

**MINUTES OF MEETING
MEDITERRA
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Mediterra Community Development District held a Public Hearing and Regular Meeting on 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.

Present were:

Robert Greenberg	Chair
Kenneth Tarr (via telephone)	Vice Chair
Vicki Gartland	Assistant Secretary
Mary Wheeler	Assistant Secretary
John Henry (via telephone)	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
David Wiefeling	Resident
Barbara Zella	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 9:01 a.m. Supervisors Wheeler, Gartland and Greenberg were present. Supervisors Henry and Tarr attended via telephone.

SECOND ORDER OF BUSINESS

Public Comments (3 minutes per speaker)

No members of the public spoke.

THIRD ORDER OF BUSINESS

Chairman's Comments

Mr. Greenberg stated that he will take some agenda items out of order, according to priorities and due to time constraints. He noted that, when he leaves the meeting today, the quorum will be lost. At that time, Board Members can continue to discuss the remaining agenda items as a workshop in preparation for the October meeting but no votes can be taken nor Staff directions given.

FOURTH ORDER OF BUSINESS

Update: Aquatics Report - June 2024

This item was presented following the Fifteenth Order of Business.

FIFTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2024/2025 Budget

A. Proof/Affidavit of Publication

The affidavit of publication was included for informational purposes.

B. Consideration of Resolution 2024-06, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2024, and Ending September 30, 2025; Authorizing Budget Amendments; and Providing an Effective Date

Mr. Adams presented Resolution 2024-06. He reviewed the proposed Fiscal Year 2025 budget, which is unchanged since it was last presented. Assessments are unchanged as compared to Fiscal Year 2024.

Mr. Adams opened the Public Hearing.

No affected property owners or members of the public spoke.

Mr. Adams closed the Public Hearing.

The following changes were made to the Fiscal Year 2025 budget:

Page 4, "Lake maintenance contract": Add "EarthBalance"

Page 4, "Fuel load reduction conservation areas": Change "porgram" to "program"

Page 4, "Fuel load reduction conservation areas": Delete "The District is budgeting 1/3rd of the expected expense"

On MOTION by Ms. Gartland and seconded by Mr. Tarr, with all in favor, Resolution 2024-06, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2024, and Ending September 30, 2025, as amended; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2024-07, Providing for Funding for the FY 2025 Adopted Budget(s); 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 2024-07.

On MOTION by Ms. Gartland and seconded by Ms. Wheeler, with all in favor, Resolution 2024-07, Providing for Funding for the FY 2025 Adopted Budget(s); 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.

SEVENTH ORDER OF BUSINESS

Consideration of Bid Analysis and Recommendation for Right-of-Way Fuel Load Reduction Services

This item was presented following the Fifteenth Order of Business.

EIGHTH ORDER OF BUSINESS

Presentation of 2024 Annual Lake Audit

This item was presented following the Fifteenth Order of Business.

NINTH ORDER OF BUSINESS

Discussion: Removal of Vegetation Debris

This item was presented following the Fifteenth Order of Business.

TENTH ORDER OF BUSINESS

Discussion/ Consideration: M.R.I. Inspection LLC Proposal Estimate #4931 [Dredge Out Storm Inlet]

Mr. Zordan presented M.R.I. Inspection LLC Proposal Estimate #4931.

Mr. Greenberg noted that the proposal is for the inlet at Lake #6, in Villoresi; Ms. Willson briefed the Board on what happens when damage to lake banks occurs due to homeowner activity.

Mr. Greenberg stated that sod will be replaced and asked Staff to ensure that the sod does not wash away.

Mr. Zordan recommended that the sod be allowed to grow into the riprap to eliminate the risk of the edger cutting the geotextile fabric.

After discussion regarding the aesthetics of edging above or below the riprap, Mr. Greenberg asked Mr. Zordan to address the matter with M.R.I.

It was noted that the proposal represents work not related to the warranty. The work will be scheduled after the rainy season for the best results.

On MOTION by Ms. Gartland and seconded by Ms. Wheeler, with all in favor, M.R.I. Inspection LLC Proposal Estimate #4931, in the amount of \$11,800, was approved.

ELEVENTH ORDER OF BUSINESS

Discussion/Consideration: Pesky Varmints, LLC Estimate #1992 [Iguana Removal]

This item was presented following the Fifteenth Order of Business.

TWELFTH ORDER OF BUSINESS

Update: 2023 Annual Sediment Sampling & Water Quality Testing Summary Report

This item was presented following the Fifteenth Order of Business.

THIRTEENTH ORDER OF BUSINESS

Goals and Objectives Reporting [HB7013 - Special Districts Performance Measures and Standards Reporting]

Mr. Adams presented the Memorandum detailing this new requirement and explained that newly adopted legislation requires special districts to establish goals and objectives annually and develop performance measures and standards to assess the achievement of the goals and objectives, publish an annual report on its website detailing the goals and objectives achieved, the performance measures and standards used, and any goals or objectives that were not achieved. District Management and District Counsel collaborated on identifying the key categories to focus on for Fiscal Year 2025 and develop statutorily compliant goals for each.

Mr. Greenberg expressed support for the high-level Performance Measures/Standards & Annual Reporting Form developed for the CDD.

Mr. Willis will confirm receipt of confirmation of website reviews by Strange Zone, Inc., and report to the Board, accordingly.

On MOTION by Ms. Wheeler and seconded by Mr. Tarr, with all in favor, the Goals and Objectives and the Performance Measures/Standards & Annual Reporting Form, were approved.

FOURTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2024

This item was presented following the Fifteenth Order of Business.

FIFTEENTH ORDER OF BUSINESS

Approval of June 20, 2024 Regular Meeting Minutes

Mr. Greenberg presented the June 20, 2024 Regular Meeting Minutes.

The following changes were made:

Line 217: Change "Amarron" to "Amarone"

Line 462: Change "Ms. Greenberg" to "Mr. Greenberg"

On MOTION by Ms. Gartland and seconded by Mr. Tarr, with all in favor, the June 20, 2024 Regular Meeting Minutes, as amended, were approved.

▪ **Update: 2023 Annual Sediment Sampling & Water Quality Testing Summary Report**

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

Mrs. Adams stated the District Engineer was asked to provide an updated Summary Report; the item included in the agenda was included in the June agenda.

▪ **Discussion/Consideration: Pesky Varmints, LLC Estimate #1992 [Iguana Removal]**

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

Mr. Greenberg stated that he received numerous complaints about iguanas and one resident complained about removal of the invasive species.

Discussion ensued regarding the proposal, the cost and the need to coordinate efforts with the golf course. It was noted that Pesky Varmints currently performs iguana control services for the Master Association, throughout the streets and communities.

Mr. Greenberg directed Staff to invite an expert to attend the next meeting and to invite representatives from the MCA and The Club.

Mr. Tarr expressed support for authorizing Pesky Varmints to access the golf course while it is closed.

Mr. Greenberg directed Staff to work with the golf course and, upon obtaining approval, authorize iguana removal within the District Manager's spending authority.

▪ **Discussion: Removal of Vegetation Debris**

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

Mrs. Adams stated this agenda item is at the request of Mr. Henry.

Mr. Henry stated that he has observed and confirmed, via inspection, that vegetative debris accumulates in certain lakes and directly behind certain homes creating a swampy appearance due to prevailing winds. Many homes are unaffected but some are severely affected; during high heat and humidity, foul odors are also noted. Seawalls also contribute to accumulation of debris during periods with high water levels. This issue was brought to his attention by Lucarno residents David Wiefeling and Barbara Zella. In his opinion, this is a major concern. He asked Mr. Willis and suggested that the vendor, CrossCreek, be asked to inspect these areas and address the severe cases.

Mrs. Adams stated that the removal should be included in the scope of work, at no additional cost; the contract states that such areas should be addressed by the contractor within 24 hours of notification.

Asked if this occurs due to homeowners or construction contractors, Mr. Willis and Mr. Henry stated that it includes vegetative debris, such as grass clippings driven by prevailing winds. Mr. Willis stated that debris from littoral treatments is also included; he will ask CrossCreek to address the issue during its regular on-site visits and to include remediations in the Aquatics Reports.

Resident David Wiefeling discussed the issue, which is worse during high water times, and voiced his belief that the vegetation that grows on lake banks when water recedes contributes to the issue because, when water levels rise, the vegetation dies. He thinks that contributes to the algae issues on the seawall.

Mr. Greenberg stated the seawall is a Lucarno matter and a London Bay matter; he noted London Bay spent \$45,000 on the wall before it was turned over to the homeowners.

Mr. Henry stated, from what he saw with Mr. Willis, it is more than a Lucarno problem. He observed flooding on the pathway between Lakes 71 and 72, where most of the property belongs to the Lucarno HOA; there are no drains on either side of the pathway, which causes flooding and severe erosion at the very end of the seawall, where water drains across MCA-owned property before it is channeled into Lakes 71 and 72. He believes the solution is for all parties, including the CDD, MCA and Mr. Steve Wilson, who represents London Bay, to discuss why drains were never installed there.

Mrs. Adams suggested that Mr. Zordan assist in this regard.

Mr. Henry, who is also a Lucarno HOA Board Member, was authorized to represent the CDD, work with Mr. Zordan and Mr. Willis and to coordinate with other stakeholders.

Mr. Wiefeling stated that the MCA planted vegetation yesterday. Mr. Greenberg stated that is beyond the purview of this meeting.

▪ **Consideration of Bid Analysis and Recommendation for Right-of-Way Fuel Load Reduction Services**

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

Mr. Greenberg stated that the Request for Proposals (RFP) was advertised as required; however, only one proposal was received. His suggestion to complete the approval process, should the Board wish to approve the bid, is to agree that EarthBalance receives 10 points for each criteria.

Mr. Tarr noted that the proposal indicates that the project will be completed within 50 days and voiced his belief that the project will commence after the end of the rainy season. Mr. Greenberg stated that the CDD must give a Notice to Commence. Mrs. Adams stated that the CCD has a penalty clause. The consensus was that the Notice to Commence will not be issued until the dry season.

Mr. Greenberg stated, while he regrets that more bids were not received, the amount bid for the work to be performed is not unreasonable and the contract is to the Board's liking.

On MOTION by Ms. Gartland and seconded by Ms. Wheeler, with all in favor, with all Board Members awarding 10 points for each scoring criteria item and ranking EarthBalance, the sole respondent to the RFP, as the #1 ranked

respondent, the proposal Right-of-Way for Fuel Load Reduction Services, was approved.

- **Acceptance of Unaudited Financial Statements as of June 30, 2024**

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

On MOTION by Mr. Henry and seconded by Ms. Gartland, with all in favor, the Unaudited Financial Statements as of June 30, 2024, were accepted.

Ms. Wheeler asked Staff to email the Board if the agenda packages will be late. Mrs. Adams stated that the Admin Department will be asked to do so.

Mr. Greenberg recalled that agenda packages were requested the Friday before the meeting. Mrs. Adams apologized and stated the Admin Department tries to get agendas out ten days prior to the meeting but it is sometimes not possible. Mr. Greenberg noted that the PDF agenda is not the same and stated that the request has now been escalated.

- **Presentation of 2024 Annual Lake Audit**

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

Mr. Tarr noted Mr. Willis indicated the need for Board approval to remove a palm tree at Lake 61 because the tree is taller than shoulder height, per CDD policy.

On MOTION by Ms. Wheeler and seconded by Ms. Gartland, with all in favor, removal of the palm tree, was approved.

Mr. Greenberg left the meeting at 10:00 a.m.

A quorum was no longer established; therefore, no official actions will be taken by the Board for the remainder of the meeting.

- **Update: Aquatics Report - June 2024**

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

Mr. Willis stated that he will email the Report to the Board; nothing significant was reported. Mrs. Adams asked for the Aquatics Report to be posted on the website.

- **Discussion resumed: Presentation of 2024 Annual Lake Audit**

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

Mr. Tarr complimented Mr. Willis on the report's photography. He asked if latitude and longitude will be corrected. Mr. Willis replied affirmatively and stated that a printed version of the Report will be provided in the future, with formatting adjustments.

SIXTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock LLP

- **Continued Discussion: Insurance Policy**

Ms. Willson recalled that she was asked to review the CDD's options, in the event activity on adjacent property impacts and potentially causes damage to the CDD's stormwater ponds. She stated that the CDD is responsible for maintaining the stormwater ponds; the District Engineer should inspect adjacent property to determine potential impact to CDD stormwater ponds. If potential impact is identified, an outreach letter asking adjacent property owners to cease and desist would be recommended and a Summary Report would be attached. If damage to CDD property occurs, the CDD could obtain proposals for repairs and bill those property owners for repairs and pursue legal remedies, if necessary. If damage is caused by The Club or a Neighborhood Association, the CDD could enter into an Agreement whereby the CDD takes on the maintenance obligation, and the associated entity would fund the cost.

Ms. Willson will email this information to Mr. Greenberg.

It was noted that this topic was raised following repairs in Villoresi. Mrs. Adams stated that all repairs were done by the CDD; none were the homeowners' responsibility.

Mr. Tarr asked who would send a letter when the District Engineer documents an issue. Ms. Willson stated that Staff would typically send the first letter and, if necessary, District Counsel would send a follow up letter. The Board would generally be consulted before a letter is sent.

Mr. Tarr stated, based on the owners' actions in Medici, he believes it is critical that the District Engineer and Mr. Willis inspect and identify issues created by homeowners before remediation begins. He noted that Medici spent \$9,000 on repairs before MRI performed its work.

Mr. Henry suggested residents be put on notice that they can be held responsible for damages resulting from their actions.

Mr. Tarr discussed the Declarations and homeowner responsibilities.

Ms. Wheeler suggested the District Engineer inspect the area before lake bank remediation begins and suggested this item be included on the next meeting agenda.

Mr. Henry suggested communication to residents be added to the agenda.

Mr. Willis displayed a standard letter and notification sent to residents and noted that residents are advised about what is observed, and provided with a schematic of the property, and information from the Property Appraiser. In Medici, the problems were not visible until the project started. This item will be included as an example for discussion.

Ms. Willson stated that she followed up with the insurer and confirmed that no insurable items exist and no further steps are necessary, other than coordinating a site visit.

Discussion ensued regarding insurance policies.

Mr. Tarr voiced his opinion that the insurance coverage for fire liability, at \$75,000, sounds low. Ms. Willson stated that the policies were confirmed to be appropriate for the CDD. This item will be included on the next agenda.

Ms. Willson reminded the Board Members of the requirement to complete four hours of ethics training by December 31, 2024.

B. District Engineer: Johnson Engineering, Inc.

There was no report.

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

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

These items were included for informational purposes.

The Board and Staff discussed the “Annual Pipe Cleanout Project” expenditure of \$53,700. Mrs. Adams stated that Collier County will be completed first, followed by Lee County; once completed, the work will be paid for from the Fiscal Year 2025 budget using Unassigned Fund Balance. Mr. Tarr voiced his opinion that the projected amount should be reflected in the budget.

Mrs. Adams stated that the Collier County portion of the project is projected to be completed in December.

Discussion ensued about rainfall received and water levels, which are high but receding.

Asked what would happen, at the current levels, if the stormwater system received 14” of rain in 24 hours, Mr. Zordan stated that, based on the way the system is designed roadway,

flooding would occur. It was noted that the storm drains were cleaned and the system is functioning as designed. Mrs. Adams noted that outfall structures were cleaned.

Mrs. Adams stated that she will verify when the pipe in Brendisi will be cleaned. Referring to the MRI Report, Mr. Tarr noted that some pipes with 80% blockage remain to be cleaned. Mr. Zordan stated that he and Mr. Willis communicated with MRI to have the interconnects cleaned. Mr. Tarr stated that, for years, the CDD’s reputation was that pipes were cleaned every year before hurricane season. Mrs. Adams stated that is true; however, this year the ROV inspection took a long time.

Regarding using Zoom attendance to preserve quorum, Ms. Willson stated that State Statute does not provide an alternate approach to achieving quorum; an in-person quorum is required.

- **Registered Voters in District as of April 15, 2024**
 - **Collier: 833**
 - **Lee: 446**
- **NEXT MEETING DATE: October 16, 2024 at 9:00 AM**
 - **QUORUM CHECK**

Supervisors Wheeler, Tarr, Henry and Gartland confirmed their attendance at the October 16, 2024 meeting.

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

- **Key Activity Dates Report**

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

SEVENTEENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

Items 9, 11, 12, 13, 16, 19, 20, 21, 23, 24, 25and 29 were completed.

EIGHTEENTH ORDER OF BUSINESS

Old Business

There was no old business.

NINETEENTH ORDER OF BUSINESS

Supervisors’ Requests

There were no Supervisors’ requests.

No members of the public spoke.

On MOTION by Mr. Henry and seconded by Ms. Gartland, with all in favor, the meeting recessed and was continued as a workshop at 10:46 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair