

**MINUTES OF MEETING  
WILDBLUE  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting on April 3, 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
Chris Hasty	Assistant Secretary
Herb Lanese	Assistant Secretary
Denis Bourque	Assistant Secretary

**Also present:**

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

**Residents present:**

Sima Baker	Carol Alesi	Rob Finkelstein	Kathleen O'Connor
Terry Kurth	Mark Sorenson	Other Residents	

All attendee names were not included. If an attendee did not identify themselves, was not on the Sign In sheet, or the name was inaudible, the name was not included in these minutes.

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 10:00 a.m. Supervisors Lanese, Hasty, Buchholz and Bennington were present. One seat was vacant.

**SECOND ORDER OF BUSINESS**

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

Mr. Buchholz noted the public comments three-minute limit and that the Board is not required to respond to questions or comments but might choose to do so.

Resident Rob Finkelstein voiced concerns about safety due to loose and missing buoys. Mr. Buchholz stated he forwarded Amenity Counsel’s response as to where they believe the liability and responsibilities lie to Mr. Haber to discuss further. He asked SOLitude to submit a proposal to reset the buoys, based on the plans he provided. He hopes to resolve this in the next week or so.

Resident Sima Baker asked for a discussion item about the Boat Club dropping cages, instead of Christmas trees, to be included on the next agenda. Mr. Buchholz stated the Fishing Club must submit its request in writing.

**THIRD ORDER OF BUSINESS**

**Discussion/Consideration:      Seat      3  
Candidates**

- A. Carol Alesi**
- B. Sima Baker**
- C. Denis Bourque**
- D. Ed Houck**

Mr. Adams stated that, of the four candidates, Ms. Carol Alesi and Ms. Sima Baker are carry-overs from the last meeting. Ms. Alesi and Ms. Baker both withdrew as candidates for Seat 3. Mr. Buchholz opined that Mr. Denis Bourque has a strength to bring to the table, based on attending meetings regularly and having a strong knowledge of the CDD’s workings.

Board Members voiced their opinions about each candidate.

**FOURTH ORDER OF BUSINESS**

**Consider Appointment to Fill Unexpired  
Term of Seat 3; Term Expires November  
2028**

Mr. Buchholz nominated Mr. Denis Bourque to fill Seat 3. No other nominations were made.

**On MOTION by Mr. Buchholz and seconded by Mr. Lanese, with all in favor, the appointment of Mr. Denis Bourque to fill Seat 3, was approved.**

- **Administration of Oath of Office (the following will also be provided in a separate package)**

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Denis Bourque. Mr. Adams and Mr. Haber explained the following:

- A. Required Ethics Training and Disclosure Filing**
  - **Sample Form 1 2023/Instructions**
- B. Membership, Obligations and Responsibilities**
- C. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2025-05, Electing and Removing Officers of the District and Providing for an Effective Date**

Mr. Adams presented Resolution 2025-05. Mr. Lanese nominated the following slate.

John Buchholz	Chair
Richard Bennington	Vice Chair
Chris Hasty	Assistant Secretary
Herbert Lanese	Assistant Secretary
Denis Bourque	Assistant Secretary

No other nominations were made.

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

**On MOTION by Mr. Lanese and seconded by Mr. Buchholz, with all in favor, Resolution 2025-05, Electing, as nominated, and Removing Officers of the District and Providing for an Effective Date, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Updates**

- A. Lake Bank Erosion Repair Project**

Mr. Savage stated that this agenda item pertains to the ongoing lake bank erosion repair work related to the perimeter of the surface water management lakes; it is separate from the recreational way/sea wall matters. Updating the maps and incorporating the anticipated

remediation costs into the funding mechanism is ongoing. Certain areas require further field work to finalize the maps, involving coordinating efforts with the builders, for matters for which they acknowledged responsibility. Mr. Buchholz asked if notices were sent to the builders. Mr. Savage stated he will schedule a meeting with the parties based on the progress to ensure that all parties are of the same understanding.

Mr. Savage stated he anticipates full mobilization to commence in the upcoming wet season, as long as CDD funding and the contracts are in place.

Mr. Savage reviewed the project scope to remediate localized washouts versus linear erosion.

Discussion ensued regarding soil conditions, another alternative of installing downspout drains, lot owners causing erosion, whether crushed concrete can be used to offset erosion, determining what type of vegetation can survive drought and wet season conditions and Mr. Savage providing project updates.

In response to homeowner remediation suggestions and what, if anything, can be done to prevent issues from reoccurring, Mr. Savage stated there are numerous factors, such as the Limited Development Order (LDO) and County codes; the solution is not one-size fits all.

Mr. Willis reviewed the French drain project scope. Mr. Kurth commented about the area behind his residence. Mr. Adams and Mr. Willis will inspect the area.

Mr. Buchholz asked Staff to initiate, as a test, the rock revetment along the shoreline in three areas to determine the outcome in the rainy season.

Board Members agreed with the suggestion for Mr. Savage to invite a South Florida Water Management District (SFWMD) representative to view and see that the CDD's work did not resolve the issues and have them decide the best course of action. Mr. Bourque asked if the District Engineer can service the CDD's multiple projects. Mr. Savage stated there is issue. Those items that took longer than expected will be addressed internally.

## **B. Retaining Wall Restoration**

Mr. Buchholz stated he spoke to a Lennar Representative about how to remediate the retaining wall and determining an appropriate amount. The official answer is that the CDD and Lennar have agreed to explore the process of scheduling a mediation with the other parties. Litigation Counsel will report back to the Board and have an update on this effort. He hopes Mr. Savage will submit the finalized designs soon.

Mr. Kurth stated his lawsuit on behalf of the Homeowner's Association, in which the CDD is a defendant, is on the November court calendar. He thinks an HOA representative should be included in the mediation. It was noted that the mediation is voluntary and not court mandated.

Mr. Savage gave an overview of the District Engineer's and Cummings Cederberg's actions related to Phase 1 designs. He responded to questions about the bid specifications and Evaluation Criteria values.

Ms. Baker asked for homeowners to have the option to pay additional costs to reinforce the wall if they are not happy with the CDD's remediation. It was noted that the construction is not being influenced by what is happening in litigation.

**C. Fuel Station Site**

Mr. Savage stated the litigation and depositions remain ongoing. Mr. Barraco's deposition was yesterday and his is next week. Mediation is scheduled for April 15, 2025.

Mr. Adams stated that he and Mr. Buchholz spoke to Special Counsel, who strongly recommends the CDD file a separate complaint in circuit court with regard to the easement and the way the easement language reads regarding the stormwater system versus what the plan is currently showing. This action, once filed, will abate the hearing until the Circuit Court makes a ruling and, if it is in the CDD's favor, it might open up other options regarding other things the CDD might not like that are outside of just the water quality issue. Mr. Buchholz stated he gave Special Counsel a \$10,000 budget to prepare the complaint and authorized filing in circuit court; the overall litigation cost is about \$20,000 to \$25,000.

Discussion ensued regarding the other party not filing the proper procedural filings, the easement parcel, the litigation costing the other side a lot of money if the CDD files and possibly improving the CDD's position in the mediation depending on the Judge's ruling.

The Board agreed to open public comments.

Resident Kathleen O'Connor welcomed Mr. Bourque to the Board and commended him, the Board and Staff's efforts in moving this along; she thinks they have made a lot of progress since the last meeting.

**On MOTION by Mr. Buchholz and seconded by Mr. Bennington, with all in favor, authorizing Special Counsel to finish filing the complaint in Circuit Court and proceed with litigation, was approved.**

**WILDBLUE CDD  
SEVENTH ORDER OF BUSINESS**

**April 3, 2025**

**Consideration of Resolution 2025-06,  
Relating to the Amendment of the Budget  
for the Fiscal Year Beginning October 1,  
2023 and Ending September 30, 2024; and  
Providing for an Effective Date**

Mr. Adams presented Resolution 2025-06 and reviewed the amended Fiscal Year 2024 budget. This action is necessary because some operational expenditures exceeded budget; it proactively adjusts the appropriations, to help avoid a finding in the annual audit.

**On MOTION by Mr. Buchholz and seconded by Mr. Bennington, with all in favor, Resolution 2025-06, Relating to the Amendment of the Budget for the Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024; and Providing for an Effective Date, was adopted.**

**EIGHTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial  
Statements as of February 28, 2025**

Mr. Adams presented the Unaudited Financial Statements as of February 28, 2025.  
The financials were accepted.

**NINTH ORDER OF BUSINESS**

**Approval of Minutes**

**A. February 20, 2025 Special Meeting**

The following change was made:

Line 53: Change "Discussin" to "Discussion"

**On MOTION by Mr. Hasty and seconded by Mr. Buchholz, with all in favor, the February 20, 2025 Special Meeting, as amended, were approved.**

**B. February 27, 2025 Continued Board Meeting and Attorney Client Session**

**On MOTION by Mr. Buchholz and seconded by Mr. Bennington, with all in favor, the February 27, 2025 Continued Board Meeting and Attorney Client Session Meeting Minutes, as presented, were approved.**

**C. March 6, 2025 Regular Meeting**

The following change was made:

Line 26: Replace “blank” with “Shneur”

**On MOTION by Mr. Bennington and seconded by Mr. Buchholz, with all in favor, the March 6, 2025 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 District Engineer had nothing further to report.

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

- **UPCOMING MEETINGS:**

- **April 17, 2025 at 1:00 PM [Special Meeting]**

At the Board’s direction, the meeting time for the second meeting each month will be changed to 10:00 a.m. Staff will advertise accordingly.

- **May 1, 2025 at 10:00 AM [Regular Meeting]**

- **QUORUM CHECK**

**ELEVENTH ORDER OF BUSINESS**

**Board Members’ Comments/Requests**

Mr. Lanese asked about having Litigation Counsel update him and Mr. Bourque on the litigation matter. Mr. Adams stated he will email the contact information to Mr. Lanese and Mr. Bourque. It was suggested that the presentation be shown to the new Board Members.

**TWELFTH ORDER OF BUSINESS**

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

No members of the public spoke.

**THIRTEENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Bourque and seconded by Mr. Buchholz, with all in favor, the meeting adjourned at 12:26 p.m.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair