

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

A Regular Meeting of the Mediterra South Community Development District's Board of Supervisors was held on **Wednesday, October 17, 2012 at 11:30 a.m., at The Club at Mediterra, 15755 Corso Mediterra Circle, Naples, Florida 34110.**

Present and constituting a quorum were:

Kenneth Nails	Chair
Dallas Luby	Vice Chair
Bill Rowe	Assistant Secretary
Kenneth Tarr	Assistant Secretary
Michael Bishko (via telephone)	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Jonathan Johnson	District Counsel
Carl Eldridge (via telephone)	District Counsel
Dave Robson	District Engineer
Brian Neary	Mediterra North Board Member
Frank Godshall	Mediterra North Board Member
Cliff Verdeber	Mediterra Community Association

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Nails called the meeting to order at approximately 11:30 a.m., and noted, for the record, that Supervisors Nails, Rowe and Tarr were present, in person. Supervisor Bishko was attending via telephone. Supervisor Luby was not present at roll call.

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 indicated that the District worked to repair its portions from the water's edge and into the water; however, up the bank is the responsibility of the individual homeowners. In the past, the District secured proposals for both the adjacent property owners' and District's portions. Each property owner was provided with a letter explaining the issue, importance of repairing the washout or erosion and a copy of the proposal. Property owners were given the option of using the District's contractor or hiring their own.

******Mr. Luby arrived at the meeting.******

Mr. Adams indicated that several adjacent property owners did not make their repairs and the Board discussed ways to compel the homeowners to complete the repairs. He summarized that, although the District completed its necessary repairs, the areas are subjected to continual erosion due to the property owners' failure to make repairs up the bank.

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 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 stated that the District would rather work under the CC&Rs than to proceed with the formal legal process.

Mr. Rowe indicated that there has been 67.25 inches of rain this year versus 57.45 inches for all of last year and 41.50 inches at this time last year. To date, the District has seen two (2) feet more of rain, compared to last year.

Mr. Brian Neary, a Mediterra North Board Member, recalled that approximately four (4) homeowners completed the repairs, while 16 have not. Mr. Neary asked if anyone called the individual homeowners to inquire about their plans. Mr. Adams replied no but stated that contact information was included in the letter so that the homeowner could contact the District.

Mr. Neary questioned if it would be worthwhile for Mr. Adams or Ms. Crismond to contact the homeowners who have not complied. Mr. Adams agreed to consider calling them but speculated that many would have returned north. Ms. Crismond noted that she exchanged emails with a homeowner but then heard nothing further.

A Board Member asked if the District would have lien rights to a property if it makes the repairs, at the District's expense. Mr. Adams indicated that the District made repairs in its areas of responsibility but did not make repairs on private property. Mr. Eldridge felt that the District does not have the right to make repairs on private property, without consent.

Mr. Adams indicated that the project is not currently a time-sensitive matter.

Mr. Bishko pointed out that there are only ten (10) properties listed on the proposal. Mr. Adams confirmed that the figure was an estimate of the number needing repairs. Mr. Bishko indicated that a particular homeowner appearing on Mr. Adams' list spent thousands of dollars on repairs over the summer and questioned why the home appears on the list. Mr. Adams indicated that he will revisit it, as the repairs might have been made since the audit was completed in July.

In response to a question, Mr. Adams stated that the repair plan was District Engineer designed; similar systems were successfully utilized in other communities.

Mr. Adams confirmed that the Board previously authorized completion of the CDD's portion of the repairs; the proposal is presented for informational purposes. Work will commence later this spring.

THIRD ORDER OF BUSINESS

Consideration of Resolution 2013-1, Authorizing the Easement Agreement With the Club at Mediterra, Inc., Authorizing the Withdrawal of Surface Water From, and Discharge of Groundwater to, the District's Stormwater Management System for the Purpose of Irrigation

Mr. Nails presented Resolution 2013-1 for consideration. He indicated that it refers to the Easement Agreement discussed at past meetings, for the withdrawal of surface water and replacing it in the ponds. The agreement was drafted by District Counsel. It involves four (4) easements in three (3) lakes.

Mr. Eldridge confirmed that District Counsel reviewed the agreement and finds it appropriate for execution. He noted that the copy held by Mr. Adams corrects an issue in Paragraph 2, related to Exhibits A and B, which were compiled into a single exhibit. Mr. Eldridge noted that the contact information for Paragraph 16 remains pending. The only other remaining issue relates to Paragraph 3, which involves the removal location.

******After a brief interruption, the conference call session was restored with Mr. Bishko and Mr. Eldridge rejoining the meeting.******

Mr. Eldridge indicated that the location language that he included provided the Districts with the right to review the proposed piping, prior to its installation, within the easement areas. The Club had reservations about the language and wanted an indication of how much time it would take for the Districts to respond. He suggested to The Club that the Districts could respond if information is received 14 days prior to the next regularly scheduled meeting. The Club asked if the Districts could authorize someone to review the locations and approve or deny the request, without further Board action.

Mr. Adams concurred with The Club's suggestion and recommended authorizing a Board Member, the District Manager and District Engineer to review the location plans, with the Board ratifying the decision.

Mr. Nails asked how wide the proposed easement would be. Mr. Robson stated that a width has not been indicated; however, he typically does not recommend anything less than 15 feet. Mr. Eldridge commented on the easement area. Mr. Nails summarized that the requested easement is broad enough to place the pipe anywhere within the location but, once the pipe is installed, the easement will be only where the pipe is placed. Mr. Eldridge replied affirmatively; the Easement Agreement would be modified to specifically identify the placement of the piping.

In response to a question, Mr. Adams confirmed that the pipes will not be visible; there will be no negative impact on the aesthetics.

Discussion ensued regarding the bank slopes.

Mr. Bishko questioned Paragraph A and asked if the agreement can be suspended or terminated by the District upon 30 days notice, meaning, it is a unilateral option of the District. Mr. Eldridge replied no; it would be limited to expiration of the permit, revocation of the permit by the South Florida Water Management District (SFWMD) or if The Club materially breached the agreement. Mr. Bishko recommended removal of the comma after the word "Club", within

the statement, as he feels that, with the comma, it reads to state that the District has a unilateral right. Mr. Eldridge indicated that the comma can be removed.

Mr. Bishko asked if RCS is still contesting issuance of the SFWMD permit. Mr. Adams indicated that the permit was issued to The Club but is under appeal over a portion of the property that The Club owns but RCS currently services. Under the permit, The Club has the right to service its own property and it appears that the portion contained in the RCS permit will be removed from their permit. Mr. Bishko opined that it seems to be a done deal but could become an easement over nothing, should the permit be revoked or overturned. Mr. Adams concurred.

Mr. Frank Godshall, a Mediterra North Board Member, indicated that he attended a meeting with The Club, yesterday, and they are optimistic that this will go through.

Discussion ensued regarding who has the right to pull irrigation water and whether it involves the entire golf course or only a portion.

On MOTION by Mr. Luby and seconded by Mr. Rowe, with all in favor, Resolution 2013-1, Authorizing the Easement Agreement With the Club at Mediterra, Inc., Authorizing the Withdrawal of Surface Water From, and Discharge of Groundwater to, the District's Stormwater Management System for the Purpose of Irrigation, and authorizing the Chair to approve the Agreement, subject to consultation with the District Manager and District Engineer and amending Paragraph 3 of the Agreement to reflect a 21-day timeframe for the District to respond to The Club's proposed placement of the piping, was adopted.

FOURTH ORDER OF BUSINESS

Approval of August 16, 2012 Public Hearing and Regular Meeting Minutes

Mr. Nails presented the August 16, 2012 Public Hearing and Regular Meeting Minutes and asked for any additions, deletions or corrections.

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

Mr. Adams acknowledged that there was a formula 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 to the Board.

On MOTION by Mr. Rowe and seconded by Mr. Luby, with all in favor, the August 16, 2012 Public Hearing and Regular Meeting Minutes, as presented, were approved.

FIFTH ORDER OF BUSINESS

Other Business

In response to a question, Mr. Adams advised that the putting green encroaching on the CDD’s easement will be relocated in December. He met with the property owner and gave recommendations of where the putting green could be placed.

Mr. Neary commented that the aquascaping completed this year by EarthBalance was much better than the work performed last year by LakeMasters.

Regarding the oxygen levels in the water, Mr. Adams indicated that the remaining item to be tested is dissolved oxygen. Mr. Adams will provide the reports.

SIXTH ORDER OF BUSINESS

Staff Reports

a. Attorney

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

b. Engineer

There being nothing additional to 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, noting that revenues and expenditures were in line, year-to-date. He advised that the aquascaping was completed; 220,000 plants were installed and appear to be doing well, as well as plants that were installed last year. Mr. Adams discussed the success of the aquascaping program.

Mr. Tarr asked what is looked at and what is required to be reported, when the preserve areas are evaluated. He questioned if evidence of someone living in the preserve should be reported. Mr. Adams replied that it should be reported. Mr. Tarr questioned if it is being

reported. Mr. Adams stated that it should be; however, he does not know if it is being observed but not reported.

Mr. Tarr stated that a person entered his property and turned on his pool fill valve causing his pool to overflow and resulting in a \$600 water bill. He stated that he filed a police report and it is clear what happened with the time frame being determined. Because of this event, he speculated that someone is living in the preserve. He wants to see LakeMasters' written instructions regarding items to be reported.

Mr. Adams indicated that Mr. Tarr's incident is an unforeseen instance and the contract does not contain specific language requiring LakeMasters to look for homeless camps within the preserve; the contract addresses removal of trash and foreign debris. The contractor performs a sweep of the preserves every six (6) months. Mr. Adams will request that LakeMasters report any homeless living in the preserve.

A Board Member noted that there were two (2) robberies in the area about the same time.

In response to Mr. Godshall's question, Mr. Nails summarized that Mr. Verdeber is having the MCA's attorney review the CC&Rs to determine if there is anything that can be used to require homeowners to take action.

ii. NEXT MEETING DATE: January 16, 2013 at 11:30 a.m.

Mr. Nails indicated that the next meeting is scheduled for January 16, 2013 at 11:30 a.m., at this location.

SEVENTH ORDER OF BUSINESS

**Audience
Requests**

Comments/Supervisors'

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


EIGHTH ORDER OF BUSINESS

Adjournment

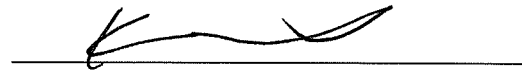
Mr. Bishko inquired about whether Mediterra North CDD agreed to move their meeting time to 2:00 p.m. Mr. Adams indicated that they did not agree; Mediterra North CDD will continue to meet at 1:30 p.m.

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

On MOTION by Mr. Luby and seconded by Mr. Tarr, with all in favor, the meeting adjourned at 1:15 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair