

**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 21, 2015 at 11:30 a.m.**, at **The Club at Mediterra, 15755 Corso Mediterra Circle, Naples, Florida 34110.**

Present and constituting a quorum were:

Ken Nails	Chair
Bill Rowe	Vice Chair
Michael Bishko	Assistant Secretary
Ken Tarr	Assistant Secretary
Dallas Luby	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Operations Manager
Dave Robson	District Engineer
Jonathan Johnson (<i>via telephone</i>)	District Counsel
Greg Pick	Mediterra Community Association
Henry Thiele	Mediterra Community Association
Frank Heery	The Club at Mediterra
Dean Corsones	Resident
Sue Lass	Resident
Roberta Hawkins	Resident
Nan Curry	Resident
Gary Loser	Resident
Bobby Hessner	Resident
John Gleason	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Nails called the meeting to order at 11:30 a.m., and noted, for the record, that all Supervisors were present, in person.

SECOND ORDER OF BUSINESS

Public Comments

Mr. Nails requested public comments. He explained that residents will be called upon to speak to specific agenda items throughout the meeting.

Mr. Gary Loser, a resident, discussed his background and offered to provide assistance to the Board with regard to understanding and monitoring Mediterra's lakes.

Mr. Loser advised that he researched what was being done for the lakes and retention ponds in Mediterra and learned of a fish kill in Lake 63, which is part of the Mediterra North CDD, and that copper sulfate was applied to the lake. He recalled questioning whether copper sulfate affected the lake, as it reduces dissolved oxygen. Mr. Loser noted that the installation of the aeration system may have also affected the lake.

Mr. Loser indicated that, based on the aeration proposal included in the January 15, 2004 agenda, LakeMasters will guarantee five parts per million dissolved oxygen and he read that "the lake experts will guarantee, in writing, that our aeration systems will keep the bottom dissolved oxygen levels above five parts per million, as mandated by the Clean Water Act of 1972. We do require accurate data on which to base our design and guarantee." Mr. Loser questioned what information the District provided to LakeMasters.

After learning about Mediterra, Mr. Loser conducted internet research and provided information to the Board regarding the State of Washington Ecology Department's booklet on understanding and monitoring lakes, which basically indicated that aeration is important for dissolved oxygen but other things must be done to enhance the quality of lakes, such as monitoring and controlling nutrients and limiting the amount of chemicals added. The video explains that lakes are much like a living, breathing organism, which was made clear in the Island Walk Lake Project video that Mr. Adams provided.

Mr. Loser reported that, in order to keep their lake's health in balance, Island Walk initiated a State of Lakes Committee, which analyzed nutrients, phosphates and nitrates, copper, pH, alkalinity, dissolved oxygen, etc., at multiple locations and in multiple lakes. At a board meeting, a disclosure was provided to residents, in video format, which explained why aeration was installed, at a cost of \$320,000. "No Dumping" signs were provided and the committee had a PhD organic chemist explain what and why things were being done. Mr. Loser noted that, in the presentation, the committee emphasized the need to 'test, test, test' for dissolved oxygen, phosphates, nitrates, etc. The results were clear water with good oxygen levels. Mr. Loser indicated that 75% less copper is being used to treat the lakes and there is much less algae.

Mr. Loser encouraged the Board to view the video and focus on the parts in addition to aeration and noted that Island Walk offers free meetings at no cost to other committees. He

encouraged the Board to meet with Mr. David Sealy?, at Johnson Engineering, who has expertise in this area.

Mr. Nails pointed out that Lake 63 is not within Mediterra South's jurisdiction.

Mr. Henry Thiele, of the Mediterra Community Association (MCA), pointed out that three entities determine how the community progresses; the Country Club at Mediterra, The MCA and the CDDs. On behalf of the MCA, Mr. Thiele complimented the CDDs on their efforts to make Mediterra what it is today and pledged continued cooperation to make the community even better, in the future.

Mr. Thiele discussed areas of concern, based on feedback received by the MCA board and through Mr. Pick, their General Manager. He advised that a number of residents who have lake views indicated that they cannot see the lakes because the plant material on the lake banks is blocking their view. There was also a concern about the spike rush that has continued to expand into the ponds; in some cases, the lakes appear to be about one-third their original size, due to the growth.

With regard to flood control and flooding issues, Mr. Thiele stated that there appears to be a buildup of silt in some of the lakes, caused by erosion of the banks, dead plants, or pinestraw. He commented that the CDD did a great job of cleaning out the pipes to ensure that the system operated properly; however, the MCA is questioning whether the system will operate as it was intended and designed, due to silt buildup and heavy rainfall.

Referring to the agenda, Mr. Thiele noted that the lakes on the east side of Mediterra will be addressed; he suggested the completing same process for all of the lakes in Mediterra.

Mr. Nails suggested discussing Mr. Thiele's concerns during the Fourth Order of Business.

Mr. Dean Corsones, a resident, voiced his understanding that Mr. Loser's original concern was precipitated by the installation of a pump in the lake, which was brought upon by a serious fish kill. Mr. Corsones advised that he was inundated by emails and telephone calls from residents living on the lake who were concerned with the noxious odor and fear for health and wellbeing. Mr. Corsones investigated the odor, which resembled ammonia, and contacted the CDD and staff was quick to respond. At the time, the CDD was researching installing aerators in the lakes and this incident sped up the process. The pumps were installed and Mr. Loser had a concern about the noise level where the pump was located. Ms. Crismond and staff met with Mr. Loser and quickly moved and insulated the pump and the area was re-vegetated.

Mr. Corsones expressed his thanks and noted that any time there is an issue in his neighborhood where he has had to contact the CDD, staff has done their best to alleviate the situation in a professional manner.

Mr. Loser advised that he personally thanked Mr. Adams and Ms. Crismond for the fine job they did and Mr. Adams provided him with information to begin analyzing the lakes and to become more involved.

Mr. Luby asked Mr. Loser if, in his presentation, he was inferring that the quality of the lakes was not up to standards and causing fish kills or if he was indicating that, as a precaution, certain things should be looked at.

Mr. Loser clarified that he was trying to obtain more information and he had no opinion, either way. He felt that other communities have solved this problem and perhaps there was a way to obtain additional information so that everyone could learn.

With regard to aeration, Mr. Nails explained that the Board made a decision, at a prior meeting, to aerate all of the ponds, which is being accomplished, gradually.

Mr. Loser stated that aeration is a large part of the solution but it is not the total solution because everything must be in balance. He pointed out that copper sulfate can cause a decrease in dissolved oxygen which may have caused the fish kill.

Mr. Nails indicated that sampling was being performed at various times of the year. Mr. Adams clarified that dissolved oxygen was being measured and the results were provided to Mr. Loser.

Mr. Bishko asked if the Board was satisfied that aerators will solve the problem. He recalled seeing a quote in a document from a Florida Gulf Coast University (FGCU) professor that aeration does not help much. Mr. Adams advised that the opinion was taken out of context. The professor was Dr. Serge Thomas, who was conducting a one-year health assessment of the lakes in Pelican Landing. Mr. Adams recollected a cold snap in October, 2013, when a fish kill occurred due to a quick change in water temperature that caused the lake to flip and the dissolved oxygen to drop, quickly. He indicated that an aerator would not have recovered the levels quickly enough.

Mr. Adams explained that, under normal conditions, aerators drastically improve oxygen levels, which is very helpful in keeping the fish and aquatic plant population healthy and with the bacteria and enzyme health on the bottom of the lake, which is what helps to break down the organic layers.

Mr. Nails pointed out that fish kills are a natural phenomenon and all the District can do is try to mitigate them. Residents must understand that only so much can be done.

Mr. Bishko asked if Mr. Nails was satisfied that there was empirical evidence that aerators are helpful because the Board is investing a lot of money. Mr. Nails stated that was the Board’s conclusion when the decision was made.

Discussion ensued regarding the placement and installation of aerators.

Mr. Heery advised that the current condition of the ponds must be considered. He stated that aerators will help but that is only part of the solution. Aerators will do nothing for the nitrification of the pond, the silt or the shrinkage of the pond as a result of plant material growing into the center. Mr. Heery stressed that the approach to the solution must be multi-faceted.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors, Dallas Luby [Seat 1], Ken Tarr [Seat 2] and Michael Bishko [Seat 3] (the following to be provided in a separate package)

Mr. Nails pointed out that Mr. Bishko was not a newly elected Supervisor; therefore, the Oath of Office will be administered to Mr. Luby and Mr. Tarr.

Mr. Adams reported that Mr. Luby and Mr. Tarr previously received Oaths of Office from the State of Florida, which were executed, notarized and submitted.

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Tarr and Mr. Luby. He indicated that both Supervisors were incumbents; therefore, he would forego an explanation of the following documents that were provided:

- 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, Electing Officers of the District

Mr. Nails presented Resolution 2015-2 for the Board’s consideration. He explained that, following an election or appointment, the Board is required to consider its slate of officers.

Mr. Nails requested nominations for Chair.

Mr. Tarr nominated Mr. Luby.

Mr. Luby declined the nomination.

Mr. Rowe nominated Mr. Nails.

Mr. Bishko nominated Mr. Rowe.

Mr. Rowe declined the nomination.

Mr. Tarr nominated himself as Chair.

Mr. Luby seconded the nomination of Mr. Nails.

On MOTION by Mr. Rowe and seconded by Mr. Luby, with Mr. Rowe, Mr. Luby, Mr. Bishko and Mr. Nails in favor and Mr. Tarr dissenting, the nomination of Mr. Nails, as Chair, was approved. (Motion passed 4 - 1)

Mr. Nails requested nominations for Vice Chair.

Mr. Luby nominated Mr. Rowe as Vice Chair.

Mr. Tarr nominated himself as Vice Chair.

Mr. Nails seconded the nomination for Mr. Rowe.

On MOTION by Mr. Luby and seconded by Mr. Nails, with Mr. Luby, Mr. Nails, Mr. Bishko and Mr. Rowe in favor and Mr. Tarr dissenting, the nomination of Mr. Rowe, as Vice Chair, was approved. (Motion passed 4 - 1)

Mr. Adams explained that the remainder of the Board will serve as Assistant Secretaries, he will serve as Secretary and Mr. Wrathell will serve as Treasurer and an Assistant Secretary.

Mr. Tarr advised that the Rules of Procedure (Rules) adopted by the Board require the Secretary and Treasurer to provide the Board with certain sureties, which he felt had not been afforded to this Board, directly. He asked Mr. Adams to confirm that he and Mr. Wrathell can provide that surety, as required under the Rules. Mr. Adams replied affirmatively. Mr. Tarr asked Mr. Adams to verbally attest that the surety is available and will be submitted to the Board. Mr. Adams confirmed that it is available and will be provided to the Board.

On MOTION by Mr. Luby and seconded by Mr. Rowe, with all in favor, Resolution 2015-2, Electing the Officers of the District, as nominated, was adopted.

FIFTH ORDER OF BUSINESS

Discussion: Excessive Encroachment of Aquatic Plants in the Lakes East of Livingston Road

Mr. Nails recalled a concern expressed at the last meeting by Ms. Sue Lass, a resident, regarding Lake 68; as a result, he asked the District Engineer to view the lake, as well as Lake 69.

Referring to a handout, Mr. Robson explained that, before a lake is built, the South Florida Water Management District (SFWMD) issues an overall stormwater permit. Once the stormwater permit is obtained, the District requests a construction permit from the local governmental agency and each agency has additional rules. If there is a bulkhead or rip rap in a lake, SFWMD requires that a compensatory littoral shelf be provided. Mr. Robson advised that Collier County, the agency governing Mediterra South, has a Land Development Code (LDC) requiring littoral plants on 10% of the lake perimeter. The plants do not have to be installed on the littoral shelf; they can be planted within the 4:1 slope. The PUD, approved by Collier County, allows the 10% to be distributed among the lakes, as long as they are interconnected. Mr. Robson noted that all lakes in Mediterra East are interconnected.

Mr. Robson indicated that he reviewed SFWMD's water management plans for Mediterra East and then obtained 2004 construction drawings from the county. At the Board's direction, Johnson Engineering completed a bathometric survey to determine the current configuration of the lake. In the 2004 survey, the surveyor measured the bottom of the lake in intervals and completed a drawing. Mr. Robson referred to a 2004 drawing of Lake #69, which represented the typical plan before the lake was built. The plan showed a 2:1 slope to a distance of 5' below depth.

Mr. Robson explained how lakes are designed to function. He noted that, in the dry season, water levels recede; in the summer, with repeated rains, water levels increase. The minimum elevation for building a home is referred to as the finish floor elevation; although there may be water in the road preceding a 100-year storm event, the water levels will not reach the homes. He advised that the control level is determined by drainage basins, which share a similar control elevation and are interconnected. A concrete control structure allows the water to leave

one basin and proceed to the next. SFWMD sets the control elevation and Collier County accepts it.

Mr. Robson referred to a drawing and advised that a 2:1 break does not exist; it is not a legal requirement. The advantage to a permittee, is that the stronger slope yields more fill, which may be used to build additional lots. In this case, the developer did not dig to the permitted level.

Mr. Robson explained that the lakes exist to provide stormwater attenuation. With regard to flood control, when water levels increase to control elevation, the opening at the top of the control structure allows water to proceed downstream, unimpeded.

Referring back to the drawing, Mr. Robson indicated that the fact that the lake was not dug to the permitted level does not impact the effectiveness of the lake.

Mr. Nails noted the concern that plants seem to be taking over the lake. Mr. Robson stated that plants will only go to a certain depth in the water and he cannot predict how far out they will grow.

Mr. Tarr pointed out that Mr. Robson established the fact that the lake was not dug as deeply as it could have been; however, the District was unaware of this and planted material without measuring every lake. The Board is now faced with the problem of ongoing maintenance to keep the lakes open so that residents can enjoy the amenity.

Mr. Adams discussed the benefits of littoral plantings. He advised that plants around the entire perimeter of the pond provides erosion control; the root mass stabilizes the soil around the perimeter of the pond and helps to reduce the potential impacts of erosion and breaks down the energy of wave action from the interior of the pond. Mr. Adams also noted that littoral plants help to slow down the runoff from the slopes, which contains pesticides and fertilizer, and absorb nitrogen, phosphates and other impurities which improves the water quality of the pond.

Mr. Adams explained that, if residents moved into their homes when the pond did not have a heavy plant population, mud could probably be seen on the opposing bank during the dry season; therefore, plants provide an aesthetic value.

Mr. Adams discussed a proposal for a plant reduction program. He noted that the ponds on the east side are more shallow, going further into the lake; therefore, over time, the plants have encroached. The recommendation was to maintain a 15' swath around the perimeter of the pond and to spray any plant material beyond 15', followed by a maintenance program, going

forward. In shallower areas, Mr. Adams proposed increasing the swath to 10'. Two weeks after the plants are sprayed, the stalks will be cut and removed.

In response to a question from Mr. Luby, Mr. Adams noted the potential for 40' of open water in the middle of the lake.

Mr. Tarr stated that he viewed the area and, when standing behind the homes, it no longer resembles a lake. He advised that, if 10' does not provide enough lake view, an increase to 5' may be considered, as long as the littoral zone is maintained. Mr. Adams agreed but noted the negative impacts.

Ms. Lass acknowledged that the plants were brown in places. Mr. Adams explained that it was a seasonal discolor issue. Ms. Lass referred to photos of the lake in question and voiced her opinion that the middle of the lake was atrocious and looking at the brown plants was "awful"; she stressed that it was unfair for a homeowner to have to view this.

Mr. Adams stated that, with this proposal, the majority of the plants may go away and afford a much prettier view during rainy season.

Mr. Heery discussed two irrigation ponds on the golf course. He explained that sedimentation is a naturally occurring process; therefore, if sedimentation occurs, the shallow areas will become shallower and the pressure for plants will increase. Since Staff was discussing using a chemical that would kill anything that photosynthesizes; Mr. Heery was not comfortable spraying either pond with this product because it affects all of the other plants in the community. Mr. Adams clarified that the chemical is a foliar application. Mr. Heery recommended removing the sediment along the edges, to prevent the sunlight from reaching the disturbed area. Mr. Adams stated that it was a more expensive approach and very disruptive.

Mr. Robson noted that sedimentation only increased by 6" to 8" since 2004. He reiterated the benefit of littoral plantings around the perimeter.

Mr. Luby stated that the proposal for the east side was for \$51,850; he asked about maintenance costs. Mr. Adams advised that the costs are nominal, as maintenance is ongoing. The contractor will be required to spray the areas back once or twice per year.

Mr. Luby asked if there were problems in other areas. Mr. Adams indicated that Staff will review the lakes on the west side, where there is less of an issue.

Mr. Roberta Hawkins, a resident, advised that her property backs up to the large U-shaped horseshoe and they have the same problem with spike rush. She inquired about dredging

the lake or making it deeper, since the District was originally approved to do so. Ms. Hawkins also asked if spike rush is considered a littoral planting.

Mr. Robson explained that horseshoe-shaped lakes are different; they have a wall, or bulkhead, rather than a lake bank. Whenever there is a bulkhead, SFWMD requires a compensatory littoral planting shelf to replace the bank that does not exist. The 8:1 area on the opposite side of the lake is part of the permit requirement and cannot be excavated; however, digging could be deeper outside of that zone.

Mr. Nails referred to Ms. Hawkins' question about whether a permit would be necessary since permission was granted, originally. Mr. Robson felt that the District had a fair chance of obtaining a permit since the original permit called for it but the cost would be very high. He questioned where the material would be hauled from.

Ms. Hawkins noted that there are many empty lots and felt that this would be the time to excavate.

Mr. Adams stated that, given the expense and potential disruption, the approach is a plant reduction program. He anticipated that the project would take 30 to 45 days.

Mr. Nails recalled Mr. Thiele's earlier comments regarding the plant height and obstructed views of the lakes. Mr. Adams noted recent comments received about unbecoming plants, such as Cana Lilies. He explained that this is the dormant season and cooler temperatures hinder plant growth and causes discoloration. Mr. Adams suggested that the Board consider developing a spec for plant trimming, which would be provided to property owners upon request.

Mr. Tarr advised that Collier County recommended installing Cana Lilies as an accent plan. He urged the Board to allow any HOA or homeowner to trim them back to improve the appearance of their property, especially if a home is for sale.

Mr. Tarr reported that very large lilies are thriving in different areas of the community. He asked how much trimming would be allowed by property owners abutting the plants.

Mr. Nails noted a concern about controlling what would be cut how far, if the Board were to allow an HOA to trim.

Discussion returned to the proposal to spray the east side of Livingston Road.

Mr. Luby asked if the proposal was to address a broader area than Lakes #68 and #69. Mr. Adams confirmed that the proposal was for 11 lakes.

A request was made for Mr. Adams to notify the Board when the goal is accomplished.

On MOTION by Mr. Luby and seconded by Mr. Rowe, with all in favor, Items 1, 2 and 3, on Page 1 of the LakeMasters proposal to spray aquatic plants in the lakes east of Livingston Road, in a not-to-exceed amount of \$51,850, were approved.

Mr. Adams reiterated that he and Ms. Crismond will review the lakes on the west side, as well.

With regard to the lilies, Mr. Adams advised that anything above the control elevation may be removed, including those in the lawn area. He recommended consideration on a case-by-case basis; Staff will meet with the association to discuss the method of removal and the project can be performed by the association landscaper, with CDD Staff oversight.

Mr. Thiele stressed that a standard must be established. He pointed out that the golf course the country club were also involved, as the plants have become unsightly. Mr. Thiele reiterated his recommendation to establish a standard and then determine responsibility.

Mr. Adams confirmed that a standard will be established.

Mr. Thiele stated that the CDD will not accept any responsibility for maintenance. Mr. Adams explained that the areas are treated as natural areas and left alone.

Mr. Luby suggested that the neighborhood representatives or associations report problem areas to the CDD. Staff will meet with them and agree on a resolution.

Mr. Nails suggested holding a special meeting to discuss this issue and related issues, in the next few weeks. Mr. Adams agreed that it would be beneficial to first meet with the MCA and The Club and secure a proposal from a contractor. He recommended meeting in four to six weeks.

SIXTH ORDER OF BUSINESS

**Discussion: Storm Water System
Performance Characteristics During
Storm Events**

This item was deferred.

SEVENTH ORDER OF BUSINESS

Other Business

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

A recommendation was made to seek Requests for Proposals from other district management firms.

This item will be discussed at the continued meeting.

Mr. Tarr stated that he received correspondence from Mr. Wrathell advising him to discuss conference call-in at this meeting. Mr. Tarr recalled asking the Board to allow residents to listen in on meetings via conference call. Mr. Wrathell agreed that this was a good idea.

Mr. Adams explained that Mr. Wrathell indicated that this service may be provided through the firm’s call-in program for \$0.18 per minute, with an unlimited number of call-ins. An operator would monitor the calls and be provided with a list of Board Members and Staff that may be calling in.

On MOTION by Mr. Tarr and seconded by Mr. Bishko, with Mr. Tarr, Mr. Bishko, Mr. Rowe and Mr. Luby in favor and Mr. Nails dissenting, allowing residents to call in to CDD meetings and listen only, going forward, was approved. (Motion passed 4 – 1)

EIGHTH ORDER OF BUSINESS

Approval of October 15, 2014 Regular Meeting Minutes

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

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

Due to time constraints, this item was deferred.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

This item was deferred.

B. Engineer

This item was deferred.

C. Manager

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

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

With regard to Page 8, “Assessment: on-roll”, Mr. Bishko asked why the percentage of budget was 36% and not close to 100%. Mr. Adams explained generally, everyone waits until

the last week of November to pay their property taxes. By the time the money is collected by the tax collector and transmitted to the District, it becomes revenue for the following month.

ii. NEXT MEETING DATE: May 20, 2015 at 11:30 A.M.

The next regularly scheduled meeting will be held on May 20, 2015 at 11:30 a.m.; however, a special meeting will be held to discuss the remainder of the agenda items.

TENTH ORDER OF BUSINESS

Supervisors' Requests

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

ELEVENTH ORDER OF BUSINESS

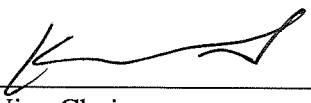
Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Luby and seconded by Mr. Rowe, with all in favor, the meeting adjourned at approximately 1:10 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair