

**MINUTES OF MEETING
MEDITERRA
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Mediterra Community Development District held a Public Hearing and Regular Meeting on September 7, 2022 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 (via telephone)	Vice Chair
Mary Wheeler	Assistant Secretary
John Henry	Assistant Secretary
Vicki Gartland (via telephone)	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Alyssa Willson (via telephone)	District Counsel
Andy Tilton	District Engineer
Mike Cintron	Cintron Landscape Services (Cintron)
Tammy Campbell (via telephone)	McDirmitt Davis
Tim Burns	Resident
Dave McGee	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 9:03 a.m. Supervisors Wheeler, Greenberg, and Henry were present. Supervisors Gartland and Tarr were attending via telephone.

SECOND ORDER OF BUSINESS

Public Comments (3 minutes)

No members of the public spoke.

THIRD ORDER OF BUSINESS

Chairman's Comments

Mr. Greenberg made the following comments:

- Referring to the Cintron email, this item was deferred while CDD Staff investigates and can provide recommendations and until the entire Board is in attendance in person.
- The MCA decided not to execute the Maintenance Agreement and plans to move the riprap from the CDD's easement.

Mr. Greenberg believed the MCA's decision does not matter to the CDD as long as it does not affect CDD property and, if it does, the CDD will deal with it at the appropriate time.

Mr. Greenberg asked why the Board received the revised budget yesterday. He stated it would be helpful to know where the changes were made to prevent spending time reviewing the entire budget. Mr. Tarr stated he instigated the changes, which involved the presentation but did not affect the budget. Mr. Adams stated there was an open column of figures in the assessment tables that were incorrect and belong to another CDD.

FOURTH ORDER OF BUSINESS

Presentation of Mediterra Community Development District's Audited Annual Financial Report for the Fiscal Year Ended September 30, 2021, Prepared by McDirmit Davis

Mr. Greenberg polled the Board, which agreed this does not warrant a presentation.

Mr. Tarr stated that he reviewed the Attorney General's website and noted that the Auditor did not file the Report timely. He asked if there is something the CDD is doing that caused them to not file the Audit until the end of June. Ms. Campbell would find out the reason for the delay. She noted her firm experienced unprecedented staffing issues, which caused some delays. Mr. Tarr stated this is not the CDD's first request to be able to review the Report sooner, while the entire Board is still in residence in Mediterra.

Mr. Greenberg advised Ms. Campbell that McDirmit Davis is on notice and, if the next Report is late, the CDD will likely take action with respect to the contract. The Board selected April 30th as the preferred completion date so the Report can be in the May agenda.

Ms. Wheeler stated that the public hearing notice was only published once in Lee County. Mr. Adams stated the proof of publication might have been omitted from the agenda. Mr. Tarr stated he reviewed the website, which showed no second publication, it only stated the ad was to be run the second time; he recalled raising the same question last year. He felt

that Management should make sure that the ad runs a second time next year. Ms. Wheeler stated her notes from the last two years showed Lee County only published the notice once. Mr. Adams stated, assuming the newspaper website is up to date, he will research this.

Mr. Greenberg asked Ms. Willson for the affect if notice was not published twice. Ms. Willson stated that a failure to publish twice would mean the public hearing was not properly noticed; however, Chapter 190 has language that allows publication of notices for Special Districts, such as CDDs, to rely on the publication from the County with the majority of the CDD land; therefore, the Collier County publication will suffice for the public hearing.

Mr. Greenberg asked if there is an obligation to re-publish in Lee County. Ms. Willson replied no. Regarding the requirement to publish in both counties, Ms. Willson stated that, with certain notices, the CDD can rely on the single publication in the County where the majority of the CDD lies but publication of certain other notices needs to be in both Counties. Ms. Willson stated that, for today's budget public hearing, the CDD met the advertising requirements. She will work with Mr. Adams' office to create a comprehensive list of the notices that need to be published in both Counties and which only need to run in Collier County.

Mr. Henry requested the following stylistic changes to the next Audit Report:

➤ Page 3, Management's Discussion and Analysis (MD&A), 2nd bullet: Referring to the \$1,541,936 amount, include the page number where that information is located in the Report.

Ms. Campbell asked if he wanted to see additional wording guiding the reader to where the numbers came from. Mr. Henry replied affirmatively.

➤ Page 20, Note 5, Paragraph 2, last sentence: Delete "from the North District"

➤ Page 20, Note 5, last paragraph and throughout: Change "current fiscal year" to "2021 Fiscal Year"

Mr. Henry asked if subsequent event disclosures, such as refinancing the Note in 2022, should be included. Board Members recalled that the Note closed around March 2022 and was approved in Fiscal Year 2021.

Ms. Davis stated it is typically reflected in the Fiscal Year Audit in which it occurs so it will be reflected in the Fiscal Year 2022 audit. She stated an update on your bond financing obligation is not included in the request for subsequent event information.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2022-07, Accepting the Audited Annual Financial Report for the Fiscal Year Ended September 30, 2021

Mr. Greenberg presented Resolution 2022-07.

On MOTION by Ms. Wheeler and seconded by Mr. Henry, with all in favor, Resolution 2022-07, Accepting the Audited Annual Financial Report for the Fiscal Year Ended September 30, 2021, was adopted.

SIXTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2022/2023 Budget

A. Proof/Affidavit of Publication

The affidavit of publication was included for informational purposes

Mr. Adams stated that the ad in the News Press ran on the 19th and the 26th. The CDD paid \$533.36 for those two ads on each press.

B. Consideration of Resolution 2022-08, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date

Mr. Adams highlighted changes to the Assessment tables, on Pages 9, 10, 11 and 12, in which the column, "Outstanding Principal after 2022-2023 tax payment" information should not have been shown.

Mr. Tarr stated that comparing the Monterosso and Benvenuto information is what triggered why the information made no sense. He stated that, for two years, they did not have the original outstanding principal but three years ago it was included. He did not think it should continue to be restated each year.

Mr. Henry believed that, based on his calculations, the Debt Service expenditure figures on Page 7 are incorrect and the "Fiscal Year 09.30.22 Principal" payment and "Costs of issuance" figures are incorrect. Mr. Adams agreed and stated the amounts should match Page

5 of the Unaudited Financial Report. He will make those adjustments. Mr. Henry listed his calculations. Mr. Adams stated he will update the figures once the budget is adopted.

Mr. Tarr asked about the implications of the incorrect number. Mr. Greenberg stated that it seemed to him that a chart was just not updated. Regarding whether something needs to be published correcting this, Mr. Adams replied no, as the Board can make adjustments to the proposed budget at the public hearing and it does not affect the assessment levels. Mr. Greenberg reiterated that the chart showed the wrong numbers but it is a ministerial error that Mr. Adams will address. Mr. Tarr stated there are two mistakes. Mr. Greenberg stated that there needs to be better proofing by someone who understands it before it is included in the agenda package.

Mr. Tarr stated he will provide the parcel number for Caminetto to Mr. Adams, as it was not complete for two years in a row.

Mr. Tarr suggested that Mr. Adams remind District Staff to use spell check.

Mr. Greenberg presented Resolution 2022-08.

On MOTION by Mr. Henry and seconded by Ms. Wheeler, with all in favor, Resolution 2022-08, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023, as amended; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2022-09, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; 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

Mr. Greenberg presented Resolution 2022-09.

On MOTION by Mr. Tarr and seconded by Ms. Gartland, with all in favor, Resolution 2022-09, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; 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, was adopted.

EIGHTH ORDER OF BUSINESS

Consideration of Access and Maintenance Easement Agreement for Stormwater Management Facilities with The Club at Mediterra, Inc.

Ms. Willson presented the Access and Maintenance Easement Agreement. She stated that many of the pipes are in tracts of areas included on plats that are not specifically identified tracts. The position of the actual stormwater pipes on Exhibit B sufficiently narrows the area in which the CDD is obligated to maintain improvements. The only alternative to the overly broad legal description would be to engage a contractor to do a metes and bounds for each pipe, which is not necessary to enter into the area and maintain the improvements. This has not been sent to The Club for review.

Mr. Tarr asked if the CDD will actually write a check for \$10 to The Club, as stipulated on Page 1. Ms. Willson stated this is shown as additional specific consideration and is common. There are other considerations laid out in the Agreement; typically, it is not actually paid and is considered an additional legal consideration in the Agreement.

On MOTION by Mr. Henry and seconded by Ms. Wheeler, with all in favor, the Access and Maintenance Easement Agreement for Stormwater Management Facilities with The Club at Mediterra, Inc., subject to final review by The Club, and authorizing the Chair to execute, if there are no changes, was approved.

NINTH ORDER OF BUSINESS

Consideration of License Agreement by and Between the Mediterra Community Development District and Mediterra Community Association, Inc., Regarding the Installation and Maintenance of a Cap Rock Wall

This item will be removed from future agendas.

TENTH ORDER OF BUSINESS

Discussion: Erosion – Lake 6

Mrs. Adams stated that she discussed this matter with Mr. Burns and forwarded it to Mr. Tilton.

Mr. Tilton stated that he inspected the property with Mr. Burns. This is something the CDD inherited when it acquired the property for the pond; the CDD did not build the pond. The majority of the rocks are on CDD property and are now settling, moving and leaving holes as the soil erodes into the pond. This is now causing a safety issue.

Mr. Tilton explained why the rocks were installed, noted that the repair costs are estimated at \$50,000 and provided alternatives. He discussed whether to keep the rock and install fabric or remove the rocks and install turf according to the South Florida Water Management (SFWMD) Permit and the 4:1 slope requirement. He suggested completing the project in the spring, when water levels are low. Mr. Burns' only request was to install signage and complete the repairs correctly and swiftly. Staff will install a "Caution" sign. Mr. Tilton to provide repair alternatives and costs at the next meeting.

The technique of injecting mortar grout, foam products, which Mr. Tilton did not recommend, also was discussed.

Mr. Greenberg asked for a letter to be sent advising residents that the CDD is aware of this issue.

ELEVENTH ORDER OF BUSINESS

Presentation of Annual Quality Assurance Audit: Lake Maintenance

- A. Memorandum**
- B. Evaluation Sheets/Photos**
- C. Lake 35 Restoration Photos**

Staff responded to the following questions and comments:

- Lake 73: The photograph was inadvertently included in the Report and has since been removed.

➤ Term “Off Color Water”: Mr. Tilton stated that color is not an issue as far as any water quality requirements in the permitting; it may be an aesthetic issue. Mr. Willis stated he used this term to let SOLitude know the condition, as it might be due to extra nutrients in the water.

Mr. Tarr asked if SOLitude can provide an update of what they did or did not do that caused a change.

➤ Alligators: CDD policy is to remove alligators once they become a danger to humans, which is about 8’. Mr. Willis reported two 4’ alligators.

Mr. Tarr asked if the CDD should send a notice to residents.

Discussion ensued regarding responsibility and implementing a policy to remove alligators. It was noted that alligators are considered the first line of defense against pythons and it might be difficult to locate them since they move within the pipes; residents can advise the trapper where alligators were last sighted. Supervisors Henry, Tarr and Wheeler felt that the CDD should remove the alligators and Supervisors Greenberg and Gartland disagreed.

Regarding potential liability, Ms. Willson stated there is no explicit signage requirement but, based on a review of recent incidents and case law, it is known that there are alligators in Florida so District Counsel typically recommends advising of the existence to alert visitors or other individuals who are not familiar with the problem. Communities have either done that in an annual mailing or an annual e-blast; the CDD can coordinate that communication with The Club. Some CDDs post signage at lakes where alligators are observed or at the entrance to the community. District Counsel’s general recommendation is to send some sort of annual notice and, if there is a nuisance alligator that displays aggressive behavior, then take other action.

Mr. Greenberg felt that the CDD should ask the MCA to handle alligators the same way as for bears such that, if there is a sighting, the MCA sends a notice and, if it is aggressive or presents a problem, the CDD will deal with it. He asked Mr. Adams to include a paragraph about alligators in the annual letter to residents. Ms. Willson stated that reminding everyone of the alligator situation and whether one was recently seen would be good to include in the annual letter.

Regarding Lake 6, Mr. Greenberg reiterated his request for Staff to send affected residents a letter indicating that the CDD is aware of the issue.

Staff responded to Mr. Greenberg’s request for updates on the following items:

- Lake 13: Mrs. Adams stated the contractor delayed work until spring 2023. Mr. Willis stated he updated his Lake Audit Report to reflect the same.
- Lakes 15 and 22: Mr. Willis will present proposals at the next meeting.
- Mrs. Adams stated removal of palm seedlings from the lake banks is a CDD matter and SOLitude Lake Management has been doing that for the past several weeks.
- Littoral Shelf Plants: Mr. Willis is obtaining costs; project will be completed in Fiscal Year 2022.

TWELFTH ORDER OF BUSINESS**Continued Discussion: Nature Trail Design and Analysis (Plans, Cost, etc.)**

Mr. Tilton reviewed the aerial sketch of the trails and requested direction from the Board regarding designing the path. He provided estimates for easterly and westerly routes; an easterly route is more costly.

The Board discussed various concerns about resident privacy and constructing in the wetland area. Mr. Tilton was directed to address the following and report his findings at the next meeting:

- Route: Create a route with the best visibility of wildlife.
- Relocate the shaded yellow line away from Corso and into the wetland area and add additional plantings around the lake, as a buffer.
- Regarding a boardwalk at one of the cart paths, determine if it is possible to keep walkers separate from golfers.

- **Johnson Engineering, Inc., Draft Professional Services Supplemental Agreement No. 23**

Mr. Tilton presented Johnson Engineering, Inc., Draft Professional Services Supplemental Agreement No. 23. He expects the permitting process to take close to a year.

Mr. Tarr asked about the mitigation fee. Mr. Adams stated \$170, 000 was budgeted for design and permitting.

Mr. Tarr shared his conversation with Mr. Richards, prior MCA General Manager, that his community is applying for a one-mile long 4' wide nature trail in its preserve and hoped the mitigation cost will be much less than the \$150,000 expected, without a board walk. Mr. Tarr asked the project name in the Agreement to be updated.

Mr. Tarr voiced his opinion that the July 13, 2021 Hourly Rate Schedule is outdated. Mr. Tilton stated that certain items will remain at those rates; a rate change request was submitted for consideration at a future meeting.

On MOTION by Ms. Gartland and seconded by Ms. Wheeler, with all in favor, the Johnson Engineering, Inc., Professional Services Supplemental Agreement No. 23, as amended, was approved.

THIRTEENTH ORDER OF BUSINESS

Update: Wildfire Management Activities

Ms. Gartland asked if this item is being skipped and if the project was completed. Mr. Greenberg stated he wants to defer this so Staff can research it more and make recommendations. He did not know if the email was factually correct or if there were mitigating factors to consider. Mr. Adams stated that Gary checked and signed off on the project.

Based on the \$42,000 amount, of which the Board is considering a penalty of \$17,000, Mr. Cintron asked the Board to consider paying \$25,000. Mrs. Adams stated she approved the \$25,000 for payment on July 25, 2022. Mr. Greenberg stated that the contract provided for the hold back amount and the rest of it should be paid. Staff will look into paying Cintron.

This item will be on the October agenda as old business.

FOURTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of July 31, 2022

The Financial Highlights Report was distributed in the meeting.

Mr. Tarr asked for an explanation of the new appearance of the “Capital outlay-aeration FCB loan pymt*-new” budget line item of \$509,296 Year to Date. Mr. Adams stated it was the 2017 Note.

Ms. Gartland asked if there is a reason the “Future aeration replacement” line item is \$19,993 instead of the \$9,000 budgeted. Mr. Adams stated the CDD expended more than budgeted, which is built on the depreciation schedule Mrs. Adams prepared a few years ago. Mrs. Adams stated that she updates the schedule every year before budget season to determine the most accurate amount possible.

In response to Ms. Gartland’s question, Mr. Tarr stated that there will be times when the CDD expends more funds than budgeted; unspent funds go into surplus funds, instead of into a reserve account.

Mr. Greenberg and Mr. Tarr discussed their dissatisfaction with the Accounting Department. Mr. Tarr felt that CDD Staff should review and catch errors before Reports are sent to the Board.

The Board agreed with Mr. Greenberg’s suggestion to not accept the Unaudited Financial Statements as of July 31, 2022 and for Staff to investigate, correct and present updated July and August Unaudited Financial Statements at the next meeting.

FIFTEENTH ORDER OF BUSINESS

Approval of May 18, 2022 Regular Meeting Minutes

Mr. Greenberg stated that he hoped everyone sent their corrections to Staff.

The following changes were made:

Line 24: Change “Kan” to “Kane”

Line 47: Change “Wheeler” to “Gartland”

On MOTION by Mr. Henry and seconded by Ms. Gartland, with all in favor, the May 18, 2022 Regular Meeting Minutes, as amended, were approved.

SIXTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Kutak Rock LLP*

There was nothing further to report.

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

There was nothing further to report.

• Information Regarding Geotube Use for Lake Bank Refurbishment

This bullet point will be removed from future agendas.

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

• NEXT MEETING DATE: October 19, 2022 at 9:00 A.M.

○ QUORUM CHECK

The next meeting is scheduled for October 19, 2022 at 9:00 a.m.

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

• **Key Activity Dates**

The August Key Activity Dates Report was included for informational purposes.

Mrs. Adams stated that the date for the Lake 13 Bank Stabilization project listed on Page 3 will be updated to reflect that the project will be scheduled for spring 2023, in conjunction with the golf course.

SEVENTEENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

Items 15, 17, 18, 19, 20, 23, 24, 26 and 27 were completed.

Items 12 and 21 will be combined, due to duplication.

Regarding Item 13: Mr. Greenberg asked what the violation was about. Mrs. Adams stated this pertained to homeowners installing sand beach areas. She recalled the decision at the last meeting was not to do anything. Mr. Henry recalled the decision was to send a letter putting the homeowner on notice but the CDD will not take any action. Mr. Greenberg recalled asking Mr. Adams to send a toned down letter. He asked for this to be added to Old Business on the next agenda.

Item 15: MCA withdrew request.

Item 16: Revised description. Mr. Henry is to be reimbursed travel expenses.

Item 25: Item withdrawn. No one could identify task.

Item 26: Partially completed.

The Board agreed with the suggestion to add a column indicating the person responsible for a task and removing it from the description area. Mr. Greenberg asked Mrs. Adams and Mr. Willis to review the list and identify the completed items prior to the meetings.

EIGHTEENTH ORDER OF BUSINESS

Old Business

A. Update: Maintenance for East “Wet Ditch” East Side of Imperial Parkway and Permit Obligations for Mediterra to Maintain

Mr. Greenberg asked Mrs. Adams to contact the County for an update.

B. Discussion: MCA-CDD Deer Population Management Program and Hunting

Mr. Greenberg asked why this item is on the agenda. Mr. Tarr recalled that the CDD received a copy of the insurance certificate from Cintron but not Sky Management. Mr. Willis stated there were two joinders, one for each.

Mr. Tarr stated, for clarification, that Cintron Landscaping never hunted the deer. As Mr. Willis stated they were listed on the MCA’s program as a participant, Mr. Greenberg asked Mr. Willis to obtain a copy of the second certification and report his findings at the next meeting. This will be added as an Action Item and be removed from “Old Business” on future agendas.

NINETEENTH ORDER OF BUSINESS

Supervisors’ Requests

Mr. Tarr asked Staff to review the agenda materials before it is sent to the Board.

Ms. Wheeler stated that she asked Mrs. Adams to provide a chart listing lake numbers and neighborhoods to avoid having to look at the map.

Mr. Henry asked if insurance renewals are on October 1st. Mrs. Adams replied affirmatively. Mr. Greenberg asked if bids are being obtained. Mr. Adams stated they monitor, receive proposals and budget accordingly. Mr. Henry asked for insurance information to be included on the next agenda.

TWENTIETH ORDER OF BUSINESS

Public Comments (3 minutes)

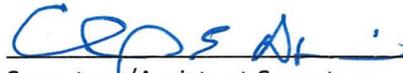
Resident Dave McGee asked if the Lake Quality Report will be on the CDD website. It was noted that it is in the agenda and already on the website.

TWENTY-FIRST ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Henry and seconded by Ms. Wheeler, with all in favor, the meeting adjourned at 11:00 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair