



**BLUE LAKE  
COMMUNITY DEVELOPMENT  
DISTRICT**

**LEE COUNTY  
REGULAR BOARD MEETING  
SEPTEMBER 12, 2023  
1:00 P.M.**

Special District Services, Inc.  
The Oaks Center  
2501A Burns Road  
Palm Beach Gardens, FL 33410

[www.bluelakecdd.org](http://www.bluelakecdd.org)  
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**AGENDA**  
**BLUE LAKE**  
**COMMUNITY DEVELOPMENT DISTRICT**  
WildBlue Social Building  
18721 WildBlue Boulevard  
Fort Myers, Florida 33913  
**REGULAR BOARD MEETING**  
**September 12, 2023**  
**1:00 P.M.**

A. Call to Order

B. Proof of Publication.....Page 1

C. Establish Quorum

D. Additions or Deletions to Agenda

E. Comments from the Public for Items Not on the Agenda

F. Approval of Minutes

    1. August 8, 2023 Regular Board Meeting & Public Hearing.....Page 2

G. Old Business

    1. Update on Repair of Retaining Wall Project

    2. Update on Repairs to Nusbaum Property

    3. Update on Fence Repairs

H. New Business

    1. Consideration of Proposal from Cummins Cederberg for Design Engineering Services on Retaining Wall.....Page 8

I. Administrative Matters

    1. Manager’s Report

        • Financials.....Page 9

        • Budget Revenue & Expense Descriptions.....Page 11

    2. Engineer’s Report

    3. Attorney’s Report

J. Board Members Comments

K. Adjourn

Publication Date  
2023-09-01

Subcategory  
Miscellaneous Notices

BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT NOTICE OF REGULAR BOARD MEETING NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Blue Lake Community Development District will hold a Regular Board Meeting in the WildBlue Social Building located at 18721 WildBlue Boulevard, Fort Myers, Florida 33913 at 1:00 p.m. on September 12, 2023. The purpose of the meeting is to address any business to properly come before the Board. The meeting is open to the public and will be conducted in accordance with the provisions of Florida law. A copy of the agenda for this meeting may be obtained from the District's website or by contacting the District Manager at 239-444-5790 and/or toll free at 1-877-737-4922 prior to the date of the meeting. From time to time one or two Supervisors may participate by telephone; therefore, a speaker telephone will be present at the meeting location so that Supervisors may be fully informed of the discussions taking place. Said meeting may be continued as found necessary to a time and place specified on the record. If any person decides to appeal any decision made with respect to any matter considered at this meeting, such person will need a record of the proceedings and such person may need to ensure that a verbatim record of the proceedings is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based. In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at this meeting should contact the District Manager at 239-444-5790 and/or toll free at 1-877-737-4922 at least seven (7) days prior to the date of the meeting. Meetings may be cancelled from time to time without advertised notice. BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT [www.bluelakeccd.org](http://www.bluelakeccd.org) Pub Date: Sept. 1, 2023 No. 5810732

**BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT  
PUBLIC HEARING & REGULAR BOARD MEETING  
AUGUST 8, 2023**

**A. CALL TO ORDER**

The August 8, 2023, Regular Board Meeting of the Blue Lake Community Development District (the “District”) was called to order at 1:00 p.m. in the WildBlue Social Building located at 18721 WildBlue Boulevard, Fort Myers, Florida 33966.

**B. PROOF OF PUBLICATION**

Proof of publication was presented which showed that notice of the Regular Board Meeting had been published in the *Naples Daily News* on July 21, 2023, as legally required.

**C. ESTABLISH A QUORUM**

It was determined that the attendance of the following Board Members constituted a quorum:

Chairman	Christ Hasty	Present
Vice Chairman	Scott Edwards	Absent
Supervisor	Tommy Dean	Present
Supervisor	Walter Fluegel	Absent
Supervisor	Barry Ernst	Present

Also present were the following Staff Members:

District Manager	Kathleen Meneely	Special District Services, Inc.
District Counsel	Wes Haber (via phone)	Kutak Rock LLP
District Engineer	Carl Barraco (via phone)	Barraco and Associates, Inc.

Residents present: Steven Hamburger, Ted Towgood, Stephanie Vitrano, Alan Levit, Kevin Koger, Marc & Sydell Nusbaum, Dave Pazdernik, Shari Kinninger, Elaine Drake, Robert & Katharyn Lamb, Sharon Rafter, Michael Newman, Jan & Paul Kwiat, Greg Gosney, Sandra Wendling, Jim Spalding and Wayne Patterson.

Greg Miholic and other residents were present via phone.

**D. ADDITIONS OR DELETIONS TO AGENDA**

There were no additions or deletions to the agenda.

**E. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

There were no comments from the public for items not on the agenda.

**F. APPROVAL OF MINUTES**

**1. July 11, 2023, Regular Board Meeting**

The minutes of the July 11, 2023, Regular Board Meeting were presented for consideration.

Mr. Hasty advised that the meeting was actually held in the WildBlue Social Building. Mr. Ernst noted under Establish a Qourorom that Mr. Hasty’s first name should reflect “Chris” not “Christ.”

A **motion** was then made by Mr. Ernst, seconded by Mr. Dean and passed unanimously approving the minutes of the July 11, 2023, Regular Board Meeting, as amended.

The Regular Board Meeting was then recessed and the Public Hearing was opened.

**G. PUBLIC HEARING**

**1. Proof of Publication**

Proof of publication was presented which showed that notice of the Public Hearing had been published in the *Naples Daily News* on July 14, 2023, and July 21, 2023, as legally required.

**2. Receive Public Comment on Fiscal Year 2023/2024 Final Budget**

Mr. Newman requested an explanation for each of the line items. Ms. Meneely advised that it could be provided in the future but today was the final public hearing on the budget.

Mr. Lamb asked about actual new expenditures. General discussion took place regarding maintenance and monitoring of the mitigation areas as well as deficit funding by the developer.

Dr. Hamburger asked about mitigation of the vines along the fence. Mr. Dean advised that there were 61 spots that required repair and the proposal came in at \$112,000 but only \$50, 000 had been budgeted. No other contractors showed interest in bidding so it has been challenging to get a contract.

Dr. Hamburger suggested that the mitigation contractor pay for it through their insurance. Mr. Dean indicated he would look into the scope of their contract. Discussion ensued regarding the purpose of the fence with Mr. Lamb suggesting saving money by not having a top rail.

There was a question regarding turnover and Mr. Hasty went over the process, stating that two seats would be turned over to the residents in 2024.

**3. Consider Resolution No. 2023-03 – Adopting a Fiscal Year 2023/2024 Final Budget**

Resolution No. 2023-03 was presented, entitled:

**RESOLUTION 2023-03**

**THE ANNUAL APPROPRIATION RESOLUTION OF THE BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.**

A **motion** was made by Mr. Ernst, seconded by Mr. Dean and passed unanimously adopting Resolution No. 2023-03, as presented.

**4. Consider Resolution No. 2023-04 – Adopting an Annual Assessment Resolution for Fiscal Year 2023/2024**

Resolution No. 2023-04 was presented, entitled:

**RESOLUTION 2023-04**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT MAKING A DETERMINATION OF BENEFIT AND IMPOSING SPECIAL ASSESSMENTS FOR FISCAL YEAR 2023/2024; PROVIDING FOR THE COLLECTION AND ENFORCEMENT OF SPECIAL ASSESSMENTS, INCLUDING BUT NOT LIMITED TO PENALTIES AND INTEREST THEREON; CERTIFYING AN ASSESSMENT ROLL; PROVIDING FOR AMENDMENTS TO THE ASSESSMENT ROLL; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

A **motion** was made by Mr. Hasty, seconded by Mr. Ernst and passed unanimously adopting Resolution No. 2023-04, as presented.

The Public Hearing was then closed and the Regular Board Meeting was reconvened.

**H. OLD BUSINESS**

**1. Update on Repair of Retaining Wall Project**

Mr. Hasty gave the background on the project, stating that Hans Wilson had given a verbal summary of his report at the last meeting and the Board has not yet settled on a funding source. He further stated that the residents worked with Ms. Meneely on a County 50% FEMA distribution grant for repairs with a \$10 Million total cost submitted to the County. He added that the Assistant County Manager advised that the applications for Blue Lake and Wild Blue were the largest they had received and were Tier 3 & 4, which was not super promising. He further stated that the next step was to figure out what the repair design was by engaging a design engineer. Reis asked about using rip rap and the percentage allowed to which Mr. Hasty said it was an option that could be priced out and determined what would be allowed through permitting. Reis stated that there were deviations from the original design and that the developer should be asked to contribute to the cost.

Mr. Miholic stated he had sent an email with pictures regarding the design and that multiple deviations had been approved. He added that Hans Wilson stated it was a poor design and would fail again. Mr. Hasty indicated, as a developer representative, he believes Hurricane Ian was an act of God and that the developer hired professionals who said the design would work. He also went over the history prior to the CDD, which is why there are fractured records, as many were not public. Dr. Hamburger asked about the timetable for repairs as rip rap tonnage and trucks may tear up the roads during turnover. Mr. Hasty stated the roads were designed to handle concrete trucks but he will ask the engineers to look at this.

Dr. Hamburger then asked about providing guidance on docks and Reis added that the HOA put in docks in the same manner as they had before. Mr. Hasty stated he could add the design to the engineering scope. Mr. Haber pointed out that docks were a recreational aspect of the lake and not the responsibility of the CDD so no public funds could be used for those. He added that it would be the responsibility of whoever put them in to prove that they were not damaging the wall.

Mr. Lamb suggested lobbying the state to reuse materials instead of disposing of them and Mr. Hasty added that was a good conversation for elected officials, as staff cannot change county policies. He added that we do not want to slow down the process and asked Reis to get with Jim Buckholdt of Wild Blue to coordinate efforts.

Mr. Levitt asked about input from residents and Mr. Hasty stated that the CDD meetings were the forum for such input. There was general discussion on making the lake open to the public and its advantages/disadvantages.

A **motion** was made by Mr. Hasty, seconded by Mr. Dean and passed unanimously authorizing the publication of an ad under CCNA to seek an engineer for design options for repairs to the retaining wall.

Mr. Barraco stated he would help provide some scope and qualifications for the applicants.

## **2. Update on Repairs to Nusbaum Property**

Mr. Hasty advised that he had asked a contractor for a quote to fix the area and it came in at \$40,000, which he thought was an exorbitant amount. He added that he had spoken with Lennar supervisors and they were committed to looking at what to do to get it fixed. Mr. Nusbaum stated that the erosion continues after rain and he is concerned that it is getting close to their pool. Mr. Nusbaum also stated that all the debris was still there. Mr. Hasty indicated that Lennar would be on-site before the end of the week.

## **3. Consider Funding Agreement between the District and Lennar**

Mr. Haber went over the document stating it was broadly drafted. He continued that as the District does not have available funds this agreement puts in place a mechanism where the developer fronts the funding and is then reimbursed. He stated that there was a separate authorization for each project that will use these funds. There was general discussion on timing and liability with Mr. Haber explaining how the process worked.

Mr. Hasty stated that the Nusbaum property area needed to get completed.

After discussion, a motion was made by Mr. Hasty, seconded by Mr. Dean and passed unanimously approving Funding Authorization #1 under the Lennar/CDD Funding Agreement for a not-to-exceed amount of \$60,000 to make repairs to this area with authorization for the Chair to execute in between meetings.

There was discussion about an authorization for fence repairs. Ms. Meneely suggested waiting until an actual proposal was in hand since the amount was questionable at this point. Mr. Towgood indicated that he would not want to see the fence repaired without fixing the overgrowth, which is scheduled to take place. There was consensus of the Board to wait on the authorization for this project.

**I. NEW BUSINESS**

**1. Consider Resolution No. 2023-05 – Adopting a Fiscal Year 2023/2024 Meeting Schedule**

Resolution No. 2023-05 was presented, entitled:

**RESOLUTION NO. 2023-05**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT, ESTABLISHING A REGULAR MEETING SCHEDULE FOR FISCAL YEAR 2023/2024 AND SETTING THE TIME AND LOCATION OF SAID DISTRICT MEETINGS; AND PROVIDING AN EFFECTIVE DATE.**

Ms. Meneely pointed out that future meetings would be held at the WildBlue Social Building and thanked Dr. Hamburger for making the arrangements.

A **motion** was made by Mr. Ernst, seconded by Mr. Dean and passed unanimously adopting Resolution No. 2023-05, as presented.

**2. Consider Resolution 2023-06 – Adopting a Records Retention Policy**

Resolution No. 2023-06 was presented, entitled:

**RESOLUTION 2023-06**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT PROVIDING FOR THE APPOINTMENT OF A RECORDS MANAGEMENT LIAISON OFFICER; PROVIDING THE DUTIES OF THE RECORDS MANAGEMENT LIAISON OFFICER; ADOPTING A RECORDS RETENTION POLICY; DETERMINING THE ELECTRONIC RECORD TO BE THE OFFICIAL RECORD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Haber went over the policy and recommended approval.

A **motion** was made by Mr. Ernst, seconded by Mr. Dran and passed unanimously adopting Resolution No. 2023-06, as presented.

**3. Update on Fence Repairs**

This item was discussed previously during the meeting.

**J. ADMINISTRATIVE MATTERS**

**1. Manager's Report**

Ms. Meneely reminded the Board that the next meeting was scheduled for September 12, 2023, at the WildBlue Social Building.



Ms. Meneely thanked Reis for all his help with the County grant application.

## **2. Engineer's Report**

There was no Engineer's Report at this time.

## **3. Attorney's Report**

- **Discussion Regarding Require Ethics Training**

Mr. Haber went over the new annual requirement for 4 hours of ethics training for Board Members beginning in 2024. He noted that he would keep the Board apprised of available course and how they will be handled.

## **K. BOARD MEMBER COMMENTS**

There were no Board Member comments.

## **L. ADJOURNMENT**

There being no further business to come before the Board, a **motion** was made by Mr. Ernst, seconded by Mr. Dean and passed unanimously adjourning the Regular Board Meeting at 4:14 p.m.

**ATTESTED BY:**

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Secretary/Assistant Secretary

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Chairperson/Vice-Chair

**CONSIDERATION OF PROPOSAL FROM  
CUMMINS CEDERBERG FOR DESIGN  
ENGINEERING SERVICES ON RETAINING  
WALL**

**TO BE DISTRIBUTED  
UNDER SEPARATE COVER**

Blue Lake  
Community Development District

**Financial Report For  
August 2023**

**BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT  
MONTHLY FINANCIAL REPORT  
AUGUST 2023**

	Annual Budget 10/1/22 - 9/30/23	Actual Aug-23	Year To Date Actual 10/1/22 - 8/31/23
<b>REVENUES</b>			
O & M Assessments	253,701	0	254,004
Developer Contribution - O & M	0	0	0
Debt Assessments	663,697	0	661,919
Direct Bill - Debt	0	0	0
Other Revenues	0	0	0
Interest Income	120	0	3,654
<b>Total Revenues</b>	<b>\$ 917,518</b>	<b>\$ -</b>	<b>\$ 919,577</b>
<b>EXPENDITURES</b>			
Supervisor Fees	0	0	0
Payroll Taxes (Employer)	0	0	0
Engineering/Inspections	15,000	0	30,388
Management	28,824	2,402	26,422
Legal	14,000	0	7,173
Assessment Roll	4,000	0	0
Audit Fees	3,900	0	3,900
Arbitrage Rebate Fee	650	0	650
Insurance	6,100	0	6,134
Legal Advertisements	3,000	683	4,509
Miscellaneous	1,000	299	1,306
Postage	300	0	625
Office Supplies	1,100	205	626
Dues & Subscriptions	175	0	175
Trustee Fee	4,050	0	4,031
Continuing Disclosure Fee	1,000	0	0
Mitigation Monitoring	73,000	0	93,987
Lake Maintenance	35,000	2,701	39,379
Flow Way Inspection Certification	2,500	0	0
Vista Dry Retention Area	45,000	0	0
Detention Area Maintenance	0	2,784	29,983
<b>Total Expenditures</b>	<b>\$ 238,599</b>	<b>\$ 9,074</b>	<b>\$ 249,288</b>
<b>REVENUES LESS EXPENDITURES</b>	<b>\$ 678,919</b>	<b>\$ (9,074)</b>	<b>\$ 670,289</b>
Bond Payments	(623,875)	0	(635,676)
<b>BALANCE</b>	<b>\$ 55,044</b>	<b>\$ (9,074)</b>	<b>\$ 34,613</b>
County Appraiser & Tax Collector Fee	(18,348)	0	(1,036)
Discounts For Early Payments	(36,696)	0	(35,689)
<b>EXCESS/ (SHORTFALL)</b>	<b>\$ -</b>	<b>\$ (9,074)</b>	<b>\$ (2,112)</b>
Carryover From Prior Year	0	0	0
<b>NET EXCESS/ (SHORTFALL)</b>	<b>\$ -</b>	<b>\$ (9,074)</b>	<b>\$ (2,112)</b>

Bank Balance As Of 8/31/23	\$ 43,106.76
Accounts Payable As Of 8/31/23	\$ 20,282.30
Accounts Receivable As Of 8/31/23	\$ -
Available Funds As Of 8/31/23	\$ 22,824.46

# BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT

## Budget Revenue Expense Descriptions

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### REVENUES

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#### ***O&M ASSESSMENTS***

All assessments placed on the tax roll for Operations & Maintenance.

#### ***DEVELOPER CONTRIBUTION - O&M***

#### ***DIRECT BILL ASSESSMENTS***

Individual parcels not placed on the tax roll are billed directly by mail for Operations & Maintenance /

#### ***DEBT ON ROLL ASSESSMENTS***

Debt Assessments collected via the property tax roll for Bond Debt

#### ***DEBT ASSESSMENTS***

Individual parcels not placed on the tax roll are billed directly by mail for Debt Assessments.

#### ***DEBT PREPAYMENTS / MISCELLANEOUS PAYMENTS***

Debt Assessments used to pay down Bond debt before the required payments by individuals or the I

#### ***INTEREST INCOME***

Any interest earned on the general fund balance and any item that does not fall into the other income

#### ***GENERAL FUND OTHER REVENUES***

This is usually carry over funds from a prior year.

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### EXPENDITURES

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#### ***PAYROLL TAX EXPENSE***

For taxes associated with the payroll to supervisors.

#### ***SUPERVISOR FEES***

Fees paid to supervisors for their service to the District.

#### ***MANAGEMENT***

State statute requires the District to have a manager and pay for his or her services.

#### ***LEGAL***

State statute requires the District to have an attorney and pay for his or her services.

# **BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT**

## **Budget Revenue Expense Descriptions**

### ***ASSESSMENT ROLL***

The cost to prepare the assessment roll and submit it to the county tax collector.

### ***ANNUAL AUDIT***

State statute requires the District to have financial statements audited yearly.

### ***ARBITRAGE REBATE FEE***

This is a bond requirement related to the tax exempt status of the bonds.

### ***INSURANCE***

The District has a liability insurance policy that protects the supervisors and staff acting on the district.

### ***LEGAL ADVERTISING***

State statute requires the District to advertise meetings in advance.

### ***MISCELLANEOUS***

Any item that does not fit into a category already established.

### ***POSTAGE***

Any packages/letters sent on behalf of the district. Proposals, certified mail, etc. are charged to this category.

### ***OFFICE SUPPLIES***

This is mainly paper and ink cost related to any printed documents for the district.

### ***DUES & SUBSCRIPTIONS***

An annual due is required to pay to the state.

### ***TRUSTEE FEES***

Fees paid to the Bank Trustee responsible for the Bond bank accounts.

### ***CONTINUING DISCLOSURE FEE***

These are reports we have to file with the SEC related to any bonds.

### ***ENGINEERING/INSPECTIONS***

State statute requires the District to have an engineer and pay for his or her services.

### ***MITIGATION MONITORING***

# **BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT**

## **Budget Revenue Expense Descriptions**

Exotic mitigation, maintenance and monitoring of Area J by Sandhill

### ***LAKE MAINT - AQUATIC CONTROL MAINTENANCE***

Maintenance of aquatic vegetation by Solitude

### ***FLOWWAY INSPECTION CERTIFICATION***

Required biennial as process part of zoning special condition

### ***VISTA DRY RETENTION AREA***

Treatment of areas that are designed to hold water on a more permanent basis and release gradually

### ***DETENTION AREA MAINTENANCE***

Removal of exotics in areas that temporarily store stormwater runoff by Solitude

### ***MISCELLANEOUS MAINTENANCE***

Maintenance items not covered by the major Maintenance categories - fencing, littorals, wells

### ***AMORTIZATION SCHEDULES***

This is the fee we are charged by either a trustee or financial advisor if we have to reamortize the bonds

### ***PROFESSIONAL FEE & PERMITS***

Permit, survey, etc., cost related to maintenance or construction.

### ***CAPITAL OUTLAY - SMALL***

Small, miscellaneous construction related to district improvements.

### ***COUNTY APPRAISER & TAX COLLECTOR FEE***

Fees charged to the District by the County Appraiser and Tax Collector for collecting the District's N/

### ***DISCOUNTS FOR EARLY PAYMENTS***

4% buffer to cover for all residents you pay early and receive a discount off their property tax bill, wh