

**MINUTES OF MEETING  
WILDBLUE  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting on October 5, 2023 at 10:00 a.m., at the offices of Barraco & Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901.

**Present were:**

Christopher Hasty	Chair
Barry Ernst	Vice Chair
Aaron Milosevic	Assistant Secretary
David Myers	Assistant Secretary

**Also present, were:**

Chuck Adams	District Manager
Wes Haber (via telephone)	District Counsel
Frank Savage	District Engineer
Kristi Houston	Resident
Lisa Tilson	Resident
Bill Magri	Resident
Rosanne Duffy	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 10:01 a.m. Supervisors Milosevic, Ernst, Hasty and Meyers were present. One seat was vacant.

**SECOND ORDER OF BUSINESS**

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

There were no public comments.

**THIRD ORDER OF BUSINESS**

**Discussion: Commercial Parcel Survey**

Mr. Adams recalled several discussions at the previous meeting between Board Members and residents regarding the commercial parcel survey. With regard to whether the Board wishes to sponsor and circulate a survey, Mr. Hasty had shown interest in this and posted a handful of questions to be considered.

Mr. Myers stated, if this is the direction that the Board would like to take, he can ask the HOA to circulate a brief survey with a cover letter, asking property owners if they are interested in and would support the CDD acquiring the commercial parcel, and including the potential price ranges. The survey will be sent to actual owners and the questions will be simple and straightforward; property owners will be able to click on a link to answer the questions. Asked if Survey Monkey will be used, Mr. Myers stated it will be Survey Monkey or another survey company.

Discussion ensued regarding the HOA, purpose of the survey, how to structure the survey questions to generate the most responses, costs involved in acquiring the property, setting a percentage favorability threshold to proceed with the acquisition, wording of the cover letter, bond interest rates, roadway construction, lake banks, stormwater system, conveyances and the developer being the party responsible for road modification.

Regarding conveyances, Mr. Savage stated he can research the status of the conveyances. He knows that certain elements of the infrastructure have been conveyed over but must verify the real property. Mr. Savage was directed to become knowledgeable about this item in order to respond to questions about it at future meetings.

**FOURTH ORDER OF BUSINESS**

**Update: Retaining Wall Cleanup Project**

Mr. Savage provided the following update:

- As part of the ongoing issues related to the retaining wall, his firm was asked to develop a project manual, which would accompany other documents assembled by District Management and District Counsel for preparation of the removal of those portions of the retaining wall that are deemed to be of no benefit to the CDD and the portions that will stay in place at this time.
- A draft of the manual was emailed to Mr. Adams yesterday.

➤ Staff will take feedback from District Counsel and District Management and make necessary revisions. The manual is intended to accompany the submission to receive bids.

Mr. Savage stated the project is unique and discussed the basics and intention of the project manual, gaging and identifying the damages and what portions of the retaining wall should be removed or remain intact, going out to bid for the repairs, bid tabulation and providing the contractor with a unit price per linear foot of retaining wall removal. Regarding bid tabulation, Mr. Savage stated Staff identified the following elements that the contractor must provide:

- Price per linear footage of the retaining wall removal.
- Percentage upcharge from the disposal tickets to account for the costs associated with the labor and transport of those pieces.
- The contractor must notify Engineer of any exposed utilities and, if any areas are disturbed, they will be restored by the contractor with like stabilization materials.

Discussion ensued regarding whether the parcel at the end of Blue Safire can be used as a staging area, identifying other open space tracts, the boat ramp area, timeline of the wall restoration project, damaged retaining wall removal, HOA installing fences, Architecture Review Committee (ARC), the need for a consent to use of easement agreement, engaging a design engineer, funding for the retaining wall restoration project, issuing bonds and the need to do what is in the best interest of the CDD.

**FIFTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of August 31, 2023**

Mr. Adams presented the Unaudited Financial Statements as of August 31, 2023.

The financials were accepted.

**SIXTH ORDER OF BUSINESS**

**Approval of September 7, 2023 Public Hearing and Regular Meeting Minutes**

Mr. Adams presented the September 7, 2023 Public Hearing and Regular Meeting Minutes.

The following change was made:

Line 220: Change "A Board Member" to "Mr. Buchholtz"

**On MOTION by Mr. Ernst and seconded by Mr. Meyers, with all in favor, the September 7, 2023 Public Hearing and Regular Meeting Minutes, as amended, were approved.**

## SEVENTH ORDER OF BUSINESS

### Staff Reports

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

Mr. Haber reported that, after the last meeting, he was contacted by counsel for the resident group, who clarified that, although there was no direct threat of litigation against the CDD or anyone else, their client, the resident group, is growing very impatient. The intent of the call was to tell the CDD that their client, the resident group, is growing very impatient with respect to the manner in which the CDD is dealing with the damage to the wall. Mr. Haber stated he was left with the impression that, absent some action by the CDD one way or the other, the resident group might take some form of action beyond litigation. The counsel for the resident group sent a letter along with a report and requested a meeting but, thus far, a meeting has not occurred. Mr. Haber stated he has been coordinating with Mr. Hasty on these matters and asked the Board's permission for Mr. Hasty to continue working with him to determine what level of communication, if any, the CDD wants to have with counsel for the resident group.

Mr. Haber stated that he and Mr. Hasty had brief conversations regarding litigation not being in the CDD's best interest, as it is costly and unpredictable. Regarding the statute of limitations for defects, Mr. Haber stated there is a four-year statute of limitations on a defect to an improvement to real property; in this case, to the retaining wall. However, if there is a latent defect, that statute of limitations begins to run four years from the date that the defect is discovered. A statute of repose for a defect for improvement to real property is seven years so, whether it is a latent defect or not, seven years after the date of determination of completion, a lawsuit cannot be brought.

Discussion ensued regarding scheduling a workshop with the resident group, the intended purpose of a workshop, clarifying design standards and the importance of the Design Engineer’s input.

Mr. Haber was asked to send a letter communicating that the Board discussed the meeting request and would like more information about the intent and purpose of the meeting.

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

There was nothing further to report.

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

- **NEXT MEETING DATE: November 2, 2023 at 10:00 A.M.**
  - **QUORUM CHECK**

**EIGHTH ORDER OF BUSINESS**

**Board Members’ Comments/Requests**

There were no Board Members’ comments or requests.

**NINTH ORDER OF BUSINESS**

**Public Comments Non-Agenda Items (3 Minutes Per Speaker)**

Resident Christi Houston asked for the timeline for the lake bank erosion repairs. Mr. Adams stated Staff will ask the contractor about the correct conditions. He noted it has not been a saturating rainy season so, even though the water levels have come up to control level, the soil saturation is not where it normally would be. He suspects that work can commence prior to the start of the calendar year.

**TENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Ernst and seconded by Mr. Milosevic, with all in favor, the meeting adjourned at 11:23 a.m.**

[SIGNATURES APPEAR ON THE NEXT PAGE]

COP SAL  
Secretary/Assistant Secretary

[Signature]  
Chair/Vice Chair BARRY GONS.