

**MINUTES OF MEETING
MEDITERRA
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Mediterra Community Development District held a Regular Meeting on March 15, 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
Mike Radford (via telephone)	M.R.I. Inspection LLC

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 9:02 a.m. 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:

- He thanked the Board Members for touring the preserves; he thinks it will sell itself.
- The plan is to review the routine agenda items quickly so the Board can concentrate on the nature trail and boardwalk agenda items.
- He thanked Mr. Tilton and his team for doing a fantastic job, as usual.

- Several complaints were received about the conditions of Lakes 73 and 69 since the water levels receded. In his opinion, the CDD should have them cleaned. He asked Mrs. Adams to have SOLitude perform an extra service of trash and vegetation removal.
- Regarding the nature trail, of 220 invitational players, not one of the 60 or 70 who approached him opposed the nature trail; all said it would be a wonderful amenity.
- In response to those Supervisors who are concerned about funding, he does not think it will be an impediment. He thinks the Board should start discussing how to approach educating the community about the benefits and why it should be built.

FOURTH ORDER OF BUSINESS

Discussion/Consideration of MRI Underwater Specialists, Inc.

A. Summary and Estimate #3910 to Clean Stormwater Structures

Mrs. Adams stated the pipe inspection proposal was paid and was included in the agenda book in error. Regarding the budget, once this proposal is approved, about \$17,000 will remain in the budget.

Mr. Tarr expressed his belief that there is a significant error in the pipe diagram and although it has nothing to do with this item, it needs to be resolved. Mr. Greenberg stated it will be discussed after this item.

On MOTION by Mr. Tarr and seconded by Ms. Gartland, with all in favor, MRI Inspection LLC, Estimate #3910 to clean and remove sand and debris from structures that have 25% or more sand and debris blockage, in the amount of \$53,560, was approved.

B. Annual Stormwater System Inspection Report

C. ROV Outfall Structures Report

Mr. Tarr stated the Medici HOA President authorized MRI to inspect its drain pipes for blockages after the hurricane and the pipes were cleaned to the end of the cul-de-sac. He pointed out the Medici pipes highlighted in red on the map. He referred to Page 6 of the Inspection Report and expressed his belief that Pipes 46, 47 and 48, under Bella Lago, are street drains that start at the curb and end in the lake and, as such, those street drains belong to the MCA.

Mr. Greenberg asked Mr. Tarr if he believes the CDD is not responsible for those drains and that the map is wrong. Mr. Tarr replied affirmatively and stated his opinion that, since they are under the blockage threshold, they do not need to be cleaned. He believes the bigger issue is related to the CDD's position that any pipe that connects two lakes is a CDD pipe. He noted the same issue in Padova. Ms. Gartland asked what point Mr. Tarr is trying to make. Mr. Tarr stated the pipe had significant blockage; and that MRI had to cap and clean it a few years ago. Medici's President engaged MRI to video the pipe from where Medici's storm water enters it to the lake and found a 40% blockage. According to the Report, MRI technicians videoed north into the pipe and discovered 50% blockage. If he is correct and this is a CDD pipe, it means the CDD has an interconnected pipe between two lakes that is 50% blocked.

Mr. Greenberg expressed his belief that the CDD is in charge of all the pipes, as they all go from lake to lake. Mrs. Adams stated the CDD is responsible for water management, lake to lake and connected lakes to conservation pipes/outfall structures.

Mr. Greenberg stated he is more interested in the overall problem, which is that the CDD has three or four stakeholders who have an interest in the pipes. It seems to him that it makes for a fractured maintenance and repair routine. He would rather discuss whether the CDD should say it will be responsible for all the pipes and add it to the budget so the CDD can control the cleanout. This includes the pipes that do not go directly into the lakes but go to a junction box that goes to a lake.

Mr. Greenberg suggested the CDD undertake a process to gain control of the repair, maintenance and cleaning of every pipe in Mediterra. He asked Ms. Willson to work on the legal end and prepare any agreements necessary to give the CDD control over the repair, maintenance, inspection and cleaning of every pipe and prepare a draft letter to The Club and the MCA for him to review prior to sending. He asked if the CDD has eminent domain authority. Ms. Willson replied affirmatively; however, the CDD must obtain County approval to exercise it.

Mr. Tilton recalled discussing this and noted the CDD has several of these pipes. The CDD can decide to maintain various portions of the stormwater system. He noted that other CDDs maintain from the inlet top and down, while the road surface belongs to another entity.

Mr. Greenberg asked Mr. Radford to provide a quote to clean the pipe that is 50% blocked; it will be added as a change order. Regarding the location of the pipe, Mr. Tarr was asked to highlight the area on the map and email it to Mr. Radford.

Mr. Henry suggested and Mr. Greenberg agreed to obtaining proposals to inspect all non-CDD pipes and structures, except for Medici, to establish a benchmark of the conditions and to more accurately budget for Fiscal Year 2024.

Mr. Greenberg recapped the following directives:

- MRI will submit proposals to inspect all non-CDD pipes and structures.
- Ms. Willson will prepare necessary agreements to give the CDD control over the inspection and cleaning of every pipe in the CDD and prepare a draft letter to The Club and the MCA for Mr. Greenberg to review. The letter will indicate that the CDD is initiating a uniform policy throughout the CDD and that the CDD proposes taking over the maintenance and repair of all structures that service the ponds and preserves.

Ms. Gartland asked to see the proposals before proceeding with agreements. Mr. Greenberg agreed and stated that the CDD needs to quantify the cost of the inspections and identify the issues. Mr. Tarr voiced his opinion that the CDD should not take any responsibility for replacements. Mr. Greenberg agreed and stated that the agreements will be solely for maintenance, cleaning and repairs, which are all non-capital repairs.

Mr. Tarr asked about approval to clean the blocked pipe. Mr. Greenberg stated MRI will proceed with it if the cost does not exceed the staff approval ceiling amount.

FIFTH ORDER OF BUSINESS**Update: Preserve Fire Reduction Program**

- **Property Located on West Side of Castellano Way**

The item was presented following the Thirteenth Order of Business.

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

The item was presented following the Thirteenth Order of Business.

SEVENTH ORDER OF BUSINESS**Acceptance of Unaudited Financial Statements as of January 31, 2023**

Mr. Tarr asked if the footnote only appears in the financials because the \$10,000 needed to be moved. Mr. Adams replied affirmatively and stated that it reflects as such; it will not be included in the next unaudited financials.

Mr. Henry asked when the Audit will be presented. Mr. Adams stated he expects it to be completed for the April or May meeting. The financials were accepted.

EIGHTH ORDER OF BUSINESS

Approval of February 15, 2023 Regular Meeting Minutes

Mr. Greenberg noted that he was not present at the last meeting but he read the minutes and had no comments. Mr. Tarr stated he did not submit his edits in advance.

The following changes were made:

Line 39: Change “Dukes,” to “Duelkes, former President”

Line 142: Change “clear an area 30’ wide of the 60’ width” to “clean an area of a 60’ width”

Lines 165 and 166: Change “Wheeler” to “Gartland”

On MOTION by Ms. Wheeler and seconded by Ms. Gartland, with all in favor, the February 15, 2023 Regular Meeting Minutes, as amended, were approved.

NINTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Kutak Rock LLP*

There was no report.

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

There was no report.

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

- **NEXT MEETING DATE: April 19, 2023 at 9:00 A.M.**

- **QUORUM CHECK**

All Supervisors confirmed their attendance at the April 19, 2023 meeting.

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

- **Key Activity Dates**

Going forward the title of this agenda item will be Key Activity Dates Report.

Mrs. Adams and Mr. Willis reported the following:

- The fireball installation project was completed last week. Proposals were requested from SOLitude to install them in the compressor boxes outside the conservation areas.

Mr. Greenberg asked how many there are. Mrs. Adams estimated another 35 boxes. She will provide the actual number at the next meeting.

- The GFCI breaker retrofit project is underway.
- The Lake #13 bank restoration project is scheduled to commence between June 12, 2023 and July 14, 2023 or between August 28, 2023 and September 22, 2023.
- The Limited Development Order (LDO) from the County for the Lake 6 riprap project is pending.
- There are License Agreements for Lakes 37, 75 and 76 but not one for Lake 71.

Mr. Tarr asked for the total number of lakes. Mrs. Adams did not know. Mr. Greenberg stated that every lake on the east side has a fountain. Mrs. Adams stated then License Agreements need to be prepared for each lake on the east side except Lakes 75 and 76.

Mr. Tarr asked where the fountains are on the Key Activity Dates Report. Mrs. Adams stated they are not on the Report as the CDD does not own them. Regarding the fountain in Caminetto, Mr. Greenberg stated an assumption was made that all the others were subject to License Agreements and it happened because it was the first community that was developed since the turnover where they installed a fountain before turnover. Mr. Tarr stated Bonita Bay gave approval and they owned the lakes so an Agreement is needed. Regarding who owns the fountains, Mrs. Adams believes each HOA owns them and recalled that the Lake 37 Agreement was issued to an individual homeowner. Mr. Greenberg wants a process in place. He asked Mrs. Adams and Ms. Willson to identify whether Agreements for decorative fountains in CDD ponds exists and if not, identify who owns the fountains and have them execute License Agreements.

Mr. Henry asked who repairs the fountains when they malfunction. Mrs. Adams stated that the License Agreements are with the HOAs. Mr. Henry stated he is not aware of his HOA paying for the repairs and questioned if it is the MCA. Ms. Wheeler thinks, if it is not a villa or coach home neighborhood, the MCA probably owns the fountains for the estate homes. Mr. Tarr stated he was told that the costs for Lake 69, going forward, will be split between the Cellini, Lucarno and Cabreo neighborhoods. Mr. Greenberg stated he already directed Staff to research this and asked for this to be added as an Old Business Agenda Item.

Mr. Greenberg asked what lake banks are being addressed now. Mrs. Adams stated lake bank restoration is being scheduled on Lakes 13 and 6. Mr. Greenberg stated he will draft

a communique to the community regarding the fireball project, 60' cleanup along Castellano Way, lake bank work and the nature trail and circulate it to the Board.

Mr. Henry suggested preparing a single writeup about the nature trail due to its importance. Mr. Greenberg stated he will mention in the newsletter that there will be a separate communication about the nature trail.

Mr. Tarr asked if Mr. Greenberg wanted to add anything about the County taking over what Mr. Tilton reported on at the last meeting. Mr. Greenberg asked if he meant the trench. Mr. Tarr stated it is more than that and read from the Johnson Engineering Study that talks about a capital improvement in Imperial Golf Village in excess of \$2 million. At the last MCA meeting, Mr. Schmidt, who was instrumental in The Club receiving the consumptive use permit, heard that the County will invest over \$2 million in Imperial Golf Village, which is consistent with the numbers in the report. Mr. Tarr voiced his opinion that it is important that they are taking over a private facility. Mr. Greenberg felt that nobody cares. Mr. Tarr stated that it is important to him. Ms. Gartland voiced her opinion that the fewer things in the communication, the clearer it is and the greater the likelihood people will read it. Mr. Greenberg stated it is important in a technical sense; he will include that the County is taking over maintenance of the retention pond and structures outside of the new wall.

Mr. Tilton stated the County will be taking over some of the control structures but is not taking over the ponds. Mr. Tarr voiced his opinion that this gives the CDD better reliability of water outflow and since a lot of the CDD's water goes in, it is a benefit to the CDD. Mr. Greenberg stated that the only matter he will highlight is that the County is going to maintain it and the CDD does not have to resulting in a cost savings to the CDD. Mr. Henry asked if this was in writing. Mr. Tilton stated that the County will need easements over the area which, to his knowledge, has not been done yet.

Ms. Gartland suggested including the information in the next annual letter. Mr. Greenberg agreed. Mr. Tarr recalled the problem going into hurricane season in the past with the west ditch blocked with vegetation and suggested the current letter include that the County is taking over maintenance of the two ditches. Mr. Greenberg stated the County is not taking over the two ditches they are only taking over the control structures. Mr. Tilton stated because the ditches serve the road, they will take them over, but there are stormwater ponds within their development that are not going to be part of the County's maintenance. Mr. Greenberg asked who maintains those. Mr. Tilton stated it will still be Imperial Golf Estates.

Mr. Greenberg asked Mrs. Adams and Mr. Tilton to email information to him about the two lake bank repair projects and the control structures, respectively.

TENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

Mrs. Adams updated the Action Item list after the meeting.

ELEVENTH ORDER OF BUSINESS

Old Business

There was no old business.

TWELFTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

THIRTEENTH ORDER OF BUSINESS

Public Comments (3 minutes)

There were no public comments.

- **Update: Preserve Fire Reduction Program**
- **Property Located on West Side of Castellano Way**

The item, previously the Fifth Order of Business, was presented out of order.

Ms. Gartland asked if the cleanup proposal will be available at the next meeting. Mr. Tilton replied affirmatively; it went out to bid to four contractors yesterday and bids are due on March 31, 2023. The bids will be provided to Management for the next meeting.

- **Continued Discussion: Nature Trail and Board Walk**

The item, previously the Sixth Order of Business, was presented out of order.

Mr. Tilton distributed and reviewed drawings and educational material. He noted the following:

- The second drawing is to scale and shows signage examples. The first is undercover and can be incorporated into the building. Signage material types can be challenging.
- The Landscape Architect provided drawings of how the area might look in July, August and September.

Mr. Greenberg asked if the trail is from the play park to just short of the cart path. Mr. Tilton stated it will be Phase 1 and Phase 2 will make it a little over 2,000'. He recalled

discussion of only going half way and, in his opinion, the project can be easily broken into phases. The decision will depend on the cost and how much the Board wants to spend.

Mr. Greenberg stated it raises an immediate question as to whether the CDD should pay the full mitigation costs up front. Mr. Tilton stated, if the thought is to go as far as the cart path and since paying the full mitigation will likely be necessary for permitting, the Board might want to get all of it permitted even if it is not all constructed during the first year. Most mitigation banks will not commit to partial mitigation. If the thought is to extend it in five to eight years to just north to the bird bath, then that part can be permitted and mitigation can be paid then. If only going halfway to the circled viewing area now, then the permit can be obtained and mitigation paid for just that part.

Mr. Tarr stated, if the CDD buys the mitigation for Phases 1 and 2 will be one mile, which is relatively long; it does not have to go all the way. Mr. Greenberg believes it will be a nice amenity. Mr. Tarr voiced his opinion that, if it is a boardwalk trail, people will want to bicycle through the preserve. Mr. Greenberg stated whether that is allowed will be up to the MCA.

Mr. Greenberg asked if the drawing has an all raised boardwalk. Mr. Tilton stated about 85% to 90% of the first phase will be if a dry trail is desired.

Ms. Gartland stated that this was discussed at the last meeting and the consensus was to proceed with a boardwalk instead of a raised mulch trail. Mr. Greenberg asked if it was 8' or 11'. Mr. Tilton's recommendation was 8' with a net of 7', which will meet all Americans with Disabilities Act (ADA) requirements and not seem narrow.

Discussion ensued about installing signage, escape routes in the event of a bear encounter or a panic button that will alert the MCA Security and scare the bear away.

Regarding the costs, Mr. Tilton stated that the cost for Phase 1 is about \$750,000 including mitigation and Phase 2 is about \$1 million. Mr. Henry noted that the nearly \$2 million total equates to about \$2,000 per homeowner. He asked if brochures will be used to educate residents about the cost for each phase, what it will look like and approximately how much it will be on an average tax bill.

Mr. Greenberg wondered if it makes sense to hire a marketing consultant to direct communications with residents. The Board Members believed that is a good idea. Mr. Tarr felt that the CDD needs to know if the MCA will be a partner in the project. He expressed concern about a major storm event. Mr. Greenberg stated it will be covered in the Maintenance

Agreement. Mr. Tarr felt that the CDD should speak with the MCA. Mr. Greenberg stated he spoke to the MCA and will bring it up again once the CDD Board agrees on what it wants to do.

Ms. Willson stated the CDD will retain ownership of the asset and have a Maintenance Agreement with the MCA for the MCA to maintain the asset. Mr. Greenberg felt that the CDD will be the one to rebuild it if it is destroyed by a hurricane. Mr. Henry asked if it can be insured. Mr. Greenberg asked Mrs. Adams to find out and noted that the cost might not be feasible. Ms. Gartland thought self-insurance might be better.

Mr. Greenberg asked the Board if there is a consensus to build Phase 1 and plan for Phase 2. Mr. Henry wanted to first send brochures and stated that he will oppose the project if a lot of residents are against it. Mr. Greenberg stated he will not be governed by the loudest negative voices as to what is best for the entire community in terms of recreation.

Regarding financing, or assessing to pay for the trail project, Mr. Greenberg stated the options must be evaluated.

Mr. Greenberg asked if the Board is okay with the conceptual plan and wants to take the next steps. Mr. Henry replied affirmatively. Ms. Gartland stated she likes the phases and would like to proceed in some way but she thinks there needs to be serious talk about how to do it and how worthy it is. Mr. Adams was asked to obtain financing options and costs associated with financing the project. Mr. Henry feels that the project should be completed over a span of years and spread over two fiscal years, such that there is a \$1,000 assessment increase for each of the two years if proceeding with both phases or \$500 per year if proceeding with one phase.

Ms. Gartland asked if the mitigation must be paid within a certain time. Mr. Tilton replied affirmatively and stated the time will start out being five years but there are ways to extend the lifespan every time the Governor declares a state of emergency. Ms. Gartland suggested planning the project over a certain period in terms of how to pay for it, to make the expense more palatable. She has no issue with some extended financing, as it will show that everyone will share the cost, including those who will benefit from it in the future. Mr. Greenberg noted the same argument was made when the wall was built. He asked Ms. Willson if the CDD has the ability to do the same as the MCA, meaning to raise the capital transfer fee charge to new residents. Ms. Willson replied no; the CDD is not able to collect those fees on the tax roll but the CDD can charge rates, fees and other charges for use of certain things. Mr. Greenberg asked Ms. Willson to research and advise as to whether the CDD can charge on acquisition or disposition.

Discussion ensued regarding options for raising revenue, putting the financing costs at the back end of the project and splitting the cost of Phase 1 and the mitigation costs over two years. It was noted that the Board approved increasing assessments significantly several years ago without pushback.

Mr. Tarr asked how Phase 2 would be cleared and built once Phase 1 is completed. Mr. Tilton stated Phase I could be closed to start Phase 2 or access could be gained from the edge of the golf course and the golf course cart path. Mr. Tarr expressed concern that future Boards might never vote to finish the project. Ms. Gartland and Mr. Henry did not have the same concern and voiced their opinion that it is not a good enough argument to push the project to be completed as quickly as possible. Ms. Wheeler voiced her opinion that all the land for Phases 1 and 2 should be cleared during Phase 1, as it will be less expensive and make it easier to build Phase 2.

Discussion ensued regarding a suggestion to plan both phases, financing, less vegetative clearing needed with a Boardwalk, putting the clearing costs upfront, spreading assessments for the project over time, possibility of recovering unknown funds to clean the additional non-CDD pipes, the surplus fund balance of \$55,000 and obtaining resident feedback.

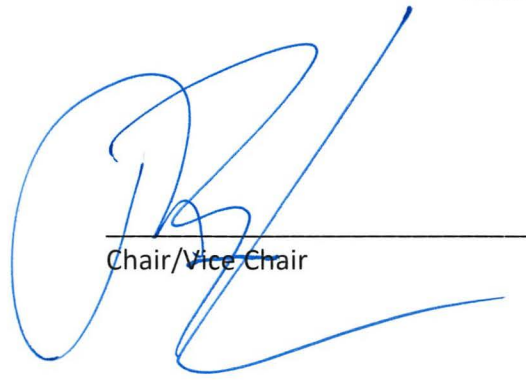
Mr. Greenberg recapped the following directives:

- Mr. Tilton: Provide the costs for the boardwalk project, highlight the trail better in the drawing and omit the dog. Order big boards if The Club and the MCA agree to display them.
- Mr. Tilton, Mr. Adams and Mr. Greenberg: Obtain proposals for a Marketing Consultant who will work with Mr. Tilton on a brochure.

FOURTEENTH ORDER OF BUSINESS**Adjournment**

On MOTION by Ms. Gartland and seconded by Ms. Wheeler, with all in favor, the meeting adjourned at 10:39 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair