

**MINUTES OF MEETING  
VERANDAH EAST  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Verandah East Community Development District held a Regular Meeting on January 12, 2022 at 1:00 p.m., at 11390 Palm Beach Blvd., First Floor, Fort Myers, Florida 33905.

**Present were:**

David Moore	Chair
Richard (Denny) Shields, Jr.	Vice Chair
Christina Jaross	Assistant Secretary
Jacqueline Voiles	Assistant Secretary
Michael Lapinski	Assistant Secretary

**Also present were:**

Chuck Adams (via telephone)	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Jonathan Johnson (via telephone)	District Counsel
Alyssa Willson (via telephone)	District Counsel
Brent Burford	District Engineer
Susan Shields	Resident/VCA Board Member
Lynne Pietrzyk	VCA General Manager

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mrs. Adams called the meeting to order at 1:00 p.m. All Supervisors were present.

**SECOND ORDER OF BUSINESS**

**Public Comments [3 minutes per person]**

Resident and VCA Board Member Susan Shields expressed the VCA Board's appreciation of the CDD's cooperation to perform proper due diligence and exploratory work in pursuing and encompassing an effective Agreement to maintain CDD assets and landscaping. She noted her confusion about Item 3BI, the quit claim deed from the Developer to the CDD for these assets, as the transfer was supposedly completed in 2016 and was the impetus for pursuing a maintenance agreement.

**THIRD ORDER OF BUSINESS**

**Update: CDD Ownership and Maintenance of Property**

- A. Consideration of Agreement Between the Verandah East Community Development District and Verandah Community Association, Inc., for Facility Management, Operation and Maintenance Services**
- B. Consideration of Conveyance Documents**
  - I. Quit Claim Bill of Sale (Perimeter Wall and Landscaping)**

Ms. Willson stated the Quit Claim Bill of Sale was initially included because, as discussed in prior meetings, only portions of the perimeter wall within certain areas were conveyed in 2016; it was not the entire perimeter wall. Rather than a piecemeal process of having the part of the wall that was previously conveyed and the part of the wall not conveyed to this part of the CDD, the Quit Claim Deed would ensure that the CDD has full interest in the entire wall for this portion of the CDD.

Discussion ensued regarding whether the fencing and the wall on Club property would be turned over to the CDD or to the VCA, the purpose of pursuing a Maintenance Agreement with the VCA and whether the Developer has the right to execute an Agreement with the CDD.

Mr. Shields believed the VCA should control and perhaps even own the wall.

Mr. Moore described the portions of the wall that were never planned for and stated he is not in agreement that the CDD is the correct repository.

Discussion ensued about conflicting maintenance easements, ownership of properties on which the wall is constructed and whether the CDD should take ownership of the property.

Ms. Willson stated the VCA's attorney was recommending that the VCA be the responsible entity for maintenance, repairs and replacement and the CDD be the owner and carry the insurance on the wall. If both entities agree, the VCA would be responsible for wear and tear and replacement of the wall.

Discussion ensued regarding the 2016 bond restructuring, easements, maintenance agreements, ongoing funding of maintenance and repairs and previous actions by the Developer on behalf of the CDD. The consensus was that signing the Quit Claim today without further research into the issues may further complicate the issue.

Ms. Willson recommended tabling Items 3BI and 3BII.

**On MOTION by Mr. Moore and seconded by Mr. Shields, with all in favor, tabling Items 3BI and 3BII and authorizing a CDD Board Member to work with the VCA representatives and Staff, was approved.**

Mr. Lapinski was designated to work with the VCA and Staff on the Maintenance Agreement.

Discussion ensued regarding the difference in wall ownership between the Verandah East CDD (VECDD) and the Verandah West CDD (VWCDD). Ms. Willson stated VWCDD never had ownership of the wall, did not refinance it using public funds to pay for the wall and never accepted ownership of the wall. When VECDD refinanced its bonds, public funds were utilized to pay for hardscape and, as a result, the VECDD could not sell the wall. Ms. Willson stated she would research the bond indenture requirements to see if the requirement would expire when the bonds are no longer outstanding. Mrs. Adams stated that would be in May 2037.

The consensus was that Item 3A would also be tabled but remain on the agenda.

Ms. Willson stated the VCA also requested an inspection of the wall and the District Engineer was contacted accordingly. Mr. Burford stated the inspection was underway; he was utilizing a GPS unit and documenting the concrete wall and chain-link fence so that an accurate survey can be compiled as previously discussed.

Discussion ensued regarding wall repairs to be done in Otter Bend. The consensus was that the repairs were approved. Mr. Burford described previous wall and fence damage and stated his survey would identify damage beyond wear and tear. He noted that the wall would need additional attention in the coming years.

**II. Release of License Agreement**

**III. Special Warranty Deed (Edgewater Trace, Parcel 127 North)**

Ms. Willson stated the Special Warranty Deed was the same as previously presented. Questions were raised and the District Engineer would address the platting issue discovered.

Mr. Burford stated the County changed some requirements; previously in other portions of the CDDs the required 20' lake maintenance easement allowed for 10' to be on the owner's property but that changed. Now, no portion of the lake maintenance easement is permitted to be on the lots, so two 10' wide easements are utilized.

**On MOTION by Mr. Moore and seconded by Ms. Voiles, with all in favor, the Special Warranty Deed for Edgewater Trace, Parcel 127 North, was accepted.**

**IV. Quit Claim Warranty Deed (Edgewater Trace, Parcel 127 North)**

Ms. Willson stated the District Engineer reviewed this document and deemed it appropriate for acceptance. Mr. Moore stated he was unable to locate the folio number in Lee County’s system so he cannot sign it. Mr. Moore provided the folio number to Mr. Burford for reference.

**V. Bill of Sale – Edgewater Trace, Parcel 127 North**

**VI. Quit Claim Bill of Sale (Edgewater Trace LK-3)**

The consensus was to table Items 3B IV, V and VI to the next meeting.

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-01, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2020, and Ending September 30, 2021**

Mr. Adams presented the proposed amended Fiscal Year 2021 budget. As some line items were nearly at budget, amending the Fiscal Year 2021 budget was recommended to avoid the possibility of an audit finding if any journal entry adjustments could cause an issue.

Mrs. Adams presented Resolution 2022-01.

**On MOTION by Mr. Moore and seconded by Ms. Jaross, with all in favor, Resolution 2022-01, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2020, and Ending September 30, 2021, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Johnson Engineering, Inc., Stormwater Management Needs Analysis Proposal**

Mr. Burford presented the Johnson Engineering, Inc., proposal for preparation and submittal of the Stormwater Management Needs Analysis Report. Mr. Moore asked if this would be a shared expense with VWCCD. Mr. Burford replied affirmatively.

Discussion ensued regarding street inlets and infrastructure owned by the VCA. Ms. Willson believed it might be appropriate to include a footnote in the facility description stating that other infrastructure owned by the VCA contributes to the facilities; however, it is not necessary to report on another entity’s infrastructure. Mr. Moore stated he would advise the VCA about the reporting requirement.

Discussion ensued regarding the Report and funding sources for mitigation and repairs.

**On MOTION by Mr. Moore and seconded by Mr. Shields, with all in favor, the Johnson Engineering, Inc., proposal for preparation of the Stormwater Management Needs Analysis Report, amended as discussed, in a not to exceed amount of \$8,450, was approved.**

**SIXTH ORDER OF BUSINESS**

**Ratification of HGS Transition Letter**

• **Kutak Rock LLP Retention and Fee Agreement**

Ms. Willson presented the joint letter by Hopping Green & Sams and Kutak Rock, LLP and the Kutak Rock Retention and Fee Agreement, previously executed by the Chair.

**On MOTION by Mr. Moore and seconded by Mr. Shields, with all in favor, engagement of Kutak Rock, LLP, for District Counsel Services and the Retention and Fee Agreement, were approved.**

**SEVENTH ORDER OF BUSINESS**

**Discussion: Statutory Changes from 2021 Legislative Session**

**A. Wastewater and Stormwater Needs Analysis**

This item was addressed during the Fifth Order of Business.

**B. Prompt Payment Policies**

- **Consideration of Resolution 2022-02 Adopting Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date**

Ms. Willson presented Resolution 2022-02 and discussed new legislation making it necessary for the CDD to implement prompt payment policies for construction contracts.

**On MOTION by Mr. Shields and seconded by Mr. Lapinski, with all in favor, Resolution 2022-02 Adopting Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**EIGHTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of November 30, 2021**

Mrs. Adams presented the Unaudited Financial Statements as of November 30, 2021.

**On MOTION by Mr. Lapinski and seconded by Mr. Shields, the Unaudited Financial Statements as of November 30, 2021, were accepted.**

**NINTH ORDER OF BUSINESS**

**Approval of October 13, 2021 Regular Meeting Minutes**

This item was presented following Item 10A.

**TENTH ORDER OF BUSINESS**

**Staff Reports**

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

There was no report.

Mr. Moore stated he did not receive an email regarding insurance. Mrs. Adams stated she would re-send it.

▪ **Approval of October 13, 2021 Regular Meeting Minutes**

**This item, previously the Ninth Order of Business, was presented out of order.**

Mrs. Adams presented the October 13, 2021 Regular Meeting Minutes.

**On MOTION by Ms. Voiles and seconded by Mr. Moore, with all in favor, the October 13, 2021 Regular Meeting Minutes, as presented, were approved.**

**B. District Engineer: *Johnson Engineering, Inc.***

Mr. Burford stated that the expense discussed for the Stormwater Needs Analysis Report is the cost for VECDD only and VWCDD West would be billed the same amount.

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

- **NEXT MEETING DATE: May 11, 2022 at 1:00 P.M.**
  - **QUORUM CHECK**

All Supervisors confirmed their attendance at the May 11, 2022 meeting.

**ELEVENTH ORDER OF BUSINESS**

**Supervisors' Requests**

Mr. Moore thanked Staff for addressing the wall repairs. He discussed concerns about Florida Power & Light (FPL) billing and issues with discrepancies pertaining to the meters.

Mr. Moore asked if the Board would prefer to only receive digital agendas. The consensus was to continue receiving hardcopies of the agenda books.

Mr. Moore stated residents have been cutting foliage in the preserves behind their homes. He suggested sending information regarding this to residents in conjunction with the VCA. Mrs. Adams stated that she would have the information added to the CDD website and the HOA can e-blast the information to the residents.

Mr. Willis stated the aforementioned insurance information was emailed to the Board by Ms. Gillyard on December 13, 2021. Mr. Willis stated it would be emailed again.

Mrs. Adams stated a letter was sent to the resident who apparently sprayed ground cover and seemed to have trimmed foliage in the conservation area behind their home. Conservation signs are present in the area. The resident signed for the letter but Staff has not received any calls from the resident.

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Moore and seconded by Ms. Voiles, with all in favor, the meeting adjourned at 2:16 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE

  
Secretary/Assistant Secretary

  
Chair/Vice Chair