

**MINUTES OF MEETING
MEDITERRA
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Mediterra Community Development District held Public Hearings and a Regular Meeting on August 16, 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
Kenneth Tarr (via telephone)	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
Bill Bowden	MCA General Manager
Mari-Elean Vickers	Resident
Ronnie Antik	Resident
Kathryn Arons	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 9:08 a.m.

Supervisors Greenberg, Wheeler, Henry and Gartland were present. Supervisor Tarr attended via telephone.

SECOND ORDER OF BUSINESS

Public Comments (3 minutes)

Resident Mari-Elean Vickers stated she opposes the nature trail due to the cost, the presence of wildlife in the habitat, liability and the need for maintenance.

Resident Ronnie Antik agreed with Ms. Vickers' comments and voiced her opinion that, just because the CDD can install it does not mean the CDD should do it. In her opinion, the claim that the nature trail will increase property values is an overstatement. She expressed

concern about maintenance, inaccessibility and debt and suggested a pickleball court roof and fountain repairs.

Resident Kathryn Arons suggested extending Celestial Park slightly into the wooded area to provide a walking area for hiking or a boardwalk, rather than building the nature trail.

THIRD ORDER OF BUSINESS

Chairman’s Comments

Mr. Greenberg thanked the residents for attending and sharing their thoughtful input. He noted the following:

- Regarding the nature trail, misinformation has circulated. The proposed project was not \$4 million, it is \$600,000 for a shorter trail, as the 1.5- mile trail was deemed too costly.
- The fountain rocks are not a CDD issue
- The request for a roof over the pickleball court should be directed to The Club.

Mr. Greenberg stated the Board has been discussing the trail for eighteen months to two years. He is in favor of the trail and is willing to listen to the naysayers; the only thing that bothers him are the claims that the Board has not been transparent, when there has been transparency, as evidenced by the minutes posted on the CDD website and letters and emails sent to residents. As discussed at the last meeting, the Board is sending a survey after the September meeting. He received about a dozen emails, with the majority against the project, but the majority of those the emails included misinformation. He encouraged residents to attend the October meeting for further discussions. He proposed further discussion of the nature trail be tabled for today.

FOURTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2023/2024 Budget

- A. Proof/Affidavit of Publication**
- B. Consideration of Resolution 2023-07, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date**

Mr. Adams presented Resolution 2023-07. He stated the proposed Fiscal Year 2024 budget is unchanged since it was last presented; assessment levels were previously set for noticing purposes, given the proposed assessment increase.

Mr. Henry stated the budget is consistent with what was discussed at the last meeting.

On MOTION by Ms. Gartland and seconded by Mr. Henry, with all in favor, the Public Hearing was opened.

Mr. Willis asked members of the public to refrain from talking amongst themselves to allow attendees to hear and to provide for accurate transcription of the minutes.

No members of the public commented.

On MOTION by Ms. Wheeler and seconded by Ms. Gartland, with all in favor, the Public Hearing was closed.

Ms. Willson asked for confirmation that no public comments were made during the Public Hearing.

Mr. Greenberg confirmed that there were no comments from the public during the Public Hearing.

On MOTION by Mr. Henry and seconded by Ms. Wheeler, with all in favor, Resolution 2023-07, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2023/2024, Pursuant to Florida Law

A. Proof/Affidavit of Publication

B. Mailed Notice(s) to Property Owners

These items were included for informational purposes.

C. Consideration of Resolution 2023-08, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2023/2024; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and

Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

Mr. Greenberg presented Resolution 2023-08, which allows the CDD to collect the assessments adopted through the budget via the assessment rolls provided to the Property Appraiser and Tax Collector.

On MOTION by Ms. Gartland and seconded by Ms. Wheeler, with all in favor, the Public Hearing was opened.

No members of the public spoke.

On MOTION by Ms. Wheeler and seconded by Mr. Henry, with all in favor, the Public Hearing was closed.

Discussion ensued regarding the sample Mailed Notices in the agenda, which reflected double the Operation & Maintenance (O&M) assessment amount.

Mr. Adams stated the example in question is provided just to show the information that was sent to homeowners; the Notice in question is misleading as it applies to a property classified as 2 Residential Unit(s) with 2 Equivalent Assessment Units (EAUs).

Asked if property owner names can be redacted from the agenda, Mr. Adams stated the information is all public record. The information has always been provided as a required exhibit to the levying Resolution just adopted and the properties on which assessments are levied, as catalogued on the Property Appraiser's website.

On MOTION by Ms. Gartland and seconded by Mr. Henry, with all in favor, Resolution 2023-08, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2023/2024; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

Mr. Willis presented the Annual Quality Assurance Audit for Lake Maintenance. Referring to Page 2 of the Memorandum, Mr. Willis stated that many of the lakes are out of compliance despite ongoing efforts to engage with SOLitude. Mrs. Adams stated the Termination Notice approved at the last meeting will be sent to SOLitude upon final review by District Counsel. A mandatory pre-bid meeting for contractors is scheduled for the end of August 2023.

Mr. Greenberg stated the Board finds it unacceptable for so many lakes to be out of compliance; he blames SOLitude and not Staff for the situation. He feels that, when the local contractor was acquired and lost its employees, they began acting as a corporate entity and ceased to be environmentally sensitive and responsible local neighbors. He stated Mediterra prides itself on the condition of the ponds and the Board will take immediate steps to rectify what they consider serious harm to the quality and health of ponds. The existing contract with SOLitude will be terminated, a new contractor will be engaged and the Board will be intensely focused on restoring the health of the ponds.

Mrs. Adams stated it will take some time to rectify the issues due to all the invasive weeds seeding on the lake banks and mixing in with the littoral plantings. Funds were withheld from SOLitude because an initial cleanup will be needed to address the issues. A comparable CDD with ongoing issues will require \$20,000 in startup cleanup. While the low water levels make the ponds more difficult to maintain, the neglect by SOLitude has been so significant that extensive cleanup is required. Mr. Willis believes SOLitude's monthly fees have been withheld since May or June. He stated, in addition to neglected maintenance, the littoral shelf was damaged in some areas, as evidenced by notes regarding overtreatment in the field inspection notes. Mrs. Adams stated the technician was not using due care when selectively treating weeds in the littoral areas.

Ms. Wheeler asked why the Board was not informed about this problem until the June meeting. Mr. Willis stated the lakes were addressed individually prior to the Lake Audit, which is a systematic inspection of all lakes. Mrs. Adams stated the Lake Audit was performed on June 5 and June 12, 2023; however, Staff discussed SOLitude's loss of employees earlier in the year, when the change in quality of care was first noticed.

Mr. Henry asked, for comparison purposes, how many lakes were out of compliance when the full Lake Audit was completed a year ago. Mr. Willis estimated that three or four lakes

were out of compliance last year, compared to over 30 this year. Going forward, he will include both the previous and the current inspections, for the sake of comparison.

Mr. Henry asked how much of the damage is attributable to the drought and climate. Mrs. Adams stated the exposure of the lake banks contributed to seeding but she feels that SOLitude could have made a much better effort; this is the worst she has seen in her career.

Discussion ensued regarding the need for contractors to be proactive, the competitive bidding process, importance of technician licensure and experience and the need to remediate the ponds as quickly as possible.

Mrs. Adams stated the competitive bid opening will be September 25, 2023 and the matter will be discussed at the October meeting; the new contractor will begin in November 1, 2023. Mrs. Adams was directed to obtain proposals to determine the scope and assess the costs for initial cleanup, subject to review by District Counsel.

Mr. Willis recalled that the Board adopted a policy for how to remove palm trees from the lake banks. He stated photographic evidence will be presented at the next meeting so that the Board can approve removal of palm trees from Lakes 56 and 70.

Discussion ensued regarding the map and locations of trees to be removed.

Mr. Greenberg stated he will waive the rules to allow public comments.

Ms. Antik asked if that will be a CDD expense, or an MCA expense.

Mr. Greenberg stated tree removal is a CDD expense if it is within 10' of the high-water mark. Tree removal on community property more than 10' outside of the high-water mark is an MCA expense. Tree removal in an HOA community is the responsibility of the HOA. The map on the website shows the demarcation.

Mr. Willis stated trees are removed as they can damage the lakes, not for aesthetic reasons.

The following change was made to the Quality Assurance Audit Memorandum:

Page 1, "Interconnecting Pipe Cleaning": Change "during the 2022 inspections" to "during the 2023 inspections"

Ms. Gartland asked for the sheet for each lake to include the Lake ID#.

Ms. Wheeler asked for the Evaluation Sheets to utilize a larger font.

Mr. Tarr asked Mr. Willis to explain the comment for Lake 22, which reads "Scheduled lake bank because it does not meet the standard drop off of 8." Mr. Willis stated the resident side of the shoreline has a steep drop off so he included it to be evaluated for lake bank

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restoration in 2024. Asked what must be done to bring it into compliance, Mr. Willis stated, with Board approval, geotube would be installed to reshape it to a 4:1 slope, in compliance with the stormwater permit. Littoral planting would be required when complete. Asked if any damage to the lake bank grass that the Medici HOA maintains would be repaired, Mr. Willis replied affirmatively. Mr. Tarr stated, for full disclosure, that he is Vice President and Treasurer of the Medici HOA and Ms. Wheeler is President of the Medici HOA. He asked when a decision will be made regarding this issue. Mrs. Adams stated it will be discussed in the fall.

Mr. Greenberg noted that this project will exceed the District Manager’s approved spending threshold. Mrs. Adams stated Board approval will be needed; when the proposals are received, they will be included in the agenda.

Ms. Wheeler believes the drop off is evident because of the drought and expressed concern about doing the repairs in the fall. Mr. Willis stated the matter will be presented to the Board for approval and the repairs will be completed during the dry season next year.

SEVENTH ORDER OF BUSINESS

Continued Discussion/Update: Nature Trail and Board Walk

This item was discussed during the Third Order of Business.

EIGHTH ORDER OF BUSINESS

Discussion/Consideration of License Agreements for Lake Fountain Operation and Maintenance

Mr. Greenberg stated there are the only two decorative fountains for which the CDD does not have a License Agreement.

- A. Monterosso at Mediterra Condominium Association, Inc.**
- B. Mediterra Community Association, Inc.**

Mrs. Adams stated the MCA signed the Agreement and it is ready for the Chair to execute. The Agreement was forwarded to the President of Monterosso on August 2, 2023 and a response is pending. Ms. Willson stated the Agreement will be presented to the Monterosso Board; it is hoped that a response will be received soon.

NINTH ORDER OF BUSINESS

Consideration of RFP Notice and Evaluation Criteria for Maintenance of

Water Management Areas [Aquatic and Wetland Management]

Mrs. Adams presented the notice to be advertised for the Request for Proposals (RFP) for Aquatic and Wetland Management relating to the bid opening and the required mandatory pre-bid meeting. Evaluation Criteria is not typically included in aquatic and wetland contracts.

Ms. Willson recalled that, in the past, the lake and wetlands contract was nearly at the threshold that would require sealed bidding, as described in the Florida Statutes. She presented the CDD's standard form of Evaluation Criteria, which will ensure an appropriate procurement process and demonstrate, on the record, how the bids are evaluated. The CDD is not required to select the lowest bidder; the CDD must choose the lowest responsive, responsible bidder. She asked Mrs. Adams to confirm that pricing for two years was requested. Mrs. Adams replied affirmatively, noting that one year, with a second-year option, was requested. She noted that previously a three-year contract was requested due to the contractor's employees; however, due to recent changes, the term was reduced to a one-year contract with an option to renew for a second year. The Board still has the option to terminate the contract with 30 days' notice; if the decision is made not to renew for a second year, the Board can decide to readvertise the RFP. Ms. Willson stated it will be necessary to ensure adequate time for completion of the bid process.

Mr. Greenberg asked for criteria for compliance with local, state and national chemical, pesticide or environmental regulations and eco-friendliness to be added. Ms. Willson stated that additional documentation can be submitted with the RFP. Mr. Greenberg expressed concern about pet and wildlife safety. Mr. Adams stated the contractors are already required to do so.

Asked who will award the points and how the individual voting will work, Mr. Adams stated the Board will review all responses to the RFP. Each Board Member will complete an Evaluation Criteria sheet and Staff will tabulate the results.

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2023

- **2023 Operations Financial Impact Analysis**
- **Breakdown/Summary Report**

Mr. Greenberg presented the Unaudited Financials as of June 30, 2023.

The financials were accepted.

ELEVENTH ORDER OF BUSINESS

Approval of June 21, 2023 Regular Meeting Minutes

Mr. Greenberg stated he submitted his revisions in advance of the meeting.

Mrs. Adams stated she received one edit from Ms. Wheeler.

The following changes were made:

Line 309: Change “Marhello” to “Marchello”

Lines 323 and 342: Change “Wheeler” to “Gartland”

Mrs. Adams requested that Board Members state their names when speaking.

On MOTION by Ms. Wheeler and seconded by Ms. Gartland, with all in favor, the June 21, 2023 Regular Meeting Minutes, as amended, were approved.

TWELFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock LLP

B. District Engineer: Johnson Engineering, Inc.

There were no District Counsel or District Engineer reports.

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

- **NEXT MEETING DATE: October 18, 2023 at 9:00 AM**
 - **QUORUM CHECK**

All Supervisors confirmed their in-person attendance at the October 18, 2023 meeting.

Mr. Greenberg noted that it might be necessary to schedule a workshop to discuss the survey and disseminate it in September. Ms. Gartland will likely not attend. Mr. Adams stated no quorum is needed for a workshop. Mrs. Adams stated no actions can be taken at a workshop. Mr. Greenberg noted that the Board already approved the survey; edits will be completed.

Mr. Willis stated, with regard to Lake 6 where riprap was repaired behind homes, Blue Landscaping will provide a proposal to repair turf and sod damage. There was a delay due to issues with sod farms but a proposal is expected soon.

Mrs. Adams stated she is waiting on Cintron’s schedule; repairs are needed at Lake 22.

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

- **Key Activity Dates Report**

The August 2023 Key Activity Dates Report was included for informational purposes.

THIRTEENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

Item 12: The MCA License Agreement is in the agenda for execution. The Monterosso License Agreement is ongoing.

Items 13, 14 and 15 were completed.

Item 16 will be deleted.

FOURTEENTH ORDER OF BUSINESS

Old Business

There was no old business.

FIFTEENTH ORDER OF BUSINESS

Supervisors' Requests

Ms. Gartland asked if anything was received from The Club's Board regarding its position on the nature trail. Mr. Greenberg stated he spoke with the President; so far, the club has not responded.

Mr. Tarr stated he received a letter from a resident regarding midge flies on Lake 15. The resident's landscaper advised that CDDs spray to solve the problems. Upon researching, he saw that the County does not treat midge flies. Mr. Willis distributed proposals for treatments performed in another CDD. He stated that midge flies are attracted to white light and noted that reducing white landscape lighting can make the home less attractive to midge flies, which are very common in Florida. It was noted that, while midge flies are a nuisance, they do not bite and do not spread infection, which is why mosquito control does not treat for them. It was noted that treatment is expensive, the midge flies are seasonal and treating them would set a precedent. Mr. Willis will call the affected resident.

SIXTEENTH ORDER OF BUSINESS

Public Comments (3 minutes)

Ms. Antik apologized for saying that the CDD Board slipped the notice about the nature trail under. She voiced her opinion that the email about it was sent at a time when many residents are not there. Mr. Greenberg stated the notice was sent, just as assessment notices

are sent. Ms. Antik thinks the email stated the cost will be \$630,000 at this time and that the \$630,000 applies to the first of the trail's three parts. Mr. Greenberg stated that is for the first phase but the CDD might not do anything beyond the first phase. Ms. Antik asked why she is hearing that the money can be borrowed, if the cost is only \$1,000 per house. Mr. Greenberg believes there has been a lot of misinformation. Ms. Antik discussed her understanding that there will be lush foliage and a hammock, in three phases. Mr. Greenberg discussed the first plan, which was dismissed as cost prohibitive, and stated the Board decided to focus on the first 600' of the trail and allow future Boards to consider extending it if they wish to do so. Mr. Greenberg stated the CDD will not borrow money. He noted the estimated cost for Phases 1 and 2 would be \$1.2 million. He stated Phase 1 would cost \$600,000 to \$620,000 and Phases 2 and 3 could cost \$620,000 and \$600,000 respectively.

Mr. Henry expressed his opinion that it is not productive to debate the costs and benefits of the nature trail at this stage. It was agreed that a survey will be sent indicating the costs of Phases 1 and 2, how it would be constructed and why the Board believes it would be a good amenity for the CDD. Pending the results of the survey, the Board will make a decision and the survey will be an important consideration. He appreciates the comments and suggested that, rather than debate it now, the survey should be issued to see what the community says.

Ms. Vickers asked if the survey can include predictions for maintenance, so that residents can know the future responsibility. Mr. Greenberg replied affirmatively. Ms. Vickers thanked the Board for their service to the community.

SEVENTEENTH ORDER OF BUSINESS**Adjournment**

On MOTION by Ms. Gartland and seconded by Ms. Wheeler, with all in favor, the meeting adjourned at 10:10 a.m.
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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair