

**MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting on February 1, 2024 at 10:00 a.m., at the offices of Barraco & Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901.

Present were:

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

Also present:

| | |
|---------------------------|-------------------|
| Chuck Adams | District Manager |
| Wes Haber (via telephone) | District Counsel |
| Carl Barraco | District Engineer |
| Kristi Houston | Resident |
| Roseanne Duffy | Resident |
| John "Jack" Dolan | Resident |
| Steve Riggs | Resident |
| Julia Lambert | Resident |
| Other residents | |

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:00 a.m.

Supervisors Hasty, Ernst, Milosevic and Myers were present. One seat was vacant.

SECOND ORDER OF BUSINESS

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

Mr. Adams explained the protocols for public comments.

Mr. Dolans deferred his comments to the Third and Eleventh Orders of Business.

THIRD ORDER OF BUSINESS**Update: Lake Bank Erosion Repair Project**

- **Consideration of Proposal for Additional Work**

Mr. Barraco stated that he is working with the contractor on defining a new project start date; the project was delayed due to recent rainfall and the high-water levels. The contractor is revisiting using the same unit pricing for linear work for the additional washout areas identified that are beyond the original bid and scope of work and is updating the project schedule that outlines the project start date, start location and the direction in which the project will proceed. The information will be disseminated to the Board and residents and posted on the CDD website.

Regarding where the water levels need to be for the project to commence, Mr. Barraco stated that his staff will determine this independently from the contractor; it is also dependent on the condition of the soil.

Regarding where the project would commence, Mr. Barraco stated that he will need to confirm the location with the contractor because erosion conditions have changed and, regarding future erosion repairs, continuing causes will be identified and documented during the project.

Mr. Adams stated he will forward the detailed information about homeowners repairing their own property before the CDD commences its project so Karen can e-blast it to homeowners; it will be posted on the CDD website.

Discussion ensued regarding the Developer remedying the cause for any future erosion issues and the prior regime being the reason the CDD is incurring costs to repair the initial lots with erosion rather than the Developer.

A suggestion by resident and Aqua Shore HOA President John Bucholtz that homeowners negotiate a bulk price with a landscape or irrigation company to make the improvements to their property, at their expense, since the CDD contractor's bid was excessive, was discussed.

Regarding requests, Mr. Adams will prepare a document identifying the additional homes that were not part of the original scope of work and post the map on the CDD website.

FOURTH ORDER OF BUSINESS

Resident Presentation of Potential Ingress/Egress Traffic Flow Concern with Commercial Parcel at South Entrance

Resident Jack Dolan distributed and presented his report titled “Unsafe Traffic Conditions When Exiting Wild Blue from Main Entrance Gate to Corkscrew Road” and accompanying exhibits that he prepared supporting his opinion that there are safety and potential ingress/egress traffic flow concerns with the commercial parcel at the south entrance. He discussed his law practice representing the County and City on roadway claims in Michigan and disclosed that he is not a licensed attorney in Florida.

Mr. Dolan distributed documents and pointed out his belief that the documents recorded in 2015 approving the Development Plan and permissible uses in each zoning district conflict with what was recorded in 2018. He thinks most communities will only allow gas stations in intense commercial zoning areas and under special conditions.

Residents asked Mr. Dolan about surrounding neighborhoods impacting traffic and the County prohibiting school bus stops inside the CDD. Mr. Dolan suggested residents invite County Representatives to observe the area before the County approves the Developer’s request. He would prefer it if the CDD declines the request for the additional ingress and egress area.

District Staff explained that only the County can approve Land Use Zoning; the CDD’s consent is not required and the CDD’s powers, as a governmental entity are limited under Chapter 190. Staff suggested the CDD address line-of-sight issues now. It was noted that any approval does not alleviate the Developer from obtaining the proper permits to access the road.

Mr. Barraco suggested he, Mr. Haber and Mr. Adams continue researching the CDD’s approval authority with regard to Developer Rights. Mr. Hasty suggested Mr. Dolan and residents schedule meetings with the County Commissioner to discuss safety concerns, since the Development Order has not been issued and send updates to Mr. Adams.

Resident Julia Lambert stated that she and other affected residents petitioned Lee County after the hearing, since the advocate did not officially exercise the option rights before

the hearing, as required; rather, they did so after the hearing. In her opinion, they should not have been allowed to rely on the 2022 zoning regulations.

Mr. Hasty asked for a Florida Department of Transportation (FDOT) Representative to be invited to attend the next meeting to provide an update about the Corkscrew Road process.

Mr. Dolan suggested the CDD engage legal counsel to provide a legal opinion as to where the CDD’s authority exists on the added driveway.

▪ **Continuation of the Third Order of Business Update: Lake Bank Erosion Repair Project**

Mr. Barraco stated that, for the project to commence, the contractor wants the water levels at 1.5 control elevation, which gives them 9’ to work in.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2024-02, Implementing Section 190.006(3), Florida Statutes, and Requesting that Lee County Supervisor of Elections Begin Conducting the District’s General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date

Mr. Adams presented Resolution 2024-02. Seat 4, currently held by Mr. Meyers, and vacant Seat 5 will be up for election at the November 2024 General Election. He explained the candidate qualification process and the candidate qualifying period, which runs from noon, June 10, 2024 to noon, June 14, 2024.

On MOTION by Mr. Ernst and seconded by Mr. Milosevic, with all in favor, Resolution 2024-02, Implementing Section 190.006(3), Florida Statutes, and Requesting that Lee County Supervisor of Elections Begin Conducting the District’s General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2024-03, Designating a Date, Time, and Location for Landowners’ Meeting and Election;

Providing for Publication; Providing for Severability and an Effective Date

Mr. Adams presented Resolution 2024-03. Seat 3, currently held by Mr. Ernest, will be up for election at the Landowners’ Meeting and Election in November 2024.

On MOTION by Mr. Milosevic and seconded by Mr. Myers, with all in favor, Resolution 2024-03, Designating November 7, 2024 at 10:00 a.m., at the Community Center (Card Room), 18721 WildBlue Boulevard, Fort Myers, Florida 33913, as the Date, Time, and Location for Landowners’ Meeting and Election; Providing for Publication; Providing for Severability and an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2023

The financials were accepted.

EIGHTH ORDER OF BUSINESS

Approval of January 4, 2024 Regular Meeting Minutes

On MOTION by Mr. Ernst and seconded by Mr. Milosevic, with all in favor, the January 4, 2024 Regular Meeting Minutes, as presented, were approved.

NINTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock LLP

- **Required Ethics Training**

Mr. Haber highlighted key information in the Memorandum and explained what the Board Members must do to fulfill the four-hour ethics training requirement. The Memorandum includes a link to online courses and information about reporting completion of the course in 2024, when filing Form 1 in 2025. Form 1 is now filed electronically with the Commission on Ethics instead of with the local Supervisor of Elections office.

Mr. Adams will forward Mr. Haber’s email containing links for two free courses to the Board.

Regarding the retaining wall, Mr. Haber suggested engaging the construction litigation counsel he spoke to for guidance on whether the CDD's issues are a latent defect or patent defect. He received another demand letter from the group of residents that hired counsel and are demanding the CDD take certain action to preserve claims related to the wall. The resident group threaten to sue the CDD and other parties. The deadline for the CDD to respond to the demand letter is February 16, 2024.

On MOTION by Mr. Ernst and seconded by Mr. Milosevic, with all in favor, delegating authority to Mr. Hasty to retain construction litigation counsel and authorizing construction litigation counsel to review the issue and take initial steps they deem prudent to preserve the CDD's claims related to the damaged wall, was approved.

B. District Engineer: Barraco and Associates, Inc.

Mr. Barraco read the email from the site development contractor stating that the WildBlue project is its priority and that work will commence as soon as the water levels receded to the 1.5 control elevation.

Mr. Hasty noted that the CDD went out to bid for the Hurricane Ian Lake Bank Cleanup Project and awarded the contract to the sole respondent; however, that contractor withdrew its bid when asked to clarify the scope of work. Based on that action, the CDD can now negotiate directly with contractors. That same contractor asked, and Mr. Hasty agreed, that the contractor can resubmit a proposal and, if he receives support from residents not to spend unnecessary funds, Mr. Hasty will consider delaying the project.

Regarding the Design Engineer contract, Mr. Haber stated that the Engineer submitted revisions to the Agreement, which is now ready to be executed. He was asked to incorporate into the Agreement a deadline of March 15, 2024 to complete the work product before sending it for signatures. The project must go out to bid.

Discussion ensued regarding the Request for Proposals (RFP) timeline, financing and developing the proposed Fiscal Year 2025 budget based on the financing plan.

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

- **Consideration of Changing July 4, 2024 Meeting to July 11, 2024**

On MOTION by Mr. Hasty and seconded by Mr. Meyers, with all in favor, changing the July 4, 2024 meeting date to July 11, 2024, was approved.

- **NEXT MEETING DATE: March 7, 2024 at 10:00 AM [Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913]**
 - **QUORUM CHECK**

TENTH ORDER OF BUSINESS

Board Members’ Comments/Requests

There were no Board Members’ comments or requests.

ELEVENTH ORDER OF BUSINESS

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

Multiple residents suggested disseminating a project timeline and pertinent information about the lake bank erosion repair project to the residents, including clarifying that the CDD is not responsible for repairing any damage to homeowners’ property during the project. A communique will be sent to Karen to include in the newsletter and to e-blast to homeowners and residents.

TWELFTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Milosevic and seconded by Mr. Hasty, with all in favor, the meeting adjourned at 11:31 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair