

**MINUTES OF MEETING  
MEDITERRA  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Mediterra Community Development District held a Regular Meeting on January 18, 2023 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	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
Eric Carnell	SOLitude Lake Management (SOLitude)
Mason Maher	SOLitude

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 9:02 a.m. The Oath of Office was administered to Supervisors Wheeler and Tarr before the meeting. All Supervisors were present.

**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:

- Ms. Gartland and Mr. Henry were commended for their assistance in developing a process for preparing the Board letter to constituents.
- While the Sixth Order of Business addresses the November fire, a serious aerator control box problem might exist. Another issue occurred in December behind Savona so the discussion might need to be expanded to address a long-term solution.
- Golfers familiar with 11 South know a problem exists with the lake bank on #55 where the wall was installed. There was a failed attempt to negotiate a maintenance Licensing Agreement with the MCA for that area if the CDD granted an easement to the MCA. He viewed the lake bank and asked Staff to view it, as he thinks the slope might create an erosion issue.

Mr. Greenberg circulated photos taken by Mr. Willis and stated he thinks that this issue needs to be addressed.

Discussion ensued regarding the location of Lake #55 and photographs of the area.

Mr. Tarr asked if The Club is working in the area. Ms. Gartland stated The Club is working at the other end of the lake.

**FOURTH ORDER OF BUSINESS**

**Administration of Oath of Office to Newly Elected Supervisors, Mary Wheeler [SEAT 1] and Kenneth Tarr [SEAT 2] *(the following to be provided in a separate package)***

As incumbents, Supervisors Wheeler and Tarr were familiar with the following:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
  - I. Form 1: Statement of Financial Interests**
  - II. Form 1X: Amendment to Form 1, Statement of Financial Interests**
  - III. Form 1F: Final Statement of Financial Interests**
- D. Form 8B – Memorandum of Voting Conflict**

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-01, Designating Certain Officers of the District, and Providing for an Effective Date**

Mr. Adams presented Resolution 2023-01. Mr. Henry nominated the following:

Chair	Robert Greenberg
Vice Chair	Kenneth Tarr
Secretary	Chuck Adams
Assistant Secretary	Mary Wheeler
Assistant Secretary	Victoria Gartland
Assistant Secretary	John Henry
Assistant Secretary	Craig Wrathell

No other nominations were made. Prior appointments by the Board for Treasurer and Assistant Treasurer remain unaffected by this Resolution.

Discussion ensued regarding why Mr. Wrathell is an Assistant Secretary, the Treasurer and Jeffrey Pinder to Assistant Treasurer positions.

**On MOTION by Mr. Henry and seconded by Ms. Gartland, with all in favor, Resolution 2023-01, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Discussion/Update: North Collier Fire Department Regarding Aeration Equipment Incident from Saturday, November 12, 2022**

**A. Preserve Fire Reduction Program**

Mr. Greenberg thought, in addition to the November 12, 2022 incident, there was an issue in December behind Savona. Ms. Gartland asked if there was an incident in January. Mr. Greenberg replied affirmatively. He received an email chain from Mr. Tarr describing an issue behind Savona on December 27, 2022. Mrs. Adams believed the December issue in Savona was on Lake 4 or Lake 1. Mr. Henry stated one incident was recent. Mr. Greenberg stated the issue on Lake 30 between Bellezza and Ravello was reported January 16, 2023. Mr. Henry asked if it was an actual fire. Mr. Greenberg replied affirmatively. Mrs. Adams stated, according to the

email, that incident involved the same site but a different box. Mr. Greenberg believed it was a different box. He had circulated photos of the two boxes that burned.

Discussion of the incident dates and locations, total number of incidents reported, types of fire incidents.

Ms. Gartland felt that there is a major issue and better oversight is needed. Mr. Greenberg agreed. In his opinion, since they have a good idea of which boxes are affected the dates are not as important and a long-term solution should be considered. He is unsure how useful determining the cause of the fires will be. Mrs. Adams stated that North Collier Fire Department's report indicated no known cause. Mr. Henry asked if overheating can trigger a fire and voiced his opinion that the cause should be determined.

Mr. Eric Carnell, of SOLitude, stated that, per the manufacturer, a Ground Fault Circuit Interrupter (GFCI) breaker should be installed. When an incident occurs within this type of box, it will not trip a regular breaker so it does not interrupt the current and that can lead to buildup and lead to a fire. Asked if replacing the breakers will address the issue, Mr. Carnell stated it should prevent future fires. Mrs. Adams stated she requested a quote for that work.

Mr. Tarr asked what is causing the fire and what is burning, Mr. Carnell stated the compressors are overheating and the circuit is not shutting them off and everything is burning.

Mr. Tarr asked about the capacitors. Mr. Carnell stated they can pop all the time, which is not specific to this brand; it is true for anything, including fountains. He has never known them to ignite and cause a sustainable fire but he has seen them burst, rupture or blow a door off. Mr. Tarr asked if testing includes taking them off and running the two tests. Mr. Carnell stated they are disconnected from the compressor and checked for viability with a multimeter and also visually inspected; capacitance and voltage tests were done.

In response to Mr. Henry's question, Mr. Carnell stated breakers are replaced as needed. Regarding how many capacitors were replaced, Mr. Carnell stated he can review the records; he estimated six to twelve are replaced during bi-annual maintenance. Mr. Tarr noted that capacitors are filled with oil and of the thousands of manufacturers, some are of higher quality than others. He is concerned about quality control and wondered if the units had bad capacitors. Asked if the motor is catching fire and if the oil is igniting, Mr. Carnell theorized that

oil might create a spark in the electrical outlet first and then gain enough heat to burn stainless steel and it is difficult to determine if the oil is igniting as the units are usually a complete loss. Asked if it is a flammable liquid fire, Mr. Carnell stated that is not his suspicion.

Mr. Greenberg asked if installing GFCIs will stop these incidents and if that is his recommendation. Mr. Carnell replied affirmatively. Since the solution was implemented at several other properties there have been no recurrences.

Ms. Wheeler recalled asking in October why the breaker did not prevent the fire. She thought Mrs. Adams indicated that the fire started before the breaker could trip. Asked if replacing the breakers will prevent fires, Mr. Carnell stated GFCI breakers are a different type of breaker and are much more sensitive to heat and shorts. Mr. Henry stated traditional breakers trip when there is too much current through a line. He asked if GFCI breakers are sensitive to heat. Mr. Carnell stated they will not be in the box; there is usually a control breaker panel that is offset so heat should not be a factor. Mr. Tarr asked if the breakers trip with a ground fault. Mr. Carnell replied affirmatively. Mr. Henry noted thermostats often trip an electrical appliance before it overheats and asked if that could work, as heat in the box is the first signal of a potential fire. Mr. Carnell stated the current generally trips the breaker first; the heat built up because the breaker is not tripping when it is supposed to.

Mrs. Adams stated she requested a quote for circuit breakers. Mr. Carnell stated the cost is variable and ranges from \$130 to \$170. Mrs. Adams stated there are 52 boxes. Mr. Carnell thought the quote includes 35 GFCIs, as many run on a single breaker. Mr. Tarr asked if that includes installation. Mr. Carnell stated labor is listed separately in the quote.

Mrs. Wheeler asked why we have not had fires in the past? Mr. Carnell does not know why the CDD did not have these fires in the past. Mrs. Adams stated she has not encountered this in any of her many CDDs. Asked if the fires are due to the age of the units, Mr. Carnell thought not. Although they started right after the storm, he cannot associate the fires with a storm, except they might be due to added moisture. Ms. Gartland noted it did not happen after Hurricane Irma. Mr. Willis stated the CDD did not have as much flooding after Hurricane Irma. Mrs. Adams stated the CDD did not have any flooding from Hurricane Ian.

Mr. Tarr noted two types of pumps and voltages on the schedule and asked if the fires are uniform for both types of pumps and volts. Mr. Carnell will verify but believes all the fires were on the 220-volt cabinets.

Mrs. Adams stated the quote is \$6,350 for the entire job. Mr. Carnell stated he can begin the project right away; procuring the units might take two weeks.

**On MOTION by Ms. Gartland and seconded by Mr. Henry, with all in favor, installation of GFCI breakers on all aeration condensers, in a not-to-exceed amount of \$7,500, was approved.**

Mr. Henry asked about clearing the foliage around the units. Mrs. Adams stated a quote is pending. Mr. Henry asked how often will the units be checked. Mrs. Adams stated they will be checked every six months, when the crew makes its rounds, which should be adequate.

**B. Elide Fire USA - Extinguishing Ball**

Mr. Greenberg asked if fire balls should be considered now. Mrs. Adams stated she has no experience with them and did not find anyone with experience or additional information. The quote is \$95 each. Mr. Tarr asked if they are dropped in or if they must be on a rack. Mrs. Adams thought they are stored on a rack. Mr. Willis did not think the rack is needed.

Mr. Greenberg suggested trying GFCI breakers first and considering additional solutions in stages.

Mr. Tarr thought Mrs. Adams was unable to find anything about extinguishing balls because it is a newly patented product and has not received certification to replace hand-held fire extinguishers. Mrs. Adams noted the product is manufactured outside the US.

Mr. Greenberg stated the consensus is to focus primarily on the GFCIs and the 220s.

Mr. Tarr noted that some boxes are adjacent to preserves and others are on lake banks and have less preserve exposure. He asked how many are in the preserves because an estimate to cut foliage around the boxes will be needed. As the preserve locations are not in the bi-annual review, Mrs. Adams needs to know which boxes are in the preserves.

Mr. Tarr voiced his opinion that fire balls can add an extra layer of protection at high-risk locations. Mr. Greenberg agreed but, in his opinion, the CDD does not have enough information

about whether they work. He noted that none of the fires got out of the box. In Mr. Henry's opinion, the fire balls are inexpensive, 55 at \$100 each would cost \$5,500.

Mr. Willis noted that starting with the GFCIs will help determine the cause of the fires.

Mr. Henry felt that it is not an either/or situation; when the fire starts, the fire ball extinguishes it. It is an additional precaution so, in his opinion, at a cost of \$2,000 to \$3,000, it is an easy decision for high-risk areas. Ms. Wheeler suggested putting them in the boxes near the preserve. Ms. Gartland thought it is worth calculating the number of boxes in high-risk areas and suggested exploring more to determine the extent of the issue. In Mr. Tarr's opinion, it is better to install and never use them than to not install them and have another fire. Mr. Henry felt that it is worth the expense if even it prevents one fire. Ms. Gartland agreed. Mr. Tarr felt that they should be installed in high-risk areas. Mr. Greenberg stated the high-risk areas need to be identified. Mr. Tarr suggested authorizing the project to proceed.

Mr. Carnell stated, upon inspection after the fires, it appeared that landscapers installed a lot of pine straw mulch against the compressors. Mr. Greenberg asked why the landscapers were on CDD property. Mrs. Adams stated to landscape the easement areas.

Mr. Greenberg stated he is not aware of any boxes on the golf course near the preserve. Mrs. Adams stated the location of each of the boxes must be determined.

Mr. Greenberg stated it will be necessary to ask the MCA to send a communication.

Mrs. Adams stated, with authorization, Staff will procure extinguishing balls only for the boxes in preserve areas.

Mr. Tarr suggested a motion was needed to install them in the preserves; he asked if the cost is \$100 each. Mr. Greenberg stated that does not include the rack or installation. Mr. Carnell stated he needs to know if the rack is necessary and noted some areas might lack adequate space. Mr. Adams felt that an inventory and more research are needed. Mrs. Adams stated the 4" ball comes with a standard bracket for \$95 each.

Mr. Greenberg directed Staff to identify the high-risk areas and have the units installed. He asked what areas are high risk. Mr. Adams stated areas near a preserve or natural vegetation. Mr. Greenberg asked if the thought is within 20' of a preserve. Mrs. Adams stated every box adjacent to or in a conservation area will likely need to be cut back too.

Mr. Henry felt that, if a fire is extinguished in even one box, installation should expand to every box.

Mr. Adams asked if the fire balls have a shelf life. Mrs. Adams stated they have a five-year warranty. Mr. Greenberg stated, when the cost is identified, it will need to be included in the schedule and on the Key Activities. He did not believe the cost will be high enough to require advertising. He wants to know if it is a 115 or 220 voltage issue.

## **SEVENTH ORDER OF BUSINESS**

### **Update: Hurricane Cleanup Assessment**

Mr. Willis stated he inspected approximately 25 lakes yesterday and did not see anything he considers out of the ordinary or any buildup of materials in the lakes; they all looked very good. He thinks the Canna Lilies need to be trimmed. Mrs. Adams asked if he noted which lakes need to have the Canna Lily cutback. Mr. Willis replied affirmatively.

Mr. Greenberg received complaints about spikerush. Mr. Adams stated Staff will inventory those. Mr. Greenberg stated it is beyond 10' to 15' in some lakes.

Ms. Gartland recalled raising the issue of the Preserve Fire Reduction Program at the last meeting but thinks it was categorized with something else. She is concerned about debris and dead palm fronds in the preserve due to the hurricane. She thought the area was going to be inspected. In her opinion the number of debris impacts how soon the CDD should repeat the cleanup process. She recalled the three-year process was pushed and expressed concern that if they wait two more years and do another cleaning phased over three years, some areas will not be touched for many years. She suggested reconsidering the timing. Mr. Greenberg suggested rephrasing it with the worst areas first; however, it would require moving around and increase the cost. He recommended a formal assessment.

Mr. Tilton stated the Board should consider the financial aspect, in that there are no restrictions on removing the debris. If there is a consensus that more needs to be removed, he can provide an assessment of how much there is relative to how much was there before. He felt that it comes down to whether knowing there is half as much will give comfort that they do not want to do anything or that they want to do something.

Mr. Greenberg asked about the major fire fuel source. Mr. Tilton stated palm fronds burn very quickly but do not burn very long. Treetops with more volume keep burning once they catch fire. Mr. Greenberg felt that suggests the need for a professional assessment to address Ms. Gartland's concern. Mr. Tilton will have the areas inspected. Ms. Gartland stated, based on the inspection, it will determine a three-year or a one-year schedule.

Mr. Greenberg stated this item will be included on the next agenda.

**EIGHTH ORDER OF BUSINESS****Continued Discussion: Nature Trail and Board Walk**

Referring to a PowerPoint, Mr. Tilton stated the focus was on the north end of the trail, as requested, and looked at the wet season water table. Mr. Henry asked about other options aside from a boardwalk. Mr. Tilton stated there are several options; some are less expensive and some are more expensive but he did not spend much time on the more expensive options.

Mr. Tilton displayed a map depicting the wet season water table, slides showing locations and the average daily rainfall in Bonita Springs for a 30-year period. The team is trying to determine how high to build it to keep it dry and how high to build if the intent is to not keep it dry all the time. Other than with a major storm, it will be dry year-round if built at 13'. Ms. Wheeler asked for the current land elevation and if that means it must be built up to 13'. Mr. Tilton stated no, the ground elevation is 10' to 13'. Mr. Greenberg asked for the elevation of the outfalls. Mr. Tilton stated they are 11' to 11'5".

Mr. Henry asked if the zero to three buildup is an average. Mr. Tilton replied affirmatively.

Mr. Tarr asked why NGVD is used and not NAVD. Mr. Tilton stated most of this community was developed at a time when they used NGVD but it is easy to convert, which is why NGVD was kept. It is about a 1.2' or 1.3' differential. Mr. Tarr noted that the County and others now have NAVD. Mr. Tilton stated that is correct for new maps, so the Federal Emergency Management Agency (FEMA) maps are in NAVD. If you took these numbers and instead of saying 13' NGVD, it would be about 11'7" to 11'8" NAVD. Mr. Greenberg asked if it

has any practical impact when applying for permits or in building. Mr. Tilton replied no. Mr. Tarr stated he just wanted to understand why Mr. Tilton was using this standard.

Ms. Gartland asked if it needs to be 0' to 3' if something must be built. Mr. Tilton replied affirmatively; 13' is a safe harbor such that it would stay dry year-round, other than possibly during a major storm. At 12'5" there would likely be a couple of inches of water on the trail for 20 to 30 days and, if that is okay, it could save money.

Regarding alternatives, Mr. Tilton stated he looked at a seawall and 8' wide concrete slab but it would be more expensive. Having a boardwalk where the ground is less than 12'5" or 13', which is most of it, and a mulch path option were researched. Even with the mulch path option, having the two viewing areas on a boardwalk is suggested. Regarding the options, Mr. Tilton stated the boardwalk on the left is too narrow and the one on the right is more reflective of the width but it might still be a little bit narrow. Mr. Henry noted the one on the left does not have railings. Mr. Tilton stated it does not. Mr. Greenberg asked about safety. Mr. Tilton stated it has a low rail for wheelchairs so they will not roll off; there is a code regarding height but that boardwalk does not exceed that height.

Mr. Greenberg asked about the cost difference. Mr. Tilton estimated that the cost would be \$25 per lineal foot for less railing; \$600 per foot for the whole thing, so it is not a big difference. His preference is the picture on the right because of potential accidents and the goal of keeping people on the boardwalk. He is not promoting the option on the left, as it is too narrow to meet the Americans with Disability Act (ADA) requirements for passing wheelchairs.

Discussion ensued regarding potential fire hazards along the trail area.

Mr. Henry asked if maintenance costs and future repairs are being considered. Mr. Tilton stated boardwalks have higher maintenance costs because the rails can break. Regarding useful life of a boardwalk, Mr. Tilton estimated that the top rail might last five to ten years and the decking might last ten to 20 years. Mr. Greenberg stated The Club replaces the rails on the wooden pathways and the boardwalk that crosses the preserves about every five to six years.

Mr. Tarr asked if the CDD is prevented from using synthetic wood. Mr. Tilton stated there is no exclusion against synthetic, pressure treated pine or versus a foreign wood, such as teak. Teak has a significantly greater lifespan but the cost would be about three times as much.

Pressure treated pine is the least expensive, at least for the initial construction cost. A decision could be made in the future to replace the railing, for example, with a synthetic that might last ten years. Some foreign woods have 50 to 75-year lifespans with no maintenance, but the cost is about three times as much as pressure treated pine.

Mr. Tilton presented photographs of trail options. If the choice is a mulch trail on fill, trees will be incorporated into the plantings on the sides, such as shrubs and trees so that in a few years, it will look grown in and more natural.

Mr. Tarr asked about root issues. Mr. Tilton stated a mulch trail can have root issues even if the trees are far away. Mr. Henry asked if a gravel top is a consideration. Mr. Tilton stated it can be but it does not look as natural; maintenance and construction costs would not be significantly different. Mr. Greenberg asked if it would be a problem for wheelchairs. Mr. Tilton stated shell and sand compact well and comply with ADA requirements.

Mr. Tilton discussed where the pictures were taken and trail compositions and access to the trails pictured.

Mr. Tarr asked if mulch is the same as pine straw mulch. Mr. Tilton replied no, it would be wood chip mulch; he does not recommend pine straw mulch for a trail. Mr. Tilton stated a mulch trail would need to be re-topped to keep it looking nicer but annually is probably not necessary as long as there is no major disaster; every two to five years is probably sufficient. He discussed the volume of mulch and compaction needed. Mr. Henry felt that the cost is expensive. Mr. Tarr asked if compactors will be used in the preserve. Mr. Tilton noted that it will no longer be a preserve, which is why the CDD must pay mitigation costs.

Ms. Gartland asked if shells are cheaper than mulch. Mr. Tilton stated the difference is not significant.

Mr. Tilton reviewed the options and discussed the types of trails and elevations. The lowest-cost option is building the C option with most of it on fill and at an elevation of 12.5', with 25 to 40 days a year when there could be water on the trail. The boardwalks would still be installed at 13' to keep them dry all the time.

Mr. Tarr felt that the costs are high. Ms. Gartland asked if \$959,000 is correct. Mr. Tilton replied affirmatively. Mr. Greenberg and Mr. Henry asked if that includes everything. Mr. Tilton

stated it pertains to 2,000' at the north end; it does include the mitigation expense indicated at the bottom of the chart. The mitigation cost goes up with the fill because a wider area is impacted but the mitigation cost is still far less than the cost of a boardwalk. It depends on the desired appearance and how much the board wants to spend. If the fill option is selected, he would want to spend \$20,000 to \$30,000 for shrubs and trees to help fill in the area so it does not look quite as bare. Mr. Greenberg stated that cost is not in the proposal. Mr. Tilton stated it is not but there is a 20% contingency and he can build that in.

Mr. Greenberg asked if the 2,000', starting from the north end, is the wetter or drier side. Mr. Tilton stated the side does not really matter; there is a big wetland in the middle and if it goes west, it would be very near the road, which is why the eastern one was selected.

Mr. Greenberg stated there is no restriction to going forward with 2,000' and asked if it can proceed as mulch first but then intersperse without restriction later with another kind of material. Mr. Tilton replied affirmatively.

Mr. Tarr recalled discussion about ending at the circle and asked if that is 2,000'. Mr. Tilton replied no, the 2,000' goes to where the "T" comes off. Referring to the map, Mr. Tarr identified the portion of the trail he believed they were discussing and eliminating a portion and arriving at the circle. Mr. Tilton stated that can be looked at; it would be about 1,000' but his understanding is that the intent is to stop just short of the cart path. He thought the intent was not to hook to the cart path. Mr. Tarr thought the idea was to have a shorter trail to see if people like it before spending a lot; he felt that 1,000' is a good length. Ms. Gartland thought they were thinking about installing the trail to the gazebo and to the "T". Mrs. Adams concurred. Mr. Tarr felt that 1,000' of trail is pretty good to start. Ms. Gartland asked if it would be an oversimplification to estimate that 1,000', instead of 2,000' would be half the cost. Mr. Tilton stated it would be very close.

Discussion ensued regarding the mitigation costs and the tendency for the rate to remain the same and not go down.

Ms. Gartland asked if all mitigation must be paid up front, even if the project is phased. Mr. Tilton did not recommend phasing it that way as the bank is not going to want to give

assurance of credits that the CDD will want to buy later; the bank wants to sell the credits and the agency will not want to issue the permit without the assurance.

Mr. Tarr asked for the mitigation cost. Mr. Tilton stated it ranges from \$270,000 to \$434,000, which is less than the amount for the boardwalk.

Mr. Henry stated his opinion that, before funding this high-cost project, there should be a resident survey to gauge interest and give a sense of the cost. He noted a lot of dissensions with Club improvements.

Discussion ensued regarding potential concerns about bears near the trail, resident opinions thus far, who might be inclined to use the trail, avoiding a lot of community dissention, the original plan, the location, whether dogs will be allowed on the trail.

Mr. Tilton stated he would be glad to take the Board on a tour of the proposed trail. It would involve climbing over and under trees and bushes and looking out for poison ivy. The consensus was that it is a good idea. Ms. Willson recommended scheduling it as a Workshop.

Mr. Tarr asked if an assessment is desired to fund the project. Mr. Greenberg thought that borrowing is a viable alternative. Ms. Wheeler noted that people are not happy about the MCA assessment. Ms. Gartland stated that new homebuyers often ask how many assessments have been levied. Mr. Henry felt that now is not the best time to borrow. Mr. Tarr felt that it is not the best time to assess either. Ms. Gartland asked if recreational grants might be available. Mr. Tilton stated grants might require that the trails be open to the public and suggested District Counsel advise in this regard.

Mr. Henry asked if the shorter trail can be built for \$500,000 and spread over two years such that a \$250,000 assessment might be added to the tax bill each year, which would increase assessments but not that much. Mr. Tarr believed the only way to do that is not to pay the entire mitigation up front. Mr. Greenberg stated the entire mitigation must be bought before the start. Mr. Henry suggested buying the mitigation but not constructing the trail until next year. Mr. Adams stated that design, permitting and mitigation could occur in the first year. Mr. Tarr feared building something so big only to have nobody use it. Mr. Greenberg acknowledged Mr. Tarr's point and stated his problem with surveys is that the answer depends on how the survey is constructed; therefore, he suggested hiring a professional consultant to

draft a neutral survey. Mr. Henry suggested the field trip tour first to see a trail and determine if the Board Members are enthusiastic.

The preference is to schedule the tour before the February meeting. Mr. Adams will poll the Board when scheduling the Workshop.

Mr. Tarr asked if a drone for an aerial view would be advantageous. Mr. Tilton stated obtaining aerial video footage would be difficult due to the number of trees.

The PowerPoint presentation will be emailed to the Board and all were advised to inform Mr. Adams of their availability for the Workshop.

**NINTH ORDER OF BUSINESS**

**Discussion/ Consideration of M.R.I. Construction, Inc., Proposals**

**A. #358 [OS-OAK2]**

**B. #359 [OS-OAK3]**

Mrs. Adams stated the Board approved these proposals in April 2022 and they were added to the Action Items List. The incorrect band/sleeve was received and the correct part has now shipped. An excavator must be used to hold the pipe during installation so an additional \$1,500 charge will apply per band/sleeve. These proposals are for the CDD's outfall structures; those are the pipes on the CDD map. Mr. Tarr asked when the problem was discovered. Mrs. Adams stated it was discovered after MRI inspected all the pipes; it was an agenda item in April 2022. The repairs were not made because the sleeves received were the wrong size. This was discussed at numerous meetings. MRI just recently submitted revised proposals. The only difference is the additional \$3,000 charge compared to the 2022 proposals because M.R.I. realized an excavator is needed to perform the work.

Mr. Tarr asked where the sleeves are located, if they are inside or outside the walls and where they will dig. He sees OAK2 and OAK3 along Imperial. Mrs. Adams stated those are two of the outfall structures. Digging will be adjacent to Livingston Road. Mr. Tarr thought it is Imperial since it is Lee County. Mrs. Adams stated it switches into Imperial. Mr. Tarr asked if digging will be inside or outside the wall.

Mr. Tilton stated the pipes extend outside the wall and enter the drain along the Parkway but the control structure that controls water flow is in a box inside the big berm, inside the walls. Mr. Tarr noted that landscaping restoration will be needed when the work is completed. Mr. Greenberg asked if it is just covered with dirt and sod. Mr. Tilton believed that two have a combination of taller muhly grasses, pine straw, mulch and probably myrtle bushes and possibly some cabbage palms. Mr. Greenberg stated the \$3,000 increase is based on field conditions. Mr. Henry noted that the work is not optional.

**On MOTION by Mr. Henry and seconded by Ms. Wheeler, with all in favor, M.R.I. Construction, Inc., Proposals #358 [OS-OAK2], in the amount of \$7,840, and #359 [OS-OAK3], in the amount of \$6,210, were approved.**

Mr. Tarr asked what caused the issue and wondered if the ground is shifting. Mr. Tilton did not believe the ground is shifting; these separations are usually due to leakage and soil moving into the pipe, catch basin or control structure, which creates a void outside that allows the pipes to move around. That location has probably 10' of river on top of the pipes so there is a lot of volume that can cause it to burst but it might not be noticeable. Nobody visits that area, except the landscapers. Ms. Wheeler stated that freezing pipes is not an issue here so expansion and contraction should not be a factor. Mr. Tilton stated that failure generally occurs when the joint was not well done to start with but some of those things might still take 20 to 30 years to show up. If the joint is not cleaned and has dirt in it and if the ring has shrunk, it is aging. As most of the soil is very fine sand, it can get in through a small hole.

Mr. Henry asked if the system is 20 to 25 years old. Mr. Tilton replied affirmatively. Mr. Tarr asked about the possibility of surprises once they start digging. Mr. Greenberg stated that is always possible when a hidden structure is uncovered.

**TENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of November 30, 2022**

Mr. Tarr asked about the "Required bank loan reserve" and if it hit in Fiscal Year 2022. Mr. Adams stated it needs to be released since the CDD made its final payment; \$10,000 is

coming back. Mr. Tarr voiced his opinion that should not be on Page 1 and it should not be on the other page. Mr. Adams stated it is on Page 1, under General Fund, "2017 Note" and the amount is posted on Page 1; the amount needs to come back and the note at the bottom needs to be removed. Mr. Tarr asked if they have taken the reserve for the payment. Mr. Adams replied no; it appears the CDD paid in full; they did not invoice us with the \$10,000 net reduction. Mr. Greenberg asked if this is a reporting issue. Mr. Henry stated it is a receivable.

Ms. Gartland referred to "Future aeration replacement" on Page 2 and recalled that it was supposed to be changed to "Aeration systems repair and replacement". Mrs. Adams thought that must remain there until adoption of the amounts Fiscal Year 2024 budget. Mr. Adams stated it is okay to change the title of the line item.

Mr. Tarr referred to "Future fire mitigation clean-up" at the bottom of Page 2 and asked why the same is not reflected for the "Aeration replacement" since the CDD is basically funding something that might not be used at this point. He felt that they should be consistent. Mr. Adams stated that the fire mitigation item is spread over three years and reflected in thirds, to avoid losing sight of what part of the fund balance is assigned to it. With the aeration replacement, a verbal and written analysis at the last meeting showed that, over the last five-year period, some years had more depreciation and some years had less depreciation. They can assign some excess fund balance to it, pick an amount and save some in there each year.

Mrs. Adams stated she distributed the Ops Financial Analysis Report. Mr. Adams stated there was a big variance over five years. Mr. Greenberg noted it was \$28,000 over five years. Mr. Tarr questioned if it is material enough; the only reason he reacted to that was the schedule Mrs. Adams prepared shows the installed costs. Mr. Henry stated the installed costs included electric. Mrs. Adams noted that the cabinets that burned must be replaced. Compressors are only about \$1,000 each but the boxes housing them are several thousand dollars. Mr. Henry thought the conclusion at the last meeting was that it is not worth doing. Mr. Greenberg stated that was his recollection as well.

**On MOTION by Ms. Gartland and seconded by Mr. Tarr, with all in favor, the Unaudited Financial Statements as of November 30, 2022, as amended, were accepted.**

**ELEVENTH ORDER OF BUSINESS****Approval of November 16, 2022 Regular Meeting Minutes**

Mr. Greenberg and Ms. Gartland stated that they emailed their edits.

Mr. Henry wondered if, other than when there is a question about what happened at a meeting, anyone outside of this room ever reads the minutes. Mr. Greenberg stated generally the answer is no. He scans the minutes for material things.

**On MOTION by Ms. Gartland and seconded by Mr. Tarr, with all in favor, the November 16, 2022 Regular Meeting Minutes, as presented, were approved.**

**TWELFTH ORDER OF BUSINESS****Staff Reports****A. District Counsel: *Kutak Rock LLP*****B. District Engineer: *Johnson Engineering, Inc.***

District Counsel and the District Engineer had nothing to report.

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

Mr. Adams recalled a question about revenue collections. He provided a full year accounting and remembered the difference in collection costs between the counties; Collier is 2.5% to 1.5% and Lee is \$1.50 and \$1.00, which skews the percentages. Ultimately, the CDD had full collection, slightly above because of the 4% discount and there was nothing out of the ordinary. It is updated each month for each part of the CDD in Lee and Collier Counties.

- **NEXT MEETING DATE: February 15, 2023 at 9:00 A.M.**

- **QUORUM CHECK**

Supervisors Tarr, Henry, Greenberg and Gartland confirmed their attendance at the February 15, 2023 meeting. Supervisor Wheeler will attend via telephone.

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

- **Key Activity Dates**

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

Mrs. Adams stated the Cane Toad Removal project commenced in February. Mr. Greenberg stated he receives a lot of feedback and opined that this seems to be the most successful program and the natives have come back.

Mrs. Adams stated that MRI commenced inspections yesterday. Ms. Gartland asked how long the full inspection will take. Mrs. Adams stated it takes several weeks.

**THIRTEENTH ORDER OF BUSINESS**

**Action/Agenda or Completed Items**

Mr. Tarr stated he received a call about the laptop. Mr. Adams noted the project is being wrapped up; the team is doing some special projects for him. Mr. Tarr stated he told Ms. Gillyard that it is not urgent. Mr. Adams stated this Board will be the pilot program.

Regarding Item 10, Mrs. Adams stated during construction last year the County buried Control Structure 10A and installed a riser and last week M.R.I. learned that the grate is missing. The grate will be replaced and incorporated into the contract with the other two. Mr. Tarr asked why the CDD must pay for it if the County was doing all the work. Mrs. Adams stated it is the CDD's structure. Mr. Adams stated if it can be proven that the County caused the loss the CDD can pursue it but he is not sure that is possible. Mrs. Adams stated the grate costs \$2,500. The grate is just inside the wall on the outfall near Lake 55.

Discussion ensued regarding securing the location, the slope and an alligator in the area.

Regarding Item 12 related to the drainage ditch on the north side of Imperial, Mrs. Adams stated that, per Mr. Richard Orr of Collier County, the County is responsible for all drainage ditches. Item 12 was completed.

Regarding item 15, Mr. Tarr observed that item changed.

Items 12, 18, 21, 23, were completed.

Mr. Tarr asked about the trees and how much it cost. Mrs. Adams replied the cost was \$650 for Cintron to remove both.

Mr. Tarr asked if Mr. Adams will sign the MRI proposal. Mrs. Adams stated the proposal will become an addendum to the contract with verbiage provided by Ms. Willson. Mr. Adams stated the payment time was updated to 45 days.

Mrs. Adams stated the drainage improvements to the maintenance facility area were added to the GIS program as of January 2, 2023. She ordered updated maps for the Board and Staff and will distribute them upon receipt.

Regarding Item 24, Mr. Adams asked Mr. Tilton if he made headway. Mr. Tilton had not.

**FOURTEENTH ORDER OF BUSINESS**

**Old Business**

There was no old business.

**FIFTEENTH ORDER OF BUSINESS**

**Supervisors' Requests**

Mr. Tarr asked Staff to remind the auditors that the Board would like the audit earlier than in the past. Mrs. Adams stated the deadline is April. Ms. Gartland voiced her opinion that the audit should be ready in February or March.

Regarding the budget adoption schedule, Ms. Gartland noted that she booked flights last year for June and the meeting was changed. She used the credit for another meeting but it was postponed to when she was already back so she has a travel bank credit. Her preference is to not change summer meeting dates as she feels the goal should be to address the budget in May or June and change it if necessary, when all Board Members are in town. Mr. Tarr preferred May. Mrs. Adams stated the draft budget is always presented in May.

**SIXTEENTH ORDER OF BUSINESS**

**Public Comments (3 minutes)**

There were no public comments.

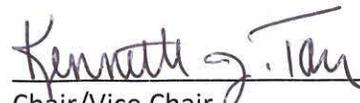
**SEVENTEENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Ms. Wheeler and seconded by Mr. Henry, with all in favor, the meeting adjourned at 10:43 a.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair