

**MINUTES OF MEETING
MIROMAR LAKES
COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Board of Supervisors of Miromar Lakes Community Development District was held on Thursday, July 8, 2021, at 2:00 P.M. at the Library in the Beach Clubhouse, 18061 Miromar Lakes Parkway, Miromar Lakes, Florida 33913.

Present and constituting a quorum:

Alan Refkin	Chairperson
Michael Weber	Vice Chair
Doug Ballinger	Assistant Secretary
Patrick Reidy	Assistant Secretary
Mary LeFevre	Assistant Secretary

Also present were:

James P. Ward	District Manager
Greg Urbancic	District Attorney
Charlie Krebs	District Engineer
Bruce Bernard	Asset Manager

Audience:

Tim Byal

All resident's names were not included with the minutes. If a resident did not identify themselves or the audio file did not pick up the name, the name was not recorded in these minutes.

**PORTIONS OF THIS MEETING WERE TRANSCRIBED VERBATIM. ALL VERBATIM PORTIONS WERE
TRANSCRIBED IN *ITALICS*.**

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

District Manager James P. Ward called the meeting to order at approximately 2:00 p.m. He conducted roll call; all Members of the Board were present, constituting a quorum.

SECOND ORDER OF BUSINESS

Consideration of Minutes

June 10, 2021 – Regular Meeting

Mr. Ward noted there were blanks for names of speakers who were most likely off camera.

Discussion ensued regarding corrections which needed to be made and who was speaking when.

Mr. Ward stated the corrections would be made and names would be added.

On MOTION made by Ms. Mary LeFevre, seconded by Mr. Doug Ballinger, and with all in favor, the June 10, 2021, Regular Meeting Minutes were approved as amended.

THIRD ORDER OF BUSINESS

Old Items

I. Agreement with Master HOA to include use of Reserve Funds

Mr. Ward indicated he and Mr. Urbancic would meet with the Miromar HOA over the next three weeks and have this back before the Board for consideration at the next Board Meeting.

II. Discussion of Master Stormwater System Rules of Procedure

Mr. Ward indicated there was a redline copy of the Rules of Procedure in the Agenda which showed the changes from the last meeting. He explained the changes codified important points discussed at the previous meeting: 1) The District would not maintain beaches. 2) Identified what could be done within a lake maintenance easement as a property owner. He asked if there were any questions or comments.

Mr. Weber stated after these Rules were finalized it would be necessary to review the various violations to determine which violations needed to be addressed.

Mr. Ward noted unless there was an egregious problem, he did not feel the District should require residents to remove something (fence, planting, etc.) already in place; the District might need to identify these violations internally, and on a going forward basis, in partnership with the HOA, the District could get a handle on the situation.

Mr. Weber stated the District would run into difficulty when residents wished to install an encroachment similar to a neighbor's violating encroachment; said resident would be upset their neighbor was permitted to have the encroachment, but they were not.

Mr. Ward indicated the Rules set in place a procedure from today going forward. He stated as the encroachments had to go through the HOA for approval (this was the normal process), the District would need to work closely with the HOA regarding what residents wished to install in an easement area. He stated the District would need to determine which encroachments were minor versus major.

Mr. Weber stated some people would seek approval for encroachments and others would not. He asked how unapproved encroachments might be halted before completion and how the District would handle the situation if these encroachments were completed without approval. He noted the District needed a better mechanism of communication with the residents in this regard, maybe through the HOA.

Mr. Ward stated in the context of these rules, it would be impossible to stop residents from constructing or planting encroachments without HOA approval. He stated if the District wished to have the power to require residents to remove certain encroachment violations, another document would need to be created to deal with the situation.

Mr. Weber stated if there were no consequences for breaking the rules, the rules were pointless.

Mr. Ward indicated CDDs had very little enforcement power; HOAs had a stronger enforcement power. He stated the CDD needed to figure out a way to deal with the situation and he was unsure how this could be accomplished.

Mr. Refkin stated he felt these Rules were a good step forward, but additional steps needed to be taken.

Mr. Tim Byal discussed residents being responsible for rip rap installed without proper approval.

Discussion ensued regarding rip rap; the percentage of rip rap in Miromar being around 50% which was close to the maximum (65%); the possibility of having the maximum percentage increased; prioritizing where the remaining rip rap percentage would be placed; and who was responsible for asking the County for an increase in rip rap maximum percentage.

Mr. Ward indicated the CDD was responsible for maintaining the rip rap and therefore was responsible for communicating with the County regarding the rip rap.

Mr. Krebs indicated originally it was the CDD and Miromar working together; two entities owned the lakes. He stated the County liked to have the landowners involved in the process (the CDD and the developer).

Mr. Ward stated he felt these Rules gave the CDD a better idea of who was going to do what, when. He noted it was good to know the District could possibly increase the rip rap percentage.

Ms. LeFevre asked if nonapproved rip rap was included in the percentage of rip rap on the lakes.

Mr. Krebs stated he had an exhibit which would illustrate the areas of rip rap permitted by the developer and the areas where rip rap had been conceptually approved through the zoning process.

Ms. LeFevre indicated she was curious if the nonapproved rip rap was included.

Discussion ensued regarding where rip rap was located.

Mr. Krebs displayed and discussed the exhibit illustrating the locations of rip rap noting resident installed rip rap was permitted through County zoning, if not by the CDD.

Discussion ensued regarding which areas of rip rap were approved, which were included on the development orders, which were resident installed, and the possibility of increasing the permitted rip rap percentage.

Ms. LeFevre asked if the resident installed rip rap not approved by the CDD should be accepted into the maintenance program.

Mr. Ward responded in the negative; the Rules stated District installed and approved rip rap would be maintained, but anything not approved by the District, even if approved by the County, would not be included in the maintenance program. He stated as such, if a non-CDD-approved resident-installed rip rap system failed, it would be the responsibility of the resident to repair.

Discussion ensued regarding the CDD having already maintained much of the resident-installed rip rap systems; and the CDD having repaired most of the rip rap in the development after Hurricane Irma.

Mr. Reidy discussed how confusing it was for residents, homeowners, the HOA, everyone, understanding who was responsible for maintaining what, what types of property improvements needed approval from whom, etc. He stated it was important to get this agreement out to property owners. He noted if the agreement was sent and a homeowner did not read it, the responsibility fell upon the homeowner; the CDD would have fulfilled its responsibility.

Mr. Byal indicated the work done following Irma was a one-time event; this would be the new framework going forward and the District would not be obligated to maintain unapproved and unaccepted rip rap.

Mr. Weber asked if the CDD had been maintaining unapproved/unaccepted rip rap, how should the CDD proceed moving forward.

Mr. Refkin explained the CDD agreed the lakeshores were a disaster and the CDD decided to straighten out the situation, bring the lake banks up to standard and then, moving forward, maintenance responsibilities would fall upon the homeowner for non-CDD-approved lake bank systems. He stated historically the CDD never intended to maintain the homeowner installed rip rap areas on a continual basis.

Mr. Ward stated the rule was clear on what the CDD would maintain on a going forward basis. He stated with respect to any of these encroachments, whether homeowner installed and CDD maintained, or homeowner installed and non CDD maintained, the CDD had the right to develop a policy regarding exactly what the CDD would maintain or not maintain. He stated the CDD could create a map and choose to maintain what it wished on a going forward basis; however, the rule would set the policy and procedure. He stated the Rule stated the rip rap the District fixed or installed would be maintained (the rip rap repaired after Irma was now a District installed rip rap asset). He stated if the CDD had been maintaining certain encroachments and wished to continue maintaining said encroachments, the CDD had a right to do so. He stated the CDD had a right to maintain or not maintain whichever homeowner encroachments it wished, whether it be rip rap or a fence or landscaping.

Ms. LeFevre disagreed; the CDD was responsible for maintenance of the lake banks and needed a plan in place to ensure all residents were treated fairly before the rules were approved.

Mr. Ward indicated the rules did treat the residents fairly and provided a consistent description regarding what the CDD would and would not do. He stated the issue of whether Mr. Bernard was

maintaining homeowner installed rip rap was ancillary to the rule. He explained the CDD had spent a significant amount of money repairing the drainage system and this needed to be protected. He explained at the moment, the way the rules were written was inconsistent with what the CDD was trying to accomplish. He stated if the CDD fixed the rules and indicated the District was going to maintain its asset: the drainage system, the lake maintenance easement, and the rip rap in easement, as defined in the new rule, it would serve as a clear policy the CDD would follow. He stated the ancillary items, such as fencing, plants, trees, owner installed rip rap, etc., could be dealt with outside of the context of the rules in a procedural manual.

Mr. Refkin agreed with Ms. LeFevre. He stated the CDD was operating within its Budget, but there was no detailed list illustrating exactly where the CDD's monies were spent. He stated he believed the CDD would be better able to control the situation if it saw exactly where its money was going. He recommended being proactive about keeping track of expenditures.

Mr. Weber stated Ms. LeFevre was referring more to operations than financials; for example, if a homeowner wanted to encroach upon CDD property, what was the procedure, who would the homeowner call, etc. He explained at this point there was no way for a homeowner to figure this out; therefore, the homeowner simply went ahead and encroached.

Discussion ensued regarding the residents not knowing standard procedures; residents not contacting the CDD when necessary; and CDDs not having great enforcing powers.

Ms. LeFevre stated encroachments upon CDD property causing the CDD expense should be brought before the Board for consideration; the Board should be hearing about these encroachments and expenses.

Mr. Weber indicated the Board should be presented with a list of what was being approved by management (Mr. Ward, Mr. Bernard, Mr. Urbancic, and Mr. Krebs).

Mr. Ballinger noted Mr. Bernard, as the Asset Manager, handled activity within the Community at a local level.

Mr. Bernard stated basically, a Budget was created, and a list of where money would be spent was created; for example, a list of which areas would have rip rap repair or installation was created and approved by the Board, at which point he would proceed with the repair and installation. He explained if additional funds were needed for some reason, or if another area needed rip rap repair, he would come back before the Board for approval.

Mr. Refkin stated recently a study was recently completed which cost the CDD \$11,000 dollars. He explained he only knew this because he asked Mr. Ward. He asked where these expenditures were documented. He stated he understood these were preapproved expenditures which were included in a lump sum approval, but he wished to see a detailed documentation of these expenditures, approved or not.

Ms. LeFevre stated she understood the repair of resident-installed rip rap following Irma was intended to be a one and done situation; however, the CDD was conducting continued repair and maintenance at the CDD's expense. She stated she was led to believe if a resident installed rip rap, said resident was then responsible for maintenance and repair. She stated this was the issue which

needed to be discussed: should the CDD continue to maintain these areas. She noted deciding this would enable Mr. Bernard to proceed or discontinue maintenance of certain areas with the distinct approval of the CDD. She stated the CDD had not been consistent in this regard and needed to be so. She stated a rule should be put into place clearly indicating if a resident installed rip rap without approval of the CDD, said resident would be held responsible for all maintenance and repair.

Mr. Ballinger noted current policy was put into place in 2016 as a result of SFWMD demands, one year before Irma; now the CDD needed to create a new policy for the future.

Mr. Byal stated according to permit regulations the CDD was responsible for maintaining the shoreline. He stated any resident who installed rip rap actually saved the CDD money as areas without rip rap were much more damaged than those with. He stated rip rap reduced long term maintenance costs as a general rule.

Mr. Weber stated the CDD was not responsible for the maintenance of beach shoreline.

Mr. Urbancic explained there were locations around Miromar with beach easements in which the easement was dedicated to the Master HOA or a neighborhood association. He indicated there were also situations in which there were both a lake bank easement (dedicated to the CDD), as well as a beach easement (not dedicated to the CDD).

Mr. Krebs agreed; the maintenance easement allowed the District access along the shoreline, but the beach and sand itself was designated as the responsibility of the adjacent HOA or Master Association. He noted if an HOA decided to take out the sand and put in sod, the CDD could take over the maintenance of the lake bank.

Discussion ensued regarding beach shoreline.

Mr. Urbancic noted developing rules and regulations was the easy part; trying to enforce rules and regulations would be the difficult part. He stated until the CDD could integrate CDD policies and procedures into the Design Review or Architectural Review (ARC) there would be problems as the CDD would not have an individual monitoring the shoreline daily determining who encroached on a lake maintenance easement with pavers or a tree or a fence, etc. He indicated the CDD could integrate its policies into the ARC to ensure residents were aware of CDD rules in this manner. He noted per his experience in other communities, this was the most effective way to communicate CDD rules and regulations to the community.

Mr. Byal indicated when a resident applied for an encroachment upon CDD property, said resident was informed of the need to contact the CDD for approval.

Mr. Urbancic noted London Bay had contacted himself regarding a few residents who wished to encroach upon the CDD's lake bank easement. He indicated he had informed these residents that the CDD was in the process of adopting a procedure which the residents would need to follow. He noted encroachments had been approved before with an encroachment agreement and the CDD was now formalizing the process. He stated he was formulating a resolution to present to the CDD at the next Board Meeting finalizing this process. He indicated with respect to things done in the past, even if it was an improvement (such as rip rap installation), this did not change the fact it was an encroachment into the CDD's lake maintenance easement. He stated the CDD still had easement

rights and could ask residents to remove encroachments; the CDD had the right to work within the easement as necessary, just as the City had the right to pull up pavers in a driveway easement to do work.

Mr. Weber noted if these rules were approved today, it was important to remember this was a first step and the next step was to develop an operational-type procedure, as well as a reporting-type procedure; however, these rules were needed to give the CDD a starting place.

Mr. Reidy stated section 3 of the agreement described what the CDD was responsible for in regard to lake area maintenance; section 4 was drainage into the lakes. He noted this section indicated homeowners could ask the CDD for the right to drain into the lakes. He stated section 6a indicated if storm drains had not been turned over to the District, the owner of the storm drain would be responsible for the storm drains. He asked if the CDD knew which storm drains had and had not been turned over to the CDD.

Discussion ensued regarding which subdivisions had and had not turned over all storm drains; condo storm drains not having been turned over to the CDD.

Mr. Reidy suggested approaching the condominiums regarding the storm drains. He recommended approaching the newer subdivision developments as they were completed regarding storm drains and stormwater turnover.

Mr. Krebs indicated single family home systems were automatically turned over to the CDD upon completion.

Mr. Byal indicated it was expensive to have storm drain systems inspected for turnover and condo HOAs did not necessarily wish to spend the money for turnover.

Mr. Ward stated in Ravenna, the HOA did not wish to give the CDD the deeds to the lake without concessions: control over how the District maintained the lake, guaranteed voting rights, etc.

Mr. Reidy asked if anyone had approached Bella Vista.

Mr. Ward responded in the negative.

Mr. Refkin, who lived in Bella Vista, discussed the situation in Bella Vista noting Bella Vista was focusing on replacing the roof at this time.

Mr. Reidy indicated if he were a homeowner in Bella Vista, he would at least want to be aware.

Discussion ensued regarding Bella Vista residents not being aware of what the CDD was; making HOAs aware of the possibility of turning over responsibility to the CDD; the CDD needing to make new subdivision developments aware of the need to turn over stormwater systems to the CDD; and the developers being aware of the need to turn the water management systems over to the CDD.

Discussion continued regarding water management systems; who was responsible for water management systems which were not turned over to the CDD; and the CDD not being able to force a development to turn over the water management system.

Mr. Weber stated he agreed it would be ideal for the CDD to maintain the water management system in its entirety. He agreed it was a good idea to explain the importance of turning over the water management system to the CDD to the different subdivisions.

Discussion ensued regarding the CDD not accepting any water management systems or lake shores which were not in compliance.

Mr. Reidy asked if there was a survey which showed where the 20-foot lake maintenance easement ended.

Mr. Bernard responded every resident had this information through the homeowner's property survey.

Mr. Urbancic explained everything was recorded, but practically speaking, without putting out stakes, the exact location of the easement boundary was not known.

Mr. Reidy asked if the CDD had a formal policy of acceptance regarding water management systems, storm drains, and the like.

Mr. Krebs stated to date the CDD had never had a resident come forward requesting to turn rip rap over for maintenance. He noted whatever rip rap area had been turned over was through a turnover package via the developer.

Mr. Reidy stated the CDD needed a procedure in place regarding acceptance of such things.

Mr. Krebs noted this procedure would be similar to the procedure used for accepting turnover from a developer.

Mr. Urbancic noted there was no template in place other than what was done in the past, but he could make the procedure as formal as the CDD wished.

Mr. Ward stated on a going forward basis, if these rules were adopted, the CDD needed to put a better set of procedures in place regarding how to implement the rules.

Mr. Reidy stated he felt the CDD should simply maintain all rip rap areas installed by homeowners as this was beneficial for the shoreline and it was difficult to know exactly where the easement boundary ended. He stated if the CDD was responsible for the shoreline, and the rip rap was helpful in maintaining the shoreline, it seemed the CDD should maintain this rip rap.

Mr. Ward agreed the CDD needed to write up a set of procedures. He stated he did not want the CDD to be responsible for maintaining inferior rip rap installations such as was done in Ravenna; therefore, a procedure needed to be developed to deal with such instances. He noted, however, as a general policy, the CDD would maintain all rip rap in the system, but it needed to be built to a certain standard and a procedure to better define this would need to be written as well.

Discussion ensued regarding maintaining existing rip rap within the water management system accepted by the CDD; and the existing rip rap mostly having been installed by the CDD at this point due to the past four years of lake shore renovation.

Mr. Bernard noted due to the renovation project, most of the lakeshores were up to CDD standards and there was not much repair needed at this point.

Mr. Reidy asked if another storm event occurred, was the CDD prepared to repair the lakeshores again.

Mr. Bernard noted a reserve study was being conducted to determine how much was needed in the reserves for this purpose. He noted at this point there were no major rip rap repairs needed; maintenance was only budgeted at between \$30,000 dollars and \$40,000 dollars this year.

Mr. Refkin asked where the turbidity barriers were being stored.

Mr. Ward responded Alico never did the turbidity barriers; there were no turbidity barriers.

Discussion ensued regarding turbidity barriers.

Mr. Ballinger stated he liked the illustrations included in the resolution and he liked that these would also be on the website.

Mr. Ward stated if the CDD was comfortable with the wording of these rules, the next step was public notice issuance, a public hearing would be held, and then the rules would be adopted.

Mr. Weber stated, for the record, the CDD would not forget to move forward with procedure development regarding operations and reporting.

Mr. Refkin asked how the other Miromar Lakes subdivisions would be contacted regarding turning over water management systems.

Mr. Ward stated he would determine who would contact the other Miromar Lakes subdivisions.

Ms. LeFevre stated the annual large HOA meeting would be a good opportunity for someone to speak with all the subdivisions in one place.

Mr. Ward stated there seemed to be consensus on the rule itself; therefore, he would move forward with rule development, public notice advertising, and the rules would come back to the CDD for consideration of adoption at the public hearing.

Mr. Ballinger commended and thanked Mr. Ward, Mr. Bernard, Mr. Krebs, and Mr. Urbancic.

FOURTH ORDER OF BUSINESS

Staff Reports

I. District Attorney

Mr. Urbancic reported London Bay's counsel contacted himself regarding some encroachments for which he would provide guidance. He noted these would come back to the Board at some point for potential approval. He noted the encroachments included pavers and such. He noted he had a draft procedure and asked if this could be placed on the next Agenda for discussion. He reported there was a law passed late in session which went into effect on July 1st which required CDDs to create a stormwater needs analysis and submit this to the County by June 30, 2022. He noted this meant the stormwater program would need to be evaluated by the engineering department.

Mr. Reidy asked if there was an update on Ravenna.

Mr. Ward responded in the negative.

Mr. Urbancic responded in the negative.

II. District Engineer

No report.

III. Asset Manager

a) Operations Report July 1, 2021

Mr. Bernard reported the cane toad removal for the month was 680 toads.

IV. District Manager

a) Financial Statement for period ending June 31, 2021 (unaudited)

No report.

Mr. Reidy discussed the Financial Statement for period ending June 31, 2021, noting there was a relatively detailed list of expenditures. He asked about the \$88,000 dollar expenditure on "restoration".

Mr. Bernard stated the \$88,000 dollar restoration expenditure was for Valencia's lake bank restoration.

Mr. Reidy stated he looked at the information in the Financial Statements, did a year-to-date comparison with the budget determining whether the CDD would come within budget or go over, and would ask if he felt a number seemed too large or too small. He noted if the Board took the time to review the Financial Statement and compare the year-to-date expenditures with the budgeted amounts, the Board would be able to determine how the District stood financially.

Mr. Refkin asked if Mr. Reidy was saying he felt the Board did not need overly detailed expenditure lists.

Mr. Reidy responded in the affirmative and noted there was also an audit at the end of the year and any problems would be brought to the Board.

Discussion ensued regarding the Budget and unusual expenses coming before the Board for approval.

Mr. Ballinger asked who would be responsible for chasing this particular problem down: lawn clippings being dumped in the lake making it difficult to go fishing in the lake. He noted there was also a lot of trash.

Mr. Bernard noted as the water levels dropped in the lakes, the sea grasses died and fell into the water creating unpleasant fishing conditions along the shoreline. He noted trash on the bottom of the lake would be more visible as the water level dropped as well.

Discussion ensued and it was determined Mr. Ballinger was encountering hydrilla grasses, not grass clippings.

Mr. Ballinger commented he was encountering the hydrilla throughout the lake, not just at the shoreline.

Discussion ensued regarding the stocking of the lake with fish and hydrilla growth expansion due to elimination of the grass eating carp.

Mr. Ballinger stated he would speak with the aquatic vendor, Solitude, in this regard.

FIFTH ORDER OF BUSINESS

Supervisor’s Requests and Audience Comments

Mr. Ward asked if there were any Supervisor’s requests; there were none. Mr. Ward asked if there were any audience members present on audio or video with any questions or comments; there were none.

SIXTH ORDER OF BUSINESS

Adjournment

Mr. Ward adjourned the meeting at 3:40 p.m.

On MOTION made by Mr. Refkin, seconded by Mr. Weber, and with all in favor, the meeting was adjourned.

ATTEST:

Miromar Lakes Community Development District


James P. Ward, Secretary

Alan Refkin
Alan Refkin, Chairman

Signature: 
Alan Refkin (Aug 17, 2021 17:51 EDT)

Email: arefkin@aol.com

ML - Minutes 07 08 2021

Final Audit Report

2021-08-17

Created:	2021-08-17
By:	Cori Dissinger (coridissinger@jppwardassociates.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA1Chhnt7Adb6wDFrneSigNvUE8CCLtQg

"ML - Minutes 07 08 2021" History

-  Document created by Cori Dissinger (coridissinger@jppwardassociates.com)
2021-08-17 - 8:44:39 PM GMT- IP address: 35.153.123.180
-  Document emailed to Alan Refkin (arefkin@aol.com) for signature
2021-08-17 - 8:45:09 PM GMT
-  Email viewed by Alan Refkin (arefkin@aol.com)
2021-08-17 - 9:50:41 PM GMT- IP address: 69.147.93.139
-  Document e-signed by Alan Refkin (arefkin@aol.com)
Signature Date: 2021-08-17 - 9:51:41 PM GMT - Time Source: server- IP address: 73.107.232.88
-  Agreement completed.
2021-08-17 - 9:51:41 PM GMT