

**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 17, 2018 at 3:00 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	Vice Chair
Mike Bishko	Assistant Secretary
John Henry	Assistant Secretary/Assistant Treasurer
Dallas Luby (<i>via telephone</i>)	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Mallory Clancy	District Engineer
Alyssa Willson (<i>via telephone</i>)	District Counsel
Tim Denison	Johnson Engineering, Inc.

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 3:02 a.m. Supervisors Greenberg, Tarr, Bishko and Henry were present, in person. Supervisor Luby was not present at roll call.

SECOND ORDER OF BUSINESS

Chairman's Opening Remarks

Mr. Greenberg stated that the two main issues that the Board should continue to monitor were the completion of the merger of the two CDDs and the implementation of the Wildfire Prevention Preserve Management Plan.

*****Mr. Luby and Ms. Willson joined the meeting, via telephone.*****

THIRD ORDER OF BUSINESS

Public Comments [3 minutes per person]

There being no public comments, the next item followed.

FOURTH ORDER OF BUSINESS

Consideration of Award of Contract for Lake and Wetland Maintenance

Mrs. Adams stated the CDD recently underwent the sealed bid process for the Lake and Wetland Maintenance Contract. The current contract is \$151,140; however, the bids are much higher, with Aquagenix proposing \$179,000 and LakeMasters Aquatic Weed Control Inc., (LakeMasters) proposing \$203,000. Mrs. Adams stated that LakeMasters has been the District's contractor for numerous years but several adjustments in their contract led to the price increase, particularly installation of 38 additional aeration systems and contract specifications requiring inspection of every single system, every six months, including replacing external air filters, check the meter housing, breaker panels, etc. LakeMasters' price was probably not negotiable. With regard to Aquagenix, they no longer had in-house wetland services, most of their bigger projects were located further north and they failed to submit adequate references. Discussion ensued regarding the references, bids, the District's needs and negotiation leverage. In response to an inquiry, Ms. Willson stated that the Rules of Procedure limited the CDD to a total contract maximum of three years, including auto-renewals. Mr. Adams stated that the sealed bidding law allowed the CDD to counter LakeMasters' bid from two years at \$203,000 to three years at \$195,000. The 40% price increase was attributable to the additional 38 aeration systems installed. Mr. Greenberg did not want the Board to be characterized as always accepting the lowest price, as it harmed the CDD's reputation. Mr. Greenberg called for a motion to award the Contract for Lake and Wetland Maintenance to LakeMasters. Discussion ensued regarding the contract, the budget, the aeration systems and establishing a depreciation account to cover the lake aeration and equipment costs. Mr. Adams stated that Management would set up a future capital reinvestment fund. Mr. Greenberg directed Staff to create a reasonable depreciation schedule based on past experience.

On MOTION by Mr. Greenberg and seconded by Mr. Tarr, with all in favor, awarding the Lake and Wetland Maintenance Contract to LakeMasters Aquatic Weed Control Inc., in the amount of \$195,000 per year, with one additional optional year, for a total of three years, was approved.

FIFTH ORDER OF BUSINESS

Presentation: Lake Water Quality and Sediment Testing Analysis and Report

Mr. Tim Denison gave a PowerPoint presentation of the Dry/Wet Season 2017 Water Quality Monitoring Report, dated January 8, 2018. He explained the purpose and scope of work, methodology, results and conclusions and took questions.

Mr. Greenberg asked if it was significant that the two “problem lakes”; Lakes #27, #28 & #35 were located on the east side of the CDD’s boundaries and questioned why the lakes were problematic. Ms. Clancy stated that Mr. Denison’s Report focused more on the water quality in the lake at that time, and offered to collect two water samples during the rainy season. Mr. Henry corrected Mr. Greenberg’s statement indicating that the two problem lakes were actually located on the west side, not the east side of the CDD boundaries. Mr. Denison verified that the lakes were on the west side. In response to Mr. Bishko’s question, Mr. Adams stated that the triggering factor in labeling the two lakes as “problem lakes” was that the lakes developed unwanted growth, on a regular basis, and were performing poorly. Chemical treatments were applied to control the algae. The results of the water quality testing will show that there were higher levels of nitrogen and phosphorus during the wet season testing and Lakes #27, #28 and #35 had large amounts of linear footage around them, related to the golf course. Mr. Denison stated that there was good and bad growth and the littoral plantings were intended to take up some of the nutrients so that there were less additional nutrients in the water and the secchi-disc measurements that were taken provided a good indication of water clarity and water cloudiness was due to nitrification. Mr. Bishko noted that there was no golf course around Lakes #52 and #50 yet they had the deepest visible depth and lowest nutrient levels. Discussion ensued regarding the golf course, runoff, fertilizer and nutrient levels in the lakes. Mr. Adams stated that the Board should keep in mind that it was managing a stormwater drainage system and the lakes were designed to receive runoff from adjacent golf courses and yards. Mr. Greenberg asked if there was a serious problem in any of the lakes that required remediation. Mr. Denison stated that, based on the monitoring, there were no serious problems that required immediate action. Mr. Adams stated that, of the seven lakes, the two that were deemed problematic were not outfall lakes, the lakes were interconnected by a basin; and the outfall lakes, which discharged offsite were in great shape.

Mr. Denison presented the Annual Sediment Sampling Analysis and Report dated January 7, 2018, detailing the scope of work, methodology, results and conclusions. He stated that a one-time, annual, sampling event was conducted for the seven lakes and took questions.

Discussion ensued regarding sediment levels in the lakes, the aerators and dredging. Mr. Adams stated that new technologies were being developed to reduce sediment buildup, including the use of natural bacterias and District Staff was intent on avoiding dredging the ponds as the process was costly and highly invasive to the communities around the pond. Mr. Bishko asked if aeration could reduce the sediment level in Lake #52. Mr. Adams stated that the aeration alone was helpful, especially since there was no golf course frontage on the pond. Mr. Denison stated that the constant aeration has either gotten rid of issues that were present in terms of muck or they simply did not exist at all. Mr. Greenberg asked if he could convey to the residents that the quality of the ponds were among the best examined in gated, golf course communities. Mr. Denison replied affirmatively. He recommended that the five discharge lakes continued to be sampled near the outfalls, and done only during the wet season. In response to Mr. Greenberg's question regarding sampling during the dry season, Mr. Denison stated that there was more benefit collecting samples during wet season instead of during the dry season and it was best to collect two samples for comparison purposes. Mr. Bishko asked if the lake at the "pig farm" discharged into CDD lakes. Mr. Denison stated that their outfall would go through the pipe at 7 South and would discharge into the SE outfall and L3 or L4 ultimately. Mr. Greenberg stated that the Board previously was assured, by Mr. Dave Robison that the "pig farm" had its own retention pond and would not affect the CDD. Mr. Bishko asked if guidelines existed to sample the lakes over a period of time. Mr. Denison stated that only the five discharge lakes should be sampled regularly and the District was under no obligation to meet standards with the lakes unless there was a resident issue. Discussion ensued regarding water movement, treatment ponds and from which lakes the golf course drew water. In response to a question regarding implementing a policy recommended by the District Engineer, Mr. Adams stated that the Agreement would be presented later. Mr. Greenberg asked if any amendments were necessary to reflect what was discussed and if the verbiage in Exhibit A should be changed based on the presentation. Mr. Denison stated that the costs would not be affected. Mr. Adams replied affirmatively and stated the recommendation was to perform wet/wet season sampling as opposed to dry/wet season sampling going forward.

- **Consideration of Agreement with Johnson Engineering for Lake Surface Water and Sediment Testing Analysis and Reporting**

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

Mr. Greenberg moved to approve the Agreement with instructions to change the scope of services, as presented by Mr. Denison and Ms. Clancy. Mr. Adams confirmed that there sufficient funds in the budget.

Mr. Luby voiced his dissatisfaction with the presentation. He felt that the recommendations were unclear and asked for them to be presented in writing. Mr. Adams would forward the PowerPoint presentation to all Board Members, including the recommendations.

On MOTION by Mr. Henry and seconded by Mr. Tarr, with all in favor, the Agreement with Johnson Engineering for Lake Surface Water and Sediment Testing Analysis and Reporting, as modified, as recommended, was approved.

SIXTH ORDER OF BUSINESS

Update: Wildfire Resilience and Preserve Management Plan

Ms. Clancy presented an overview of her meeting with the South Florida Water Management District (SFWMD) officials, along with her and Mr. Tilton's recap and District Engineer's Options Moving Forward for the Mediterra Preserve Management Plan, dated January 2018. Mr. Luby stated that the three options presented revealed an obvious cost differential but he could not understand the differentiated benefit provided in each of Options 1, 2 or 3. He then asked Ms. Clancy to highlight the benefits of each Option. Ms. Clancy stated that SFWMD rejected the plan presented by the CDD, on the grounds that it was not specific enough with regard to mapping and the exact procedure for tree removal and thinning. The Plan was revised and the firebreaks were eliminated; Staff would continue to eliminate items that the SFWMD said might require mitigation. It included the Home Ignition Zone (HIZ) 4 removal, which outlined the removal of dead, fallen trees and signs of ladder fuels; items that can be accomplished within permit regulations with a general plan. Generally, a certain volume of dead debris would be moved from a certain point at the edge of the Conservation Area, into the Preserve, which would be the total cleared acreage. This would require slight engineering work involving updating the mapping and the Plan, which could be completed in-office. Supervisor Tarr stated that there was a fear in the community that the recent hurricane increased the fuel load on the ground. Ms. Clancy stated that the ecologist would agree that the District's Preserve needed some fuel risk mitigation. In response to an inquiry regarding the edge of the homes, Ms.

Clancy stated that the edge of the homes would come into play in the tiers, and Ms. Harris' qualm was that the map showed the Conservation Area line and the HIZ beginning at that location. Mr. Greenberg questioned why this item came before the board and suggested making the appropriate changes to meet SFWMD's standards and moving forward. Ms. Clancy explained the difference between Tiers 1 and 2 and proposed amending the language in both the Report and in the Plan to appease anxious residents requesting fuel load reductions (FLRs). The Plan that the Board previously approved, Tier 2, involved thinning and removal of certain tree species, which would be costly because the SFWMD requested field work on the front end, requiring Engineering Staff to spend two weeks pinpointing tree density and assessing tree removal, which would not guarantee that there would not be mitigation. Mr. Greenberg stated that the SFWMD wanted to increase the fire risk for Mediterra at a cost of \$470,000, which was outrageous. Mr. Adams recommended moving forward with Tier 1. Mr. Greenberg wanted to know where the CDD could apply pressure and asked for an official's name. Ms. Clancy stated that Ms. Melissa Roberts, who headed Compliance and Regulations for the SFWMD, suggested doing a controlled burn throughout the Preserves. Mr. Greenberg asked to schedule a meeting with Ms. Roberts, the Ecologist, District Staff and the Chair to discuss and consider the proposed Preserve Management Plan for the District. Mr. Adams would contact Ms. Roberts' office to schedule a meeting. Discussion ensued regarding plan revisions, the timeline for implementation, potential contractors and the aftermath of Tier 1. Ms. Clancy was directed to draft and forward a brief letter to the Chair explaining what residents would see from their homes, after the implementation of Tier 1, and include information regarding homeowner responsibility, to educate homeowners.

SEVENTH ORDER OF BUSINESS**Update: District Merger**

Ms. Willson stated that ongoing contact with the Governor's office staff was previously established and they were reviewing the record and the preparing of the draft Rules of Procedure; however, they were also currently scheduling the FLOWAC Hearing for an upcoming meeting of the Governor's Cabinet. In response to Mr. Greenberg's question regarding a date, Ms. Willson stated that staff indicated that they were close to figuring out a date and she would keep the Board apprised of any developments. Over the last few months, there were some staff transitions and the woman that handled all of the mergers in the past is about to retire and is doing her best

to expedite the process as she would like to finalize the merger issue prior to leaving. Mr. Greenberg asked Ms. Willson to keep the Board posted.

EIGHTH ORDER OF BUSINESS

Consideration of Agreement with Johnson Engineering for Lake Surface Water and Sediment Testing Analysis and Reporting

This item was presented following the Fifth Order of Business.

NINTH ORDER OF BUSINESS

Approval of October 18, 2017 Regular Meeting Minutes

Mr. Greenberg presented the October 18, 2017 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

Line 82: Insert "Opinion of Probable Cost" before "OPC"

Line 82: Insert a comma after "clearing"

Line 83: Delete "the entire Conservation Area, which covers several acres"

Line 127: Change "Wildfire Resilience Plan" to "Preserve Management Plan"

On MOTION by Mr. Tarr and seconded by Mr. Bishko, with all in favor, October 18, 2017 Regular Meeting Minutes, as amended, were approved.

TENTH ORDER OF BUSINESS

Action Items

Mr. Greenberg asked Mr. Adams to provide a copy of Mr. Denison's PowerPoint presentation and Wildfire materials from Ms. Clancy, in order to draft and circulate a letter to Staff and Supervisors for their comments before distributing to residents. He would like to distribute the letter prior to the Annual Meeting of the Mediterra Community Association (MCA), on February 19. Mr. Adams stated that, per the Chair's request, the Actions Items List was streamlined and reorganized; the Action Items List is followed by a Completed Action Items List and a Procedural Items List.

Item 2, was completed.

Items 1 and 5 would be combined.

Items 1, 3, 4, 5, were ongoing.

In response to Mr. Bishko’s question, Mr. Greenberg confirmed that the letter regarding the Lucarno retaining walls was drafted and sent by District Counsel. In response to Mr. Greenberg’s question, Ms. Willson confirmed that the letter was sent to London Bay Homes (LBH) and the Lucarno Board but not to individual homeowners. Mr. Greenberg was uncomfortable with sending letters to all homeowner, as the retaining wall only related to certain homeowners. Based on the survey the retaining wall was right on the property line, outside the lake boundary or inside the lake boundary. The District abandoned the issue, totally, and the Lucarno Homeowners Association should have adopted it; however, they were not dealing with it. In response to Mr. Adams’ question, Ms. Willson confirmed that the letter was sent Certified Mail and stated that the document disclaimed the District’s interest in the property and the resolution read as follows:

“Not effectively conveyed by the disclaimer, the District hereby directs and authorizes Staff to dispose of the retaining wall by quit-claim deed or bill of sale as appropriate to any individuals interested therein, in particular, the owners of the lot, upon request of any interested party.”

Mr. Greenberg directed Ms. Willson to identify the lots that were affected and forward copy of the documents, with a cover letter to the residents. Mr. Adams would distribute the documents, as Management had the lien rolls and maps. Mr. Greenberg directed Mr. Adams to confer with Mr. Allan Filiault, the Vice President of LBH and the President of the Homeowners’ Association regarding the retaining walls and to send a follow-up letter.

ELEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of November 30, 2017

Mr. Adams presented the Unaudited Financial Statements as of November 30, 2017.

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

TWELFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

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

B. District Engineer

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

C. District Manager

i. NEXT MEETING DATE: February 21, 2018 at 3:00 P.M.

The next meeting will be held on February 21, 2018 at 3:00 p.m., at this location.

D. Operations Manager

Mrs. Adams provided the following updates:

- MRI would commence pipe inspections on February 5.
- A proposal to install plantings around the exposed areas of equipment was received. Mrs. Adams would confer with the contractor regarding certain details that needed clarification, including pricing.

Mr. Bishko asked if MRI would scope the main outfall pipes. Mrs. Adams replied affirmatively. In response to Mr. Bishko’s question regarding cost, Mrs. Adams indicated that an update would be provided at the next scheduled meeting.

THIRTEENTH ORDER OF BUSINESS

Supervisors’ Requests

Mr. Bishko stated that it was obvious that bears were in the vicinity and thought that it was great that the MCA sent a notification about it. He inquired about the CDD’s plan to prevent any possible litigation, if a homeowner was attacked by a bear. Mr. Adams stated that would fall under an “Act of God” situation. Mr. Greenberg viewed it as a wildlife issue, similar to the deer, and stated that, if the District took responsibility, it would be assuming liability. Discussion ensued regarding deer and bear sightings.

Mr. Bishko stated that the new MCA leadership intimated that the CDD should educate residents on the Preserve Management Plan, stormwater issues and system performance and maintenance. He wanted to know if the Chair or Mr. Adams would be making that presentation at the upcoming annual meeting. Mr. Greenberg stated that, if the MCA asked him directly to make a presentation he would, but would not be volunteering to do so. He was more interested in circulating a letter to residents prior to the annual meeting but was awaiting information from the District Engineer. In response to Mr. Bishko’s inquiry regarding Mr. Adams making the

presentation, Mr. Greenberg stated that, if a direct request was made by the MCA and it fit into the District Manager's schedule, the District would comply with the request.

FOURTEENTH ORDER OF BUSINESS Public Comments

There being no public comments, the next item followed.

FIFTEENTH ORDER OF BUSINESS Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Bishko and seconded by Mr. Henry, with all in favor, the meeting adjourned at 5:05 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair