

**MINUTES OF MEETING  
MEDITERRA  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Mediterra Community Development District held a Regular Meeting on February 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:**

Kenneth Tarr	Vice Chair
Vicki Gartland	Assistant Secretary
Mary Wheeler (via telephone)	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
Brent Burford (via telephone)	District Engineer
Jim Sheeran	Crosscreek Environmental, Inc.
Dennis Tocci	Resident
Michael Fedida	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 9:01 a.m. Supervisors Tarr, Gartland and Henry were present. Supervisor Wheeler attended via telephone. Supervisor Greenberg was not present.

**SECOND ORDER OF BUSINESS**

**Public Comments (3 minutes)**

Resident Dennis Tocci recalled that he attended the last meeting to report an issue with one of the lake compressors that was creating unbearable noise near his home. He asked for the minutes of today's meeting to reflect that the issue was addressed and that he is very thankful that Mr. Willis addressed the issue.

Mr. Tarr asked if the equipment had to be replaced or if it was rebuilt.

Mr. Willis stated the compressor will need to be replaced. Mr. Sheeran stated the equipment will be replaced, along with some other equipment. The aeration specialist is

methodically reviewing the aeration system; he works in the CDD once or twice a week and advises which equipment needs maintenance and/or replacement. Mrs. Adams stated that the CDD replaces rather than rebuilds equipment.

**THIRD ORDER OF BUSINESS**

**Chairman's Comments**

Mr. Tarr stated he has no comments in Mr. Greenberg's absence.

**FOURTH ORDER OF BUSINESS**

**Update: Aquatics Report - February 2024**

Mr. Tarr asked Mr. Sheeran about his previous experience with lake management contractors in the CDD. Mr. Sheeran stated he started working in the CDD while employed by LakeMasters between 2006 and 2008 and he worked in the CDD for four or five years before going to work with another lake management company. He joined Crosscreek as a Lead Technician and he is now a Lake Manager.

Mr. Tarr opined that the Lake 22 lake bank looks much better than it has in past years. Mr. Sheeran stated he visited three times so far and he is working to restore the lakes to their former pristine appearance.

Mr. Sheeran presented the February 2024 Aquatics Report, responded to questions and noted the following:

- Algae foam around the perimeter of lakes is a sign of the lake fixing itself, likely because of nutrient runoff from fertilizer. Foam is removed as needed and algae is treated.
- Bacopa, a dense beneficial aquatic weed that grows on the lake bank, helps with erosion problems; therefore, he encourages the growth of bacopa. It generally grows up to the floritam; he does not recommend killing bacopa. He spot treats invasives growing within bacopa, as bacopa helps to preserve the lake bank.

Ms. Gartland stated she observed a lot of technician activity while on the golf course and cleanup activity at the lakes and has noticed great improvement.

Ms. Wheeler thanked Mr. Sheeran for the good explanations and information and stated the information about the aquatic beneficial plants will be shared with the community.

Mrs. Adams noted the big difference between aquatic weeds and aquatic beneficials.

Mr. Willis stated he will send a photograph of bacopa to the Board after the lake review on Friday.

Mrs. Adams stated she gave Mr. Sheeran a 6" fireball; the 4" fireballs are no longer available. It is unclear whether the 6" will fit in the existing cabinet. One ball is \$150.

Mr. Willis stated several complaints were received about construction trash in the lake at Corsini. Mr. Sheeran's team will handle it and the MCA will be asked to have its construction crews address the issue, which might be related to items blowing over the silt fence.

▪ **Discussion/ Consideration of Proposals for Dye Application to Lakes 71 and 72**

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

Mr. Willis stated that homeowners on the east side of Lakes 71 and 72, in Lucarno, complained about aquatic weeds and littorals and the milky appearance of the shallow water. Mr. Henry stated the issue was raised at the Lucarno Board Meeting.

Discussion ensued regarding the Crosscreek Environmental proposals to dye the lake water to change the aesthetic appearance of the lakes, the aesthetics of the water in the shallow lake and the need to dye both lakes to achieve a balanced appearance.

Mrs. Adams stated one lake has been receiving dye at no additional charge, for several years, due to submersed aquatics.

Mr. Sheeran stated he presented options for blue and black dye because blue dye is often less expensive; however, black dye often looks more natural.

Water levels, turbidity, whether to wait until dry season, the possibility of additional requests for dye and whether the HOAs should pay for lake dye treatments were discussed.

Mr. Adams stated the presence of the high-end park could justify enhanced aesthetics. Ms. Gartland suggested approving one treatment.

Ms. Willson stated some parameters must be set in case additional requests are received, such as indicating which lakes will be treated and which will not and treating similarly situated lakes in the same manner. She stated the Board could proceed with treating one lake and, if necessary, develop a policy that treats like situations alike.

The Board and Staff discussed whether to treat one or both lakes and which color of dye should be used.

**On MOTION by Mr. Henry and seconded by Ms. Gartland, with all in favor, authorizing a one-time treatment of Lake 71 and Lake 72, with blue dye, at a cost of \$175 and \$165 respectively, was approved.**

Mr. Sheeran stated the lakes will be treated on February 27, 2024.

Mr. Henry stated he would like to be better educated regarding littorals. Mrs. Adams suggested he accompany Staff on the annual lake audit.

Mr. Willis will send the educational brochure about littorals to all Board Members.

**FIFTH ORDER OF BUSINESS**

**Continued Discussion /Update: Lake Bank Restoration**

- **Consideration of Anchor Marine Proposals**

Mr. Adams stated only one proposal is included in the agenda and suggested deferring this item until proposals requested from all three contractors are received.

**SIXTH ORDER OF BUSINESS**

**Consideration of Johnson Engineering, Inc. New Rate Schedule**

Mr. Adams presented the new rate schedule submitted by Johnson Engineering, Inc. He stated the rates have not increased since September 2022; the New Rate Schedule reflects a rate increase of approximately 10% for each level.

Mr. Burford believed he is billed at Level 4 but he needs to verify.

Mr. Adams stated a very healthy \$50,000 is budgeted for Engineering, in addition to \$80,000 budgeted for Nature Trail Engineering but little to no Engineering work is currently planned for the Nature Trail.

Ms. Gartland voiced her opinion that the relationship with Johnson Engineering has been great. She asked if the CDD must consider other contractors and if the rates are reasonable. Mr. Adams stated the rates are in line with recent inflation and labor cost increases. Ms. Willson stated the CDD has no statutory duty to re-bid the contract at this time.

**On MOTION by Ms. Gartland and seconded by Mr. Henry, with all in favor, the Johnson Engineering, Inc. New Rate Schedule, effective immediately, was approved.**

**SEVENTH ORDER OF BUSINESS****Discussion/Consideration of Proposals for  
Dye Application to Lakes 71 and 72**

This item was presented following the Fourth Order of Business.

**EIGHTH ORDER OF BUSINESS****Acceptance of Unaudited Financial  
Statements as of December 31, 2023**

- **2024 Operations Financial Impact Analysis**

Mr. Adams stated the \$866 remaining in the “BB&T – CDARS” line item and a significant portion of operating cash will be moved to the “ICS – BankUnited” account line item. This operating account allows five withdrawals per month, which is more than adequate, as Accounts Payable are processed twice per month.

Mr. Tarr noted that assigned funds include “3 months working capital” and “Future fire mitigation clean-up” which he believes will be funded annually for three years. Mr. Adams stated that is correct; \$80,000 accrues for fire mitigation annually and, in one more year, the total will be \$240,000.

Mr. Tarr voiced his belief that the two competing proposals for the preserve cleanup, from SOLitude and EarthBalance, are close to each other in price and both are in the \$300,000 range and that the Cintron proposal was significantly less. The Board Members believe that is accurate.

Mr. Tarr stated that \$300,000 will not be accrued at this rate.

Mr. Adams stated it will not be accrued on a three-year cycle; unassigned fund balance can be used to offset the differential. Mr. Tarr expressed hope that it will not be necessary to use available funds for pipe repairs and suggested requesting an updated proposal from EarthBalance now, given the lack of other bidders. It was noted that bids can also be requested from Superior Waterway, Crosscreek Environmental and several others.

Mr. Tarr expressed concern that the cost will increase significantly. Mr. Adams stated a budget amendment can be adopted or the line item can be adjusted with the understanding that unused funds will fall back to fund balance.

Ms. Gartland suggested waiting to see how much will be spent on pipe repairs.

It was noted that \$160,000 is currently accrued for “Future fire mitigation clean-up”.

Mr. Adams stated the line item previously contained \$80,000, it is currently at \$160,000 and it will increase to \$240,000 this year; however, the Board can budget at its discretion.

Regarding projects listed on the Operations Financial Impact Analysis, Mr. Adams stated that it will only include expenditures anticipated for projects planned in the current fiscal year. He noted that another \$80,000 is reserved in the appropriate line item in the budget, where it will not be shown as an expense, but rather as a fund balance adjustment.

It was noted that the fuel load reduction on the right-of-way’s is anticipated for the current fiscal year, so it is included on the Operations Financial Impact Analysis.

Mrs. Adams stated the District Engineer will publish a Request for Proposals (RFP) for fuel load reduction on the right-of-way’s project; the work will be performed during dry season. Mr. Burford stated he will proceed with the RFP process. Mr. Adams thinks April or May would be the best time to begin the project, when it will be the driest, the lightest and hopefully the least expensive.

Discussion ensued regarding the Operations Financial Impact Analysis.

Regarding why the “Capital Outlay: nature-trail” line item shows \$100,000 budgeted. Mr. Adams stated that amount was budgeted by the Board as a whole.

Mr. Henry asked if the Operating Funds are kept below the \$250,000 FDIC limit. Mr. Adams stated that is the goal; the swell of County special assessment revenue will be moved quickly and will be swept into the ICS account.

- **Breakdown/Summary Report**

Mr. Tarr stated he observed a dead pine tree taken down and stated a homeowner asked if the fallen tree will be in the zone to be removed during fire mitigation.

Mrs. Adams stated it will be removed if it is within the 60’ zone.

Mr. Adams stated it was felled due to the hazard to private property. The benefit to not removing it now is that it would be expensive to remove by itself; by leaving it, it will dry out so that it is lighter and easier to remove in May. Mrs. Adams stated the permit allows for tree removal every three years and the South Florida Water Management District (SFWMD) could fine the CDD for unauthorized tree removal.

Ms. Wheeler expressed concern about leaving dry wood in the preserves. The consensus was that there is an abundance of wet and dry wood in the preserves.

**On MOTION by Ms. Gartland and seconded by Mr. Henry, with all in favor, the Unaudited Financial Statements as of December 31, 2023, were accepted.**

**NINTH ORDER OF BUSINESS**

**Approval of January 17, 2024 Regular Meeting Minutes**

Mr. Tarr stated he found only one error in the minutes. It was noted that Mr. Tarr was the only Supervisor to submit comments. Mr. Tarr's edit is reflected in the minutes in the agenda package.

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

**TENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel: Kutak Rock LLP**

Ms. Willson had no report.

Mr. Tarr asked if there is any legislative news related to CDDs. Ms. Willson stated there were some revisions to Chapter 190. Some additional reporting requirements might be coming. Some proposed revisions to commercial districts were removed from the final version of the bill. Further updates will be provided. The new continuing education requirements are in effect, as previously discussed.

Mr. Tarr reminded the Board that the four hours of ethics training must be completed by December 31, 2024. Mr. Henry recalled that approval was granted at the last meeting to take the online course. Mr. Tarr noted that the online course is \$49 and asked for an action item to be created. He asked if Form 6 applies to CDD Supervisors. Ms. Willson stated that, so far, CDD Supervisors are not included in those required to file Form 6.

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

Mr. Burford stated he received proposals for the right-of-way fire reduction in April 2023 and asked if the work was completed. Mrs. Adams stated the funds were budgeted. Mr. Burford will request new proposals and advise that the CDD intends to proceed with the work.

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

Mr. Burford stated the permit extension is being monitored; currently, the permit extension will run through the beginning of 2029. Mrs. Adams stated at the last meeting the permit extension was estimated to be January 2029. Mr. Adams stated another 30 days can be added, as it is now 30 days later.

Mr. Henry asked for the purpose of the permit. Mr. Tarr stated the permit gives the CDD the opportunity to capture valuable land in the future, which might be used for a play park. Mr. Henry questioned the value of it and doubted there would be any support on the east side. Ms. Wheeler believed there would still be a water feature there.

Mr. Tarr stated the stormwater feature would remain. Mr. Adams stated part of the process identified acreage needed for water storage under the permit; the remainder could be filled in to expand the dry part of the parcel. He thinks there was a sketch of a potential facility. Mr. Henry asked if the permit gives the opportunity to fill in the entire lake. Mr. Adams recalled a sketch showing a building footprint and a parking area.

Mr. Tarr stated the map in the MCA office wall shows all the buildings and parking, with the entry off Livingston.

Mr. Henry thinks the plan was to construct a parking lot and buildings there.

Mr. Tarr suggested the GIS maps be printed and reviewed in detail, as the MCA and the CDD own land.

Mr. Adams displayed a Collier County Property Appraiser map overlay. He pointed out a parcel owned by the MCA. Lake 74 and an additional area are owned by the CDD.

The Board and Staff discussed the map, the permit and ownership of lands.

Mr. Tarr identified the stormwater system and an additional area mined by Bonita Bay Group. Mr. Adams stated that area is part of the permit and explained that the process Mr. Tilton went through was a determination of the CDD's overall storage, wet and dry areas, how much there was in excess of what is needed and the potential of filling in the difference. The permit shows how much could be filled in; now the permit extension is being discussed and the permit's five-year shelf life is being extended.

Referring to various parcels believed to be owned by the MCA, Mr. Tarr opined that land is in great demand and there is a need for contractor truck parking on the Corso. Mr. Henry stated, as a resident of the east side, he believes there would be a lot of opposition to that, and he would like to understand how much there is a possibility of that. He feels that the east side



residents should be aware that this permit is outstanding and it could, at some time, be an intrusion into an area that they value.

Mr. Adams voiced his opinion that it is important for homeowners to understand that, though the CDD has gone through this exercise and secured this permit, the CDD never intended to be the entity actually taking those steps. Rather, the option was preserved for the MCA.

The Board and Staff discussed their opinions regarding the use of the permitted area.

Mr. Tarr expressed his opinion that it would be foolish not to preserve the option to use the property for future homeowners.

Mr. Henry thinks there are people who might rather see a preserve.

Mr. Gartland believes some people might support filling in a portion of it and creating a miniature nature park.

Asked what the permit allows, Mr. Adams stated the CDD could do whatever is allowed under the permit zoning. He thinks something more natural would be allowed, as it would have less environmental impact than what was originally contemplated.

Mr. Tarr voiced his belief that there was never an intent to fill the entire area, as that is not allowed.

Discussion ensued regarding parking constraints on the east side, the minimal cost to monitor the permit and the desire to prevent potential commercial development of the property.

Ms. Willson stated commercial development would not be an allowable purpose of the property according to the tax-exempt bond covenant. A play park could be constructed, if permitted by the County; this would be an Engineering question related to a recreational amenity. If constructed and funded by the CDD, allowance for use by others, with a nonresident user fee, must be included.

Mr. Henry recalled that a play park considered for next to the pump station was vehemently opposed by residents.

Ms. Wheeler feels that is a valid point raised by a resident of the east side; the fact that turning any portion of it into anything other than a water feature is not currently appealing to those homeowners is a viewpoint of which the Board needs to be aware.

Mr. Tarr stated the Board is not suggesting that anything is being done now and he knows of no recent plans or proposals.

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

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

Supervisors Tarr, Wheeler, Henry and Gartland confirmed their attendance at the March 20, 2024 meeting.

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

- **Key Activity Dates Report**

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

Mr. Tarr asked for the annual Ethics Training requirement to be added to the Report.

Mr. Tarr noted that “Laptop @ MOS” should be changed to “Laptop @ MCA.” With regard to this item, Mr. Adams will ask if a file share of the last five years can be done.

It was noted that “Est Cortile Court - SOP” monitoring was completed and will be removed from the Report.

Mrs. Adams stated the required preserve Wetland Maintenance treatment schedule for invasives was added to the Report. Treatments are applied four times per year; the last treatment is not included on the Report, which includes Fiscal Year 2024. EarthBalance is the subcontractor to do the wetlands; trash is removed during maintenance.

**ELEVENTH ORDER OF BUSINESS**

**Action/Agenda or Completed Items**

Items 14, 17, 21 and 23 were completed.

Item 2: Change “Mr. Tilton” to “Mr. Brown”

Item 7: Change “next meeting” to 2/2024

Item 11: Response not yet received.

Regarding Item 19, Mr. Tarr asked the status of the M.R.I. ROV inspection. Mrs. Adams stated technicians will be back on site in two weeks. Depending on weather and water levels, inspections will resume.

Ms. Wheeler stated the pipes are normally inspected during the dry season, and the contractor was asked to come in early because it was so dry in November. This is the time of the year when inspections are normally done but it has been unseasonably rainy.

Discussion ensued regarding the ideal conditions necessary for ROV inspections.

Mrs. Adams stated M.R.I. will continue when conditions permit.

Item 21: Mrs. Adams stated the CDD has 125 compressors. The oldest compressors are four operational compressors from 2011.

**TWELFTH ORDER OF BUSINESS**

**Old Business**

Mr. Adams stated he will email the forms for the General Election to the Board Members. The candidate qualification period runs from noon, June 10, 2024 to noon, June 14, 2024.

Mr. Tarr asked Ms. Willson to research Attorney General opinions related to whether Supervisors can discuss possible candidates for upcoming elections without violating the Statutes or Sunshine Law. Ms. Willson will research the question and advise.

**THIRTEENTH ORDER OF BUSINESS**

**Supervisors' Requests**

Ms. Gartland asked for the June 12, 2024 meeting to be rescheduled.

District Management will poll the Board and notify them regarding a new meeting date.

**FOURTEENTH ORDER OF BUSINESS**

**Public Comments (3 minutes per speaker)**

Resident Michael Fedida expressed his appreciation to the Board and noted that very few members of the public attend CDD meetings. Mr. Adams stated, when newsletters are sent, more homeowners attend meetings. He noted that the mailing sent in August is the primary reason for the postage expenses increased.

Mr. Tarr discussed the numerous topics of discussion over the years, as the community ages, including underground pipes and tree root damage.

**FIFTEENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Ms. Gartland and seconded by Mr. Henry, with all in favor, the meeting adjourned at 10:27 a.m.**



Secretary/Assistant Secretary



Chair/Vice Chair