

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

Multiple Public Hearings and a Regular Meeting of the Mediterra South Community Development District's Board of Supervisors were held on **Wednesday, August 16, 2017 at 2:00 p.m., at The Sports Club at Mediterra (Bella Vita Room), 15735 Corso Mediterra Circle, Naples, Florida 34110.**

**Present and constituting a quorum were:**

Robert Greenberg	Chair
Ken Tarr ( <i>via telephone</i> )	Vice Chair
Mike Bishko ( <i>via telephone</i> )	Assistant Secretary
John Henry	Assistant Secretary/Assistant Treasurer
Dallas Luby	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Mallory Clancy	District Engineer
David Robson	Johnson Engineering
Alyssa Willson ( <i>via telephone</i> )	Hopping Green & Sams
Bill Rowe	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 2:03 p.m. Supervisors Greenberg, Henry and Luby were present, in person. Supervisors Tarr and Bishko were attending via telephone.

**SECOND ORDER OF BUSINESS**

**Chairman's Opening Remarks**

Mr. Greenberg stated that several important items were on the agenda, including formal adoption of the Fiscal Year 2017/2018 budget. He apologized for the confusion about the meeting time and would appreciate circumventing miscommunication, going forward, especially when Board Members must travel to achieve a quorum.

**THIRD ORDER OF BUSINESS**

**Public Comments [3 minutes per person]**

There being no public comments, the next item followed.

**FOURTH ORDER OF BUSINESS**

**Affidavit(s)/Proof of Publication**

Mr. Adams presented the affidavits of publication for today’s Public Hearings and Regular Meeting.

**FIFTH ORDER OF BUSINESS**

**Public Hearing to Hear Comments and Objections on the Adoption of the District’s Final Budget for Fiscal Year 2017/2018, Pursuant to Florida Law**

**A. Consideration of Resolution 2017-9, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2017, and Ending September 30, 2018; Authorizing Budget Amendments; and Providing an Effective Date**

Mr. Adams presented Resolution 2017-9. There was a change with regard to the firebreak and clear zone initiatives. Assessments would increase approximately \$75 per unit and notices, along with an attached letter from the Chairs of both the Mediterra North and South CDDs, were mailed to all property owners within the Districts. No feedback was received from property owners.

Mr. Greenberg stated that transparency and the level of communication was greater than in the past. Mr. Tarr asked how the \$160,000 budgeted for “Fire Break and Clear Zone Initiatives” would be affected, with regard to the mitigation costs, whether the budget could be modified and if the CDD was already locked in and would have to fund the mitigation costs, if incurred. Mr. Adams stated that the District was locked in and could not increase assessments over what was previously noticed; it was approaching the time deadline to adopt the budget. Certain options that were previously presented would be discussed later in the meeting. Mr. Bishko asked if it was possible to reconsider the issue. The following change was made to the Resolution:

“Section 1a, Line 3: Change “Section 2 below” to “Section 3 below”

**\*\*\*Mr. Adams opened the Public Hearing.\*\*\***

No members of the public spoke.

**\*\*\*Mr. Adams closed the Public Hearing.\*\*\***

In response to Mr. Bishko’s question regarding how members of the public could participate in the Public Hearing, Mr. Greenberg stated that members of the public must attend the Public Hearing, in person, in order to participate.

**On MOTION by Mr. Henry and seconded by Mr. Luby, with all in favor, Resolution 2017-9, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2017, and Ending September 30, 2018; Authorizing Budget Amendments; and Providing an Effective Date, as amended, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2017/2018, Pursuant to Florida Law**

**A. Mailed Notice(s) to Property Owner(s)**

Mr. Adams presented a sample Mailed Notice.

**B. Consideration of/Decision on: Resolution 2017-10, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2017/2018; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

Mr. Adams presented Resolution 2017-10.

Mr. Tarr asked for clarification of Parcel 122B, under “Neighborhoods”, on Page 15 of the proposed Fiscal Year 2018 budget. Mr. Adams stated that the “Coach to be announced” entry should be listed as “Caminetto” but the table had no impact on the budget; the impact was only on the lien roll and the incorrect reference would be amended. In response to Mr. Greenberg’s question, Mr. Adams stated that the chart was simply a courtesy chart, illustrating the Debt Service Fund payment, by product type, combining it with the operational assessment and providing an outstanding principal amount.

**\*\*\*Mr. Adams opened the Public Hearing.\*\*\***

No members of the public spoke.

**\*\*\*Mr. Adams closed the Public Hearing.\*\*\***

**On MOTION by Mr. Luby and seconded by Mr. Henry, with all in favor, Resolution 2017-10, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2017/2018; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2017-11, Adopting the Annual Meeting Schedule for Fiscal Year 2017/2018**

Mr. Adams presented Resolution 2017-11. There were several dates that could not be confirmed for the current meeting location or The Club at Mediterra Boardroom, as they were already booked; therefore, Mr. Adams suggested adopting the schedule, recognizing that the November 29, 2017 meeting was moved to The Club at Mediterra Boardroom and the remainder of the schedule would be adjusted, as necessary. Discussion ensued regarding subsequent meeting dates and securing alternative meeting dates and venues.

**On MOTION by Mr. Luby and seconded by Mr. Henry, with all in favor, Resolution 2017-11, Adopting the Annual Meeting Schedule for Fiscal Year 2017/2018, as amended, and granting Staff discretion to change the meeting times from 9:00 a.m., to 3:00 p.m., to meet in the Bella Vita Room, was adopted.**

**EIGHTH ORDER OF BUSINESS**

**Continued Discussion: Lakes 71 and 72 Retaining Walls**

In response to Mr. Greenberg’s question, Ms. Willson stated that neither Lucarno nor London Bay Homes (LBH) contacted her regarding the issue. Mr. Adams stated the documentation was prepared to allow for vacating and for a one or two-month reprieve for further discussion. In response to Mr. Bishko’s question, Mr. Greenberg explained that Lakes 71

and 72 bordered Park Partierre and there was an issue with the maintenance of the retaining wall. A survey revealed that part of the wall was within the lake boundary, part was outside the lake boundary and part was on the lake boundary. The District did not maintain retaining walls; therefore, the Board wanted either Lucarno or the adjacent homeowners to take responsibility. At the previous meeting, the issue was tabled to give Lucarno the opportunity to respond and take responsibility. Mr. Greenberg felt that it was unfortunate that the issue could not be resolved and entertained the process of disclaiming responsibility and executing and recording the necessary documents so that the CDD had no further liability for the retaining wall.

**On MOTION by Mr. Bishko and seconded by Mr. Luby, with all in favor, disclaiming responsibility for the Lakes 71 and 72 retaining walls and authorizing District Staff to execute, file and finalize the necessary documents, were approved.**

**NINTH ORDER OF BUSINESS**

**Update: Lake Aeration Project**

Mrs. Adams would continue sending email updates to the Board about the Lake Aeration Project, as received. Mr. Greenberg felt that emails were not helpful and requested that Excel spreadsheets, be forwarded, instead. The spreadsheets should be sent monthly and list Lakes 1 through 72, along with their various stages of completion. Mrs. Adams would design and forward spreadsheets, going forward. Mr. Bishko doubted that monthly updates would be necessary, as the project was nearing completion. Mrs. Adams stated that the lakes should be completed by the end of September. The contractors were on target but one lake may be delayed because Florida Power & Light (FPL) must replace a transformer. In response to Mr. Tarr's question, Mrs. Adams stated that there were no complaints regarding where the equipment was being placed. A Board Member suggested posting the spreadsheets on the CDD website. In response to Mr. Greenberg's question regarding the royal palms, Mrs. Adams stated that the property owners did not have approval for the landscape project and, as a result, the project would be halted. Per Mr. Tarr's request, Mr. Greenberg recently observed a project off of Corsini, where six or eight royal palm trees were being installed in the backyard, within the lake bank boundary. Mrs. Adams learned that plans were never submitted to the Mediterra Community Association (MCA) and some of the trees may be within the CDD lake bank

easement area. Mr. Greenberg believed that, since the project would be discontinued, there would not be any further damage to the lake bank.

**TENTH ORDER OF BUSINESS**

**Update: Reimbursement Request from Spaulding for District Installation of Aerators in Lakes 75 and 76**

Mr. Greenberg recalled that the District agreed to split the costs of installing aerators in Lakes 75 and 76. Mr. Adams was unsure whether Spaulding Development (Spaulding) would comply with the agreement, as they have yet to respond to the offer. Mr. Greenberg directed Management to alert Spaulding and LBH that, if they do not accept the offer by the end of August, the District would extract the fountain and withdraw the offer to split the costs 50/50. Mr. Adams would contact the parties.

**On MOTION by Mr. Henry and seconded by Mr. Luby, with all in favor, giving Spaulding Development and London Bay Homes until August 31 to accept the 50/50 settlement offer or it would be rescinded and, if the full amount of the fountain is not disbursed, by October 18, authorizing District Staff to remove the fountain, was approved.**

**ELEVENTH ORDER OF BUSINESS**

**Update: Wildfire Resilience and Preserve Management Plan**

Ms. Mallory Clancy, of Johnson Engineering, summarized a July 31, 2017 Memorandum regarding a Fire Management Plan Pre-application meeting that she attended with Mr. Nychyk, Mr. Tilton and representatives from the South Florida Water Management District (SFWMD). The plan included fuel load reduction clearing, as well as firebreak paths to allow for fire truck access for firefighting and to create a fire hindrance to block horizontal movement of fires. The plan was developed with the Florida Forest Service (FFS) and the Collier and Bonita Springs Fire Departments and was presented to the SFWMD reviewer, who concluded that, although the plan was environmentally friendly, mitigation would still be necessary if firebreak paths would be constructed. Further, because functional loss would occur, by removing vegetation, mitigation credit must be purchased. In response to Mr. Tarr's question, Ms. Clancy confirmed that the \$60,000 to \$120,000 cost of mitigation, outlined in the Memorandum, would be paid by

the District to a mitigation bank. Discussion ensued regarding the SFWMD reviewer, her SFWMD superiors, Florida Statutes and Administrative Codes and the reaction of other Engineers in attendance. Ms. Clancy stated that the mitigation cost was calculated by Johnson Engineering based on the SFWMD reviewer's assurance of a zero-base functional loss. Mr. Greenberg wanted to know what the District's options were, aside from paying the mitigation costs. Ms. Clancy stated the District could proceed with the Fire Management Plan, without constructing the firebreak paths, and perform a fuel load reduction, which would not require a permit modification but would require a formal Fire Management Plan that would go along with the Fire Management Maintenance Plan. In response to Mr. Tarr's question, Ms. Clancy stated that there was no way to install a path or alter the conservation easement without paying mitigation credits. Mr. Greenberg asked about a Fire Maintenance Plan. Mr. Robson stated that the SFWMD recognized clearing trees in the preserves, as a firebreak with zero functional loss; if the paths were converted to shaded fuel breaks and an actual path was not created, it would result in a cleared space, without removal of trees, and no mitigation cost payments would be required. Mr. Adams stated that the proposed path could not be a straight line and would cause firefighters to meander around the trees. In response to Mr. Greenberg's question regarding whether mitigation costs were negotiable, Mr. Robson stated that they were not negotiable, by a stand-alone group but could be negotiated if multiple Districts joined in a class-action lawsuit against the regulatory entity. Discussion ensued regarding notifying homeowners, mitigation cost assessments, fuel load reduction and shaded firebreaks. Mr. Adams recommended proceeding with the fuel reduction program and considering establishing a meandering path, as there funds sufficient to cover the proposed path, which, at least, would impede the fuel.

**On MOTION by Mr. Henry and seconded by Mr. Luby, with all in favor, implementation of the Fuel Reduction Plan, as prepared by the District Engineer, with meandering shaded firebreaks but without firebreak paths, to avoid paying mitigation costs to SFWMD, was approved.**

Mr. Greenberg and District Staff would coordinate to prepare a letter informing residents of what the local government was doing and explaining how residents could contribute. Mr. Greenberg asked Ms. Willson to forward an email with suggestions of where the CDD could

apply political pressure, whom to contact, regarding getting a special bill passed through the legislature or to find out if the Governor could issue a waiver. Ms. Willson would send an email with the requested information.

**TWELFTH ORDER OF BUSINESS**

**Update: District Merger**

Ms. Willson stated that the Division of Administrative Hearing (DOAH), hearing would take place in Collier County, on September 5. District Counsel was finalizing all of the required preparations and notices of “No Objections”, from the City of Bonita Springs and Collier County were previously received. Mr. Greenberg requested written testimony from District Counsel as he was unable to attend the hearing. Ms. Willson would prepare and forward a draft to Mr. Greenberg. Mr. Adams and Mr. Robson would attend the hearing and provide an update, at the next meeting. In response to a question, Ms. Willson stated that the CDD was halfway through the process to complete the merger. Mr. Greenberg directed Staff to forward Florida Land and Water Adjudicatory Commission (FLAWAC) information to him, to help in drafting a letter to the community, informing residents that the merger would be completed by February.

**THIRTEENTH ORDER OF BUSINESS**

**Approval of June 21, 2017 Regular Meeting Minutes**

Mr. Greenberg presented the June 21, 2017 Regular Meeting Minutes and asked for any additions, deletions or corrections. Mr. Greenberg stated that changes previously submitted to Management, by himself and Mr. Tarr, would be incorporated.

**On MOTION by Mr. Luby and seconded by Mr. Bishko, with all in favor, the June 21, 2017 Regular Meeting Minutes, as amended, incorporating the changes previously submitted to Management, by Mr. Greenberg and Mr. Tarr, were approved.**

**FOURTEENTH ORDER OF BUSINESS**

**Action Items**

Items 1, 2, 3, 4, 5, 6, 8, 9, 10, 11 and 12 were ongoing.

Item 7 was completed.



Mr. Adams stated that Item 7 was a part of the Annual Quality Assurance Audit for the lakes and would be posted on the CDD website.

**FIFTEENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of June 30, 2017**

Mr. Adams presented the Unaudited Financial Statements as of June 30, 2017. In response to Mr. Luby’s question regarding The Club, Mr. Adams stated that Management made an exception and billed The Club, directly; therefore, The Club did not have the benefit of the 4% early pay reduction and the District did not have the burden of paying collection fees to the County.

**On MOTION by Mr. Henry and seconded by Mr. Luby, with all in favor, the Unaudited Financial Statements as of June 30, 2017, were approved.**

**SIXTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

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

**B. District Engineer**

Mr. Robson stated that he was retiring and Ms. Clancy would be the new District Engineer.

**C. District Manager**

There being no report, the next item followed.

**D. Operations Manager**

Mrs. Adams stated that the Annual Lake Audit Summary would be posted on the CDD website and copies would be emailed to Mr. Tarr and Mr. Bishko. Mr. Greenberg stated that every Supervisor should receive the Summary, on a timely basis.

Regarding lake inspections, Mrs. Adams stated that, going forward, MRI Underwater Specialists (MRI) would complete the inspections and cleanings in the spring and address any capital improvements that may be required, based on the photos provided, such as minor piping. She directed MRI to address those issues in the spring, when water levels were low. Mr. Tarr

inquired about MRI's billing for inspection and maintenance of the lakes. Mrs. Adams stated that there was an adjustment in the total cost and she would forward the revised invoice to all Board Members.

**SEVENTEENTH ORDER OF BUSINESS      Supervisors' Requests**

Mr. Tarr wanted to know why the letter to property owners, Perry and Kathryn Arons, was included under Tab 6 in the agenda. Mr. Greenberg stated that the letter was included as an example.

**EIGHTEENTH ORDER OF BUSINESS      Public Comments**

There being no public comments, the next item followed.

**NINETEENTH ORDER OF BUSINESS      Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Luby and seconded by Mr. Henry, with all in favor, the meeting adjourned at 3:20 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair