

**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, January 16, 2013 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
Kenneth Tarr	Vice Chair
Bill Rowe	Assistant Secretary
Dallas Luby	Assistant Secretary
Michael Bishko	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Jonathan Johnson	District Counsel
Dave Robson	District Engineer
Brian Neary	Mediterra North Board Member

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Nails called the meeting to order at approximately 11:33 a.m., and noted, for the record, that all Supervisors were present, in person.

SECOND ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors, Michael Bishko [Seat 3], Kenneth Nails [Seat 4] and Bill Rowe [Seat 5] (*the following to be provided in a separate package*)

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Bishko, Mr. Nails and Mr. Rowe. Mr. Adams provided and briefly explained the following items:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**

B. Membership, Obligations and Responsibilities

C. Financial Disclosure Forms

- i. Form 1: Statement of Financial Interests**
- ii. Form 1X: Amendment to Form 1, Statement of Financial Interests**
- iii. Form 1F: Final Statement of Financial Interests**

THIRD ORDER OF BUSINESS

**Consideration of Resolution 2013-2,
Electing Officers of the District**

Mr. Nails presented Resolution 2013-2 for the Board’s consideration. He explained that the Board is required to consider its slate of officers. Mr. Nails nominated himself for Chair. No other nominations were made. Mr. Tarr and Mr. Luby were nominated for Vice Chair.

On MOTION by Mr. Bishko and seconded by Mr. Luby, with all in favor, electing Mr. Tarr as Vice Chair, was approved.

Mr. Adams indicated that Mr. Nails will serve as Chair, Mr. Tarr as Vice Chair and the remaining Supervisors as Assistant Secretaries.

On MOTION by Mr. Nails and seconded by Mr. Luby, with all in favor, Resolution 2013-2, Electing Officers of the District, as nominated, was adopted.

FOURTH ORDER OF BUSINESS

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

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

Mr. Nails recalled that the Board questioned whether the MCA has authority to require homeowners to complete the necessary lake bank repairs.

Mr. Adams reported on his follow-up conversation with Mr. Cliff Verdeber, MCA General Manager; however, Mr. Verdeber did not have the opportunity to meet with MCA’s counsel but hopes to meet soon. Mr. Adams will advise the Board, once he receives information. Discussion ensued regarding a second-in-command, should Mr. Verdeber be unavailable.

FIFTH ORDER OF BUSINESS

Discussion Regarding Changing Meeting Times to Occur Earlier

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

Mr. Nails recalled that the Board asked the Mediterra North CDD to adjust its meeting time to an hour later, to better accommodate this District; however, Mediterra North CDD rejected that request. He noted that the Board also considered an earlier start time for the District's meetings but the District Engineer was not available to meet earlier.

Mr. Nails opened discussion to changing the District's meetings to a different day or time, which would not coincide with Mediterra North.

In response to a question, Mr. Adams stated that the current meeting schedule works best for him but he could meet earlier. Mr. Nails reminded him that the District Engineer has a conflict with meeting earlier. Mr. Robson stated that he could share duties and meeting attendance with Mr. Andy Tilton, of Johnson Engineering. If that is acceptable, Mr. Robson suggested coordinating with Mr. Tilton to determine his availability to meet earlier.

Mr. Nails recalled Mr. Adams stating that he is available on the third Tuesday of the month. Mr. Luby noted that he has a conflict on Tuesdays.

A Board Member questioned why the Board needs more time for its meetings. Mr. Nails stated that there are times when more time is needed to cover all of the items. The Board Member suggested holding a second meeting, only when necessary.

Mr. Neary, of Mediterra North, noted that Mr. Robson only attends meetings where his input is needed; thereby, saving the District money. Mr. Nails voiced his opinion that the District Engineer's attendance is beneficial, so that questions can be immediately answered.

Mr. Adams indicated that he is available Thursday mornings. A Board Member stated that he is not available on Thursdays.

Mr. Adams pointed out that the District could keep the current day and time but meetings could be continued to another day and time, such as the following week or month, should there be matters that need to be addressed before the next regularly scheduled meeting. The Board agreed to Mr. Adams' suggestion.

In response to a question from Mr. Tarr, Mr. Adams advised that the putting green encroaching on the CDD's easement was relocated in December.

SIXTH ORDER OF BUSINESS

Approval of October 17, 2012 Regular Meeting Minutes

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

Mr. Nails presented the October 17, 2012 Regular Meeting Minutes and asked for any additions, deletions or corrections.

On MOTION by Mr. Rowe and seconded by Mr. Bishko, with all in favor, the October 17, 2012 Regular Meeting Minutes, as presented, were approved.

SEVENTH ORDER OF BUSINESS

Other Business

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

There being no other business, the next item followed.

EIGHTH ORDER OF BUSINESS

Staff Reports

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

A. Attorney

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

B. Engineer

There being nothing to report, the next item followed.

C. Manager

i. Approval of Unaudited Financial Statements as of November 30, 2012

Mr. Adams presented the Unaudited Financial Statements as of November 30, 2012, noting limited activity. He advised that the off-roll assessment collections, on Page 3, were in line, year-to-date, with the first 50% received. He indicated that the on-roll assessment collections are trickling in. Year-to-date expenses were at 7%, well within budget. He advised that the November interest payments for each debt service fund were made, as reflected on Pages 6, 12 and 14.

A Board Member noted the recent change in FDIC coverage for certain types of accounts and asked what Management is doing. Mr. Adams stated that Management is monitoring balances and, when necessary, funds are being placed in an Income Cash Sweep (ICS) account,

such as the one offered by FineMark Bank, which is a Qualified Public Depository (QPD). Mr. Adams explained that ICS is similar to the CDARs Program, where the money is deposited into the account at FineMark Bank, who, in turn, spreads the funds to other banks, while maintaining FDIC coverage. He noted that ICS accounts are demand deposit accounts and, therefore, the funds are liquid, without penalty.

Mr. Tarr pointed out that FineMark Bank is owned by the Lucas Family, who cost the community \$60 million. Mr. Adams stated that he would seek another bank that offers alternative/secured investment vehicles.

Mr. Bishko noted that the Mediterra community has a website; however, the District's meetings are never posted on it because no one is informing the MCA. He requested timely notification of meetings be given to the MCA. Mr. Bishko voiced his feeling that the approved minutes appearing on the website are ancient and noted that the last approved minutes were never posted, meaning there are now two (2) sets of minutes that need to be posted.

Mr. Adams stated that Management will coordinate and provide the minutes to the MCA for posting on the website. Mr. Nails asked if the District is required to post its minutes. Mr. Johnson stated that there is no legal requirement to make the minutes available on the internet; however, the minutes must be available to the public, which can be in written format. The Board confirmed their desire to have the meeting minutes posted on the website.

Mr. Bishko felt that the meeting dates should be included on the Mediterra calendar, as well.

Discussion ensued regarding an email communication to residents regarding the refinancing. Mr. Bishko stated that many residents feel that the District saved nothing through the refinance, and recommended preparing semiannual newsletters.

Mr. Tarr recalled that Mr. Adams was to provide the Board with a dissolved oxygen report. Mr. Adams stated that the dissolved oxygen levels are included on the treatment reports; however, he will compile the information for the Board. Mr. Adams indicated that the dissolved oxygen levels generally fall within the allowable limits; otherwise, frequent fish kills would be occurring.

Mr. Rowe indicated that there was 72.55 inches of rain in 2012 versus 57.45 inches in 2011. He noted a significant period of rain in December.

In response to a question regarding an agreement discussed at the last meeting and changes that were to be made, Mr. Adams confirmed that the changes were incorporated and the document was executed. Regarding installation of the pipe, Mr. Robson felt that the challenge related to the permit is still underway.

ii. NEXT MEETING DATE: May 15, 2013 at 11:30 a.m.

Mr. Nails indicated that the next meeting is scheduled for May 15, 2013 at 11:30 a.m., at this location.

Mr. Tarr referred to an item he received in the mail and asked if it was from a management company. Mr. Adams replied affirmatively. Mr. Tarr asked if the District periodically obtains bids from management companies. Mr. Adams indicated that Management's contract is a continuing services agreement but noted that the Board discussed it every year for the past few years. Mr. Tarr asked when the contract will come up again. Mr. Adams answered whenever the Board chooses to raise it. Mr. Tarr questioned if the Board has ever heard presentations from at least two (2) other companies to determine whether Mr. Adams' firm should be retained or terminated.

Mr. Neary noted that, last year, Mediterra North CDD reviewed Management's contract and Mr. Adams brought a more competitive bid, reducing expenses substantially. He stated that Mediterra North evaluated all vendors. It was noted that Mr. Adams' affiliation with Mediterra began in 2001.

Mr. Bishko recalled discussion, about a year ago, regarding a walking path from the park to the Children's Playground and asked why the path was not installed. Mr. Adams stated that the Boards determined that the MCA should spearhead that project because the CDDs relate to infrastructure, while the MCA deals with amenities. Mr. Adams advised that the CDDs were willing to work with the MCA but wanted them to initiate the project and determine interest in the community.

Discussion ensued regarding what could be built in the preserve area. Mr. Adams indicated that the CDDs can build trails in the area, as the permit does not prohibit them. He explained that there could be a series of raised and ground level trails. Mr. Adams recalled concern about trails encouraging people to walk in that area, some of whom residents may not want walking behind their homes.

In response to Mr. Tarr’s comments at the last meeting regarding the possibility of homeless camps in the preserve, Mr. Adams reported that no homeless camps were discovered.

NINTH ORDER OF BUSINESS

**Presentation/Discussion:
Stormwater System**

CDD

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

- A. Storm/Weather Events**
- B. Corresponding Elevations**
- C. Relationship of Elevations to Roads/Finish Floors and FEMA Flood Maps**

Mr. Tarr indicated that he reviewed the revised Collier County flood maps, which now indicate a one (1) in 500-year zone, in addition to the one (1) in 100-year zone. He discussed the impact of the changes and voiced his concern. Mr. Tarr stated that, in researching the Collier County stormwater map, which was updated in 2010, he found nothing hooked to Mediterra.

Mr. Tarr stated that he asked Mr. Adams what happens if there is a major hurricane, with a storm surge, and was told that there is a possibility of water coming up the pipes, into the lakes and causing water to approach houses from both the lakes and the streets. Mr. Tarr asked Mr. Adams where the water goes, as he felt that Mr. Adams’s response was unclear. Mr. Tarr indicated that he has not heard a presentation on the matter and wondered if the system should be inspected, especially the oldest portions, given their age. He asked what the District should do.

Mr. Robson distributed a spreadsheet and map, noting that many street names in Mediterra have changed. He explained that the South Florida Water Management District (SFWMD) measures permit elevation by National Geodetic Vertical Datum (NGVD); however, FEMA base flood elevations are measured by North American Vertical Datum (NAVD). Mr. Robson pointed out that NGVD is +1.3 feet higher than NAVD.

Mr. Robson referred to the various DA basins within Mediterra and noted that DA-4 is primarily in Mediterra South but extends into Mediterra North. Mediterra South contains DA-1, DA-2, DA-3, part of DA-4, DA-8, DA-9, DA9A, DA-10 and DA10A. He discussed the control elevations in the lakes and explained SFWMD’s environmental resource permit requirements when building a community, such as this. Mr. Robson stated that the control elevation varies by a foot or two (2) between the various basins.

Referring to the map, Mr. Robson pointed out where the water leaves the basins. The Mediterra North basins drain to Oak Creek. The Mediterra South basins all drain towards the Cocohatchee; DA-1 is the lowest basin because the other basins, in Mediterra South, drain towards it. When modeling is done to reach a prediction, lakes are built to meet the needs of current or future ground elevation; the 25-year and 100-year, three (3)-day storms must be used to feed the model and predict the amount of water.

Mr. Bishko asked how the control elevation differs from the dry and wet seasons. Mr. Robson explained the water table. Mr. Robson related the storm stage concept that is used in the permit; SFWMD considers the rainfall event and then makes a prediction. When water rises to the given level, it is allowed to freely discharge. He stated that the modeling continues adding water to calculate levels from a 100-year storm, based on the number of lakes and all other things within the development.

Mr. Tarr asked Mr. Robson if, as an engineer, he feels that the outfall pipes are sufficient to drain water from Mediterra, in the event of a huge storm. Mr. Robson replied affirmatively. Mr. Tarr doubted Mr. Robson's opinion, stating that he finds that difficult to believe. Mr. Robson indicated that the models were verified. Mr. Tarr asked if it would be sufficient if 14.5 inches of rain was received in a single day. Mr. Robson pointed out that such a rainfall would be considered a once every 500-year event. Mr. Tarr contended that it could happen.

Mr. Tarr asked Mr. Robson if the community is subject to flooding, should more than 14.5 inches of rain be received in less than a three (3)-day period of time. Mr. Robson replied affirmatively. Discussion of the FEMA flood elevations ensued. Mr. Nails pointed out that each home may have a different elevation, depending on how high the ground was built up.

Regarding the elevation determinations, Mr. Robson stated that residents can seek a Letter of Map Amendment (LOMA) or a Conditional Letter of Map Amendment (CLOMA); he performed a search which revealed 106 lots in Mediterra that obtained exemptions from flood insurance requirements.

Discussion ensued regarding the differences between the Lee County and Collier County elevation calculations. Mr. Robson stated that each county's models were completed at different times by different entities.

Mr. Tarr noted Mr. Robson's references to 25-year and 100-year, three (3)-day rain events and stressed that they do not know what an 11.7-inch rainfall over a one (1)-day period

will do. Mr. Robson explained that, from a design standpoint for Mediterra, a 25-year, three (3)-day 11.7-inch rainfall event occurs often enough that the community needs to be prepared for it; however, 11.7 inches over a one (1)-day period is so rare that it is not necessary to design, as everything would have to be built very high into the air.

Mr. Tarr asked what Mediterra would look like if there was a single day 11.7-inch rainfall. He further questioned who is responsible for ensuring that the pipes are clear.

Mr. Robson stated that the CDD monitors and maintains the stormwater system. Ms. Crismond indicated that the system is reviewed during the yearly audit. Mr. Robson noted that if someone observes the lakes remaining at a high level, it triggers a review of the pipes.

Mr. Adams stated that the annual lake audit is completed at the beginning of the rainy season, prior to water levels rising, so that the headwalls and inlet pipes can be inspected for blockages, along with everything else. He stated that a more intense inspection program can be initiated, if the Board desires; however, it comes down to dollars and cents. From a typical means of managing the systems, Mr. Adams noted that, although they try to be proactive, there is a reactionary side to it.

Mr. Bishko summarized that the choices include assessing every resident to ensure that no one is flooded or at least limit the probability of flooding, or the District can do nothing and let those that are flooded worry about it themselves. Mr. Adams stated that the reality of the system is that, for any lake or basin with a restriction, the outflow will find its way to lower areas, such as the road, as water rises.

Discussion ensued regarding the flow and Collier County's responsibility, once the water leaves the CDDs. Mr. Adams discussed the county's data collection methods.

Mr. Tarr questioned what the District can do or ask Collier County to be satisfied that it has done its fiduciary responsibility to ensure that the District has not been forgotten. Mr. Robson indicated that, if the District inspects its outfalls and ensures that the canals are clear and open, it fulfills its responsibility. In response to a question, Mr. Robson stated that there is no best time to inspect; it comes down to when any impacts on the system are observed.

Mr. Robson recalled a rainy period in 1995 that was one of the worst on record and stated that all areas that were permitted to the design criteria did not flood. A question was raised about an area that recently had a problem. Mr. Robson stated that the problem was due to a design flaw in the pretreatment area, not because water rose in the lake. Mr. Robson explained that the

parking lot runoff enters a pretreatment area, which overflowed, destroying the berm separating the two. Mr. Robson confirmed that there was no flooding in any buildings or in the parking lot, as a result.

Discussion ensued regarding home elevations in Mediterra. In response to a question, Mr. Robson indicated that a surveyor can determine a home's elevation. Ms. Crismond stated that the elevation should be listed in the closing documents. Regarding the question of when the District should start more elaborate inspections with cameras, etc., Mr. Robson stated that, if the system is being monitored, it is still young and the pipes are cleaned out, the system should be good for 30 years. Ms. Crismond reiterated that the District conducts a yearly inspection.

Mr. Adams summarized that the District has control within its boundaries but is dependent on those downstream to maintain their facilities adequately so that the District's water has a place to go.

Mr. Rowe discussed the flow of water, once it leaves the Cocohatchee. He explained that it flows to the gulf at Wiggins Pass. He stated that he has worked with ECA for five (5) years trying to obtain permits to dredge Wiggins Pass, which should occur within the month. The county already budgeted for the project. Mr. Rowe discussed issues at Clam Pass.

Mr. Tarr asked if it would be reasonable to ask Collier County for information and data regarding maintenance of Coco 1, 2, etc., to assure the District that the county has reviewed it and not forgotten the areas.

Mr. Nails questioned if there is something to stop backflow of water into Mediterra, should there be a bad storm surge. Mr. Robson advised that the outfalls have open ends; it is possible for water to move backwards; however, this is why the area's finished floor elevations are where they are. Mr. Robson stated it would take a 100-year storm event to affect this.

In response to a question, Mr. Adams indicated that sand is usually what clogs the pipes. He explained that buildup is generally on the end. Mr. Adams noted that there are periodic surges of trash and debris, usually as a result of heavy rains early in the rainy season.

A question was raised regarding whether water can flow into the District's lakes during winter, rather than flowing out of the community. Mr. Robson indicated that water stays in the lakes until it reaches a certain level.

TENTH ORDER OF BUSINESS

**Audience
Requests**

Comments/Supervisors'

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

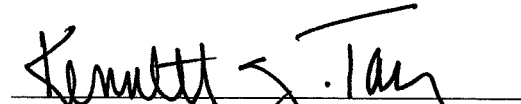
ELEVENTH ORDER OF BUSINESS

Adjournment

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

**On MOTION by Mr. Luby and seconded by Mr. Rowe, with
all in favor, the meeting adjourned at 12:55 p.m.**


Secretary/Assistant Secretary


Chair/Vice Chair