

**MINUTES OF MEETING  
MEDITERRA  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Mediterra Community Development District held a Regular Meeting on October 20, 2021 at 9:00 a.m., in the Bella Vita I Room at the Sports Club at Mediterra, 15735 Corso Mediterra Circle, Naples, Florida 34110.

**Present were:**

Robert Greenberg	Chair
Ken Tarr	Vice Chair
Mary Wheeler (via telephone)	Assistant Secretary
Vicki Gartland	Assistant Secretary
John Henry	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Shane Willis	Operations Manager
Alyssa Willson (via telephone)	District Counsel
Andy Tilton	District Engineer

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 9:05 a.m. Supervisors Greenberg, Tarr, Gartland and Henry were present in person. Supervisor Wheeler was attending via telephone.

**SECOND ORDER OF BUSINESS**

**Chairman's Comments**

Mr. Greenberg reported the following:

- Two resident inquiries were received. The first was related to a potential fence encroachment in Caminetto and the second was related to the aeration in the pond behind Porta Vecchio. Both inquiries were referred to Staff for investigation and a response.
- District Counsel Jonathan Johnson and his practice group, are leaving their current firm and joining a new firm to start its special district practice group. Per the Florida Bar ethics requirements, the client has the right to decide whether their files go or stay.

Mr. Greenberg stated as Chair he decided to have the CDD's files go with Mr. Johnson's practice group to the new firm to maintain the level of service, continuity and competence. If any Board Member objected to this action he asked them to discuss it now. There were no objections. The consensus was that this was acceptable. An Engagement Agreement would be executed following the official move. Ms. Willson guaranteed that the rates would remain the same. This item would be presented at an upcoming meeting.

➤ In his opinion the ponds look great. Mrs. Adams has been addressing the aerator issues.

### THIRD ORDER OF BUSINESS

#### Update: Lake 74 Permit

Mr. Tilton stated that the South Florida Water Management District (SFWMD) granted approval of the application to extend the permit and extended it from April 2025 to February 2027. He would continue checking for additional extension opportunities. Mr. Greenberg stated this date was already included on the Key Activity Dates Report.

Discussion ensued regarding whether the CDD should publish a "Notice of Action" as described on the notification from the SFWMD. Mr. Greenberg felt that there was no harm in publishing a notice. Ms. Willson concurred and stated publication would foreclose a number of other potential challenges. She suggested verifying whether the original item was published prior to publication and if not, the notice may be prepared in a way that includes constructive notice of the actual permit as well as the addition.

Mr. Greenberg asked Ms. Willson to work with Mr. Adams to prepare the notice.

Mr. Tarr stated the MCA was discussing installation of an east gate with the County. He wanted to know where such a gate would be. Discussion ensued regarding a map of the area, outfalls and drainage basins. Mr. Tilton stated he would review the area and advise accordingly.

Ms. Wheeler noted that the SFWMD permit designated the "Project Land Use" as "Residential" and asked if the CDD would be able to build a clubhouse or a drone landing spot with that type of designation. Mr. Tilton stated the County determines the land use through the Planned Unit Development (PUD) approval process and "Residential" land use would allow for the type of usage Ms. Wheeler described. Mr. Greenberg noted the first two paragraphs of the "Background" section on Page 3 of 17 specifically indicate that the Town Center would be included in the plans.

**FOURTH ORDER OF BUSINESS****Discussion/Consideration: Collier County's Request for an Imperial Basin Boundary Study by Johnson Engineering, Inc.**

Mr. Tilton stated the County asked him to consider working on a project for them that includes a portion of Mediterra. The project would examine improvements or needs for the system that goes through Imperial Golf Estates immediately to the south of Mediterra and out to the Cocohatchee. Because there are overlapping areas for both clients, as an Engineer he is obligated to ask both clients if they consider any of that work a conflict of interest for him and if so he could only work for one client. If the Board objected he would continue working for Mediterra and not perform the work for Collier County. His firm does a lot of work for Collier County but he would not work on this particular project if the Board objects to his involvement.

Mr. Greenberg asked Mr. Tilton to describe the work he would undertake. Mr. Tilton stated the work would involve inspecting the stormwater management system and looking at needs for improvements within the basin.

Mr. Greenberg asked what types of improvements to the basin might be made, if any, and how it could impact Mediterra.

Mr. Tilton stated that maintaining permitted outfalls and water levels at or below current levels would be a requirement, but the County can not adversely impact the CDD without permission. It was anticipated that some culverts between Mediterra and the Cocohatchee may need improvements such as more maintenance and/or enlargement of the culverts, which he thought would provide better service for Mediterra.

The consensus was that it would be beneficial for Mr. Tilton to perform the work for the County given his knowledge of the CDD. Mr. Greenberg asked Mr. Adams to send an email advising Mr. Tilton that the Board has considered the Johnson Engineering request for waiver of any perceived or actual conflict to perform a study for Collier County on the Imperial Basin boundary and that the Board has deemed that there would be no conflict.

A Board Member recalled that Lee County embarked on a program after the flooding and asked if there was any news regarding completed or planned improvements. Mr. Tilton stated the study discussed many improvements but most of the recommendations only related to major storm events. He was not aware of much interest in spending so much money for so

little return. Some improvements would have a slight impact on day-to-day operations but there would be no major impact on Mediterra.

Ms. Wheeler asked why the study was being done. Mr. Tilton stated he was told there were drainage issues but he was unsure of the issues or causes or the future plans.

**FIFTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of August 31, 2021**

Mr. Greenberg presented the Unaudited Financial Statements as of August 31, 2021.

Discussion ensued regarding the Financial Impact Analysis and surplus funds that would roll into fund balance. Mrs. Adams noted that the September financials were not available yet. Mr. Greenberg stated that the target Surplus Fund Balance is \$150,000.

**On MOTION by Mr. Tarr and seconded by Mr. Henry, with all in favor, the Unaudited Financial Statements as of August 31, 2021, were accepted.**

**SIXTH ORDER OF BUSINESS**

**Approval of August 18, 2021 Public Hearings and Regular Meeting Minutes**

Mr. Greenberg presented the August 18, 2021 Public Hearings and Regular Meeting Minutes. Mr. Greenberg stated that edits were to have been submitted to Management.

**On MOTION by Mr. Henry and seconded by Mr. Tarr, with all in favor, the August 18, 2021 Public Hearings and Regular Meeting Minutes, as amended to include any edits submitted to Management, were approved.**

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel: *Hopping Green & Sams, P.A.***

Ms. Willson stated the Engagement Letter with the new firm should be received in the next two weeks.

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

**I. Consideration of Rate Increase**

Mr. Tilton presented the Johnson Engineering request for a rate increase. The firm had not increased its rates since 2006. He responded to questions regarding clients, staff, billing and office locations. The consensus was that the rate increase was justified.

**II. Report on Water Issues in Maintenance Area Due to New Veterans Road**

- **Discussion Regarding Adjustments with MCA’s Engineer, Agnoli Barber & Brundage, Inc.**

Mr. Tilton stated Mr. Richards advised that some areas of roadway drainage need to be addressed uprange of Mediterra to convey runoff through their water quality treatment system prior to flowing through to the CDD’s ponds. There would be negligible effects to Mediterra. Discussion ensued regarding the pretreatment system used on the southern border of Mediterra.

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

- **NEXT MEETING DATE: November 17, 2021 at 3:00 P.M.**
  - **QUORUM CHECK**

All Supervisors confirmed their in-person attendance for the November 17, 2021 meeting.

**D. Operations Manager: *Wrathell, Hunt and Associates, LLC***

- **Key Activity Dates**

The October Key Activity Dates Report was included for informational purposes and would be updated as needed. Mrs. Adams stated the Preserve Fire Reduction Program and the Phase Three Stormwater Pond 74 program were already added to the Report.

**EIGHTH ORDER OF BUSINESS**

**Action/Agenda or Completed Items**

Discussion ensued regarding Items 18 and 19. Ms. Willson was asked to resend the “What are CDDs” brochure to the Board. Discussion ensued regarding email processes.

Item 18 was completed.

Item 12: Discussion ensued regarding whether to request Mr. Wrathell’s attendance at a meeting. The consensus was that his attendance was not necessary and this item should be removed.

**NINTH ORDER OF BUSINESS**

**Old Business**

- **Update: East Cortile Court Conservation Restoration Project**

Mr. Adams reported the following:

- The project was completed.
- Several reinspections were completed as erosion barriers were required before final SFWMD inspection could be performed.
- The final bill of \$14,336.25 including two future monitoring events and reporting was sent to the resident. Ten days was given for payment but no response was received after two weeks so an email was sent with “read receipt” requested but no response was received. A FedEx Delivery was signed for by the contractor “Dominic” and not the property owner.

Discussion ensued regarding legal remedies. Ms. Willson stated that she agreed with the Chair that he should call and attempt to reach an agreement with the homeowner, as a soft approach is always better to start with. Mr. Greenberg requested Board permission to call the resident. The consensus was that Mr. Greenberg would contact the resident and use his discretion in setting a deadline or payment terms.

**TENTH ORDER OF BUSINESS****Supervisors’ Requests**

Mr. Tarr discussed a homeowner who was demanding that the MCA maintain the hedge installed outside his fence.

Discussion ensued regarding the fence that is on CDD property. Mr. Tarr stated that Mr. Richards directed the District Engineer to mark all the corners around the lake because he was concerned that other fences contracted by London Bay may have a similar issue. Mr. Greenberg stated London Bay built the home and the fence was installed through a subcontractor and the property was conveyed to the homeowner at closing. The homeowner asked the MCA to maintain the hedge outside his fence, which resulted in the District Engineer determining that the fence encroaches on CDD property.

Discussion ensued regarding the 18” encroachment and the CDD’s option to remove the fence. Mr. Tarr believed that the cost to the MCA for Johnson Engineering’s services was \$1,500 or more. The CDD’s option to remove the hedge, the contractor’s error, the homeowner’s responsibility to remove the fence and the CDD’s right to compel the homeowner to do so were discussed.

Mr. Tarr conveyed Mr. Richards' concern that this may be a recurring problem along the lake. Mr. Greenberg stated Johnson Engineering may need to look at the other fences and install stakes on the unimproved lots. Mr. Tarr stated that stakes were installed but no survey of the encroaching fence was done. He recalled that the governing documents stipulate that the homeowners are required to maintain from their property line to the high-water mark. He observed that the property owner in question was a new resident and did not understand that even if the fence is in the right place he would still be responsible for maintenance to the water.

Mr. Tarr believed that 20% of the homes in the community recently changed ownership.

Mr. Greenberg stated he and Staff would visit the property in question. He requested that Johnson Engineering stake all boundary corners of any property with a fence and any unimproved land and provide the information to London Bay to prevent recurring issues. Mr. Tarr felt that Mr. Tilton should research what the surveyors have done.

Discussion ensued regarding asking London Bay to absorb the expense of staking the properties and writing a letter to London Bay advising that the CDD would hold them responsible.

This item would be included as an Old Business item on the next agenda.

Discussion ensued regarding a previous incident in which London Bay installed a fountain without CDD permission. Mr. Greenberg stated he would advise the property owner that Mrs. Adams would make a decision regarding the hedge and if the hedge is permitted to stay it would be up to the homeowner to maintain it. The consensus was that any legal recourse the homeowner might have would be against London Bay.

**ELEVENTH ORDER OF BUSINESS**

**Public Comments**

There were no public comments.

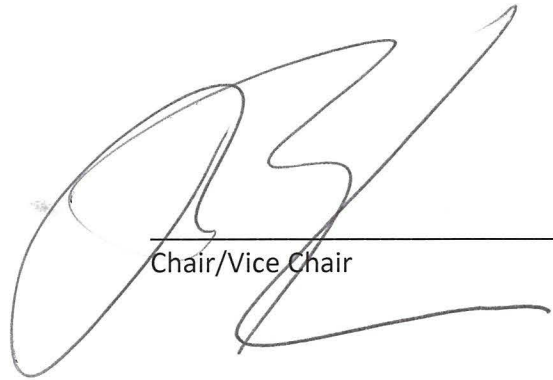
**TWELFTH ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Ms. Gartland and seconded by Mr. Henry, with all in favor, the meeting adjourned at 10:01 a.m.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair