

**MINUTES OF MEETING
MEDITERRA
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Mediterra Community Development District held a Regular Meeting on November 16, 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	Vice Chair
Mary Wheeler (via telephone)	Assistant Secretary
John Henry	Assistant Secretary
Vicki Gartland	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
Bill Bowden	MCA General Manager

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

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

SECOND ORDER OF BUSINESS

Public Comments (3 minutes)

This item was presented following the Third Order of Business.

THIRD ORDER OF BUSINESS

Chairman's Comments

Mr. Greenberg made the following comments:

- Regarding the Nature Trail, he expressed utter disappointment with the estimates and hoped a way to do something can be figured out but he does not know if it is feasible or practical. His personal disappointment is profound.

➤ Ms. Gartland reminded him that preparation of the Board letter to constituents should commence so he asked each Board Member to email the statements they would like included; the more detail given the better. Ms. Gartland volunteered to assist. The goal is to send the letter in January instead of March.

➤ There was a gas leak at the London Bay construction site on the east side. Mr. Bowden can speak to it as it is not really the CDD's business. What was discovered was profoundly frightening. Apparently, there is a gas line in the construction that is prohibited by code.

▪ **Public Comments (3 minutes)**

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

Mr. Bill Bowden, MCA General Manager, stated until he can get a thorough report, it has been alleged that the back of the house probably did what the email said. A gas line was cut on the east side of the community adjacent to Stella Court on a London Bay job site by an excavator. Emergency Services responded, a team from the Federal Emergency Management Agency (FEMA) arrived at 8:30 a.m., yesterday and shut the gas off. Security responded and cleared the area and made sure that nobody went in or was doing anything dangerous outside. He believed the line was repaired yesterday and things returned to normal. After following up, he would advise the Board.

Mr. Tarr stated the situation did not surprise him. He discovered that his gas line is supposed to be in the 10' easement but it went straight across his property; therefore, it is not in the easement and it is not in the correct location.

Mr. Greenberg stated this should be researched further but it is not a CDD matter.

Mr. Bowden noted an area of Palmetto with a pump or a motor on Lake 56, between the Corso and the Golf Course in the preserves, that caught fire Saturday night. Community Patrol noticed it and called EMS who put it out. He discussed his concerns about overgrowth and noted Community Patrol saw another box smoking in October near Calusa Park and put it out with a fire extinguisher. Mrs. Adams stated that was Lake 30. Mr. Bowden stated it seems to be a trend rather than an anomaly and expressed his concern about how many boxes are overgrown by brush or dead tree branches. He suggested going through all these sites and clearing the combustible within a 6' to 10' range and then maintaining and monitoring them.

A Board Member asked if the motors are encased yet still caught fire in the box. Mr. Bowden replied affirmatively. A Board Member found it odd that something encased caught fire.

Discussion ensued regarding the locations of the boxes on the south side of Corso Mediterra Circle by Milan Lane and at Calusa Park and the boxes for Lakes 30 and 56, boxes in one location potentially serving two or three different lakes, utility and control boxes and which box was smoking and put out with a fire extinguisher and which had the fire.

Mr. Greenberg suggested routine inspections of the boxes. Mrs. Adams stated SOLitude's contract includes full maintenance on the boxes twice a year, in the spring and winter. Mr. Greenberg felt that trimming brush within 6' or 7' of the boxes should be added to SOLitude's obligation and that should solve the problem. Mrs. Adams agreed.

Mr. Henry asked if a malfunction caused the overheating. Mr. Greenberg replied affirmatively. Mrs. Adams stated that is not known yet; as soon as she receives the information she will share it. Mr. Adams stated the compressors run pretty hot and run 24/7 so if there is something combustible it can ignite in a hurry. Mrs. Adams noted there can be power surges, lightning strikes, etc., as well.

Mr. Greenberg wants the fire authorities to advise of what is a sufficient fire break around each box. In his opinion, SOLitude should be tasked with ensuring it is done. If it is an addition to the contract, it should be done readily. Mr. Adams stated a photograph should be taken when SOLitude completes it so the CDD has documentation. Mrs. Adams agreed.

Mr. Henry asked if there are breakers on them. Mr. Adam replied affirmatively; they are ground fault interrupter (GFI) systems. Mr. Greenberg voiced his opinion that the GFI will not kick in until it is too late. Ms. Gartland stated it will cut the power.

Mr. Tarr discussed a 1/4" aluminum cabinet with a 4' fire ball. Mrs. Adams did more research after she received the information; she thinks it is a good idea but would like more time to research. With the 4" fire balls the cost for 187 combination cabinets/compressors, would be \$18,000. Mr. Tarr stated that cost is without installation.

Discussion ensued regarding the fire-deterrent/control system suggested by Mr. Tarr for the electronics cabinets, including what the system is comprised of, how it operates, experience/success of this type of system and how the system is activated, such as is it by heat, smoke or flame.

Mr. Greenberg voiced his opinion that this is something worthwhile and asked Staff to make a formal presentation. There will be an inspection and cutting back once they determine the appropriate fire break, and will be added to the contract and having a fire suppression

system for each of the cabinets will be researched. This will be on the January agenda. But the fire break can be implemented immediately.

Mr. Tarr asked Mrs. Adams if there is an audit that suggests the boxes need this. Mrs. Adams replied no; information is received from SOLitude in their reports and SOLitude photo documents each cabinet. Mr. Tarr asked for a copy of the report.

Ms. Wheeler stated she knew nothing about these fires until yesterday and voiced her opinion that the Board should be told right away or as soon as Management finds out. She wants Mr. or Mrs. Adams or Mr. Willis to let the Board know so that the Board is not caught off guard.

Mr. Greenberg concurred with Ms. Wheeler's suggestion and noted that, prior to Mr. Tarr's email he did not know about the issue. He advised Mr. Adams that notifying the Board should be standard operating procedure.

Mr. Adams stated he was on the road all day yesterday and just heard about it last night by email and during a conversation with Mrs. Adams. He believed the other fire happened on October 20, 2022 but they were not notified of it.

Mrs. Adams stated she did not know that until Mr. Bowden told her. Mr. Bowden stated that it was texted. Mrs. Adams stated that is probably why. Mr. Adams stated that text is not the official mode of notification. Mr. Greenberg stated it is important for security patrols to email operations if they find something. Mr. Bowden was unsure why the person texted but he then emailed and Mr. Bowden followed up. Ms. Wheeler asked about cellular notification if there is a fire, such as an alarm, as two fires within a month is bad.

Mr. Greenberg did not want this blown out of proportion and noted that nobody was hurt and there was no property damage but more formalized lines of communication and responsiveness is needed.

Mr. Greenberg requested Mr. Bowden to include him in the emails if something like that happens so he can alert the rest of the Board. Ms. Willson stated Board Members must be mindful of the Sunshine Law and not respond back to any communication received from Chairman Greenberg.

The Pesky Varmints, LLC, Cane Toad Newsletter was included for informational purposes.

Mr. Greenberg stated the Toad Program is one of the CDD's most successful endeavors.

Ms. Gartland noted that the number of toads is down.

Mr. Willis stated the budget last year for this was \$22,000 and it is \$24,600 this year; there is a 5% increase on night visits but day visits are the same. Mr. Adams stated that the expense is under budget so there is room for extra services, if needed.

- **Consideration of Estimate #1882 for Cane Toad Control Cost Increase**

Mr. Tarr asked if Pesky Varmints, LLC (PV) is paid 45 days after billing. Mr. Adams replied affirmatively. Mr. Greenberg recalled Mr. Tarr's prior inquiries about this and Mr. Tarr expressed his opinion that 45 days to pay is too long, as PV is a very small business. Mr. Willis stated that PV invoices about three days after the visit and it is processed.

Discussion ensued regarding PV's invoicing, timing of check runs and the cut off dates for the check runs.

Mr. Greenberg would like the vendors to know the check run dates so they can submit invoices to be on the first run rather than the second run. Mr. Adams stated management can attempt to do that. Mr. Greenberg stated he is not necessarily interested in doing it for SOLitude but with others. Mr. Adams stated vendors can be told that it is either the first or the third week. Mrs. Adams stated vendors typically send the invoice as soon as the job is done. Mr. Greenberg questioned how long invoices sit before being paid. Mr. and Mrs. Adams and Mr. Willis concurred that it takes a day or two to process the invoices.

Mr. Greenberg pointed out that by law the CDD has 45 days to pay but felt that, as an act of good will, Management should process payments more quickly, especially for small businesses.

Regarding letting vendors know when check runs occur, Mr. Adams stated it can be included in the Agreements. Mr. Greenberg directed District Counsel to include that in future contracts.

Regarding payment processing, Mr. Adams and Mrs. Adams stated it occurs once a month usually around the utility bills because those are short grace periods. Mr. Henry asked about processing invoices twice a month. Mr. Adams stated he will look but this CDD is set up for once a month. Mr. Henry felt that it would be easier to pay invoices twice a month rather than trying to notify vendors of when check runs occur. Mr. Adams stated this has not been an

issue in the 20 years he has managed Mediterra; it has always been once a month. Mr. Henry noted the amount of time spent talking about this.

Ms. Willson asked if the Board wants the payment information in the CDD's agreements. Mr. Adams stated it should be put in with the payment terms.

Mr. Greenberg stated let the record reflect it was unanimously adopted.

On MOTION by Mr. Henry and seconded by Ms. Gartland, with all in favor, Pesky Varmints, LLC Estimate #1882, for 2023 Cane Toad Control and Cane Toad Tadpole Removal Program, in a not-to-exceed amount of \$19,650, was approved.

FIFTH ORDER OF BUSINESS

Discussion/Consideration of Dead Trees Removal Within Conservation Area

Mr. Greenberg stated this is self-explanatory. He reviewed two photos looking from the #1 tee box on 7 north with two dead trees within the preserve. He felt that the area that needs to be cleaned is also within the preserves. Mr. Tilton stated it appears that for all the trees in the preserve the dead ones are easy and can be removed anytime. The cabbage palm is a native so removal could be problematic. He will check the tree on the right side after the meeting to see what kind of tree it is and, if it is native, it will be problematic too. Mr. Greenberg asked if problematic means it can be trimmed as opposed to tagging. Mr. Tilton stated if it is alive and it is native, nothing can be done. Mr. Greenberg stated he has no problem telling The Club that the CDD can remove the two dead trees but cannot move or trim the others. Mr. Tilton stated that the only long-term solution to keep them trimmed is to take that land out of the conservation easement and find mitigation for it and create a flyway that can be maintained.

Mr. Tarr stated Florida law allows property owners to cut overhanging limbs. Mr. Tilton stated if the limbs overhang The Club's property, those limbs can be trimmed. Ms. Gartland asked if even overhanging branches from native trees can be trimmed. Mr. Tilton replied affirmatively because overhanging branches are no longer in the conservation easement. Mr. Greenberg was not sure that the limbs overhang The Club's property. Mr. Tilton stated the issue is they overhang the flyway and that is all Conservation area.

Mrs. Adams asked Mr. Tilton for the conservation number. Mr. Greenberg stated it is Conservation Area 4B. Mr. Tilton replied 4B just northeast of Lake 39. Mr. Greenberg stated it

is off Positano Lane behind the green on 6 North; the shoot from the #1 tee goes through the conservation easement. He asked if Mr. Tilton is sure that the limbs do not overhang The Club's property. Mr. Tilton stated they are trimmable if they do but it is not going to clean up the flyway; it will clean up the course, which, from his perspective, the interest should be to clean the flyway.

Mr. Greenberg stated the flyway is the area from the tee box to the fairway. Ms. Gartland asked if, from the #1 tee box, golfers hit through the conservation area. Mr. Tilton stated the rest of the tees are on the other side of the conservation easement and are not a problem.

Mr. Greenberg will advise The Club of the consensus that the CDD will remove the two dead trees and that is all that the CDD is able to do.

Discussion ensued regarding the cost to cut the two dead trees down and the two behind homeowners' homes in the preserve, SOLitude performing the work, seeking other contractors, such as Cintron Landscaping.

Ms. Gartland noted a number of trees in the conservation area that overhang into Calabria towards the building and asked if the Calabria landscaper can cut them or if they must be officially surveyed. Mr. Tilton stated if the line is known it is not necessary but it depends on how confident the community association is of knowing the location of its property line. Mr. Greenberg noted if they cut too much they will get a citation.

Discussion ensued regarding the extent of overhang and if the CDD has cut these or if the property owners should do it. Mr. Adams felt that the property owners should do it but with a lot of caution; sometimes it is worth paying for a survey. Mr. Tarr felt that property owners cutting them and throwing the debris is a problem. Mrs. Adams stated that is not allowed. Mr. Greenberg noted because that will bring the inspectors in.

SIXTH ORDER OF BUSINESS**Acceptance of Unaudited Financial Statements As of September 30, 2022**

Mr. Tarr referred to the Balance Sheet for the governmental funds showing assessments receivables of almost \$13,000 and asked why there is a receivable amount if all assessments were paid. Mr. Adams stated it appears there was a late payment that has not been deposited yet; he will find out. Mr. Greenberg asked if the total asset amount ties into the revenue

amount and asked what the \$1,083,959 ties into. Mr. Henry stated it ties into the fund balance at the bottom.

Mr. Tarr asked if the future aeration replacement fund charge is really for replacement and repairs. Mrs. Adams replied affirmatively; it is for replacement or repairs. Ms. Gartland asked if "future" will be removed and asked why does it say future. Mr. Greenberg stated since there are no sinking funds it should be the current balance. Mr. Tarr felt that the issue is how much is set aside over the years for the replacement but it goes into surplus. Mr. Greenberg stated it goes into surplus because the CDD does not do reserves the same way as the HOA.

Mr. Greenberg asked if the install costs on the chart reflect the original installation including product and labor. Mrs. Adams replied affirmatively. Mr. Greenberg asked for the cost per cabinet. Mrs. Adams stated the compressor is the one that is \$1,000. Mr. Greenberg referred to Lake #12b with one cabinet with a \$14,000 total cost to install and asked what the \$1,000 is. Mr. Greenberg stated there are \$2,000 amounts in the last two columns and is trying to understand what the amounts are for and how it relates. Mrs. Adams stated for Lake 12 the total installation for everything was \$14,860, including one cabinet; replacement cost of the cabinet is \$1,000. Mr. Greenberg asked if that includes the components inside the cabinet or just the case. Mrs. Adams stated it is the whole thing; the cabinet and the compressor are two different things so the focus is on just the cabinets. Mr. Adams stated the total installation cost is essentially irrelevant because it does not include running the electrical line the first time, which will not occur again. When you look to the right the calculation is the number of cabinets times the cost per cabinet, which is the whole assembly, with the aerator. It is a disconnect of a couple of things; a new box is \$1,000. Mr. Tarr asked if the cost to replace one box is \$1,000. Mrs. Adams replied affirmatively; it is the cost to replace one cabinet. Mr. Adams stated that was the cost back in 2017 but it has changed to date. Mrs. Adams stated as repairs were made, she used those numbers to update if it was a compressor or cabinet; the compressor is not visible on this spreadsheet because the spreadsheet does not fit the paper.

Mr. Tarr did not understand how a 10-year lifespan was projected but some units are quickly going over 10 years and the other schedule shows the diffusers with a six-year lifespan. Mr. Greenberg felt that the way to handle it in the budget process is for Staff to look at the capital items at the end of their useful life and insert a budget amount. Mrs. Adams stated that is how it is currently being implemented. Mr. Adams stated just add in an escalator.

Discussion ensued regarding the replacement amounts related to the fires. Regarding budgeting, Mr. Adams stated in some years the budget is larger than what is expended and the hope is that the expenses even out over time; this is just an average.

Mrs. Adams stated that when all the installs were completed in 2017, she and Mr. Nott created a spread sheet for a 10 year forecast and every year they take the number from the dates and move them up and determine the needs for the upcoming fiscal year budget and insert that amount; however, there will always be unbudgeted expenses.

Mr. Greenberg asked for an example over the last five years of what was budgeted, what the actuals were and the variance. Mr. Henry asked if, based on what is being described and using that methodology, that means the budget will be very high in 2027. Mrs. Adams stated that is a possibility. Mr. Greenberg stated which is why it is necessary to build up unassigned fund balance. Mr. Henry asked if there is anything prohibiting having a reserve, such as taking the useful life and expensing each year an amount that goes into the reserve based on useful life. Mrs. Adams stated that is the unassigned fund balance; the CDD does not have reserves. Mr. Henry acknowledged that it goes into the unassigned and asked if that is done specifically. Mrs. Adams stated expenses will be less than budget in some years. Mr. Henry stated his point is that it goes into the "unallocated" each year so that when it is actually expensed, it can be taken out of the unallocated. Mrs. Adams stated that is already how it is done.

Mr. Greenberg asked where the variance has been. Mr. Tarr voiced his opinion that the variance will be large because expenses will be high in 2027. Mr. Adams stated, theoretically, the CDD will face replacing them in 2027, which will likely be \$400,000.

Discussion ensued regarding cabinet, box and components terminology.

Mrs. Adams stated that a cabinet is a cabinet and the compressor is a compressor, they are different. Mr. Adams suggested calling it a full aerator assembly. Mrs. Adams preferred to call it a cabinet and noted that she is the one that deals with the aerators. She noted that boxes were upgraded in 2017 but some were not.

Mr. Tarr asked what is being updated on this statement for inflation. Mrs. Adams stated she inserts the numbers she receives from the contractor. Mr. Tarr asked if it is now \$1,000 to replace them or if the amount changed. Mrs. Adams stated this is for the last update to the 2023 budget. Mr. Adams noted that it does not have the CPI added. Mr. Greenberg stated the compressor is \$1,000. Mrs. Adams stated when she did this it was \$1,000. Mrs. Adams stated

she updates this spread sheet every year during budget season so she can provide the numbers for the upcoming budget. Mr. Greenberg asked if the cost for the two boxes that burned is \$2,000. Mrs. Adams stated she does not know; as she had not yet received the work orders to have them replaced. Mr. Greenberg asked if inflation is 10% and if it is reasonable to believe it is only going to be about \$1,100. Mrs. Adams replied maybe.

Ms. Gartland asked if what they are discussing is a box, which is the cabinet that has components inside. Mrs. Adams stated the panel has the electrical and there are compressors. Ms. Gartland asked if this explains the cost of replacing just the cabinet, which is like a shelf. Mrs. Adams replied affirmatively. Mr. Greenberg surmised that it is the cost for everything but the compressors. Ms. Gartland recalled discussion about “future” and asked if it will no longer be called future and will just be aeration replacement. Mrs. Adams stated everything in that line item, including any type of repairs, is in that line item. Ms. Gartland asked for the best guess with regard to the number of old cabinets and units including the whole thing and the compressor.

Mr. Tarr asked for the Fiscal Year 2023 amount. Mrs. Adams stated “future” should be removed. Mr. Greenberg stated it will be titled “Aeration systems repair and replacements”. Mr. Tarr noted that the Board did not have this for the Fiscal Year 2023 budget and suggested providing it going forward. He asked for the amount for 2023. Ms. Gartland asked if “10-year life” also includes the compressor. Mrs. Adams replied no, the average lifespan for the compressors is six years, as well as the diffusers. Mr. Adams stated the amount is \$15,000 for Fiscal Year 2023.

Mr. Greenberg asked Mrs. Adams to email the aeration system budget amounts versus actuals for the last five years to the Board. Mr. Henry felt that this is not that big of an expense item and surmised that, if the cabinets are stainless steel and do not have to be replaced, it is really the interior that has to be replaced, which costs about \$1,000. Mr. Greenberg pointed out that this extensive discussion is about 1% of the total budget. Mrs. Adams stated the cabinets age to the elements and this is prior to 2017; the new cabinets will last a lot longer. Mr. Greenberg asked how many are new and how many are old. Mr. Henry estimated that, if all went out at the same time, not including the cabinets, the expense would be approximately \$60,000. Mrs. Adams stated, in 2017, the new installs were over \$450,000; day-to-day it is always something with the compressors or diffusers.

Mr. Tarr asked how the Special assessment on-roll revenues amount on Page 3 can be less than the budget. Mr. Greenberg asked why it is only 97. Mr. Tarr believed that the only way this can happen is if somebody defaults and does not make a payment. Mr. Adams stated tax bills must be paid in full so it just does not make sense; he will research it.

Mr. Tarr suggested not accepting the unaudited financials. Mr. Adams stated Board "acceptance" is not really necessary.

Mr. Tarr referred to Page 2 where revenues are above 100% and asked why it doesn't say 101%. Mr. Greenberg stated it could be rounded. Mr. Adams stated it is rounded. Mr. Tarr asked if it rounds down. Mr. Adams stated less than a .5 rounds down and over .5 rounds up. Mr. Tarr disagreed with Mr. Adams' explanation as he calculated 1.3%. Mr. Greenberg noted that the CDD had a clean audit.

Regarding the aerator repair and replacement amount, Mr. Adams stated that, since the Fiscal Year 2019 budget, when this started, \$85,740 has been budgeted. The total spent has been \$57,052 so this has worked in the positive.

Ms. Gartland asked why legal advertising was so high. Mr. Adams stated it was due to the refunding that necessitated additional advertising.

Mr. Greenberg reminded the Board that the CDD has clean audits every year and that, which some questions are helpful, nit picking is not.

SEVENTH ORDER OF BUSINESS**Approval of October 19, 2022 Regular Meeting Minutes**

Mr. Greenberg hoped everyone sent their comments, questions and corrections to Mrs. Adams in advance but, if not, it is appropriate to raise them now.

Ms. Gartland noted a statement in the draft minutes about probably not refinancing the 2013 bonds was removed because of the way it was written and voiced her opinion that it should be inserted back into the minutes, as she believes it is an important point.

The following change was made:

Line 47: Insert "Given the sharp rise in interest rates, we should not refinance the 2013 bonds."

Mr. Adams will incorporate some other edits, none of which are material to the content.

On MOTION by Mr. Tarr and seconded by Ms. Gartland, with all in favor, the October 19, 2022 Public Hearing and Regular Meeting Minutes, as amended, were approved.

EIGHTH ORDER OF BUSINESS**Staff Reports****A. District Counsel: *Kutak Rock LLP***

There was no report.

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

Mr. Tilton stated a map of the Nature Trail was distributed and reported the following:

- As the costs came in quite high, the Board might want to reconsider and consider a long-term plan to build it in phases, scrap the project it or give more guidance on how many months of the year the Board wants it operational.
- Regarding the draft map, the solid portion of the line is where the mulch is currently proposed and the hollow is where the boardwalk will be proposed.

Mr. Henry asked about less expensive alternatives to a wooden boardwalk. Mr. Tilton stated that might be an option for some areas; he can research it and give it some consideration. Regarding permitting, the CDD would have literally build a plastic, steel or aluminum wall on each side and fill the interior and there would be no more mitigation than if a boardwalk is built or a multi-trail. Even if it does not make sense, all the mitigation is exactly the same. Other options can be researched, but, since there will be hand rails that is not an issue.

Mr. Greenberg asked about eliminating the boardwalk except where it is impossible to do so. Mr. Tilton stated he has not totally looked at the water levels yet but it can be researched; it depends on dry and wet areas.

Mr. Greenberg noted that 80% of the community is away from mid to late-May to mid to late-August. He prefers to complete this project with a cost that is palatable and would not oppose closing the trail for the wet months. He felt that building it in a cost-effective manner and using the other variables that the CDD can control, such as a sea wall and closing in certain months is what should drive this budget, if the Board wants to get it done. The other option is to scrap the project. Per Mr. Tilton, the CDD can get a five-year permit and extend it. Another option is to have all the plans done and let a future Board grapple with it but that is not his first

choice. Mr. Greenberg stressed his commitment to this project and noted his shock at the cost. He asked Mr. Tilton to research other options.

Mr. Tarr asked about building a trail from the play park to the gazebo and seeing how many people use it. Mr. Tilton stated that is an option that came up earlier. Ms. Gartland stated she asked Mr. Tilton if it is possible to do the first section and he said it would probably necessitate extending the permit and, while not necessarily saying it will be constructed in phases the permit can be extended so exploration work can proceed if the Board wants to continue.

Mr. Greenberg asked if all the mitigation must be paid at once. Mr. Tilton believed so, if the whole thing is approved and it is not stated that it will be in phases; however, if the CDD says it will be done in phases, the mitigation might be able to be split. Ms. Gartland asked if the CDD will have to pay more if it phases the project. Mr. Tilton replied no.

Mr. Greenberg thought that the CDD might have to discuss the plan and phasing the project with the Water District at the onset because, if the Water District says the CDD must pay the entire mitigation now, that is a different conversation.

Mr. Tarr asked if this permit can be rolled over under emergency declaration. Mr. Tilton stated that is the primary way the CDD would extend it, just like for Pond 17. Mr. Tarr noted another Emergency Declaration because of the hurricane. Mr. Tilton stated overlap is no longer allowed and, while there was one from Hurricane Ian, they were so close together so there might be some overlap; he must find out how much the CDD can get from each one. They used to allow overlap but now they do not; however, he will ask for an extension.

Mr. Henry asked if the mitigation cost can be negotiated. Mr. Tilton stated the mitigation is based on going to mitigation and that is the going rate of the month; there is not a lot to negotiate. The assumption is impacting 12' wide due to construction issues and things so even though the path is 8'; 8' will be asked for in the application. They might tell the CDD that it will disturb some areas outside that and the \$750,000 round number assumes 12' wide but, if they agree to 8', it will take off \$250,000; that is probably the only negotiation possible.

Mr. Greenberg thought that Ms. Gartland has possibly the best idea to salvage this project, which is to look at the savings. He suggested pricing it just to the first circular walk out to the "T". Mr. Tilton stated that the circular part was a gazebo and the "T" is like walking in a viewing area but there is no cover. Mr. Greenberg was unsure about having a gazebo. Mr.

Tilton stated none of it is required; just benches and other things can be put in; it will not affect the permit.

Mr. Henry expressed concern about adverse reaction from property owners if the CDD funds this project as he does not think the average property owner thinks of the CDD providing recreational things; in his opinion, they think raising taxes is the worst thing. He thought the reaction would be different if this were the MCA or The Club, as property owners look to them for these recreational things. He felt that the \$5 million cost is a big burden on the tax payers.

Mr. Tarr stated that is why he suggested doing parts and seeing how the community reacts. Mr. Henry voiced his opinion that it is “almost wrong” to push this. Mr. Greenberg felt that the project is a benefit.

Mr. Tarr asked for an estimate of the cost for the very short first phase, which he thought might be close to \$500,000, without mitigation fees. Mr. Tilton discussed a few options. Mr. Tarr felt that the best test is building it and seeing how residents respond. Ms. Gartland stated if residents really like it, she will not feel so bad about the CDD incurring the cost.

Mr. Henry asked about the probable cost of an abbreviated trail. Mr. Greenberg wants to know the cost to construct a trail to the gazebo and to the “T”. Mr. Tilton stated he will provide the costs for both of those. Mr. Henry asked if it will likely cost around \$1 million. Mr. Tilton stated if it goes to the “T” it is probably at that price range and probably \$300,000 or \$400,00 to the gazebo.

Mr. Henry expressed his concerns about increasing assessments at the same time. The Club is raising fees and the MCA, from what he heard, is passing an astronomical increase.

The Board agreed with Mr. Greenberg’s suggestion to task Mr. Tilton with eliminating one of the entrances and pricing the boardwalk plan to the “T” and to the gazebo, shortening the area and removing the “L” on the left. Mr. Greenberg reassured Mr. Henry that he is mindful of the cost issue with all the other increases and inflation but he is driven by the belief that this will add tremendous value to Mediterra.

Mr. Tarr felt that younger residents will value it and noted that young working families are moving in.

Mr. Tilton will obtain pricing for the two options with the same format. He will try to get an answer about phasing the mitigation costs if the project is phased. The mitigation costs will be obtained and sent to Mr. Adams to distribute. Mr. Greenberg felt that the way to budget

would be building to a specified location, with mitigation, and then another budget with mitigation to the rest.

Discussion ensued regarding the condition of the various areas and whether a gazebo is necessary.

Mr. Tilton was directed to invite a Biologist to the next meeting.

Mr. Willis read a proclamation issued to Mr. Tilton from the State of Florida Department of Professional Regulations recognizing his outstanding achievements and successful projects throughout 40 years of service as a Professional Engineer in the State of Florida. Mr. Willis will email it for inclusion in the newsletter.

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

- **NEXT MEETING DATE: December 7, 2022 at 9:00 A.M.**
 - **QUORUM CHECK**

The December 7, 2022 meeting was cancelled. The next meeting is scheduled for January 18, 2023.

Mr. Tarr asked Mr. Tilton for the status of the Imperial Basin Study for which Collier County hired his firm. Mr. Tilton stated it is in progress but he does not have any details; he will send the publicly available information to the Board.

Mr. Tarr asked if anything further was heard from the County about maintenance of the Imperial ditch. Mrs. Adams and Mr. Tilton replied no.

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

- **Key Activity Dates**

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

Mrs. Adams stated that MRI will perform the lake bank repairs on Lake 6 on December 15, 2022. Mr. Tilton is following up on this to make sure work can proceed and the project can be completed. Mr. Tilton stated he is researching with the County if the vertical wall was permitted; if not, he must submit for a Limited Development Order (LDO).

Mr. Adams stated that the Qualified Public Depositor Annual Report to the CFO was filed and the Annual District filing fee was paid.

Mr. Tarr stated that landscapers will not violate the control levels to remove dead leaves and asked if SOLitude does this. Mrs. Adams stated SOLitude's responsibility is from the lake bank into the lake. Mr. Tarr will email Mrs. Adams to have them remove it.

Mr. Greenberg directed Mrs. Adams to ask London Bay to remove construction debris at Lakes 71 and 72, on the side of control structures 258 and 257.

Mr. Tarr voiced his concerns about the irrigation water and RCS wells causing stains. Mr. Tilton discussed the cause.

- **Stormwater Ponds and Approximate Locations**

Mr. Tarr asked if Mr. Bowden sent the updated drainage map so the GIS map can be updated. Mr. Bowden stated he sent it.

NINTH ORDER OF BUSINESS

Action/Agenda or Completed Items

This item was presented following the Tenth Order of Business.

TENTH ORDER OF BUSINESS

Old Business

There was no Old Business.

ELEVENTH ORDER OF BUSINESS

Supervisors' Requests

Ms. Gartland stated she saw an alligator in Lake 63 and heard reports of alligators in Lakes 11 and 4. Mrs. Adams stated that residents should report alligators immediately to the gator hotline. Mr. Greenberg stated alligators on the golf course are the golf course's problem. Mr. Willis will provide the Florida Fish and Wildlife Conservation Commission (FWC) phone number. Mr. Greenberg stated the MCA and The Club should remind users to notify the Pro Shop; he will include the information in the annual letter.

Ms. Willson stated she will provide language about the stormwater ponds for the newsletter. It is up to FWC to determine when alligators should be removed. Ms. Wheeler asked if that relieves the CDD from liability. Ms. Willson stated the CDD is never fully relieved of liability but it mitigates liability. Mr. Henry asked if the CDD warned against driving by the lake banks. Ms. Willson stated these are operated as storm water ponds and there potential for dangerous wildlife, so caution utilizing them as a recreational facility is urged. The FWC should be advised of alligators or other potentially dangerous wildlife. Mr. Tarr noted the same for the walking trail. Mr. Greenberg stated there is an assumption of liability, which the sign states.

Ms. Gartland noticed a lot of palm fronds down due of Hurricane Ian and asked about removal. She recalled the original plan to spread it out every three years and asked if work

should start sooner. Mr. Greenberg asked for an assessment of the conditions and for this to be on the next agenda.

▪ **Action/Agenda or Completed Items**

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

Mr. Tarr referred to Action 7 and 11 that are still pending. Mr. Adams will provide an update on Item 7 at the next meeting and email Mr. Tarr about Item 15.

Items 13, 15, 16, 17, 18, 20, 21 and 22 were completed.

Regarding Item 17, Ms. Willson provided the following statement:

“Ms. Willson has reviewed the golf cart path easement which states District shall not do anything that unreasonably interferes with the lawful reasonable use of the golf cart path for its intended purposes but this provision shall not impair District’s right and ability to otherwise use the easement area in accordance with the Grantor’s legal authority. Therefore, to the extent construction of the trail facilities interferes with the use of the golf cart path, construction should be coordinated with The Club in advance.”

Mr. Tarr asked if incumbent Supervisors should be sworn in. Mr. Adams stated the certification periods ends next Tuesday so the Oath of Office will be administered at the next meeting or, in the interim, those Supervisors can have a Notary swear them in.

TWELFTH ORDER OF BUSINESS

Public Comments (3 minutes)

There were no public comments.

THIRTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Gartland and seconded by Mr. Henry, with all in favor, the meeting adjourned at 10:56 a.m.



Secretary/Assistant Secretary



Chair/Vice Chair