

**MINUTES OF MEETING  
WILDBLUE  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting on December 5, 2024 at 10:00 a.m., at the Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913.

**Present:**

Christopher Hasty	Chair
David Meyers	Vice Chair
Aaron Milosevic	Assistant Secretary
John Buchholz	Assistant Secretary
Rick Bennington	Assistant Secretary

**Also present:**

Chuck Adams	District Manager
Shane Willis	Operations Manager
Wes Haber (via telephone)	District Counsel
Frank Savage	District Engineer
Carl Barraco	Barraco & Associates

**Residents present:**

Joseph Cerbone	Dave Crycosti	Tom Oliveri	Robert Finkelstein
Steven Bower	Mark Lathem	Mark Fecto	Roseanne Duffy

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 10:00 a.m. All Supervisors were present.

**SECOND ORDER OF BUSINESS**

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

Resident Peter Bower asked about the ERP permit work. Mr. Savage stated no other areas with yard drainage have dropped below the elevation of the stormwater pond across the street.

Resident Joseph Cerbone voiced his frustration about his loss of shoreline, visible exposed pipes, inconveniences and cost of the retaining wall project.

Resident Robert Finkelstein stated he and his neighbor have severe erosion and he cannot walk onto his dock. He asked why his property is not on the list of properties to be repaired. Mr. Adams stated the emergency repairs are based upon the back drain of the stormwater pond into the recreational pond; the areas were identified as emergencies that need to be addressed immediately and those repairs are temporary in nature. They are a restoration of the back yard, including a stormwater berm along the back edge and bahia sod installation.

Resident Roseanne Duffy noted the water is starting to recede and asked if the CDD has a plan to perform erosion repairs at the homes that were supposed to be remediated but were not done. Mr. Adams stated this question will be addressed in the next order of business.

### **THIRD ORDER OF BUSINESS**

#### **Updates**

#### **A. Lake Bank Erosion Repair Project**

Mr. Savage stated, although the water levels are receding, they need to be even lower in order to collect additional information, capture the existing conditions as they currently are and finalize the inventory. He anticipates that, by the January meeting, the water levels might be adequate to provide that information. Once all the data is obtained, a meeting will be scheduled to discuss the next phase of restoration, on behalf of the CDD, and what the contribution from the other parties that have ongoing obligations will be.

Asked how the lake bank erosion repair effort will be funded, Mr. Adams stated it will be a maintenance item, once Engineering finalizes its review and captures everything that is below the water level, Staff will update a previously-prepared project manual and insert the additional exhibits that identify all the additional areas. Then they will circulate it, compile bids and facilitate a bond issue, and use the bond proceeds as a part of the lake bank restoration project.

Asked if the inspections, reports and reviews can be accomplished quicker so that the work can be under way in January 2025, Mr. Barraco stated, as Mr. Savage alluded, there are two crews. A Survey crew that is obtaining information needed for the retaining wall area and a

construction crew that is obtaining information that will be used to update the lake erosion areas via a GPS unit and tagging various locations; that process is already underway.

Mr. Baracco stated the criteria is, if the slope is greater than 3.5:1 or the vertical drop is more than 9"; that is the break point.

#### **B. Retaining Wall Restoration**

Mr. Adams asked the District Engineer for an update on Cummins Cederberg, including a recent conference call identifying the next steps of the project and providing a proposal for the surveying work.

Mr. Savage gave a brief overview of what was discussed in a call yesterday involving Cummins Cederberg Staff, CDD Staff and Mr. Buchholz. One item at the forefront of the conversation was the need to first collect survey information; everything from the breakpoint to 20' upland; roughly three miles of area. In addition to collecting additional elevations of anything that may be different, evaluating the contouring of the lake, which will be the existing contouring, and any conditions that will need to be worked around. Those are the pieces that Jordan will need for his design of the breakwater. Cummins Cederberg clarified that, regardless of whether the breakwater design is used or if a different solution is designed, the information that the Board authorized Staff to collect will be the same. Regarding the estimated cost of the survey, it was presumed that it can be bundled in with the overall cost of the restoration efforts.

Mr. Buchholz stated, during the conversation, Jordan, of Cummins Cederberg, provided the criteria for the start date of the design and Staff was asked to provide an estimated cost of the survey. Mr. Savage stated, between survey time and office time, the cost will range from \$10,000 to \$15,000 and the survey would be performed by a two-man crew. Mr. Barraco stated the reason it cannot be a lump sum is because there are sections every 100' that vary significantly from point A to point B.

Discussion ensued regarding what the total survey costs will be, how long will it take to complete the survey, the equipment that will be used, the slope, the sections and the rocks.

Mr. Buchholz stated his main concerns are timing and cost. The call was helpful in that it enabled him to confer with the Engineer and share ideas. He reviewed the topics covered during the call, including the breakwater design, how laborious the project will be, project timeframe,

rock placement, water's edge, the fact that littorals cannot be installed, the equipment, topography of the lake, control elevation and the CDD possibly losing 10' of a 20' easement.

Regarding a resident complaint at the last meeting about dump trucks on his property, Mr. Buchholz reported that he visited the property and witnessed tractors coming off the lawn, running up the side yards of two houses and dumping soil right next to the pool cages. He stated the resident's backyard is destroyed and the resident hired a structural engineer who will study cracks on the side of the garage wall, caused by the trucks, and submit a report. Mr. Adams stated the CDD is protected under the contract. Mr. Bennington asked who from the CDD will oversee the work being performed behind the homes. Mr. Adams stated Mr. Willis, the Operations Manager, will provide oversight.

Mr. Buchholz and Mr. Barraco responded to questions about restoring the berm by installing riprap, the necessity of the survey, if CDD Staff researched how neighboring communities successfully resolved similar hurricane damage issues, the Miromar Lakes and Quarry communities, the County, repair costs and repair timeline.

Referencing a handout, Mr. Adams presented a term letter from Synovus Bank for a Bond Anticipation Note (BAN). He reviewed the pertinent data including the \$5 million amount, the purpose, the term, prepayment, the interest rate, fees, covenants, a requirement for an Engineer's Report, etc.

Mr. Adams responded to questions regarding fund draws and how incurred interest costs will be factored into the CDD budget before bonding. He recommended approval of the BAN and authorizing the Chair and Staff to take all necessary steps to facilitate a closing.

**On MOTION by Mr. Milosevic and seconded by Mr. Buchholz, with all in favor, the Synovus Bank Bond Anticipation Note, Series 2024, dated December 2, 2024 and authorizing District Staff and the Board Chair to coordinate to facilitate a closing, were approved.**

**C. Fuel Station Site**

This item was addressed following the Fifth Order of Business.

**FOURTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of October 31, 2024**

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

**FIFTH ORDER OF BUSINESS**

**Approval of Minutes**

**A. October 30, 2024 Special Meeting and Attorney-Client Executive Session Shade Meeting**

The following change was made:

Line 62 and throughout: Change "Safire" to "Sapphire"

**On MOTION by Mr. Hasty and seconded by Mr. Meyers, with all in favor, the October 30, 2024 Special Meeting and Attorney-Client Executive Session Shade Meeting, as amended, were approved.**

**B. November 7, 2024 Landowners' Meeting**

**On MOTION by Mr. Milosevic and seconded by Mr. Hasty, with all in favor, the November 7, 2024 Landowners' Meeting, as presented, were approved.**

**C. November 7, 2024 Regular Meeting**

The following change was made:

Line 22 and throughout: Change "Buckholtz" to "Buchholz"

**On MOTION by Mr. Buchholz and seconded by Mr. Milosevic, with all in favor, the November 7, 2024 Regular Meeting, as amended, were approved.**

**▪ Updates - Fuel Station Site**

This item, previously Item 3C, was presented out of order.

Mr. Savage reported that Staff made a public records request for a pending Development Order for the 7-Eleven gas station within the commercial parcel and found that no landscape buffer has currently been proposed for the potential fuel station parcel.

Mr. Buchholz stated no official site plan was submitted, hence there is no buffer.

Mr. Savage stated a Development Order (DO) is currently under review.

Discussion ensued regarding the DO, zoning codes, roadway, access points, Developer, Master Association, conveyances and ownership of the right-of-way (ROW).

Mr. Buchholz asked about transferring ownership of the conservation areas to the CDD.

Mr. Barraco will provide the land zoning codes and the minimum buffer requirement between commercial and residential to Mr. Buchholz.

## SIXTH ORDER OF BUSINESS

### Staff Reports

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

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

Mr. Haber reported that a litigation inspection is scheduled for next week and he has been in contact with Lennar's Litigation Counsel regarding the terms of the Agreement.

Mr. Bennington asked for an additional Shade Session with the full CDD Board and the litigation attorneys.

Mr. Haber stated that Shade Sessions limit the degree that certain issues can be discussed and explained that scheduling a Shade Session will be costly to the CDD. He thinks it would be more beneficial to arrange a conference call with Litigation Counsel.

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

There was nothing further to report.

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

- **UPCOMING MEETINGS:**
  - **December 19, 2024 at 1:00 PM [Special Meeting]**
  - **January 9, 2025 at 10:00 AM [Regular Meeting]**
  - **QUORUM CHECK**

**SEVENTH ORDER OF BUSINESS**

**Discussion: Continue Consideration of Lennar Retaining Wall Settlement Offer**

This item was addressed during Item 6A.

**EIGHTH ORDER OF BUSINESS**

**Board Members' Comments/Requests**

Mr. Buchholz asked the Board's permission to meet with Mr. David Bello, from Blue Lake, to discuss the current breakwater design project and proposal costs.

**NINTH ORDER OF BUSINESS**

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

Ms. Duffy asked about the dollar value of the settlement offer the land off of Alico. Mr. Barraco will follow up and provide an answer at a future meeting.

Resident Mark Lathem asked which entity is responsible for the recreational lake. Mr. Adams stated management of the recreational pond is by an Agreement with the Master Association. Asked how a boat sinking due to poor water quality would be handled, Mr. Adams stated both a boat management plan and water quality plan are exhibits to the Agreement between the CDD and the Association; the CDD previously replaced all the hazard buoys.

Mr. Adams responded to questions regarding the Alico expansion contribution to the CDD and if the WildBlue Residents sign is on CDD property or on Master Association property.

Mr. Adams stated the signage is on Master Association property.

Discussion ensued regarding when the recent Shade Session transcript will become accessible, how much assessments will increase due to the \$5 million BAN, the amount of linear feet for the Phase 1 project and how the CDD will protect homeowners from damages incurred during remediation repairs.

**TENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Hasty and seconded by Mr. Milosevic, with all in favor, the meeting adjourned at 12:06 p.m.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair