

**MINUTES OF MEETING
MEDITERRA NORTH
COMMUNITY DEVELOPMENT DISTRICT**

A Regular Meeting of the Mediterra North Community Development District's Board of Supervisors was held on **Wednesday, October 17, 2012 at 1:30 p.m.**, at **The Renaissance Center, 28121 Palmira Blvd., Bonita Springs, Florida 34135.**

Present and constituting a quorum were:

J. Gary Kaenzig, Jr. (via telephone)	Chair
Brian Neary	Vice Chair
Thomas H. Van Tassel	Assistant Secretary
Frank Godshall	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Neary called the meeting to order at 1:30 p.m., and noted, for the record, that Supervisors Neary, Van Tassel and Godshall were present, in person. Supervisor Kaenzig was attending via telephone. Supervisor Abrams was not present.

SECOND ORDER OF BUSINESS

Discussion: Homeowners Lake Bank Erosion Repairs and Ability to Require Homeowners to Make Repairs

A. Informational Proposals (based upon recent audit)

- i. CDD Lake Repairs**
- ii. Homeowner Lake Repairs**

Mr. Adams recalled the Lake Bank Audit presented at the last meeting and discussion regarding new and carryover areas requiring repair. He noted that the carryover areas are beyond the CDD's responsibility; these are areas where homeowners have not completed the necessary repairs, as requested. He noted that the District previously secured and provided proposals to the homeowners for their portion of the necessary repairs; however, several did not complete the

work. As a result of discussions at the last meeting, Staff was directed to determine if there is a means of compelling homeowners to complete repairs, beyond simply requesting that it be done.

Mr. Adams explained that the District can utilize a formal legal process, which involves being damaged under the existing stormwater management permit by an adjacent property owner. This approach would likely require legal filings. He recommended holding off on this option until it is needed.

Mr. Adams indicated that a more appropriate approach would be for the District to work with the MCA to determine if they have authority, through their CC&Rs, to require a property owner to make such repairs. He stated that he had conversations with Mr. Cliff Verdeber, the Manager, who has expressed interest in working with the CDD to compel property owners to complete the work. Mr. Verdeber is willing to help author a notice from the MCA explaining the need and importance of following through on the CDD's repair request. Mr. Verdeber will review the CC&Rs with the MCA's counsel and report the findings to Mr. Adams in time for the January meeting.

Mr. Adams indicated that the repair project is a springtime activity, when water levels are low; thus, this is not currently a time-sensitive matter.

In response to a question, Mr. Adams confirmed that Mr. Verdeber is interested in assisting the CDD, to the extent possible, even if there is nothing in the MCA's CC&Rs giving authority to require completion of the work.

Mr. Adams stated that the District would rather work under the CC&Rs than to proceed with the formal legal process. He noted that, if property owners are not cooperative, the District still has a responsibility to the greater population serviced by the stormwater system, to ensure that its integrity remains in place. The District also has an obligation to the bondholders to protect the integrity of the infrastructure funded by the bonds. Mr. Adams explained that if a regulatory agency finds a compliance issue with the permit, they will send a notice of violation letter, followed by a letter of noncompliance, if the problem is not remedied, at which time, the District could be subject to fines up to \$10,000 per day.

Regarding repairs, Mr. Adams indicated that some areas were carryovers from the previous years, in addition to new areas; there are currently ten (10) areas. Mr. Adams confirmed that the carryover properties have received at least one (1) notification from the District. Mr. Neary summarized that the homeowners' repair portion is approximately \$10,000.

Mr. Adams noted that the District does not have the right to enter onto private property to make the necessary repairs; therefore, the District must force the property owners to make them.

In response to Mr. Kaenzig's question, Mr. Adams confirmed that several property owners, from last year, responded; however, many did not. Mr. Adams noted that a property owner on Milan may have completed the repairs since the most recent audit was conducted.

Mr. Kaenzig questioned if property owners were provided with sufficient information to complete the repairs. Mr. Adams replied affirmatively; each received a letter detailing the issue, explaining the importance, the proposal and containing a typical illustration of the recommended repairs, such as an underground drainage pipe, etc.

THIRD ORDER OF BUSINESS**Approval of August 15, 2012 Public Hearing and Regular Meeting Minutes**

Mr. Neary presented the August 15, 2012 Public Hearing and Regular Meeting Minutes and asked for any additions, deletions or corrections.

Discussion ensued regarding assessment collections and tax certificate sales.

The following change was made:

Line 177: Insert sentence "It was noted that the community does not own the irrigation transmission lines; those are owned by RCS and, since they are unwilling to sell those transmission lines, the only way in which the District could supply water to the community would be to run a parallel set of transmission lines, which would be rather cost prohibitive".

Mr. Godshall pointed out mistakes in the neighborhood assessments contained in the previous agenda. He stated that there were a series of mistakes, which would lead to incorrect information being provided to those that ask for it. He directed Mr. Adams to provide the Board with new tables, containing the correct information.

Mr. Adams acknowledged that there was a calculation error in the summary pages at the end of the budget. He confirmed that the tables have since been corrected and did not have an effect on the assessment, as levied; the correct amounts were levied. Mr. Adams will email corrected budget summary tables.

In response to Mr. Kaenzig's question, Mr. Adams confirmed that the information was incorrect on the summary pages at the end of the budget but was listed correctly elsewhere within the budget.

On MOTION by Mr. Kaenzig and seconded by Mr. Godshall with all in favor, the August 15, 2012 Public Hearing and Regular Meeting Minutes, as amended, were approved.

FOURTH ORDER OF BUSINESS

Other Business

There being no other business, the next item followed.

FIFTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being no report, the next item followed.

B. Engineer

There being no report, the next item followed.

C. Manager

i. Unaudited Financial Statements as of August 31, 2012

Mr. Adams presented the Unaudited Financial Statements as of August 31, 2012. Mr. Adams stated that revenues and expenditures are in line, year-to-date. He noted that the aquascaping program was completed; 220,000 plants were installed and appear to be doing well, along with the plants that were installed last year.

ii. NEXT MEETING DATE: January 16, 2013 at 1:30 p.m.

Mr. Neary indicated that the next meeting is scheduled for January 16, 2013 at 1:30 p.m., at this location.

SIXTH ORDER OF BUSINESS

**Audience
Requests**

Comments/Supervisors'

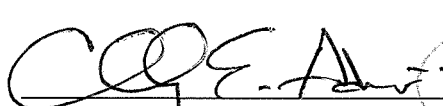
There being no audience comments or Supervisors' requests, the next item followed.

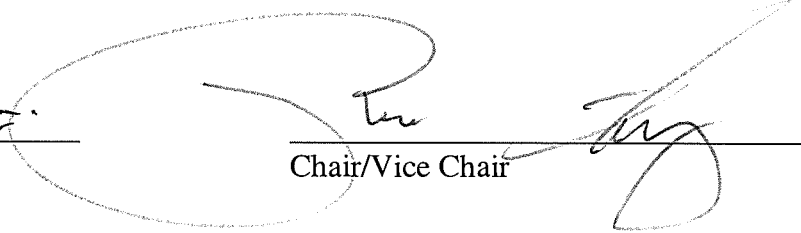
SEVENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned.

On MOTION by Mr. Kaenzig and seconded by Mr. Godshall, with all in favor, the meeting adjourned at approximately 1:51 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair