

**MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting on May 2, 2024 at 10:00 a.m., at the Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913.

Present:

Christopher Hasty
Barry Ernst
Aaron Milosevic
David Meyers

Chair
Vice Chair
Assistant Secretary
Assistant Secretary

Also present:

Chuck Adams
Wes Haber (via telephone)
Carl Barraco
Frank Savage
Shane Willis
Steve Hamburger
Lisa Sharon
John Buckholtz
Kristi Houston
Terry Kurth
Sherry Devos
Richard Gurney

District Manager
District Counsel
District Engineer
Barraco and Associates, Inc.
Operations Manager
Resident/Amenity President
Resident
Resident
Resident
Resident
Resident
Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:04 a.m.

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

SECOND ORDER OF BUSINESS

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

Resident and Wildblue Condominium Association President Taylor __ announced that, at the advice of leading Counsel, the Association plans on leasing out docks. This item was approved at the Association’s April 29, 2024 Board meeting.

Resident Lisa Sharon stated she lives at the end of a cul-de-sac and, recently, construction crewmen parked near her home for three hours, hindering her from enjoying her pool, and causing her to feel very invaded and unsafe, to the point where she wants to sell her home. She stated anyone can access the neighborhood and asked if a fence or barrier can be installed near her home.

Discussion ensued regarding which entity owns the easily-accessible area in question; if Lennar Homes will deed the parcel over to the CDD, HOA or to Lee County; public and private roadways; workers being allowed to use the docks as service points; and the need for “No Trespassing” signage to deter workers from entering private property.

Mr. Hasty voiced his opinion that it makes sense to install some type of barrier in that location, especially since a gas station is potentially coming to that parcel.

Resident John Buckholtz expressed his opinion that it would be in the CDD’s best interest to control the parcel instead of the County, so that a fence can be installed to make the community more secure. He asked about Lennar’s intentions for the property.

Discussion ensued regarding the Lennar parcel, Lee County and recorded easements.

THIRD ORDER OF BUSINESS

Updates

- **Lake Bank Erosion Repair Project**

Mr. Adams stated that the CDD portion of the repairs were completed and certified by the District Engineer; final payment to the contractor was made. The project is closed, from a CDD perspective.

Discussion ensued regarding if photographs were taken of the erosion repair work, erosion re-occurrence in certain areas, pinpointing the root causes of erosion, area surveys, the overlay budget, difficulties engaging contractors for erosion repairs, linear erosion and erosion control solutions; pipe installation, a box and riprap.

- **Retaining Wall Review and Rebuild Options Report**

Mr. Adams stated that the Report is not complete. Cummings Cedarburg provided Staff with several options that need to be vetted with the permitting agency, which is scheduled to occur in the next few weeks; after which, the Report will be finalized. Referencing slides, he reviewed the visuals that were recently forwarded to the Board and Staff, illustrating the progress made. The information will be posted on the CDD website.

Discussion ensued regarding repair costs, budget adoption timeline and retaining wall repair options. The draft Report is expected to be forwarded on May 6, 2024.

Mr. Barraco recapped a recent meeting he attended with Lee County officials and representatives from Cummins Cedarburg. He responded to questions about the recreational lakes, berm, retaining wall repair options, the South Florida Water Management District (SFWMD), hydrostatic pressure, the water table, wave action, etc.

- **Continued Discussion: Permit Entitlement Status for Proposed Fuel Station Site**

Mr. Barraco stated that zoning was approved for 16 pumps but it is being challenged.

Regarding permitting, Mr. Savage stated staff was able to identify, from Lee County, that there is an active Land Development Order (LDO) for clearing only. There also appears to be a pending Development Order that is not approved and an environmental resource permit (ERP), which is a modification to the existing SFWMD permit, which was approved. The gas station layout shows two driveway accesses and it appears, from the zoning, that only one driveway connection is authorized.

A Board Member stated the system was set up so that the CDD could have constructed and paid for the driveway from Corkscrew to the guardhouse. Since the CDD did not exercise that option, it is believed that the entry road was deeded to the HOA or the Developer. Mr. Haber stated multiple parties have a right to object to an additional driveway, including the owner of the property and the permittee.

Resident Julia Lambert asked if the HOA can overrule the granting of the permit, given that it has egress and ingress over the right-of-way (ROW). Mr. Barraco stated anybody has 90 days to challenge a permit.

Discussion ensued regarding the master concept plan, the ERP permit modification, zoning, the plat, egress and ingress over the ROW, maintenance responsibility and the turnover from Lennar.

FOURTH ORDER OF BUSINESS

Continued Construction Retaining Wall Repairs Discussion/Update: Litigation Regarding

Mr. Haber reported the following:

- As of today, the legal complaint against the CDD has not been served.
- Litigation Counsel for the CDD confirmed that his firm has a letter ready but wants to share it with District Counsel and Mr. Hasty before releasing it.
- It is a conditional finding; any defect in the wall would be a latent defect conditioned on and based on everything Counsel had the opportunity to review, understanding that there may be documents that he has not seen, and, if he sees them, it could change that conclusion.
- He will follow up with litigation Counsel regarding a scheduled conference call with the Board Chair.

A Board Member asked if the letter is about the CDD’s litigator, evaluating the situation of the wall and making a determination on whether it is patent or latent, so that then drives as the calendar of when action has to happen, in terms of charging other parties for the repair. Mr. Haber replied affirmatively.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2024-04, Authorizing the Issuance of its Taxable Non-Revolving Line of Credit Note, Series 2024, in the Aggregate Principal Amount Not to Exceed \$300,000 to Provide Funds, Together with other Funds of the District, to Finance the Cost of Certain Projects within the District and Related Costs; Providing that Such Note Shall be Payable from Operation and Maintenance Special Assessments Upon Benefitted Properties in the District as Provided Herein; Awarding the Note to Synovus Bank by Negotiated

Sale; Authorizing the District to Enter into a Line of Credit Agreement with Synovus Bank; Providing for the Rights, Security and Remedies for the Owner of such Note; Providing for the Creation of Certain Funds; Making Certain Covenants and Agreements in Connection therewith; and Providing an Effective Date

Mr. Adams presented Resolution 2024-04, including the Term Sheet, Form of Line of Credit Agreement and the actual note. He recommended approval in substantial form.

On MOTION by Mr. Meyers and seconded by Mr. Milosevic, with all in favor, Resolution 2024-04, Authorizing the Issuance of its Taxable Non-Revolving Line of Credit Note, Series 2024, in the Aggregate Principal Amount Not to Exceed \$300,000 to Provide Funds, Together with other Funds of the District, to Finance the Cost of Certain Projects within the District and Related Costs; Providing that Such Note Shall be Payable from Operation and Maintenance Special Assessments Upon Benefitted Properties in the District as Provided Herein; Awarding the Note to Synovus Bank by Negotiated Sale; Authorizing the District to Enter into a Line of Credit Agreement with Synovus Bank; Providing for the Rights, Security and Remedies for the Owner of such Note; Providing for the Creation of Certain Funds; Making Certain Covenants and Agreements in Connection therewith; and Providing an Effective Date, in substantial form, was adopted.

SIXTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of March 31, 2024

Mr. Adams presented the Unaudited Financial Statements as of March 31, 2024.
The financials were accepted.

SEVENTH ORDER OF BUSINESS

Approval of April 4, 2024 Regular Meeting Minutes

Mr. Adams presented the April 4, 2024 Regular Meeting Minutes.
The following changes were made:
Line 54: Change "Cedar Cummingbird" to "Cummins Cedarburg"

Line 108 and throughout: Change “Gurli” to “Gurley”

On MOTION by Mr. Ernst and seconded by Mr. Meyers, with all in favor, the April 4, 2024 Regular Meeting Minutes, as amended, were approved.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock LLP

B. District Engineer: Barraco and Associates, Inc.

There were no reports from District Counsel or the District Engineer.

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

Mr. Adams reported the following:

- He is working on setting up a dialogue with Cummings Cedarburg.
- A Workshop will be scheduled so that the Board can participate in the sea wall discussion.

- **NEXT MEETING DATE: June 6, 2024 at 10:00 AM [Presentation of Fiscal Year 2024/2025 Proposed Budget]**
 - **QUORUM CHECK**

NINTH ORDER OF BUSINESS

Board Members’ Comments/Requests

There were no Board Members’ comments or requests.

TENTH ORDER OF BUSINESS

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

Resident Kristi Houston asked if the options are the same for Vista and if there will be a workshop scheduled for Vista, as well as for Wildblue.

Discussion ensued regarding potential workshop dates and the time, venue and Board Member availability.

Resident Sherry Devos asked if there is a legal cap on the assessment amount that can be levied annually. Mr. Adams explained the bond validation amount, which was the maximum

amount that the CDD can assess for capital improvements and debt service retirement. He stated the CDD assessed only one-third of the amount that was validated; beyond that, Staff anticipates an O&M assessment increase for Fiscal Year 2025.

Discussion ensued regarding the bond validation process, the Engineer’s Report, tax-free municipal bonds, bond debt repayment and the amenities HOA.

Resident Richard Gurney asked about the Engineer’s Report that will be presented in regard to the retaining wall, the repair options and the leap holes.

Mr. Hasty stated those items will be part of the discussion at the workshop.

Discussion ensued regarding a Request for Proposals (RFP), advertising requirements, the RFP package, bid criteria and ranking the respondents.

Mr. Barraco will coordinate with Mr. Haber to provide an RFP for a sealed bid, including the scope of work and bid criteria, for the Board’s review.

ELEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Milosevic and seconded by Mr. Ernst, with all in favor, the meeting adjourned at 11:48 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair