

1 **MINUTES OF MEETING**

2 **WATERLEAF**

3 **COMMUNITY DEVELOPMENT DISTRICT**

4 The Regular Meeting of the Board of Supervisors of the Waterleaf Community Development District  
5 was held on Monday, November 22, 2021 at 6:00 p.m. at The Alley at Southshore Bay, 10221 Big Bend Road,  
6 Riverview, Florida 33578.

7 **FIRST ORDER OF BUSINESS – Roll Call**

8 Mr. Krause called the meeting to order and conducted roll call.

9 Present and constituting a quorum were:

10	Bob Neal	Board Supervisor, Chairman
11	John Daux	Board Supervisor, Assistant Secretary
12	Rebecca Smith	Board Supervisor, Assistant Secretary
13	Bob Crespo	Board Supervisor, Assistant Secretary
14	Robert Bernardo	Board Supervisor, Assistant Secretary

15 Also present were:

16	Larry Krause	District Manager, DPFG Management & Consulting LLC
17	Neysa Borkert ( <i>via phone</i> )	District Counsel, Garganese, Weiss, D'Agresta & Salzman
18	Steve Stafford	Artemis/Breeze

19 *The following is a summary of the discussions and actions taken at the November 22, 2021 Waterleaf CDD*  
20 *Board of Supervisors Regular Meeting.*

21 **SECOND ORDER OF BUSINESS – Pledge of Allegiance**

22 The Pledge of Allegiance was recited.

23 **THIRD ORDER OF BUSINESS – Audience Comments**

24 There being none, the next item followed.

25 **FOURTH ORDER OF BUSINESS – Staff Reports**

26 A. Field Operations & Amenity Management

27 1. Field Operations & Amenity Management Report – Breeze

28 Mr. Stafford reviewed his report, noting that hand dryers had been installed at the Amenity  
29 Center.

30 Mr. Stafford informed the Board that the rear gate had been repaired. Roadway Concepts  
31 would inspect the sidewalks at no charge. Mr. Stafford suggested repairing the termination  
32 bubbles for those areas which need repair.

33 Mr. Stafford provided an update on a sinkhole on resident property, noting that it seemed to  
34 be related to a buried sprinkler head. Mr. Stafford clarified that he did not know for sure that  
35 the sprinkler was the sole cause, but indicated that he had not found any other potential causes.

36 Ms. Smith commented positively on the conditions of the neighborhood, in particular  
37 highlighting work that had been performed on pressure cleaning walls and sidewalks, and re-  
38 mulching.

39 2. Exhibit 1: Pond Report – Sitex

40 Mr. Neal briefly reviewed the Pond Report, noting improvements in the number of ponds rated  
41 “Good”, though acknowledged that “Bad” and “Ugly” rated ponds remained.

42 3. Exhibit 2: Landscape Report – BrightView

Comments were made regarding frequency of irrigation system checks, and Mr. Stafford clarified that these occurred monthly. Mr. Neal asked how the reported mechanical issues such as broken sprinkler heads or leaky pipes were addressed, and Mr. Stafford stated that he was not completely sure about the District's contract.

B. District Manager

1. Discussion of HCSO False Alarm Violations #1, #2, & #3 – Appealed Successfully
2. Exhibit 3: Presentation & Discussion of HCSO False Alarm Violations #4 & #5 – Appeals in Process

Mr. Neal summarized the alarm violations and the process of reporting to HCSO, noting that visitors were in the pool area after hours. Mr. Neal noted that one minor had been gaining access to an amenity area without using a fob and staying there overnight, but otherwise had not been causing any damage or disruption. Ms. Borkert provided input, observing that it had not been established that the minor was a resident of the community, and addressing potential methods to resolve the situation peacefully. Mr. Neal asked for the District Manager and District Counsel to both coordinate in reaching out to HCSO to try to organize or get them together for a meeting to address the false alarm violations.

C. District Counsel

Ms. Borkert stated that she had nothing further to report, and asked the Board whether they had any questions.

Mr. Neal recalled that an email had been received from an unknown party demanding payment and indicating that failure to do so would result in them filing a lien and getting their attorney involved. Mr. Neal stated that upon clarification with Mr. Stafford, it had been determined that Tom's Pressure Washing subcontracted the bridge work out to a third party, and that this third party was now contacting the District with the demands. Mr. Neal noted that the email had been received within two days after the work had been completed, and expressed discomfort with the subcontractor contacting the District directly. Mr. Neal suggested that the District draft boilerplate language for contractors to notify the District whether they would engage in subcontracting out any work. In response to a Supervisor question, Ms. Borkert clarified that contractor requirements such as E-Verify and proof of insurance were also required of any subcontractors, but additional language related to subcontractor disclosure could be added to future contracts.

D. District Engineer

There being none, the next item followed.

**FIFTH ORDER OF BUSINESS – Business Matters**

A. Old Business

1. Discussion of Status of Pool Signs (hours, trespass warnings, etc.)

Mr. Stafford stated that proper seasonal hours were needed for the pool signs as well as clarification on their effective time of year. Mr. Neal additionally noted that 3 signs were needed.

2. Discussion of Status of Bill of Sale for Fountain in Freedom Section

Mr. Krause stated that he had contacted Rachel Welborn of the HOA regarding this matter on November 15, but would reach out again.

3. Exhibit 4: Presentation & Discussion of 12019 Cardinal Flower Dr. Encroachment

Mr. Neal suggested for Mr. Stafford to keep monitoring the foliage in the area as it continued to grow.

4. Exhibit 5: Presentation & Discussion of CDD Property Damage at 13330 Waterleaf Garden Circle

Mr. Neal indicated that the CDD property damage would require repair, and asked the Board whether they wished to charge back the homeowner for the damage. Discussion ensued, with Supervisor comments suggesting that the homeowner had filled the hole to the best of her ability, though it was unclear whether the irrigation system itself had been repaired. The Board requested for staff to contact the homeowner to determine whether the irrigation problem had been addressed, then to get a proposal for the cost for review at the December meeting if it had not been addressed. The Board expressed support for authorizing for an amount not to exceed \$1,000.00 for a potential repair proposal. Mr. Daux asked whether the homeowner or developer bore the responsibility, and Ms. Borkert suggested that the Board could have an irrigation consultant come out to gather additional information. this could be part of discussions at the December meeting.

5. Presentation & Discussion of Maintenance Map from District Engineer

This item was tabled to the next meeting. Mr. Krause stated that he would follow up with the District Engineer on the status of this item.

6. Discussion of Update of Meter Review

This item was tabled to the next meeting. Mr. Krause stated that he would email Mr. Stafford the meter information.

7. Discussion of 11921 Cross Vine Electric Meter

Clarification was given that this meter was related to irrigation, pond pump, and gates. No action was taken by the Board on this item.

8. Discussion of Late Payment Fee Paid for Insurance

Mr. Krause stated that either the bill had been sent out or received late, and that he was continuing to work with the insurance company. Mr. Neal indicated that the current month's insurance may have also been paid late. This item was tabled to the next meeting pending an update from the District Manager.

9. Consideration of Quote for Amenity Center Painting

Mr. Neal stated that nothing would be able to be done until after January 2022, but requested quotes to be brought in before then in order to obtain Board approval ahead of time.

10. Consideration of Quote for Sidewalk Repairs

Mr. Neal recalled that Mr. Stafford had previously indicated that a company would be coming out for sidewalk repairs.

11. Consideration of Mail Station Trim Painting

This item was tabled to the next meeting.

12. Exhibit 6: Discussion & Consideration of Infinite Property Maintenance Services Fountain 3 Proposal - \$15,885.00

Mr. Stafford explained that this was the third vendor he had contacted for the work, commenting that he was having trouble finding vendors willing to do the work. Mr. Stafford noted issues in vendors not providing drawings or pricing.

B. New Business

1. Exhibit 7: Discussion of Update of Bridge Pressure Washing/Painting

Mr. Neal stated that he did not recall that the bridge color had been approved, that overspray had gotten onto the sidewalks that had just been cleaned, and indicated some stain footprints on the bridge. Mr. Stafford noted that Bridge 3 appeared to have the worst footprints on the decking. Additional discussion ensued regarding the subcontractor's email to the District, with Mr. Neal stating that he did not support turning the matter over to District Counsel before the Board first attempting their own negotiation and restitution. The Board discussed the bridge colors, and the majority of the Board expressed disapproval for the colors chosen by the vendor. Ms. Borkert indicated that the field team telling the vendor to match the color could still be considered an oral contract, and that the vendor would still need to fix the color if they had gone against any verbal direction given.

Mr. Neal made a motion, seconded by Mr. Crespo, to approve directing Mr. Stafford to respond back to Fireman Tom's Pressure Washing requiring that the bridges be repainted back to the original color, with the chosen color to be approved by Mr. Stafford prior to painting; that the bridge decking be cleaned per manufacturer's guidelines; that a best effort is made by the vendor to return the bridges to their original condition without causing damage; that the sidewalks with overspray be remediated by the vendor to their best effort to an acceptable condition; and for the release of the amount of \$5,500.00 following review and sign-off on the bridges as being in an acceptable condition, for the Waterleaf Community Development District.

During discussion of the motion, Mr. Daux asked whether language related to remediating sidewalks to the vendor's "best effort" could be removed or changed, suggesting that this may not be stringent enough. The Board asked for District Counsel's input on amending motions.

Mr. Neal made a motion, seconded by Mr. Crespo, to approve directing Mr. Stafford to respond back to Fireman Tom's Pressure Washing requiring that the bridges be repainted back to the original color, with the chosen color to be approved by Mr. Stafford prior to painting; that the bridge decking be cleaned per manufacturer's guidelines; that a best effort is made by the vendor to return the bridges to their original condition without causing damage; that the sidewalks with overspray be remediated by the vendor to their best effort to an acceptable condition; and for the release of the amount of \$5,500.00 following review and sign-off on the bridges as being in an acceptable condition, for the Waterleaf Community Development District. However, as Ms. Smith, Mr. Daux, and Mr. Bernardo voted "NAY", the motion failed due to a lack of support from the majority of the Board of Supervisors.

Following the motion, Ms. Borkert advised that the motion could have been amended. Ms. Borkert recommended restating the motion.

On a MOTION by Mr. Neal, SECONDED by Mr. Crespo, WITH ALL IN FAVOR, the Board approved directing Mr. Stafford to respond back to Fireman Tom's Pressure Washing requiring that the bridges be repainted back to the original color, with the chosen color to be approved by Mr. Stafford prior to painting; that the bridge decking be cleaned per manufacturer's guidelines; that the vendor return the bridges to their original condition without causing damage; that the sidewalks with overspray be remediated by the vendor to an acceptable condition as judged by the District; and for the release of the amount of \$5,500.00, or half the amount of the pressure cleaning, as a show of good faith to the vendor..

Following the motion, the Board directed for the District Manager to provide Mr. Stafford with the information discussed at the meeting to aid in negotiations with the vendor. The Board and Ms. Borkert discussed the prompt payment policy that may apply to the vendor's work. Ms. Borkert advised that the District's prompt payment Resolution determined that work that was correct must be paid for, with a 10-day window for notifying the vendor. Ms. Borkert additionally outlined procedures for resolving disputes between the District and a given contractor, which were contained in a section of the Resolution.

**SIXTH ORDER OF BUSINESS – Audience Comments - New Business**

A resident inquired about having a holiday party sponsored by the Crossing Church, noting that it could be kept apolitical and areligious, additionally giving an overview of planned features and potential scheduling for the weekend of December 18. Mr. Daux stated that this could not be a Waterleaf CDD Holiday Event. Mr. Neal added that this had come to the Board too late in the month to be addressed and that the field was not big enough for large numbers of people. Ms. Borkert additionally advised that, as the District was not currently equipped to handle events of larger size, the Board may wish to direct staff to draft rules and procedures appropriate for larger events such as clean-up policies and occupancy limits should they wish to entertain future large community events. The Board agreed that they would not be able to provide support for the event, though indicated that a lead-in time of about three months may make similar events more feasible in future years. The resident additionally commented that it may present a cost-savings to the District if Waterleaf owned their own holiday lights and decorations, and stored them in some location in the community. Mr. Neal stated that there may be additional considerations and ongoing costs associated with labor to install and take down decorations, as well as in determining a storage space. The Board discussed potentially addressing this with the vendor.

**SEVENTH ORDER OF BUSINESS – Sunshine Law Presentation – Neysa Borkert, District Counsel**

This item was tabled to the January meeting.

**EIGHTH ORDER OF BUSINESS – Administrative Matters**

**A. Exhibit 8: Consideration & Approval – The October 11, 2021, Regular Meeting Minutes**

Ms. Smith stated that a correction was needed on Line 110, noting that it was likely Ms. Stewart or Ms. Borkert who had talked about the County rules on the buffer area and not herself.

Mr. Neal stated that Line 86 needed to be changed from Cambridge Cove HOA to Liberty Fields HOA.

On a MOTION by Ms. Smith, SECONDED by Mr. Neal, WITH ALL IN FAVOR, the Board approved the October 11, 2021 Regular Meeting Minutes, as amended, for the Waterleaf Community Development District.

**B. Exhibit 9: Consideration & Acceptance – The September 2021 Unaudited Financial Statements**

Mr. Neal noted that the end of year expenses were under budget by about \$27,000 and that the District had about 3 months of working capital.

On a MOTION by Mr. Neal, SECONDED by Ms. Smith, WITH ALL IN FAVOR, the Board accepted the September 2021 Unaudited Financial Statements for the Waterleaf Community Development District.

**C. Exhibit 10: Consideration & Acceptance – The October 2021 Operations & Maintenance Expenditures**

Mr. Neal commented positively on this item being included on the agenda. He noted that Page 146 showed another late fee to insurance.

On a MOTION by Mr. Neal, SECONDED by Ms. Smith, WITH ALL IN FAVOR, the Board accepted the October 2021 Operations & Maintenance Expenditures, pending resolution of the late fee, for the Waterleaf Community Development District.

**D. Exhibit 11: Presentation & Consideration of FY 2021 LLS Tax Solutions Arbitrage Report**

The Board requested a summarization of the report and clarification on language. Ms. Borkert stated that there was nothing time-sensitive about the report that she was aware of, that would necessitate acceptance of the report at this meeting. This item was tabled due to outstanding questions and clarification needed by the Board.



**EIGHTH ORDER OF BUSINESS – Supervisor Requests**

Mr. Neal requested a copy of the contract with TECO, noting that the street lights were still out, and requested for the District Manager could reach out to TECO regarding the lack of repairs on outstanding items.

Mr. Neal stated that vendors needed to present invoices for pool and pressure washing for only services provided and not mix monthly and quarterly together.

Mr. Neal also noted that there had been additional curb staining observed on Climbing Fern Avenue and elsewhere in the community. Ms. Borkert stated that she would draft a letter to the homeowners regarding this, consistent to other letters that had previously been drafted.

Mr. Neal noted that the holiday lights were almost complete and requested for any invoice to be run by him prior to any payment.

Mr. Neal expressed that Lynda Davies had performed great work with the ponds and asked if the Board could do something to recognize her. Ms. Borkert explained that CDD funds could not be used to provide something like a gift card directly, but that tree plantings and similar items had been provided to thank someone's efforts at her other Districts.

Mr. Neal additionally requested for Ms. Stafford to get a landscaper replacement at the pool gate.

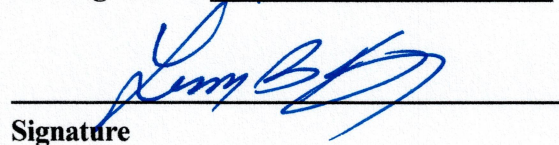
**TENTH ORDER OF BUSINESS – Adjournment**

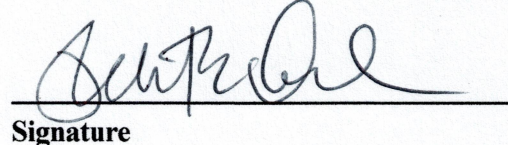
Mr. Krause asked for final questions, comments, or corrections before adjourning the meeting. There being none, Mr. Neal made a motion to adjourn the meeting.

On a MOTION by Mr. Neal, SECONDED by Ms. Smith, WITH ALL IN FAVOR, the Board adjourned the meeting for the Waterleaf Community Development District.

*\*Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.*

Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a publicly noticed meeting held on December 13, 2021.

  
Signature

  
Signature

Larry B. Krause Jr.  
Printed Name

Bob Neal  
Printed Name

Title: ☒ Secretary ☐ Assistant Secretary

Title: ☒ Chairman ☐ Vice Chairman