

**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, January 21, 2015 at 1:30 p.m., at The Renaissance Center, 28121 Palmira Blvd., Bonita Springs, Florida 34135.**

Present were:

Brian Neary	Chair
Frank Godshall	Vice Chair
Thomas H. Van Tassel	Assistant Secretary
J. Gary Kaenzig	Assistant Secretary
David Risley	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Jonathan Johnson (<i>via telephone</i>)	District Counsel
Dave Robson	District Engineer
Henry Thiele	MCA President
Ken Tarr	Mediterra South CDD Board Member
Bob Polizzotto	Engineer, The Club at Mediterra, Inc.
Gary Loser	Resident
Greg Pick	Mediterra Community Association Manager
Janet Green	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:34 p.m., and noted, for the record, that all Supervisors were present, in person.

Mr. Adams presented a revised agenda for today's meeting.

On MOTION by Mr. Kaenzig and seconded by Mr. Godshall, with all in favor, the revised agenda, with the addition of Item 8, Consideration of Easement Agreement with the Club at Mediterra, Inc., was approved.

SECOND ORDER OF BUSINESS

Public Comments

Mr. Gary Loser, a resident, indicated that his comments were not complaints about the Board or LakeMasters Aquatic Weed Control, Inc. (LakeMasters); they were related to "what he is learning

about the Mediterra ponds and how they are monitored and taken care of". Mr. Loser discussed his background, including working as an environmental chemist and attending law school, with a focus on environmental law. He offered assistance to help the Board understand and monitor the lakes in Mediterra. Mr. Loser stated that his background spurred him to investigate what the CDDs are doing for the lakes and/or retention ponds. He spoke of a fish kill in Lake 63, which occurred on September 24, 2014, and noted that copper sulfate was applied to that lake but he did not know when it was applied. Mr. Loser advised of his efforts to determine when the aeration system was installed in Lake 63 and the effect that copper sulfate had on the dissolved oxygen. He referred to the Mediterra South January 15, 2014 agenda and stated that LakeMasters guaranteed that 5.1 parts per million dissolved oxygen in Lake 63.

Mr. Loser advised that he contacted the Mediterra South CDD Board and Mr. Neary regarding the State of Washington Ecology Department about understanding and monitoring lakes; the email indicated that aeration is important for dissolved oxygen but other things must be done, such as monitoring and controlling nutrients and eliminating the amount of chemicals added. He discussed information on a video provided by Mr. Adams regarding the Island Walk Lake Project and urged the Board to view it and meet with Mr. David Sealy, of Johnson Engineering, who has expertise in this area, along with speaking to representatives of Island Walk.

Mr. Neary agreed that the video was very informative. He voiced his opinion that the Board should "step back" on this matter; the Districts need Mr. Loser to understand what efforts are underway and by whom, so that he can understand the Districts' progress. Mr. Neary noted the tremendous efforts of Ms. Crismond and LakeMasters to establish a process and ensure that the lakes are maintained in the best possible fashion.

Mr. Henry Thiele, MCA President and resident, discussed the entities that have made Mediterra one of the most desirable retirement locations, including The Club, the MCA and the CDDs. Mr. Thiele addressed concerns about the ponds and noted an issue with the growth of plants on the upper banks, which blocked resident views; residents paid for water views but no longer have them, which could affect property values. He was concerned about spikerush, which appears overgrown, to non experts and that sedimentation leads to the perception that many ponds are filled with sediment. From the MCA's standpoint, Mr. Thiele was concerned about the effectiveness of the stormwater system, the high water marks, whether ponds are filling and functioning to the original design levels, in the event of a flood, and if any factors are contributing to the effectiveness of the system. He urged the Board to consider all aspects of the ponds on the west side.

Mr. Ken Tarr, a Mediterra South CDD Board Member, indicated that the Mediterra South CDD Board approved "listen in only" participation in CDD meetings, for residents.

Mr. Tarr stated that he planned to recommend another drainage pipe inspection at the Mediterra South CDD meeting but ran out of time. He suggested that the five, major outfall pipes be inspected. Mr. Tarr discussed how the system functions and locations with blockage.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors, Thomas Van Tassel [Seat 1], David Risley [Seat 2] and Frank Godshall [Seat 4] (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. Van Tassel, Mr. Risley and Mr. Godshall. He 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**
- D. Form 8B – Memorandum of Voting Conflict**

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2015-2, Canvassing and Certifying the Results of the Landowners' Election

Mr. Neary presented Resolution 2015-2 for the Board's consideration. He noted that Mr. Godshall received 201 votes and will serve a four-year term in Seat 4.

On MOTION by Mr. Risley and seconded by Mr. Kaenzig, with all in favor, Resolution 2015-2, Canvassing and Certifying the Results of the Landowners' Election, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2015-3, Electing Officers of the District

Mr. Neary presented Resolution 2015-3 for the Board's consideration.

Mr. Adams explained that, following an election or appointment, the Board is required to reconsider its slate of officers. He noted that all incumbents retained their seats.

Mr. Neary was nominated as Chair and Mr. Godshall was nominated as Vice Chair, the balance of the slate of officers remaining the same. No other nominations were made for Chair or Vice Chair. The following slate of officers was nominated:

Chair	<u>Brian Neary</u>
Vice Chair	<u>Frank Godshall</u>
Secretary	<u>Chuck Adams</u>
Treasurer	<u>Craig Wrathell</u>
Assistant Secretary	<u>Tom Van Tassel</u>
Assistant Secretary	<u>J. Gary Kaenzig</u>
Assistant Secretary	<u>David Risley</u>
Assistant Secretary	<u>Craig Wrathell</u>

On MOTION by Mr. Kaenzig and seconded by Mr. Van Tassel, with all in favor, Resolution 2015-3, Electing Officers of the District, as nominated, was adopted.

SIXTH ORDER OF BUSINESS

Continued Discussion: Public Phonetic “Listen In Only” Participation at CDD Meetings

Mr. Adams provided details of the public phonetic “listen in only” participation at CDD meetings process. He stated that the public would be able to listen in to meetings; the cost will be \$0.18 per minute, regardless of the number of participants. In response to the question of whether the Board would know if anyone called in to the “listen in only” line, Mr. Adams indicated that he might be able to obtain the statistics following the meeting; however, he will not know the number of participants during the meeting.

Mr. Kaenzig did not see interest for this service in the community and noted that, generally, people attend meetings due to a specific or perceived lake issue.

Mr. Neary expressed the same concerns and noted that, based on participation, the service could continue or be discontinued.

Mr. Godshall asked what recourse residents have if a call-in attempt is not successful. Mr. Adams pointed out that those at the meeting might have no way to know if a caller was dropped or was unable to call in.

On MOTION by Mr. Neary and seconded by Mr. Kaenzig, with all in favor, providing telephone access to the public during CDD Board Meetings, on a “listen in” basis, for one year and reevaluating the service after one year, was approved.

SEVENTH ORDER OF BUSINESS

Discussion: Excessive Aquatic Plants in Certain Lakes

Mr. Adams noted that this item was discussed at the Mediterra South CDD meeting, this morning. He stated that complaints were received from residents living on the east side of Livingston prompting the Board to request a bathymetric survey of several lakes. Mr. Adams indicated that the survey revealed a huge variance between what the lakes on the east side could have been dug to and the actual depth. He explained that the lakes have a 4:1 slope, into the lake, and never broke to 2:1, which creates an area of greater width on which the aquatic plants can grow and expand upon. Mr. Adams noted that the county and the South Florida Water Management District (SFWMD) identified required littoral zones, which is not the same as the littoral shelf. He indicated that, over the years, aquatic plants, through the littoral shelf around the entire pond perimeter, were encouraged, for erosion control, removal of nutrient loading entering the lake and to improve the bank appearance during times when the lakes are low.

Mr. Adams suspected that the lakes were not excavated as planned because less material was needed, during development. He indicated that, this morning, the Mediterra South CDD Board awarded a contract to reduce the quantity of littoral shelf plants on lakes on the east side; primarily, this means that spikerush will be removed on the outer fringes; the width will be reduced to 15', in most areas, and 10' in the coves.

Mr. Adams recommended that the Board authorize Staff to review the lakes in the Mediterra North CDD, provide a tabulation of the areas where littoral plants excessively reach into the ponds and secure proposals for the Board's consideration. He discussed issues with lilies and suggested that Staff review areas where requests to reduce the height are received.

In response to Mr. Neary's question, Mr. Adams confirmed that the clippings would be collected because decomposing plant material would feed algae growth. He reiterated that Staff should evaluate the lakes and obtain quotes. In response to a question regarding dredging, Mr. Adams explained that dredging the lakes would be far more costly and very disruptive to residents. He felt that the issue was not recognizing, earlier, that the ponds, especially on the east side, were not excavated as expected, which led to the continual growth and expansion of the littoral plants. Mr.

Adams stated that a comprehensive approach to the issues should be taken, as the plants are helpful. He noted the goal to add aeration to the lakes and, possibly, stocking the lakes with tilapia.

In response to a question, Mr. Adams believed that complaints were received from four or five residents; however, The Club agreed that an evaluation was necessary. Regarding the stormwater system's functioning, Mr. Adams confirmed that the system is performing very well, despite areas that were partially blocked; cleaning the system helped. He estimated the inspection cost would be \$6,000 for the entire community and it would be split between the CDDs. Mr. Adams discussed the condition of the lakes and environmental factors that can impact lakes.

Mr. Thiele referred to the spikerush on the east side that is extending beyond the intended location and asked if excessive growth would be an ongoing issue, due to the slope. Mr. Adams replied affirmatively; however he would have the contractor treat those areas once or twice each year. Mr. Adams noted that the initial cost is the largest cost factor but, subsequently, this would be a routine maintenance item.

Mr. Adams pointed out that, once shallow areas are opened up and, as water levels drop vertically, exposed mud might become visible during peak dry season. He reiterated that this approach would be more cost effective than trying to dredge the lakes.

A Board Member noted that some communities are responsible for their stormwater pipes and questioned if those communities are aware of their responsibilities. It was confirmed that the communities were informed of their responsibilities.

On MOTION by Mr. Risley and seconded by Mr. Kaenzig, with all in favor, authorization for Staff to proceed with the drain pipe inspection, contingent upon approval by the Mediterra South CDD, and present an inventory of the areas and the proposed cost for plant reduction and periodic trimming, was approved.

EIGHTH ORDER OF BUSINESS

Consideration of Easement Agreement with The Club at Mediterra, Inc.

Mr. Bob Polizzotto, of The Club at Mediterra, Inc. (The Club), indicated that he was involved with the original irrigation system redesign, installation of the new wells, obtaining permits, reviewing the lakes and tie-ins, etc., on the south end. He advised that additional withdrawal pumps in Lake 34 is under consideration to provide more even pressure to the irrigation system. Mr.

Polizzotto stated that The Club is seeking an easement because power for the pumps is needed and because the lake and lake banks are controlled by the CDD.

A question was raised regarding how this project would affect the lake levels during the dry season. Mr. Polizzotto indicated that Lake 34 is interconnected with four or five other lakes in the area; an analysis of the drawdown revealed minimal impact, the information was submitted and the SFWMD issued a modified permit.

Mr. Robson advised that, generally, the permit calls for a 1:1 ratio, meaning, if 1,000 gallons was removed, 1,000 gallons should be put back in. He explained that the level will drop when water is pulled but simultaneously, or later, water will be put back into the system.

Mr. Polizzotto discussed the original permit, which stated that every gallon removed must be put back into the system. During the project on the south, a lot of water level changes were discovered, and the well, on the east side, ran more than the wells in other areas. He advised that The Club chose to place all of the wells on one side and requested a permit from the SFWMD to separate them from Mediterra; therefore, The Club would install its own irrigation.

Discussion ensued regarding lake levels and Mr. Adams noted that the lake levels could not be artificially raised and the chlorides must be tested. He indicated that the lakes are withdrawal facilities; instead of having a pump, the lakes are windows to the water table aquifer.

Mr. Neary recalled that, during summer, when littoral plants do not receive adequate irrigation or moisture from the lake, they begin to die; he questioned the potential for the lakes to drop much further than normal, during the dry season, due to the additional pumping, and cause issues. Mr. Adams replied affirmatively. Mr. Polizzotto felt that, if the lake levels were low, water could be withdrawn from other lakes. Mr. Neary asked what the solution would be, if the lake levels drop. Mr. Polizzotto reiterated that the analysis revealed no significant impact on the lake levels, as a result of pumping. Mr. Adams felt that there was no doubt that pumping would have an impact but it could be de minimis because recovery would be quick since the lake seeks its water level from the surrounding lakes and soil; the level might go down several inches due to overnight pumping but recover by the end of the day.

Mr. Robson advised that, within the modeling in the permit, which stated that it would not have a negative impact, the permit usually has a limiting condition such that, if a one in ten year drought scenario is exceeded, the permit holder must reduce withdrawal so it does not impact adjacent waterways, wetlands and conservation areas. Mr. Adams confirmed that the limiting condition was included in the permit. Mr. Adams pointed out Paragraph 5, on Page 4, in the agreement, which states that The Club's activities shall not adversely impact the system, and Item 8

states that the District can terminate or temporarily suspend the pumping activities if adverse impacts were realized.

Mr. Adams explained that, if the CDD enters into the agreement, it still has options. Mr. Neary asked if the District Engineer should be contacted if negative impacts are observed. Mr. Adams replied affirmatively.

On MOTION by Mr. Godshall and seconded by Mr. Van Tassel, with all in favor, the Easement Agreement with The Club at Mediterra, Inc., was approved.

NINTH ORDER OF BUSINESS

Approval of Minutes

A. October 15, 2014 Regular Meeting

Mr. Neary presented the October 15, 2014 Regular Meeting Minutes and asked for any additions, deletions or corrections.

Mr. Godshall called attention to Lines 46 and 47, with regard to Mr. Tarr’s comments, which stated “He voiced his opinion that the CDDs have placed every possible barrier on resident participation.” Mr. Godshall took exception with Mr. Tarr’s comment and the accusation of a conspiracy, which is far from the truth. He discussed the timing of the CDD meetings and reiterated that the CDD is not putting up a barrier to residents attending its meetings and Mr. Tarr’s contention that the Mediterra South CDD meetings were difficult for residents to attend because they are held during the lunch hour was ludicrous. Mr. Godshall pointed out Mr. Tarr’s comments that Mediterra North holds its meetings “off site” and advised that the Board does not prefer this location; however, the CDD is governed by law to hold its meetings within the county of the District and Mediterra North is located in a different county than Mediterra South. He stressed that this question was previously raised and District Counsel indicated that the District would not be able to change the law.

It was noted that meeting locations closer to The Club had a cost associated with them but the current meeting location was available at no charge.

Mr. Godshall reiterated his disagreement that the CDDs have placed barriers on resident participation; the CDDs have done nothing to prevent participation. A Board Member stated that the minutes clearly reflect that the statements were Mr. Tarr’s belief and not the Board’s comments or opinions.

On MOTION by Mr. Risley and seconded by Mr. Kaenzig, with all in favor, the October 15, 2014 Regular Meeting Minutes, as presented, were approved.

B. November 19, 2014 Landowners' Meeting

Mr. Adams presented the November 19, 2014 Landowners' Meeting Minutes and asked for any additions, deletions or corrections.

On MOTION by Mr. Risley and seconded by Mr. Kaenzig, with all in favor, the November 19, 2014 Landowners' Meeting Minutes, as presented, were approved.

TENTH ORDER OF BUSINESS

Other Business

A Board Member noted that, at a recent MCA meeting, the subject of a trail through The Preserve reemerged.

Mr. Thiele indicated that the MCA created a task force to review the parks and usage to determine if they are fulfilling the needs of residents. During a task force meeting, the subject of a nature walk through the conservation area arose and it was suggested that the entire community review the ramifications of the project. Mr. Thiele noted that the MCA has not heard the task force's final recommendations and indicated that this concept might result in a survey to confirm resident interest. He advised that, if the MCA begins to explore the project, it would be presented to the CDD and evaluated to determine viability, liability and the party responsible for maintenance of the trail, etc.

ELEVENTH 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. Approval of Unaudited Financial Statements as of November 30, 2014

Mr. Neary presented the Unaudited Financial Statements as of November 30, 2014.

ii. NEXT MEETING DATE: MAY 20, 2015 at 1:30 P.M.

Mr. Adams indicated that the next meeting will be held on May 20, 2015 at 1:30 p.m., at this location. The Fiscal Year 2014 audit and the Fiscal Year 2016 proposed budget will be presented at the meeting.

TWELFTH ORDER OF BUSINESS

Supervisors' Requests

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

THIRTEENTH ORDER OF BUSINESS

Public Comments

Mr. Tarr indicated that, during his campaign, he sent over 625 individual emails to residents. He voiced his opinion that CDD Board Members campaigned against him and stated that some residents felt that the election was "very, very hostile". Mr. Tarr acknowledged that some of those comments were against him. He reported receiving emails from people advising that they did not know about the CDD meetings or that they could run for the CDD Board. He felt that the response was that residents believed the CDD Boards were a small group who constantly control and who "won their seats because there was no competition". Mr. Tarr discussed the structure of the MCA and The Club, when meetings are held and how meetings are advertised. He voiced his opinion that the Boards should educate the community.

In response to a comment by Mr. Tarr that, when the bonds are paid off, the "CDD can go away", Mr. Adams clarified that the CDD can only "go away" if the public assets are accepted by another public entity, which typically does not occur; however, if it did, the acquiring public entity would, more than likely, create a Municipal Services Taxing and Benefit Unit (MSTBU) to tax residents for the local benefit of maintaining those assets.

Mr. Tarr believed that the Boards have a responsibility to ensure that more people are interested in running for the CDD Boards. Regarding "listen in only" participation at meetings, he contended that no one will call in, if the Boards do not notify residents of the option. Mr. Tarr stated that Mr. Godshall can take as much exception to his comments as he wants but he can take exception to Mr. Godshall's comments, as well.

Mr. Thiele commended Mr. Adams on his presentation today regarding the lake issues.

Mr. Loser voiced his opinion that the District Engineer should become more involved. Regarding the meeting location issue, Mr. Loser suggested that each Board Member sign a letter to the Attorney General asking about what the District can do, which might prompt him to give the CDD a variance in this type of situation.

Mr. Neary noted that the Sunshine Law limits communication among Board Members.

Mr. Risley recalled that he is new to the CDD Board and is also a member of the MCA Board. He hoped that the conflicts were over. Mr. Risley voiced his opinion that residents should be informed of the lake and littoral plant situation, as residents want to protect their investment but must understand the CDD's responsibilities. He felt that residents might not complain about the plant growth if they understood the purpose.

Mr. Adams discussed previous newsletters and the information included in them. In response to a question, he confirmed that the CDD has a website; however, the website is, essentially, a document retention center.

Mr. Pick suggested that the CDD forward information to him to disseminate, via email. Mr. Neary questioned why the MCA meetings are on The Club's calendar but the CDD meetings are not. Mr. Pick did not know but agreed that the CDD meetings could be included. Mr. Thiele clarified that the MCA's annual meeting is listed on the MCA calendar but the Board meetings are not on the calendar.

Discussion ensued regarding communicating with residents and conveying information.


FOURTEENTH ORDER OF BUSINESS

Adjournment

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

On MOTION by Mr. Godshall and seconded by Mr. Risley, with all in favor, the meeting adjourned at 3:10 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair