

1 **MINUTES OF MEETING**

2 **WATERLEAF**

3 **COMMUNITY DEVELOPMENT DISTRICT**

4 The Regular Meeting of the Board of Supervisors of the Waterleaf Community Development
5 District was held on Monday, January 9, 2023 at 6:04 p.m. at Hillsborough County Library, Riverview,
6 9951 Balm Riverview Road, 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 John Daux	Board Supervisor, Chairman
11 Bob Crespo	Board Supervisor, Vice Chairman
12 Jim Ciciora	Board Supervisor, Assistant Secretary
13 Luis Rojas	Board Supervisor, Assistant Secretary
14 Alex Auld	Board Supervisor, Assistant Secretary

15 Also present were:

16 Larry Krause	District Manager, DPFG Management & Consulting
17 Neysa Borkert (<i>via phone</i>)	District Counsel
18 Tonja Stewart (<i>via phone, joined in</i> 19 <i>progress</i>)	District Engineer
20 Angie Lynch	Breeze HOA
21 Paul Almeida	Resident Ponds Liaison
22 20 Audience Members	

23 *The following is a summary of the discussions and actions taken at the January 9, 2023 Waterleaf CDD*
24 *Board of Supervisors Regular Meeting. Audio for this meeting is available upon public records request.*

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

26 The Pledge of Allegiance was recited.

27 **THIRD ORDER OF BUSINESS – Audience Comments –** (*Limited to 3 minutes per individual for*
28 *agenda items*)

29 An audience member requested an update from the District Attorney regarding a street issue. She
30 noted that Brightview was removing trash and indicated that she believed this to be the County's
31 responsibility. She asked how often Brightview mowed and inquired about who determined what
32 annuals were planted, as well as what happened to the healthy plants. She additionally asked if
33 the District Manager walked the property once per month. Mr. Daux clarified that this was the
34 Field Operation's responsibility. He indicated that the vendor selected annuals that were in season
35 and that the healthy plants were discarded. He recalled that the County was supposed to mow the
36 gullies every quarter but noted that he was not certain on this. He confirmed that Brightview
37 mowed bi-weekly in the winter.

38 The audience member asked why a pool monitor was necessary in the winter months, as the pool
39 was not heated and was not in use. Mr. Daux indicated that this was on the Agenda for
40 discussion, as well as the Trimmers, VenturesIn, and Breeze invoices that the audience member
41 inquired about.

42 Mr. Auld inquired about liability to homeowners regarding plantings. Mr. Borkert indicated that
43 she would review the contract.

Mr. Almeida asked if an update on outside trees would be given during the meeting. Mr. Daux stated that an updated invoice had been received and would be voted on during the meeting.

An audience member inquired about potentially hazardous manholes that she had brought up previously. Mr. Daux indicated that Ms. Lynch would look into this matter.

FOURTH ORDER OF BUSINESS – Staff Reports

A. District Engineer – *Tonja Stewart, Stantec*

Ms. Stewart was not present at this point in the meeting.

B. District Counsel – *Neysa Borkert, Garganese, Weiss, D’Agresta & Salzman, P.A.*

1. Exhibit 1: Public Records and Government in the Sunshine Presentation

Ms. Borkert provided a presentation on Public Records and Sunshine Law.

Mr. Auld inquired about District email addresses. Mr. Krause stated that DPFG could set up an email accounts for \$20.00 annually for the domain and \$6.00 per month per email address. Mr. Ciciora noted that the District email addresses, if assigned by seat, would allow future Supervisors to review email history.

Ms. Borkert proceeded to review the process of public records requests and spoke on the Code of Ethics.

2. Exhibit 2: Discussion on New Position Appointments and Implementation of an Opening Prayer Policy

Ms. Borkert informed the Board that there were specific rules in place regarding chaplains. She explained that the first step would be to implement a non-secular policy by Resolution; a Chaplain could then be appointed. In response to a question from Mr. Daux, Ms. Borkert stated that a Chaplain could not be paid by the District and clarified that Supervisors could provide the opening prayer once a policy was adopted, but could not be elected as the Chaplain as Supervisors are paid by the District.

Mr. Ciciora questioned how the government was able to give funds to NGOs and requested to see case law on this. Ms. Borkert indicated that this would be provided.

Ms. Borkert noted that a Chaplain could not advocate or promote any specific religion and, in response to an inquiry by Mr. Rojas, explained that the opening prayer would need to be non-secular and open to every religion.

The Board and Staff discussed options for an opening prayer, such as a moment of silence or an individual prayer. Following discussion, the Board reached a consensus to direct Ms. Borkert to work on a non-secular policy with Mr. Rojas.

Ms. Borkert informed the Board that she had obtained the original zoning for part of Summerfield Crossings. She stated that the roads were not required to be used for parking and that the zoning conditions allowed street parking. She explained that the developer had deeded the streets to the CDD and built with tax-exempt bond for public entities. She clarified that while the plats stated that the roads were private, the roads were actually considered to be public. In response to a question from Mr. Ciciora, Ms. Borkert indicated that the case law for this was in the bonds. Discussion ensued regarding public and private roads, as well as the District’s responsibilities. Ms. Borkert explained that a new statute allowed the CDD to put the roads back under CDD control but noted that public access still needed to be provided. She noted that the CDD was able to regulate

roads within the District, such as speed limits and on street parking, and explained that the CDD may be able to close the roads to the public after the bonds had been paid off.

In response to an audience member question, Ms. Borkert stated that a public records request could be made for the tax-exempt bonds. Mr. Rojas indicated that the Board wanted to restrict on-street parking but explained that this change would need to be made through the HOA. Discussion ensued.

3. Update on Cinnamon Fern Dr. Fence Encroachment

Ms. Borkert stated the CDD could choose to allow trees to remain outside of the fences and give the homeowner consent to maintain the trees. She indicated that a maintenance agreement was not necessary and that an email to the homeowner would be sufficient. She clarified that the trees were not owned by the CDD but were on CDD property.

Mr. Daux indicated that he did not have an issue with the trees remaining but noted that the CDD would have no responsibility to maintain these trees and that these trees could be removed at any time.

In response to a question from Mr. Auld, Mr. Daux indicated that he believed the hardscape on the neighboring yard had been removed but stated that this would be double checked to confirm. Mr. Ciciora stated that the homeowner who moved his fence had asked about other homeowners who were encroaching. Ms. Borkert indicated that she would review the plats.

4. Update on Fence Survey

This item was presented out of order.

Mr. Auld indicated that he had sent an email to Ms. Stewart in which he stated that a survey was not necessary. He stated that he could perform a site visit on the fence in question.

Ms. Borkert discussed access to a concrete wall along Big Bend and recalled that an easement was not found. Mr. Daux recalled that the Board had discussed performing a survey for approximately \$2,000.00. Ms. Stewart indicated that a metal detector could be used to locate iron rods for demarcation. Ms. Borkert recalled that a letter could be sent to the homeowners when the fence needed to be cleaned. In response to an audience member comment, Ms. Borkert clarified that nothing had been surveyed and indicated that her search was limited due to costs.

Mr. Auld clarified the locations of the fences and noted that the rods were directly under the fence. He stated that he had found that any fence installed by the builder would be the HOA's responsibility to maintain. Mr. Daux noted that the white fences behind Freedom Homes would be Freedom Home's responsibility to fix. He stated that the brown fences were confirmed to be Pradera's fences and were not owned by the District. Ms. Stewart noted that she had reached out to Pradera. Mr. Krause stated that he had additionally sent a letter to Rizetta. The Board directed Mr. Krause to request Rizzetta fix the Pradera-owned fences along the property line. In response to a Supervisor comment, Ms. Borkert confirmed that unless there was a fence easement, the CDD was not responsible for the fence on Cardinal Flower and Cinnamon Fern.

C. District Manager – Larry Krause, *Vesta Property Services*

Mr. Krause circled back to the matter of email addresses and asked how the Board would like to proceed. In response to a question from Mr. Daux, Mr. Krause indicated that he would check if successive Supervisors would have access to the previous emails. Ms. Borkert advised against using

personal email accounts for CDD business and spoke in favor of using email addresses issued by the CDD. The Board reached a consensus to have DPFPG set up 5 email addresses for the Board.

D. Field Operations and Amenity Management – *Angie Lynch, Breeze*

1. Exhibit 3: Discussion on Existing Projects Status

Ms. Lynch relayed that TECO could install lights at the basketball court at \$38.00 per light, plus electric costs. Following discussion, the Board agreed to take a look at the basketball court and make a decision at the next meeting. Ms. Borkert indicated that she would review the contract before it was signed. Mr. Ciciora requested to see the 2 lighting proposals side by side at the next meeting.

Ms. Lynch stated that 2 proposals were received for gate maintenance, as well as to repair a leak in the pool. She indicated that the sprinklers had been repaired and noted that Arrington would be on site to connect the lights and fountains on Wednesday. She stated that the pool vendor had drained and cleaned the fountain in anticipation of it being painted the following morning. Mr. Rojas noted that a light at the top of the fountain was burnt out.

2. Update on Fence Option for Cardinal Flower CDD Property

Ms. Lynch informed the Board that a 4-foot-tall chain link fence was estimated to cost \$500.00, and a 6-foot-tall chain link fence was estimated to cost approximately \$800.00. Mr. Daux expressed that he was not in favor of the fence. Mr. Ciciora stated that he would like for the County to come back out to inform the CDD what could and could not be maintained. Ms. Borkert recalled that the County had determined previously that there was no violation.

Discussion ensued regarding setback cuts and fence options. Mr. Ciciora stated that if chain link fences were not allowed by the HOA, the CDD should not install a chain link fence. It was confirmed that the wetland setback was on CDD property. In response to a question from Mr. Ciciora, Ms. Stewart verified that the Frost Aster wetland setback was on private property. She clarified that the CDD was not responsible for any maintenance of the wetland setback areas, to the best of her knowledge.

Mr. Daux asked Ms. Borkert and Ms. Stewart their thoughts on allowing the resident to maintain the buffer. Ms. Borkert noted that any maintenance performed would need to be compliant with the County code for the wetland setback. Mr. Krause stated that the CDD would be held liable if the buffer area was not compliant. Ms. Stewart explained that the buffer area was a protection zone for the wetland area for constructions. She stated that it may not be required in the future, as there were processes in place to allow encroachment. She noted that this did not allow tree removal but did allow the removal of invasive species. Mr. Daux requested that Ms. Stewart continue to work with Ms. Borkert on this matter.

Ms. Lynch indicated that the grapevines were in the process of being addressed and noted that she had requested a quote for mulch. Mr. Daux stated that completed action items would be archived moving forward.

3. Exhibit 4: Aquatics Reports – *Sitex Aquatics*

Mr. Almeida stated that the trampoline was out. Ms. Lynch indicated that a jackhammer would be used to remove concrete. Mr. Almeida noted that he had witnessed a resident draining their pool directly into the pond behind their home on Climbing Fern. He was directed to report this matter to Breeze. Mr. Auld indicated that this was an HOA issue.

4. Exhibit 5: Landscape Report – *Brightview*

Mr. Ciciora inquired about a client attendee accompanying the vendor on their inspections. Mr. Rojas asked if a resident could volunteer to check on the landscaper. Mr. Auld commented negatively on the sidewalks and noted that some areas were in need of weeding. Mr. Daux indicated that Breeze could send reports on tickets they had received. A resident commented that mulching between Climbing Fern and Cinnamon fern had not been done on the pathway. Mr. Daux indicated that he did not believe this was included in the mulching contract. Ms. Lynch noted that a request had been put in for this area.

Ms. Daux asked how often Ms. Lynch could attend inspections with Brightview. Mr. Rojas suggested once a month in the winter and twice a month in the summer.

FIFTH ORDER OF BUSINESS – Business Matters

A. New Business

1. Exhibit 6: Discussion on Amazon Main Gate Fob Installation

It was stated that this item would be free of charge. Mr. Daux relayed that DC Integrations had informed him that many communities had Amazon gate fobs.

On a MOTION by Mr. Ciciora, SECONDED by Mr. Auld, WITH ALL IN FAVOR, the Board approved the Amazon Main Gate Fob Installation, with Mr. Crespo to oversee and liaise, for the Waterleaf Community Development District.

2. Exhibit 7: Consideration of Brightview Proposal for Straightening Hurricane Affected Trees - \$7,480.00

Mr. Ciciora indicated that he would not be in favor for this item, as only one proposal was received.

On a MOTION by Mr. Daux, SECONDED by Mr. Crespo, with Mr. Daux, Mr. Crespo, Mr. Rojas, and Mr. Auld voting “AYE” and Mr. Ciciora voting “NAY”, the Board approved the Brightview Proposal for Straightening Hurricane Affected Trees, in the amount of \$7,480.00, in the amount of \$750.00, for the Waterleaf Community Development District.

3. Exhibit 8: Consideration of DC Integrations Proposal for Front Gate Camera Management - \$220/year

Mr. Daux recalled that the Board had originally rejected this proposal but felt the Board should reconsider after the incident with the police report.

On a MOTION by Mr. Ciciora, SECONDED by Mr. Rojas, WITH ALL IN FAVOR, the Board approved the DC Integrations Proposal for Front Gate Camera Management, in the amount of \$220.00 per year, for the Waterleaf Community Development District.

4. Exhibit 9: Consideration of Front Gate Barrier Arm Proposals

Mr. Daux stated that he would like to table this to the next meeting. Mr. Auld noted that he had done a traffic study that had some lower cost solutions that he would send.

a. Gate Pros – Installation: \$57,5500.00 – *Previously Presented*

b. Envera – Installatin: \$40,880.49; Service & Maintenance: \$389.55/month

5. Exhibit 10: Review of Pool Monitor Scope of Responsibilities

It was confirmed that the pool monitor's scope of responsibilities was reduced in the winter. Mr. Daux asked if the funds could be used for a maintenance worker. Discussion ensued regarding the tasks for a maintenance worker. Ms. Lynch stated that she would look into this and asked if the Board would like for this to be a full or part time position. The Board reached a consensus for the maintenance position to be full-time.

6. Exhibit 11: Consideration of Pool Leak Detection Proposals

The Board and Staff discussed the proposal options.

a. Florida Leak Detectors - \$990.00

b. Red Rhino - \$1,490.00 – *Previously Presented*

On a MOTION by Mr. Daux, SECONDED by Mr. Crespo, WITH ALL IN FAVOR, the Board approved the Florida Leak Detectors Pool Leak Detection Proposal, in the amount of \$990.00, for the Waterleaf Community Development District.

B. Old Business

1. Exhibit 12: Update on Outstanding Action Items

Mr. Ciciora stated that he would like the Board to share the responsibilities if calls came in the middle of the night. Mr. Krause indicated that he would update his Action Items via email to send to the Board via email or at the next meeting.

SIXTH ORDER OF BUSINESS – Consent Agenda

A. Exhibit 13: Consideration for Approval – The Minutes of the Board of Supervisors Regular Meeting Held December 12, 2022

B. Exhibit 14: Consideration for Acceptance – The November 2022 Unaudited Financial Statement

Mr. Auld stated that he would like to connect with AP to discuss some budget items.

C. Exhibit 15: Consideration for Acceptance – December 2022 Operations and Maintenance Expenditures

D. Exhibit 12: Ratification of Proposals and Invoices

Mr. Ciciora requested more detail in the invoices from the vendors. Discussion ensued regarding Brightview costs.

On a MOTION by Mr. Rojas, SECONDED by Mr. Crespo, with Mr. Rojas, Mr. Crespo, Mr. Daux, and Mr. Ciciora voting "AYE" and Mr. Auld voting "NAY", the Board approved all items on the Consent Agenda for the Waterleaf Community Development District.

SEVENTH ORDER OF BUSINESS – Audience Comments – Non-Agenda Items / New Business
(Limited to 3 minutes per individual for non-agenda items)

An audience member inquired about a fitness center. Mr. Daux stated that this would be considered if it was a possibility.

An audience member asked about renting the field and requested an indoor Amenity Center.

An audience member asked if only one bid was received for Christmas lights. Mr. Daux stated that multiple bids were received originally and that the District had entered a two-year contract. Mr. Auld indicated that he would present other options at the next meeting.

EIGHTH ORDER OF BUSINESS – Supervisor Requests *(Includes Next Meeting Agenda Item Requests)*

Mr. Daux requested for Roberts Rules to be sent to Supervisors.

Mr. Rojas asked to discuss a pedestrian crossing in front of the Amenity Center at the next meeting.

NINTH ORDER OF BUSINESS – Action Items Summary

(To Be E-mailed to Supervisors and Staff)

TENTH ORDER OF BUSINESS – Next Meeting Quorum Check

Confirmation of Quorum for Next Meeting Scheduled for 6 p.m. on February 13, 2023 at Hillsborough County Library, Riverview (9951 Balm Riverview Road, Riverview, FL 33569)

Mr. Krause reminded the Board of the next meeting's date, time, and location.

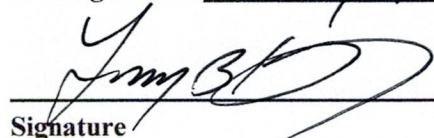
ELEVENTH ORDER OF BUSINESS – Adjournment

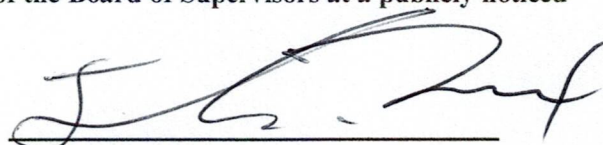
Mr. Krause asked for final questions, comments, or corrections before adjourning the meeting. There being none, Mr. Daux made a motion to adjourn the meeting.

On a MOTION by Mr. Daux, SECONDED by Mr. Ciciora, 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 FEBRUARY 13, 2023.


Signature


Signature

Larry B. Krause Jr.
Printed Name

John Daux
Printed Name

Title: ☒ Secretary ☐ Assistant Secretary

Title: ☒ Chairman ☐ Vice Chairman