

**MINUTES OF MEETING
MEDITERRA
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Mediterra Community Development District held a Regular Meeting on April 21, 2021 at 3:00 p.m., on the patio outside 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
Vicki Gartland	Assistant Secretary
John Henry	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Alyssa Willson (via telephone)	District Counsel
Jonathan Johnson (via telephone)	Hopping Green & Sams, P.A.
Andy Tilton	District Engineer
Tim Richards	General Manager, MCA
Terry Woods	MCA
Bill Kurth	SOLitude Lake Management (SOLitude)
Tim Denison (via telephone)	Johnson Engineering, Inc.
Mike Radford	M.R.I. Inspection LLC (MRI)

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 3:04 p.m. Supervisors Wheeler, Tarr, Greenberg and Gartland were present in person.

SECOND ORDER OF BUSINESS

Chairman's Comments

Mr. Greenberg commended Staff for having the agendas distributed timely, as requested. He welcomed Mr. Henry, discussed various items listed later in the agenda requiring updates and requested Staff proceed with the following actions:

- Staff to instruct Management not to send repetitious agendas to the Board unless changes were made in the agenda.
- Discuss implementing CDD contracts requiring unit pricing, to resolve recent landscape issue that occurred.
- Arrange the Treasurer, Mr. Wrathell’s presence at a meeting where all Board Members were present.
- **Public Comments**
This item was an addition to the agenda.
No members of the public spoke.

THIRD ORDER OF BUSINESS

Consideration of Resolution 2021-04, Declaring a Vacancy in Seat 3 of the Board of Supervisors Pursuant to Section 190.006(3)(b), Florida Statutes; and Providing an Effective Date

Mr. Greenberg presented Resolution 2021-04. He noted that Mr. Bishko moved out of the community and received the gift commemorating his service on the Board.

On MOTION by Mr. Greenberg and seconded by Mr. Tarr, with all in favor, Resolution 2021-04, Declaring a Vacancy in Seat 3 of the Board of Supervisors Pursuant to Section 190.006(3)(b), Florida Statutes; and Providing an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Consider Appointment of Qualified Elector to Fill Unexpired Term of Vacant Seat 3; (Term Expires November, 2024)

Mr. Greenberg nominated Mr. John Henry to fill Seat 3 and discussed his professional and prior Board experience. No other nominations were made.

On MOTION by Mr. Greenberg and seconded by Ms. Wheeler, with all in favor, the appointment of Mr. John Henry to fill the unexpired term of Seat 3, as nominated, was approved.

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. John Henry. He was instructed to submit a W-4 to Staff and file Form 1 within 30 days. As he was already familiar with the documents in the Supervisor’s package, no further explanation was necessary.

- A. Administration of Oath of Office to Newly Appointed Supervisor (*the following to be provided in a separate package*)**
 - I. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
 - II. Membership, Obligations and Responsibilities**
 - III. Financial Disclosure Forms**
 - a. Form 1: Statement of Financial Interests**
 - b. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - c. Form 1F: Final Statement of Financial Interests**
 - IV. Form 8B – Memorandum of Voting Conflict**
- B. Consideration of Resolution 2021-05, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Mediterra Community Development District, and Providing for an Effective Date**

Mr. Greenberg presented Resolution 2021-05. Mr. Tarr and Ms. Wheeler nominated Mr. Greenberg as Chair. No other nominations were made for Chair. Mr. Greenberg nominated the remainder of the slate of officers. The full slate of officers nominated was as follows:

Chair	Robert Greenberg
Vice Chair	Kenneth Tarr
Secretary	Chuck Adams
Assistant Secretary	Mary Wheeler
Assistant Secretary	Vicky Gartland
Assistant Secretary	John Henry
Assistant Secretary	Craig Wrathell
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder

No other nominations were made.

On MOTION by Mr. Greenberg and seconded by Ms. Gartland, with all in favor, Resolution 2021-05, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Mediterra Community Development District, as nominated, and Providing for an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Discussion: Padova Drain Pipe

A. Discussion/Consideration of M.R.I. Construction, Inc., Invoice #234 to Install New Pipe Located at Brolio Lane

Mr. Adams presented the revised M.R.I. Construction, Inc. (MRI) Invoice #234, which gave a credit for the trench box that was not used, and an additional but reduced rate to haul the boulders off site. Discussion ensued regarding determining itemized costs and the contractor using their own equipment. In response to a request, Mr. Radford, of MRI, would provide a warranty letter indicating that, if necessary, MRI would address any settlement issues and re-install sod, at no cost to the District.

On MOTION by Mr. Tarr and seconded by Ms. Wheeler, with all in favor, M.R.I. Construction Inc Proposal #234 to install new pipe at Brolio Lane, in a not-to-exceed amount of \$77,000, subject to receipt of MRI warranty letter, was approved.

B. Consideration of GulfScapes Landscape Management Services Proposal #2471 to Provide Labor and Material to Complete Repairs at the End of Brolio Lane

Mr. Tarr discussed his concern about Staff’s process of engaging quotes and timely communication to the Board. Mrs. Adams explained that the required irrigation repairs were completed, and would be paid from the funding the Board approved at the last meeting; however, landscaping did not proceed because the irrigation costs were much higher than the Board approved. She presented GulfScapes and Cintron landscaping proposals, with the identical scope of work for the Board to consider. Discussion ensued regarding Staff proceeding with the landscape project, Staff’s direction during the Emergency Meeting, defining material in square feet versus pallet measurement and having Mr. Woods of the MCA oversee the project for the CDD.

On MOTION by Ms. Gartland and seconded by Mr. Henry, with all in favor, GulfScapes Landscape Management Services Proposal #2471 for labor and materials to complete the repairs at the end of Brolio Lane, in a not-to-exceed amount of \$10,670, was approved.

C. Consideration of Cintron Landscape Services Estimate #8765 for Storm Pipe Re-Landscape

This item was discussed during item 5B.

D. Potential Latent Defect Claim

Mr. Greenberg noted the agenda packet included Mr. Tilton’s email with additional research on the potential latent defect claim. He suggested not proceeding any further, as the statute of limitations expired, proving fault as defect of settlement would be difficult as there is no definitive information about which company actually did the work, and the repairs have been completed.

SIXTH ORDER OF BUSINESS

Discussion: SOLitude Lake Management – Aeration Reporting

Mrs. Adams discussed SOLitude implementing the aeration reporting form, whereby the technicians who spray the lakes would also report instances of aerators not working. Mr. Greenberg wanted a process implemented to hasten the response time to get the aerators repaired quickly. Mr. Kurth gave an overview of the aeration department and reporting process. In response to a request, Mr. Richards would send an e-blast, via the MCA, instructing residents to contact Mrs. Adams about downed aerators and include the repair timeline.

Mr. Kurth discussed SOLitude’s process for the semi-annual maintenance plan, including rebuilding units as part of the maintenance costs and responding to algae issues the same day. The aeration team’s response time for inspection is typically five days, but steps were underway to improve that; repairs may take longer. He noted supply chain issues due to COVID-19. Mr. Kurth would notify Mrs. Adams of any delays due to a supply chain or a repair issue, so it can be reported to the Board and the residents.

Mr. Kurth would discuss with his company and determine if SOLitude can keep additional compressors and other related equipment in inventory to prevent ordering delays. He noted that a new software program that tracks all units, repairs, etc., was being

implemented in May. Mr. Greenberg stated that, once SOLitude is able to provide tracking, the District would consider purchasing equipment to keep on site.

Ms. Wheeler asked what was sprayed at Medici, as the “weeds” need to be removed. Mr. Kurth stated he would let Mrs. Adams know. In response to Mr. Tarr’s observation of a tree growing at the control level, Mr. Kurth would inspect 15243 Medici Way and determine who is responsible for removing it.

SEVENTH ORDER OF BUSINESS

Presentation: Johnson Engineering Wet Season 2020 Water Quality Monitoring Report

Mr. Denison presented the Wet Season 2020 Water Quality Monitoring Report and highlighted the following:

- The results for all five ponds were relatively good.
- The Reports included photographs of the lakes and samples collected.

Mr. Denison responded to questions about muck in the lakes increasing over time. The benchmark for concern is 12”. Mr. Tilton noted that remediation is a solution; however, the aeration units are helping it to decompose and not continue building up. As muck removal is expensive, there are other options, such as treating the ponds with alum.

Ms. Gartland asked why Lake #35 was added for testing. No one could recall the reason; however, Mr. Greenberg thought it was in response to a complaint or it was the closest pond of that size to the outfall. In response to a request, Mr. Denison and Mr. Tilton defined the various classes of water bodies. Mr. Denison stated he would send the 2021 contract to Mr. Adams for Board approval, as the next sediment sampling should be scheduled next month and the wet sampling should be performed mid-summer. He was asked to contact Staff if Lake #24 is not discharging, so the Board can be notified.

EIGHTH ORDER OF BUSINESS

Presentation: Johnson Engineering 2020 Annual Sediment Sampling Report

This item was presented in conjunction with the Seventh Order of Business.

NINTH ORDER OF BUSINESS

Discussion: Wildlife in CDD Controlled Property

Ms. Wheeler asked for this item to be included on the agenda, as she thought she observed water moccasin snakes in the area; however, it was later identified as a black racer snake, which is helpful as they kill other snakes.

TENTH ORDER OF BUSINESS

Discussion: Process to Communicate Between Board Members and Staff

Mr. Greenberg recalled that he asked the Supervisors to copy all communications for requests to Staff and him, for tracking purposes, to ensure items are addressed timely and to hold Staff accountable. He noted that Supervisors should not communicate with District Counsel and that those items must go through the Chair.

Ms. Willson reminded the Board Members of the Sunshine Law requirements and that there must be no written communication between two or more Board Members on a discussion item that is going to come before the Board in the future. Mr. Greenberg voiced his opinion that email communications containing factual information could occur, but noted that the communications must be available as public record. He stated that anything policy-related should not be sent.

ELEVENTH ORDER OF BUSINESS

Discussion: District Management

Mr. Greenberg referred to Mr. Adams' comment about WHA's expanding business and upcoming Management changes and stated that the Board wants to keep the Management Staff the same. Mr. Tarr suggested updating the WHA Agreement to reflect the current CDD name. Mr. Adams would prepare an Amendment to the WHA contract to reflect the correct CDD name, fee schedule and other fitting items; this item will be on the next meeting agenda.

TWELFTH ORDER OF BUSINESS

Ratification of Items Discussed at March 16, 2021 Emergency Meeting:

- A. GulfScapes Landscape Management Services Proposal to Re-Sod and Replant Areas Damaged During the Padova Drainage Pipe Project, in a Not-to-Exceed Amount of 12,000, Subject to Review by Mr. Woods**

- B. Revising District’s Rules of Procedure to Include a Board Policy Specifying that Any Construction-Related Projects of Significant Require Engagement of CDD Engineer to Oversee, Inspect and Provide a Report**
- C. WHA Management Contract to be Emailed to the Board for Review**
- D. Implement Procedure for Future, Significant Projects to Include Conducting Preconstruction Meetings Between all Parties Prior to Commencement of Project**
- E. Mr. Tilton to Research Padova Permit to Determine Who Performed Original Work and Certified the Pipe**
- F. Staff to Locate Third-Party Contractor to Test Flow of New Pipe Before Rainy Season**

On MOTION by Mr. Tarr and seconded by Ms. Wheeler, with all in favor, Agenda Items 12A through 12F, discussed at the March 16, 2021 Emergency Meeting, were ratified.

Mr. Tarr asked if it was prudent to engage a third-party contractor to inspect the new Padova drainage pipe to ensure it is functioning properly.

Discussion ensued to do that before rainy season or using lake water. Mr. Tilton provided scenarios of potential issues with the pipe and noted that putting dye in the water was not required or necessary. The consensus was not to pursue this item at this time.

THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of February 28, 2021

Mr. Greenberg presented the Unaudited Financial Statements as of February 28, 2021. An updated Operations Financial Impact Analysis Report for Fiscal Years 2020/2021 and the Financial Highlights Report were distributed during the meeting.

Discussion ensued and it was decided that the lake bank projects would be deferred until next spring to ensure a sufficient fund balance is available, in the event of an unforeseen urgent project. Mr. Greenberg wanted the Board to be cognizant of the goal to get reserves back to \$150,000, which may require increasing assessments.

The financials were accepted.

On MOTION by Mr. Tarr and seconded by Mr. Henry, with all in favor, deferring lake bank erosion repair projects at Lakes #35 and #13 until the new Fiscal Year, was approved.

FOURTEENTH ORDER OF BUSINESS

Approval of Minutes

- A. March 3, 2021 Regular Meeting**
- B. March 16, 2021 Emergency Meeting**

Mr. Greenberg presented the Meeting Minutes listed above. Mrs. Adams noted that edits were submitted to Management and those edits were distributed during the meeting.

On MOTION by Mr. Henry and seconded by Ms. Wheeler, with all in favor, the March 3, 2021 Regular Meeting and the March 16, 2021 Emergency Meeting Minutes, as amended to include edits submitted to Management, were approved.

Going forward, the draft meeting minutes should be transmitted to all Board Members for their review prior to inclusion in the meeting agendas.

Mr. Greenberg asked Ms. Willson for the best approach to incorporate the process of requiring the District Engineer to oversee all construction and repair projects.

Ms. Willson stated that it could be incorporated it into the District’s Rules of Procedure manual or the Board could adopt a resolution implementing the policy; however, the District Engineer’s Continuing Services Agreement would need to be updated.

On MOTION by Ms. Gartland and seconded by Mr. Tarr, with all in favor, authorizing Ms. Willson to prepare a Resolution to implement the policy requiring engagement of the District Engineer to oversee all construction and repair projects and to amend the Scope of Services Agreement to reflect those requirements and authorizing the Chair to execute the Agreement, was approved.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel: *Hopping Green & Sams, P.A.***

There being nothing further to report, the next item followed.

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

- **Discussion: South Florida Water Management District Permit Modification for Lake 74 Updates**

Mr. Tilton distributed the de-excavation permit application and zoning plans to modify Lake 74, to be submitted to Collier County. Mr. Greenberg gave an overview of the District's intent to reconfigure Lake 74, as originally indicated in the Master Plan. This would resolve the land needs of the District and MCA, alleviate meeting space issue and keep the MCA offices on site. After discussion, the Board decided not to submit the permit at this time.

Discussion ensued regarding the State and Federal permit policy and extensions, in relation to COVID-19 delays, and notifying affected residents of any future plans. As instructed, Mr. Tilton would not submit the application but he would continue monitoring any activity that could jeopardize the regulatory rights already obtained by the District.

Mr. Adams noted that Mr. Richards notified Staff of an encroachment issue into the conservation area, at 10806 East Cortile Court. He distributed photographs of the area in which several stumps were visible; thereby, indicating the removal of mature trees leading into the preserve. He conveyed his conversation with the homeowner about the District's need to survey the area. If an encroachment is confirmed, the District would need to self-report the violation to South Florida Water Management District (SFWMD), prepare a restoration plan, obtain proposals for the restoration work; and prepare and implement a five-year self-monitoring and reporting plan to submit to the SFWMD. He stated that the homeowner was very apologetic and informed him that Ballenger told him it was okay to remove the trees.

Discussion ensued regarding the area having no silt barrier, involvement of the City of Bonita Springs and the lien process. Mr. Tilton would contact the City of Bonita Springs, as there was no sediment barrier in the area, and request a "stop work" order. He would notify the homeowner once the encroachment is confirmed and proposals obtained. In conjunction with Ms. Willson preparing a letter Agreement to the homeowner, noting the homeowner's responsibility for costs incurred and the process involved in returning the area to its original condition. If the homeowner does not execute the Agreement, the District would seek legal action.

On MOTION by Mr. Greenberg and seconded by Ms. Gartland, with all in favor, once the property at 10805 East Cortile Court is staked and encroachment is confirmed, authorizing Mr. Adams and Ms. Willson to implement the process described above, was approved.

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

Mr. Adams distributed emails from parties authorizing the District to access, inspect and clean the outfall pipe from the Imperial Village side. MRI proposals will be obtained and the District map was updated to reflect the added area, which was incorporated into the regular program. Mrs. Adams would email the GIS map to Mr. Henry and send the updated ones to the Board, upon receipt.

The following were Mr. Adams' responses regarding various action items:

- Item 2: Staff was implementing a records procedural change. A file share account in the Cloud would be set up with a link on the District's website that would allow the Board and its constituents to access District records; thereby, making the need for the laptop at the MCA office obsolete. This process negates having outdated information on the District's website; however, information from just the last three years would be available until Staff can download the files prior to the merger.
- Item 12: The formal letter to the Tax Collector's office to correct the District's name on the notices would go out later in the week.
- Item 22: Mrs. Adams would confirm that The Club replaced the felt at Structure #94, Lake #32.
- Item 23: Mr. Adams discussed with Mr. Lively and it was deemed that the discharge into Structure #142, Lake #43, was appropriate and part of the Consumptive Use Permit.
- MRI expected to complete the storm pipe clean-up project this Friday.

▪ **Action/Agenda or Completed Items**

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

Items 2, 23, 5, 9, 13, 16, 17, 19, 20, 23, 24, 25, 28-33 were completed.

Discussed Action items 23, 10, 7, 8, 12, 22 and 27 with updates noted on the Action Items List.

Mr. Greenberg stated he would prepare a letter to the community and forward it to Mr. Adams for distribution to the Board regarding several items about water quality within the

District, instructions to report non-working aeration units, Cane Toad program update, low amount of muck and the fishing policy for CDD stormwater lakes.

- **NEXT MEETING DATE: May 19, 2021 at 9:00 A.M.**
 - **QUORUM CHECK**

The next meeting will be held on May 19, 2021 at 9:00 a.m.

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

I. Key Activity Dates

The April Key Activity Dates Report was provided for informational purposes and would be updated as needed.

II. Operations Financial Impact Analysis FY 2020-2021

This item was discussed during the Thirteenth Order of Business.

SIXTEENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

This item was discussed during Item 15C.

SEVENTEENTH ORDER OF BUSINESS

Old Business

- **Discussion: Tax Collector Name Correction**

This item was discussed during Item 15C.

EIGHTEENTH ORDER OF BUSINESS

Supervisors' Requests

Ms. Gartland asked why Lake #35 was added as a testing site.

NINETEENTH ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

In response to questions, Mr. Richards reported the following:

- There was no update from Quality Engineering regarding the big ponds being built outside Mediterra or when it would be completed.
- The MCA planned to take care of the wall.

Mr. Tilton explained that CDD property would be affected when they begin digging and cutting a hole in the box to connect the pipe to the outfall structure; however, he was not the engineer for the project.

TWENTIETH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Ms. Wheeler and seconded by Ms. Gartland, with all in favor, the meeting adjourned at 5:35 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair