

**MINUTES OF MEETING  
WILDBLUE  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting on September 4, 2025 at 10:00 a.m., at the Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913.

**Present:**

John Buchholz	Chair
Rick Bennington	Vice Chair
Herbert Lanese	Assistant Secretary
Denis Bourque (via telephone)	Assistant Secretary

**Also present:**

Chuck Adams	District Manager
Shane Willis	Operations Manager
Wes Haber (via zoom/phone)	District Counsel
Frank Savage	District Engineer
Carl Barraco (via zoom/phone)	Barraco and Associates, Inc.

**Residents present: (in person or via phone)**

Kathleen O'Connor	Chris Grayson	Kristi Huston	Ross Dunlap	Bill Magri
Bede Braegelmann	Sima Baker	Other Residents		

The names of all attendees, residents and/or members of the public might not appear in the meeting minutes. If the person did not identify themselves, their name was inaudible or their name did not appear in the meeting notes or on a sign in sheet, the name was not listed.

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 10:00 a.m. Supervisors Bennington, Buchholz and Lanese were present. Supervisor Borque arrived after roll call. Supervisor Hasty was absent.

**SECOND ORDER OF BUSINESS**

**Public Comments: Agenda Items (3 Minutes Per Speaker)**

Resident Bede Braegelmann asked for update on Latitude Lake treatments, the aerator lakes, Mr. Hasty's update on lowering the lake level and pursuing other "mining" groups. Mr. Willis

stated that Latitude Lake was treated for algae, which is typical this time of year, a second treatment for the algae along the shoreline is imminent and will continue, if needed; treatments must occur seven to ten days apart. Aerator inspections were added to the checklist; installing indicator lights on the boxes would void the installation warranty. Mr. Adams stated that dredging the lake would not likely occur due to the steps involved in a mining operation. SOLitude fell behind on maintenance but is now caught up; however, it might take a few months to see the results. Mr. Willis stated that, since the permit was approved at the current stormwater status and the lake is functioning properly, he does not think the project will be approved.

**Mr. Borque joined the meeting at 10:02 a.m., via telephone.**

Mr. Borque stated that the call in telephone number on the email is incorrect.

Resident Ross Dunlap asked who owns the lake and asked for the depth of Latitude Lake. Mr. Buchholz stated the CDD maintains the lake and Lennar owns it; it will be conveyed to the CDD once the litigation is completed. The lake is about 4' to 5' deep.

Resident Kathleen O'Connor stated she had comments to the meeting minutes and edits to Resolution 2025-13. She asked how they will be able to maintain the same compaction standards if they do not use a barge for Phase 1 since there may or may not have a retaining wall in place. She asked if there are compaction standards and if it will be included in the Request for Proposals (RFP), along with provisions to address installation defects. She was asked to hold her comments until that upcoming agenda item.

Resident Chris Grayson asked the Board to explain the next steps of the lawsuit, especially regarding the non-binding mediation; and the anticipated goals, outcome, and additional costs over the next few months. Mr. Adams stated District Counsel will address it later in the meeting.

**THIRD ORDER OF BUSINESS**

**Update: Draft Audited Annual Financial Report for the Fiscal Year Ended September 30, 2024, Prepared by Berger, Toombs, Elam, Gaines & Frank**

Mr. Adams stated the new Auditor requested additional information from Barraco & Associates to include in the Notes section. He will email the Audit, and place it on the next agenda. Berger, Toombs, Elam, Gaines & Frank (BTEGF) has struggled to complete audits timely, due to its principal Accountant, Mr. Gaines leaving the firm halfway through the audit season.

## FOURTH ORDER OF BUSINESS

## Acceptance of Resignation of Chris Hasty

<b>On MOTION by Mr. Buchholz and seconded by Mr. Lanese, with all in favor, the resignation of Chris Hasty from Seat 2, was accepted.</b>
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## FIFTH ORDER OF BUSINESS

**Consider Appointment to Fill Unexpired Term of Seat 2; Term Expires November 2026**

Mr. Adams stated that Seat 2 is a Landowner-elected seat, not a General Election seat; therefore, the Board's obligation is to consider nominations and appoint someone to fill the vacant seat who is a US citizen, at least 18 years of age, and a legal resident of Florida. The emails from the two candidates showing interest in filling Seat 2 were emailed to the Board.

Discussion ensued regarding the outcome referenced on Lines 77 through 84 of the prior meeting minutes regarding candidate Chris Grayson and his wife's Facebook posts deemed threatening against the Board and the CDD, reviewing the posts and Board Members looking for certain attributes in other Board Members, in light of upcoming projects and litigation matters.

Mr. Buchholz asked each candidate to speak.

Candidate Chris Grayson voiced his opinion that the Facebook posts are open to interpretation. He thinks the CDD Board and HOA Boards are very one sided. In his opinion, the posts were not a threat against the Board. Based on comments to him to get more involved and his belief there is room for improvement in managing assets, is why he expressed interest. He suggested changing the meeting time to increase attendance. He noted difficulty joining the meeting via telephone.

Mr. Buchholz stated there are plans to hold a meeting once the bids are received.

Candidate Sima Baker discussed her involvement with the Master HOA. She thinks there should be more synergy between the HOA Boards and CDD Board. She discussed what she sees as the roles of the CDD.

Board Members deliberated on the appointment and expressed their reasoning.

Mr. Buchholz nominated Sima Baker to fill Seat 2. No other nominations were made.

<b>On MOTION by Mr. Buchholz and seconded by Mr. Bennington, with all in favor, the appointment of Sima Baker to fill Seat 2, was approved.</b>
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- **Administration of Oath of Office to Appointed Supervisor (the following will be provided under separate cover)**

The Oath of Office will be administered to Sima Baker at or before the next meeting.

**A. Required Ethics Training and Disclosure Filing**

- **Sample Form 1 2023/Instructions**

**B. Membership, Obligations and Responsibilities**

**C. Guide to Sunshine Amendment Code of Ethics for Public Officers and Employees**

**D. Form 8B: Memorandum of Voting Conflict for County, Municipal and other Local Public Officers**

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2025-13,  
Electing and Removing Officers of the  
District and Providing for an Effective Date**

Mr. Adams presented Resolution 2025-13. Mr. Bennington nominated the following:

John Buchholz	Chair
Richard Bennington	Vice Chair
Herbert Lanese	Assistant Secretary
Denis Bourque	Assistant Secretary
Sima Baker	Assistant Secretary

No other nominations were made. This Resolution removes the following:

Chris Hasty	Assistant Secretary
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The following prior appointments by the Board remain unaffected by this Resolution:

Chuck Adams	Secretary
Craig Wrathell	Assistant Secretary
Craig Wrathell	Treasurer
Jeff Pinder	Assistant Treasurer

The following correction will be made to Resolution 2025-13:

Section 3: Change: "Boar" to "Board"

**On MOTION by Mr. Bennington and seconded by Mr. Buchholz, with all in favor, Resolution 2025-13, as amended, Electing, as nominated, and Removing Officers of the District and Providing for an Effective Date, was adopted.**

**SEVENTH ORDER OF BUSINESS**

**Updates:**

Mr. Savage and Mr. Barraco presented and discussed the following:

**A. Lake Bank Erosion Repair Project**

- **Downspout Diagram**

- Supplement #1 to the Master Engineer's Report dated September 4, 2025 was distributed and presented. It sets the framework to allow additional bonds to be obtained to support the two parallel restoration, those being the Recreational Lake Phase 1 project to restore the retaining wall via rock revetment covering the northern half of the lake and the erosion repairs on the 16 surface water management "non-recreational" lakes.
- Issuing the Series 2025 Bonds will likely not require additional bond validation.
- The Exhibits, on Pages 4 through 6, depict the limits of restoration areas for the recreational and non-recreational lakes.
- Pages 7 and 8 reflect the details of what the solution will look like.
- Barraco & Associates will be the Engineer of Record for portions of the Phase 1 area and for land work of the proposed solution Cummins Cederberg, Inc. (CC) designs. CC is the design engineer and Engineer of Record from their solution waterward of their solution for the recreational lakes only.

Mr. Savage requested approving the Report in substantial form in order to verify with Mr. Cheifet, of CC, that the Recreational Lake Bank Restoration estimated cost is representative of the marine mattress costs, as it was a late addition.

- The Permitting Matrix will be updated to reflect that the package was submitted to the South Florida Water Management District (SFWMD) and the County last week.
- The RFP for the Phase 1 Recreational Lake Bank Restoration project and the Phase 2 Non-Recreational Surface Water Management Lakes project will likely be presented later this month for approval to advertise.
- The bid responses will determine the engineering costs and will include contingency costs to cover potential overrides, as construction costs is difficult to determine,

Mr. Savage was asked to enhance the project scope related to landward and waterward solutions; remove the north shore of Lakes A-1 and A-2 from the Exhibit since it will be the County's responsibility; remove references to "temporary stabilization" and redefine the approximate erosion limit areas and any other outdated information.

A Board Member wants residents to know that Phase 1 pertains to Amenity Center East.

➤ The Phase 2 Non-Recreational Surface Water Management Lakes solution is to restore the slope to a 6:1 slope and any vertical drop. It was recommended that homeowners install additional downspout drains to help alleviate some of the upstream impacts.

The Board and Staff discussed the suggestion to install riprap or erosion fencing behind homes or mandate homeowners install downspouts to help minimize erosion and future repair caused by wind and rain events, the current plans to install littorals and the suggestion to install rock revetment on a trial bases at the lot lines to determine if this would minimize future erosion.

Resident Bill Magri stated that, despite installing coco mats and stones, it all failed after the first rain; only after he and his neighbor installed littorals did the erosion issue resolve itself.

No further action was necessary.

- **Schedule**

**This item, previously Item 7D, was presented out of order.**

Mr. Savage presented the latest Phase 1 Recreational Restoration Schedule that Staff is working from. It was updated on August 14, 2025 and posted on the CDD website.

## **B. Retaining Wall Restoration**

- **Presentation and Discussion of Project Manual**

Mr. Savage stated he reviewed the preliminary front end documents District Counsel prepared and expects to have the technical specifications he prepared and Mr. Cheifet's specifications in final form to present at the next meeting.

In response to a question about the Project Manual, Mr. Adams stated that he expects to advertise the RFP and send the Project Manual to qualified contractors.

➤ Mr. Cheifet's and Barraco & Associates' plans are basically landward of the retaining wall and depict the demarcation to reestablish the water quality swale between the home and the original retaining wall, to ensure compliance the Permit.

Discussion ensued regarding addressing the earlier comment about compaction standards by including a "Means and Method" in the RFP Evaluation Criteria, rather than limiting the amount of bid responses. It can also be added as an addendum to the RFP, should things come up at the pre-bid meeting.

Mr. Barraco proposed adding incentives for the contractor who can accelerate costs and completion.

Ms. O'Connor asked if working from the land will negatively impact the integrity of the compaction, since there will be no resistance from the wall, and if there is a guarantee from the

contractor if the installation fails. Mr. Barraco stated that he and the contractor will work together; any means and methods considered detrimental to the CDD will be addressed. The CDD will provide the contractors with what it wants built. The contractor then typically comes up with a creative and unique method of how to build it that works well for the residents and the contractor. Barraco & Associates will oversee the project.

Regarding a guarantee, Mr. Haber stated warranty language and payment of performance bond forms of Agreement will be included in the RFP package. Mr. Barraco stated there are several checks and balances where the Engineer will certify that the contractor built the wall in accordance with the Engineer's plans and specifications; if the contractor fails to meet the obligations, the bond provides compensation to the owner for any financial losses incurred.

**C. Fuel Station Site**

Mr. Buchholz stated the next meeting includes a Shade Session where the Board will hear and make decisions on his latest conversation with the Developer to finalize negotiations.

**D. Schedule**

This item was presented after Item 7A.

**EIGHTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial  
Statements as of July 31, 2025**

Mr. Adams stated he and Mr. Haber spoke to the Bank Counsel regarding borrowing from the Special Revenue Fund and showing it on the Balance Sheet as "Due to/Due From", which would be returned once the CDD collects the funds in November. He will follow up on Friday and, if the answer is no, he will pursue a bridge loan to cover gap funding.

Mr. Adams presented the Unaudited Financial Statements as of July 31, 2025. Corrections will be made due to coding certain Taylor Engineering invoices to the wrong budget and additional new "Special litigation" line items will be added. An Affidavit of No Liens from the Developer and the Engineer's Certificate of Completion are being obtained; these are required to close the construction fund account, which has a negative balance of \$380,000.

The financials were accepted.

**NINTH ORDER OF BUSINESS**

**Approval of August 7, 2025 Public Hearings  
and Regular Meeting Minutes**

The following changes were made, which included edits from Ms. O'Connor:

Line 28: Insert "Bede Braegelmann" after "Bill Magri"

Line 47: Change "A resident" to "Bede Braegelmann" and "Lakes" to "Lake"

Line 49: Change "land" to "fill"

Line 69: Change "and was directed to email them to Mr. Willis" to "which were provided later in the meeting."

Lines 77 and 83: Change "A Board Member" to "Mr. Bennington"

Line 78: Change "Whitting" to "Whitten" and "post" to "posts"

Line 88: Change "did not go through property channels" to "which was not obtained correctly, procedurally"

Line 133: Change "work" to "ward" and "pertaining" to "retaining"

Line 148: Insert "." after "permitting"

Lines 149 through 150 Delete ", on a case-by-case basis, which will require recording a document with the County"

Lines 169 through 170: Delete "Answer and" and change "Counter Claim" to "Counterclaim"

Line 192: Change "it" to "is"

Line 279: Insert "Minutes" after "Meeting"

Line 329: Change "Acqua" to "Aqua"

**On MOTION by Mr. Buchholz and seconded by Mr. Bennington, with all in favor, the August 7, 2025 Public Hearings and Regular Meeting Minutes, as amended, were approved.**

## TENTH ORDER OF BUSINESS

### Staff Reports

#### A. District Counsel: Kutak Rock LLP

- Continued Discussion/Update: Construction Litigation Regarding Retaining Wall Repairs

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

District Counsel and the District Engineer had nothing further to report.

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

- UPCOMING MEETINGS:
  - September 18, 2025 at 10:00 AM [Special Meeting and Attorney-Client Sessions]



- **October 2, 2025 at 10:00 AM [Regular Meeting]**
- **QUORUM CHECK**

**ELEVENTH ORDER OF BUSINESS****Board Members' Comments/Requests**

There were no Board Members comments or requests.

**TWELFTH ORDER OF BUSINESS****Public Comments Non-Agenda Items (3 Minutes Per Speaker)**

Resident Kristy Houston asked what time they expect the shade sessions to end and when residents should arrive at the next meeting. Mr. Adams stated at about 11:00 a.m.

Mr. Magri asked for details about the Phase 1 project scope, if there is damage in Phase 2, and if the vote to engage in litigation with the Developer occurred in a Shade Session. Mr. Savage stated Phase 1 is rock revetment; any remaining wall is buried. The walls in Phases 2 and 3 are failing and will be discussed further. Mr. Magri asked for the date of the publicly noticed meeting where the Board voted to proceed with litigation.

Ms. O'Connor noted that residents can participate in the CDD without being a Board Member by attending CDD meetings. She suggested Karen Murphy send email notices of upcoming CDD meeting dates. Mr. Adams stated that his office just added Ms. Murphy to the electronic distribution list. It was noted that, in addition to the CDD website, the CDD's Meeting Schedule is posted on the Master's calendar on its website and on the electronic boards in both of the Amenities Center.

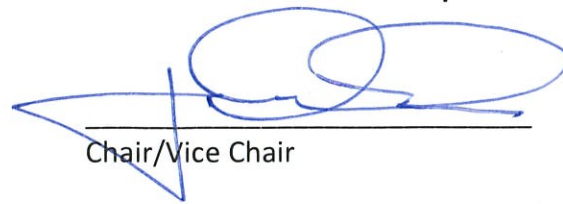
Regarding the meeting date of the vote to pursue litigation, Mr. Willis stated it is in the February 27, 2025 meeting minutes.

**THIRTEENTH ORDER OF BUSINESS****Adjournment**

**On MOTION by Mr. Buchholz and seconded by Mr. Bennington, with all in favor, the meeting adjourned at 12:39 p.m.**



Secretary/Assistant Secretary



Chair/Vice Chair