

**MINUTES OF MEETING
MEDITERRA
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Mediterra Community Development District held a Regular Meeting on May 15, 2024 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	Vice Chair
Vicki Gartland	Assistant Secretary
Mary Wheeler	Assistant Secretary
John Henry	Assistant Secretary

Also present:

Chuck Adams	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Alyssa Willson (via telephone)	District Counsel
Mark Zordan	District Engineer
Tim Denison	Johnson Engineering, Inc.

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 stated that he would like to proceed with his last budget rotation with some alacrity and without too many issues, since all are very experienced Board Members.

Mr. Tarr voiced his opinion that everyone recognizes how much value Mr. Greenberg has added to the CDD over the years, including merging the two CDDs, refinancing the bonds and bringing Mr. Henry back to the Board.

Mr. Greenberg stated his only disappointment was the Nature Trail and expressed his hope that a future Board will take it up again. He feels that, after six years with the MCA and eight years with the CDD, he has made the community better with some of the projects that were undertaken and that could not have been done without a good team from the MCA Board and the CDD Board. He noted that merging the two CDDs was likely even more difficult than dealing with the wall back in 2013. He thinks that the CDD is in excellent shape and that it will be in good hands moving forward.

FOURTH ORDER OF BUSINESS

Update: Aquatics Report - May 2024

Mr. Willis displayed the Aquatics Report, which was not included in the agenda. Ongoing maintenance was performed and, at no cost to the CDD, an additional dye application was applied in Lakes 70 and 71 to maintain the aesthetic appearance of the lakes. He stated that Ms. Gartland spoke with him before the meeting regarding the littorals. The Operations Report states that Spike Rush will be trimmed back to the required 15' width and the littoral shelf narrowed, as requested.

Mr. Greenberg stated that he noticed numerous ponds with Spike Rush that look to be beyond the limit. Numerous residents have mentioned it and, in his opinion, it is unsightly.

Mr. Willis stated that treating the Spike Rush exceeding the 15' limit is a slow process because treating 2' or 3' at a time would introduce a great deal of dead material to the water, which would look bad. Instead, the Spike Rush is reduced slowly via monthly treatments. It could be removed manually but that is a costly method.

Mr. Tarr asked for reports to be informative, rather than repetitive or boilerplate.

Mr. Greenberg voiced his opinion that factual reporting is needed, not marketing.

Mr. Willis stated that Mr. Henry will accompany him on a lake tour. The Lake Audit will be conducted on May 29 and 30, 2024. Ms. Gartland will tour the lakes in the fall.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2024-04, Approving Proposed Budgets for Fiscal Year 2024/2025 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing

Severability; and Providing an Effective Date

Mr. Greenberg presented Resolution 2024-04.

Mr. Adams reviewed the proposed Fiscal Year 2025 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal Year 2024 budget and explained the reasons for any changes. He noted the following:

- “Professional and administrative” expenditures decreased from \$309,553 to \$214,577, primarily due to the removal of “Engineering” expenses related to the nature trail.
- Lake maintenance expenditures increased significantly due to the award of the contract to EarthBalance Corporation and additional related expenses.
- Overall, “Water management” expenditures decreased from \$1,072,269 to \$880,579, primarily due to the removal of “Fuel load reduction right of ways” as the program will be completed in the current fiscal year and the removal of the “Capital outlay: nature-trail” expense.
- The increase to Fund Balance has been reduced from approximately \$280,000 to \$0, to use those funds to reduce Operation & Maintenance (O&M) assessments from \$1,286.96 to \$838.05.
- Three months’ working capital is provided.
- Another \$80,000 will accrue to the “future fire mitigation cleanup” line item, which is completed on a three-year rotation, and could potentially be performed in the upcoming year.
- Unassigned Fund Balance would increase to \$921,606. Should the Board elect to perform fire mitigation cleanup in Fiscal Year 2025, Unassigned Fund Balance can be utilized.

The Board and Staff discussed whether to budget for the following:

- Increased electrical costs, which can vary due to the age and condition of the equipment.
- Replacing the cabinets for the larger 6” fireballs, installation and aesthetics. Mr. Willis will request proposals. Mr. Adams noted that Unassigned Fund Balance might be utilized.

Mr. Tarr thanked Mr. Adams for preparing the draft proposed Fiscal Year 2025 budget. He expressed concern that budgeting \$220,000 for the lake maintenance contract, given the encumbrance of \$392,000, suggests to him that the budget is \$172,000 less than the actual expenses. He expressed concern about the amount budgeted for fire mitigation cleanup, given

the dramatic price increases. He noted that the CDD has no reserves so the surplus funds are essentially the reserves. He stated his desire to avoid a shortfall of funding and questioned the lake maintenance contract projection.

Mr. Adams stated that he missed that projection; he included \$192,000 for lake maintenance for the remainder of the year.

The Board and Staff discussed water management line items, unassigned fund balance, mitigation cleanup and the impact on assessments.

The Board discussed budgeting \$400,000 for fire mitigation cleanup, given the need for new bids.

Mr. Henry supports assigning the most realistic costs for each line item and considering Unassigned Fund Balance.

Ms. Gartland supports being fiscally conservative and stated she feels that substantial Unassigned Fund Balance is available; therefore, substantially increasing budgeted line items is duplicative.

Discussion ensued regarding the pending report from M.R.I., pipe damage found at Medici and the need for a system-wide analysis of the pipes.

Mr. Greenberg suggested that, in the absence of records or proposals, an effort be made to make fair and reasonable estimates for the line items in question, and that the unassigned funds amount be reduced.

After discussion, the consensus was to increase fire mitigation cleanup to \$350,000.

Mr. Adams stated budgeting \$350,000 and utilizing the \$240,000 accrued for the expense would reduce the O&M assessment from \$1,286.96 to \$945.49.

Mr. Tarr expressed concern about the amount budgeted for lake bank erosion repairs. Mr. Greenberg stated the policy of the Board was to address the three worst lakes in each budget cycle; the Lake Bank Audit will identify which lakes will be remediated in Fiscal Year 2025.

After discussion, the consensus was to increase lake bank erosion repairs to \$100,000.

Discussion ensued regarding aeration repairs and replacement.

Mrs. Adams stated that the expected lifespan of aerators is ten years. The first group of fireballs were installed in February 2023; 34 cabinets without fireballs will be replaced to accommodate the 6" fireballs.

Discussion ensued regarding budgeting to purchase new cabinets and fireballs, the locations of cabinets and fireballs, past fires, the importance of fire suppression near the preserve and the possibility of total costs, which might approach \$1 million.

The consensus was to add a "Fire suppression – cabinets" line item.

Mr. Willis will obtain a per unit cost, for budgeting purposes, for the next meeting.

Mr. Adams will include a note in the budget that this relates to replacement of the 26 existing cabinets in or adjacent to preserve areas, containing fireballs expiring by 2026; cabinets must be enlarged to house available replacements. Mrs. Adams stated the 34 cabinets not adjacent to conservation areas do not have fireballs.

Mr. Adams suggested scheduling replacements for Fiscal Year 2026 and repurposing funds set aside for replacements in Fiscal Year 2025 to the wildfire reduction program.

Mr. Tarr stated that, if assessments are lowered and then raised again, a letter must be sent to advise property owners accordingly. Mr. Adams stated assessments have been fairly consistent; when raising assessments, he recommends including a table showing previous assessments and the justification for the increase to demonstrate fiscal responsibility.

Mr. Henry asked if the fireballs' three-year expiration date was confirmed. Mrs. Adams stated she will confirm the expiration date.

Mr. Greenberg suggested budgeting some portion of the expense since it will affect the overall assessment amount. He prefers decreasing assessments by a lesser amount to avoid the need to increase it greatly should there be an issue with the pipes. He proposed budgeting the best estimate over a two-year period, whether \$25,000 or \$30,000, for the \$60,000 expense. Mr. Adams stated that, as with the fuel load reduction program, he will program a portion of the surplus fund balance. It will not register as an expense, as it will not be realized as an expense.

Mr. Tarr expressed disappointment that insurance coverage has not been reviewed in years and questioned whether the policies are relevant to current world situations. It was noted that this was requested at the last meeting. Mr. Greenberg requested copies of the Declaration pages. Mr. Adams stated coverage was reviewed in great detail a few years ago.

After a brief discussion, Mr. Greenberg stated the Board would like the Declaration pages or a summary chart and would like District Counsel to review District Management's insurance to ensure that coverage is adequate and send a report to the Board.

This item will be included on the next meeting agenda.

In response to a question, Mr. Adams stated that the Insurance increase from \$13,090 to \$13,614 is based on a projection from the carrier.

Asked why the Property Appraiser & Tax Collector line item decreased, Mr. Adams stated the amounts are based on the actual percentages charged by Lee and Collier County.

Mr. Henry asked if a breakdown exists or should exist related to repair and replacement of items such as aerators. Mrs. Adams stated scheduled replacements are done based on life expectancy of the equipment; lightning strikes can also necessitate replacement.

Mr. Henry asked for the breakdown of the Debt Service Fund assessments on Pages 9 and 10 of the proposed Fiscal Year 2025 budget. Mr. Adams will email the information.

Mrs. Adams will find out if Lake 52 bacteria is built into the lake contract.

The consensus was to decrease the "Electricity" line item from \$35,000 to \$30,000.

Mr. Tarr voiced his belief that all the budgeted amounts should end in zero. Mr. Adams stated that certain expenses, such as the Annual filing fee of \$175, have remained the same for many years. Mr. Greenberg supports rounding upward.

The amount budgeted for insurance was changed from \$13,614 to \$13,600.

Ms. Wheeler asked how much will be budgeted for the new line item related to fireballs and cabinets. Mr. Greenberg stated that Mr. Willis will provide the amount at the next meeting. Funds will be taken from the unassigned fund balance and the balance in unassigned will be used to determine whether to maintain or reduce next year's assessment; the assessment will not increase. Unassigned funds serve as reserves for the CDD.

Mr. Adams stated that inserting the two-year cabinet replacement, for \$35,000 in year one, brings the three months' working capital to \$313,496, unassigned funds to \$871,360 and O&M assessments to \$965.01, a reduction of \$320 from Fiscal Year 2024.

It was noted that additional changes of nearly \$300,000 can be made at the June meeting without increasing assessments from Fiscal Year 2024. Mr. Greenberg predicted that, unless the M.R.I. report is catastrophic, assessments will decrease.

Mr. Tarr asked if the actual Management fee is \$49,973. Mr. Adams replied affirmatively and noted that it has not changed in many years; the last time it was changed, it was reduced as a result of the merger. If a rate increase were planned, it would be budgeted.

In response to a suggestion to round up the amount, Mr. Adams stated that, for accounting purposes, actual amounts are used in such instances.

Mr. Greenberg stated that he prefers to use actual amounts, when possible.

Mr. Adams will provide an updated projected Fiscal Year 2025 budget for the next meeting.

On MOTION by Ms. Gartland and seconded by Mr. Henry, with all in favor, Resolution 2024-04, Approving Proposed Budgets for Fiscal Year 2024/2025 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 21, 2024 at 9:00 a.m., in the Bella Vita I Room at the Sports Club at Mediterra, 15735 Corso Mediterra Circle, Naples, Florida 34110; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2024-05, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2024/2025 and Providing for an Effective Date

On MOTION by Ms. Wheeler and seconded by Mr. Tarr, with all in favor, Resolution 2024-05, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2024/2025 and Providing for an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Discussion: Responses to RFP for Right-of-Way Fuel Load Reduction

Mr. Greenberg introduced Mr. Mark Zordan, Project Manager for Johnson Engineering, who will take the place of Mr. Andy Tilton, who is retiring.

A. RFP Package

The Request for Proposals (RFP) was included for informational purposes.

B. Summary of Proposals

Mr. Zordan stated that, per the comments at the last meeting, the RFP was updated with regard to dates and language was reviewed. The primary update is that they were asked to remove the six locations on Corso Mediterra Circle and just do the locations with one-way

ingress and egress. The GIS maps were updated and the last four pages of the map were enlarged for improved readability. The table was updated and wetland areas are indicated in red and orange, respectively. With Board approval, the RFP can be published today. The Bid Package includes a proposal due date of June 7, 2024, so that the responses can be presented at the June 20, 2024 meeting.

The Board and Staff discussed the Summary of Proposals.

Mr. Tarr observed that the work is supposed to be performed during the dry season and noted that, by the time the bids are received, it will no longer be dry season. He questioned the removal of Cabbage Palm boots and recalled that an arborist refused to remove them.

Mr. Greenberg voiced his opinion that the RFP should be amended to indicate that Cabbage Palm boots shall be trimmed by hand saw only, without damaging the tree. He noted that the first paragraph related to Cabbage Palms addresses trees greater than 8' and the second paragraph relates to short Cabbage Palms. He thinks the "-Cabbage Palm Boots (All):" heading should be removed. The entire paragraph, with the addition of "by hand saw" before "without" in the last line will be added to the "-Short Cabbage Palms" section. The "Short Cabbage Palms" section will read "(8' or less)". Mr. Zordan concurred with that summation.

Mr. Greenberg stated that preventing fire is a priority.

Ms. Willson asked if the project is anticipated to cost more than \$195,000.

Mr. Greenberg predicted that the project will be significantly more expensive. He stated that sealed bids will be obtained and the Board's review sheet should not be the debacle that the last one was. Ms. Willson stated that is understood and asked when the Board's criteria will be determined or if the Board will sign off on the RFP package before the next meeting.

Mr. Adams stated that the Project Manual is complete; if proposed criteria are available, they should be circulated.

This item will be included on the June agenda.

Mr. Tarr asked if a time for completion is included. Mr. Adams stated it is currently 180 days. Mrs. Adams stated that is the criteria for the big project but that much time is not needed for this portion of the project.

The consensus was to reduce the completion time to 90 days. Mr. Adams stated the project will be advertised in June, tabulated in July and awarded in August.

Ms. Wheeler suggested the MCA be notified before work begins, given the use of equipment and trucks on the right-of-way (ROW). Mr. Adams concurred.

Mr. Greenberg asked Mr. Zordan to add traffic control with MCA to the scope of service.

The Board and Staff discussed companies to be invited to submit proposals, including EarthBalance, Superior, Cintron, Sandhills, Superb, Johnson Tree Service and Davey Tree Service.

On MOTION by Ms. Gartland and seconded by Ms. Wheeler, with all in favor, the Request for Proposals for Right-of-Way Fuel Load Reduction, as amended, was approved.

Mr. Zordan discussed his professional background and stated that, before joining Johnson Engineering, he was Manager of Collier County’s Capital Stormwater Management Program. He responded to questions about Johnson Engineering’s rebuilding and modification of weir structures in Imperial Golf Village.

Discussion ensued regarding two outfall structures in Imperial Golf Village that the CDD cleaned two years ago because neither the County nor Imperial Golf Village cleaned them, and whether they should be cleaned again.

At Mr. Greenberg’s request, Mr. Zordan will inspect the outflow structures and provide pictures and a brief summary at the next meeting.

EIGHTH ORDER OF BUSINESS

Discussion: Updates Regarding Lakes, Finances, Fire Suppression and Nature Trail

Mrs. Adams stated that the MCA will e-blast the update included in the agenda.

NINTH ORDER OF BUSINESS

Update: 2023 Annual Sediment Sampling – Pond Health Testing, Analysis and Report

Mr. Tarr asked why the Report dated April 2, 2024, copies of which were distributed, was not included in the agenda. Mr. Adams was unsure.

Mr. Denison stated that he prepared a Water Quality Report on April 2, 2024 and a Sediment Report on April 12, 2024; the Sediment Report is included in the agenda. Mr. Adams stated the two reports look similar; he is unsure why one was omitted from the agenda.

Mr. Tarr discussed the importance of all documents being included in the agenda.

Mr. Greenberg asked Mr. Adams to advise Admin about the oversight. Mr. Adams will do so and make sure the other Report is included in the agenda posted on the CDD website.

TENTH ORDER OF BUSINESS**Discussion/Update: Water Quality Testing**

Referring to a PowerPoint that includes information from the Reports, Mr. Denison stated that, each year, water quality samples are collected from the outfall lakes that discharge to the north and south. The lakes, while aesthetically pleasing, are stormwater treatment ponds that do not need to meet the guidelines of water quality criteria, except for when the water discharges. Sediment samples are collected to measure muck material and provide laboratory analysis.

Mr. Denison presented the Laboratory Analysis and noted the following:

- The lakes are in pretty good condition.
- Lakes that can support fish, plants, flora and fauna are essentially classified as a Class 3 water body. Fish and plants are usually beneficial and support aquatic life; aerators and littorals are beneficial.
- Water quality samples were collected in 2021 and 2022; sediment samples were not collected in those years. On one occasion, Lake 55 had a total phosphorus level slightly above the desirable criteria.

Mr. Tarr observed that Pond 52 had no muck and the highest level of dissolved oxygen. He stated that bio-socks are used in that pond and theorized that the bio-socks are responsible for the lack of muck. Mr. Adams stated that aerators are also in use.

- High dissolved oxygen is desirable; he is not certain how that relates to muck levels. Aeration mainly provides high dissolved oxygen, which seems the case across the board.
- The lakes are very fresh, running approximately .5 or .6 salinity and pH is between 7 and 8.
- Turbidity is less than 5 in each of the lakes; it is not considered a problem until it reaches 11; desirable turbidity is 5 or lower.

Ms. Gartland asked why data is not available for 2023. Mr. Denison expects the 2023 data to be available later this month; results were delayed due to a labor issue in 2023.

Mr. Greenberg suggested discussion be tabled until the 2023 data is available. He recalled that, year-over-year, data was requested in 2021.

It was requested that an Addendum including 2021, 2022 and 2023 be prepared and that the Reports be included in the agenda, rather than distributed as handouts.

Mr. Denison recommended water quality sampling more than once during the rainy season and noted that it used to be done twice.

The Board and Staff discussed best practices in water quality testing and variations in muck levels.

Asked what level of muck necessitates cleaning of a lake, Mr. Denison stated, while it is unknown, in his opinion, muck levels persisting over 1' might become a problem but the correct answer is probably that muck becomes an issue when it is stirred up and suspends in the lake. That can depend upon how and where aerators are installed. It was noted that muck is not uniform. Mr. Denison stated that repeated measurements are taken in the same areas, over time, to the best of technicians' ability.

Mr. Tarr asked if any of Mr. Adams' clients have engaged in demucking. Mr. Adams replied no and stated that Pelican Landing had some ponds with upward of several feet of muck; over time, the introduction of aeration and bacteria reduced the muck layer.

Mr. Denison stated that muck is high in organic nitrogen nutrient compounds.

Regarding the 2023 Sediment Report, Mr. Denison stated the pictures in the Report demonstrate dark organic material in most of the lakes, which gives an idea of the muck or the lack thereof, in the lakes.

ELEVENTH ORDER OF BUSINESS

Discussion: Insurance Policy

This item was discussed during the Fifth Order of Business.

TWELFTH ORDER OF BUSINESS

**SFWMD Mediterra Phases Two and Three
Notice of Inspection ERP No. 11-01761-P
(for informational purposes)**

Mr. Tarr voiced his opinion that this is a positive report and asked for things like this to be presented in a more timely manner. Mr. Greenberg stated it will be included in this month's letter.

THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of March 31, 2024

- **2024 Operations Financial Impact Analysis**
- **Breakdown/Summary Report**

The financials were accepted.

FOURTEENTH ORDER OF BUSINESS

Approval of April 17, 2024 Regular Meeting Minutes

Mrs. Adams presented the April 17, 2024 Regular Meeting Minutes.

The following change was made:

Line 261: Change "Gartland" to "Wheeler"

On MOTION by Mr. Henry and seconded by Ms. Gartland, with all in favor, the April 17, 2024 Regular Meeting Minutes, as amended, were approved.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock LLP

There was no report.

B. District Engineer: Johnson Engineering, Inc.

- **Update: Permit Extension – Phase 3 East Stormwater Pond 74**

Mr. Zordan stated that Permit #11-103215-P, with an expiration date of February 4, 2027, has a new expiration date of March 10, 2029, assuming no further extensions to the effective order.

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

- **NEXT MEETING DATE: June 20, 2024 at 9:00 AM**
 - **QUORUM CHECK**

Supervisors Henry, Greenberg and Gartland confirmed their attendance at the June 20, 2024 meeting. Supervisors Wheeler and Tarr will attend via telephone.

Mr. Greenberg noted that there will be no meeting in July.

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

- **Key Activity Dates Report**

The April 2024 Key Activity Dates Report was included for informational purposes.

Ms. Wheeler stated the Medici lake bank remediation project commenced. Sod was added to the lake banks and her understanding is that Medici is responsible for maintenance and the CDD is responsible for the infrastructure. However, during a wet check, it was discovered that the sprinklers do not reach all the sod because sod was added to the lake banks. Some sprinklers need extra pipes and some need new sprinkler heads to reach the sod. As sod is due to be installed today, she asked if the CDD will pay the cost of sprinklers.

Mr. Greenberg stated the CDD does not irrigate any lake banks.

Mr. Adams suggested, since the Declarations give the responsibility of maintenance to the water's edge to the adjacent property owner, if Floratam sod is desired, homeowners adjust their sprinklers, at their expense, so the sod will survive. Otherwise, the CDD will install Bahia sod, which is drought resistant and does not require water. He stated the CDD will not install irrigation and the CDD does not have the responsibility to maintain to the water line. He noted that property owners could install 360-degree sprinkler heads to preserve the sod. It was noted that several of these projects have been done in the CDD without issue.

Mr. Tarr stated that Mr. Radford advised that, for the longevity of the Enkamat, it should not be subjected to ultraviolet light.

Discussion ensued regarding the choice of sod, which matches adjacent properties.

Mr. Adams stated that Floratam sod is common; in other areas where irrigation is not provided, Bahia sod is installed. Mr. Tarr stated the only two grasses permitted in Mediterra are Zoysia and Floratam. Mr. Greenberg stated that the point is a valid one, but expressed concern about setting a precedent and noted that there is a slight conflict.

Asked about a solution, Mr. Tarr opined that Medici will pay for it but this should have been discussed before the project began.

Mr. Adams stated, in other residential lake bank repairs, homeowners have been responsible for making their own arrangements.

Mr. Tarr voiced his opinion that the extent of the erosion was so bad and the amount of remediation and amount of lake bank added was extensive.

Ms. Wheeler stated that two homeowners' pool outflow pipes were damaged as a result of the project. Mr. Greenberg stated that, if the CDD's project damaged the pipe, it will be the CDD's responsibility to fix it.

SIXTEENTH ORDER OF BUSINESS**Action/Agenda or Completed Items**

Mr. Tarr voiced his opinion that the Summary Sheet does not belong with the Unaudited Financials. Mr. Adams stated in the future, it will be included under Staff Reports.

Mr. Tarr stated that he has been trying to research Florida Tree Law. His understanding is that, if a neighbor is put on notice that they have a dead tree and the tree damages property, the owner of the tree can be held accountable.

Mr. Tarr noted that a dead pine tree was removed from Golf Course Hole #6, at a cost of \$1,300. Mr. Greenberg concurred. Mr. Tarr stated that trees were removed from Medici, at the cost of \$1,750. He recalled that, when Brendisi approached the CDD, they argued over \$425, yet spent thousands of dollars at Medici.

Mrs. Adams stated the situations are totally different; Brendisi wanted the pine tree cut down for aesthetic reasons; the tree did not pose a hazard. Field Management inspected the tree and sent a report. Mr. Greenberg recalled that the tree was not deemed to be a hazard.

Mr. Tarr asked Ms. Willson if the CDD is liable if it does nothing when an adjacent property owner informs the CDD, in writing, about a dead tree and expresses concern about damage to their property from a named storm. Ms. Willson stated that, according to the law, if the owner has knowledge that the tree is damaged, dead or otherwise dangerous, the property owner could be held liable. However, if the CDD is put on notice that there is a dead tree and then other actions are taken to review it and make a note for the file, the judge would likely take that into account. Nothing is perfect but, as long as a measured approach is taken, having inspected the tree, she believes that the CDD would be in a reasonably defensible position.

Mr. Tarr voiced his opinion that Brendisi was treated unfairly.

Ms. Willson recommends that, in any instance in which the CDD chooses not to take action, a note should be placed in the file document regarding the analysis of Staff and perhaps photos of the tree at the time of the report.

Mr. Willis stated that his last guidance to Cintron was to provide the CDD with an invoice for the removal of the diseased Cabbage Palm and root ball and to provide Brendisi with an invoice for the aesthetic removal of the pine tree.

Mr. Greenberg thinks that, if the CDD has legal liability, it should remove the tree but, in other instances, it should be done at the expense of the party involved.

On MOTION by Mr. Tarr and seconded by Ms. Wheeler, with Mr. Tarr in favor and Mr. Greenberg, Ms. Gartland, Mr. Henry and Ms. Wheeler dissenting, reimbursing Brendisi \$425 for tree removal, was not approved. [Motion failed 4-1]

Ms. Wheeler stated that she would be willing to reconsider the request if more information were available regarding other trees removed, and why.

Mr. Willis stated that, when he evaluates trees, evaluation is not based upon previous trees that were cut down.

Discussion ensued regarding the decision and the potential precedent set.

SEVENTEENTH ORDER OF BUSINESS

Old Business

There was no old business.

EIGHTEENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

NINETEENTH ORDER OF BUSINESS

Public Comments (3 minutes per speaker)

There were no public comments.

TWENTIETH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Henry and seconded by Ms. Gartland, with all in favor, the meeting adjourned at 11:32 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair