the steps to proceed with installing a pipe on their property into the lake. Mr. Cox reported that some homeowners already voiced their opinion that this is not their problem.

NINTH ORDER OF BUSINESS

**Ratification of Water Treatment Plant
Source Water Project Temporary Right of
Entry**

Mr. Rom presented the Temporary Right of Entry. The Chair was previously authorized to work with the City to ensure all items the Board requested from the City are in the document, including language specifying that once the project is completed, the City will incur costs to correct any damage to the CDD owned right-of-way (ROW). Mr. Cox stated that he observed a damaged solar trail light but there was not much damage to the landscaping yet, as they just started the horizontal boring to install the pipe line. Mr. Rom stated he received the pre-construction video of all the areas where the City will be working.

On MOTION by Mr. Stillman and seconded by Ms. Hein, with all in favor, the Water Treatment Plant Source Water Project Temporary Right of Entry with the City of Fort Myers, was ratified.

▪ **Update: Traffic Light at Winkler Avenue and Aldermans Walk Boulevard**

This item was an addition to the agenda.

Ms. Strang asked if there was any update on the City working with the hospital to install a traffic light at Aldermans Walk Boulevard and Winkler Avenue. Mr. Barraco stated there was no official update but he heard that the City awarded a contract for the public relations work at the Winkler corner, which included holding the public meetings for lights at School House Road, Aldermans, etc.; when installation would occur was unknown.

Discussion ensued regarding traffic patterns, multiple accidents, safety concerns. It was noted that City Staff has not presented this matter to the new City Manager. Mr. Cox noted the potential that it could be installed late in the fourth quarter. This item will remain an ongoing agenda item.

On MOTION by Ms. Strang and seconded by Ms. Hein, with all in favor, adding a traffic light discussion to the agenda for the meeting with the City, Mr. Barraco, Ms. Crosby-Collier, Mr. Rom and the Chair, was approved.

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2021

Mr. Rom presented the Unaudited Financial Statements as of December 31, 2021.

On MOTION by Mr. Cox and seconded by Ms. Strang, with all in favor, the Unaudited Financial Statements as of December 31, 2021, were accepted.

ELEVENTH ORDER OF BUSINESS

Approval of September 23, 2021 Special Meeting Minutes

Mr. Rom presented the September 23, 2021 Special Meeting Minutes.

On MOTION by Ms. Strang and seconded by Mr. Stillman, with all in favor, the September 23, 2021 Special Meeting Minutes, as presented, were approved.

TWELFTH ORDER OF BUSINESS

Other Business

There was no other business.

Ms. Strang asked if it is possible to reschedule the April meeting to May. Mr. Rom stated rescheduling would require incurring additional advertising costs. Ms. Strang stated that she would attend the April meeting via telephone.

Ms. Strang asked when the terms of certain Seats would expire. Mr. Rom stated Seats 3 and 4, currently held by Supervisors Cox and Strang, and vacant Seat 5, will be up for election at the November 2022 General Election. If Board Members wish to run again, he instructed them, as well as any other candidates interested in running for a Seat, to contact the Lee County Supervisor of Election's (SOE) office or website to obtain information about the candidate qualifying period and election process. The link to the SOE's website will be email to the Board.

- **Consider Appointment to Fill Unexpired Term of Seat 5 (*Term Expires November 2022*)**
This item, previously the Third Order of Business, was presented out of order.

Mr. Rom stated he contacted candidates Donna Accardo and Don Walsh, who previously expressed interest in being appointed to the Board. They decided not attend today's meeting, in order for the Board Members to discuss the candidates openly.

Mr. Stillman voiced his opinion that each candidate is competent. It was agreed that fair representation from the three HOAs is needed but it should not be the primary reason someone is appointed.

Regarding each candidate's motivation, Mr. Rom recalled that each candidate had similar answers, in that they live in the community, believe they can bring value to the Board based on their backgrounds and find that CDD business discussions are interesting.

Ms. Hein and Ms. Strang discussed Mr. Walsh's email.

Mr. Cox stated he was responsible for Mr. Walsh’s name being submitted as a candidate; he asked another resident if they knew anyone from Phase 3 who would do well on this Board. He felt that Mr. Walsh is a good candidate.

Mr. Rom read Mr. Walsh’s email to the Board, which notes that Mr. Walsh already holds an HOA Board position. Discussion ensued about having fair representation from all phases of the community.

Ms. Strang nominated Ms. Donna Accardo to fill Seat 5.

No other nominations were made.

On MOTION by Mr. Stillman and seconded by Ms. Hein, with all in favor, appointment of Ms. Donna Accardo to fill the unexpired term of Seat 5, was approved.

Mr. Rom would notify the candidates of the Board’s decision and announce the qualifying period dates at the next meeting. The Oath of Office will be administered to Ms. Accardo at the next meeting.

Discussion ensued regarding the appointment process and, going forward, interviewing candidates separately at times of an open Board seat.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Straley & Robin*

There was no report.

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

There was nothing further to report.

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

- **NEXT MEETING DATE: April 28, 2022 at 11:00 A.M.**
 - **QUORUM CHECK**

Supervisors Hein, Stillman and Cox confirmed their in-person attendance at the April 28, 2022 meeting. Supervisor Strang would attend via telephone.

FOURTEENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

FIFTEENTH ORDER OF BUSINESS

Public Comments

There were no public comments.

SIXTEENTH ORDER OF BUSINESS

Adjournment

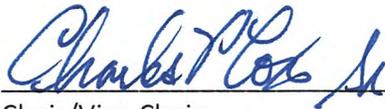
There being no further business to discuss, the meeting adjourned.

On MOTION by Ms. Strang and seconded by Ms. Hein, with all in favor, the meeting adjourned at 12:29 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair