

**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 14, 2022, 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	Chair
Michael Weber	Vice Chair
Patrick Reidy	Assistant Secretary
Mary LeFevre	Assistant Secretary
Doug Ballinger	Assistant Secretary

Also present were:

James P. Ward	District Manager
Greg Urbancic	District Attorney
Bruce Bernard	Asset Manager
Andrew Gill	

Audience:

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.

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

Notice of Advertisement

Notice of Advertisement of Public Hearing

THIRD ORDER OF BUSINESS

Consideration of Minutes

June 9, 2022 – Regular Meeting Minutes

Mr. Gill asked if there were any additions, deletions, or corrections for the Minutes.

Mr. Weber called for an addition of information to the Minutes in line 146: "\$40 dollars per unit per year over 8 years."

Mr. Gill indicated this would be added. He asked if there were any other changes to the Minutes; hearing none, he called for a motion to approve the Minutes as amended.

On MOTION made by Ms. Mary LeFevre, seconded by Mr. Mike Weber, and with all in favor, the June 9, 2022, Regular Meeting Minutes were approved as amended.

FOURTH ORDER OF BUSINESS

PUBLIC HEARING

Mr. Gill explained the public hearing process including public comment, Board discussion and vote. He stated the Budget was provided to the Board; no changes had been made to the Budget since the previous meeting.

a. PUBLIC HEARING – FISCAL YEAR 2023 BUDGET

I. Public Comment and Testimony

Mr. Jim Ward explained this public hearing was related to the adoption of the Fiscal Year 2023 Budget. He noted there were no changes to the Budget since previously presented. He indicated the assessment rate for general operations was \$620.14 per unit, and off roll was \$589.24; the prior year was \$537.17 per unit for general operations and \$509.91 for off roll. He called for a motion to open the Public Hearing.

On MOTION made by Ms. Mary LeFevre, seconded by Mr. Doug Ballinger, and with all in favor, the Public Hearing was opened.

Mr. Ward asked if there were any public comments or questions with respect to the Fiscal Year 2023 Budget. He noted there were no members of the public present in person or on audio/video. He called for a motion to close the public hearing.

On MOTION made by Mr. Alan Refkin, seconded by Mr. Doug Ballinger, and with all in favor, the Public Hearing was closed.

II. Board Comment

Mr. Ward asked if there were any Board comments or questions; there were none.

Discussion ensued regarding the budgeted numbers, actuals, reserve fund balance and how the budget was written and organized.

Mr. Ward indicated in the future he would make notes in the columns for purposes of clarity.

Mr. Weber indicated on page 4, Fiscal Year 2022 should read Fiscal Year 2023.

Discussion continued regarding the budget, the fishery portion of the budget, and the \$100,000 dollars added to the budget for fishery purposes.

Mr. Ward stated at the last meeting Mr. David Beasley was present and discussed a fishery program extending over 8 years which kept the cost of the plan below \$100,000 dollars annually. He noted the Board discussed the possibility of shortening the duration of the fishery plan which would increase the annual cost of the plan. He stated he had suggested leaving the fishery budget at \$100,000 dollars for this year, seeing how the fishery program progressed, and then considering increasing the budget for the fishery program to progress the program more quickly next fiscal year.

Mr. Reidy noted the \$620 per unit included \$100,000 dollars for the fishery program. He stated the budget attached to Resolution 2022-8 was not the correct budget; however, Resolution 2022-9 had the correct budget attached.

Mr. Ward agreed the budget attached to 2022-8 was incorrect. He indicated this would be corrected and the budget attached to 2022-9 would also be attached to 2022-8.

Mr. Reidy stated the District committed to working with Esplanade on the fishery and would cover approximately two-thirds of the cost. He asked how much that was per year.

Mr. Bruce Bernard responded the program was approximately \$600,000 dollars and if the program remained an 8-year program this would be approximately \$80,000 dollars per year.

Mr. Reidy noted two-thirds of \$80,000 dollars was \$60,000 dollars and as the District had \$100,000 dollars in the budget to cover these costs all was well and the program could be adjusted next year if the Board wished.

Mr. Ward stated the bigger question was whether or not \$600,000 dollars was an accurate number; this was another reason to wait and see how the program went this year.

Mr. Bernard stated it might also be possible to bid out portions of the fishery project at lesser amounts than the quoted costs.

Mr. Reidy noted looking at the budget it seemed the District was achieving its goal of increasing the contingency cash balance. He stated in theory the 2023 budget would increase the reserve cash balance by \$200,000 dollars to \$300,000 dollars. He discussed the importance of having a large cash reserve for emergency purposes. He noted he was unsure exactly how much reserve was needed but it certainly needed to be higher than it was currently.

Ms. Mary LeFevre noted when the Miromar HOA took over the landscaping, an item was included in the contract indicating the HOA would be responsible for landscape cleanup following a storm event.

Mr. Ward concurred this was the case. He stated an attempt was made to codify this clause to ensure the HOA had the money set aside in a specific reserve for landscape cleanup; however, the HOA declined to agree to those terms. He noted at the time, the

HOA indicated it had a large pot of reserves which it could use at any time for anything within the constraints of the HOA. He stated right now it was not a problem, but if there were a hurricane, or the HOA needed money, or the HOA transitioned to a homeowner run HOA, the deal would be revisited and most likely canceled.

Mr. Reidy noted there was an agreement in place now, however, and if there were a hurricane the HOA would be responsible for the landscaping.

Mr. Ward asked if Mr. Urbancic knew the exact wording in the agreement.

Mr. Greg Urbancic responded in the negative; however, he would pull the agreement up.

Discussion continued regarding the HOA agreement which would remain in place unless terminated; a changeover in the HOA Board most likely indicating a change in the agreement; the need to increase the CDD's reserves for when this happened; and homeowners paying for services whether the services were provided by the CDD or the HOA.

Ms. LeFevre asked if unspent funds set aside for the fishery could be used elsewhere. She noted approximately \$50,000 dollars extra was in the fishery funds.

Mr. Ward responded in the affirmative.

Ms. LeFevre stated she felt the extra \$50,000 dollars should be earmarked for other purposes so residents could see exactly what it would be used for.

Mr. Reidy explained the extra \$50,000 dollars, if not spent on the fishery, would eventually go into the reserve account or back to the homeowners in some form or another. He stated the extra funds were included in the fishery portion of the budget for this year as it was not really known exactly how much would be needed for the fishery as it was a new program. He stated if there were extra funds, and these extra funds went into the reserve account, it would be a good thing.

Ms. LeFevre stated she would rather see the extra \$50,000 dollars in the reserve account as opposed to in the fishery.

Discussion ensued regarding the fishery program; the District wishing to shorten the length of the fishery program; potential cost of shortening the program; and keeping the funds in the fishery program.

Ms. LeFevre stated she would defer to the feelings of the Board and leave the \$50,000 dollars in the fishery program.

Mr. Ward stated it would be important to pay close attention to the fishery program as it moved forward.

Ms. LeFevre asked about Villa II.

Mr. Ward indicated this was in the 2015 bond area but had not been assigned a name by the developer yet; Villa II contained lots which were undeveloped but platted.

III. Consideration of Resolution 2022-8 adopting the annual appropriation and Budget for Fiscal Year 2023

Mr. Ward called for a motion for Resolution 2022-8 relating to the annual appropriations and adopting the Budget for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023. He stated the Budget attached to Resolution 2022-9 would be attached to Resolution 2022-8.

On MOTION made by Mr. Patrick Reidy, seconded by Mr. Mike Weber, and with all in favor, Resolution 2022-8 was adopted as amended, and the Chair was authorized to sign.

b. FISCAL YEAR 2023 IMPOSING SPECIAL ASSESSMENTS; ADOPTING AN ASSESSMENT ROLL AND APPROVING THE GENERAL FUND SPECIAL ASSESSMENT METHODOLOGY

Mr. Ward indicated this public hearing was related to the imposition of the special assessments for the general fund, certification of an assessment roll, and approval of the special assessment methodology for the District and lastly setting an operations and maintenance cap for notice purposes only.

I. Public Comment and Testimony

As there were no members of the public present in person or via audio or video the public hearing was not opened.

II. Board Comment

Mr. Ward asked if there were any Board comments or questions.

Ms. LeFevre asked if it was legal to change the assessment methodology and assess those in homes around the lake a different amount than those who did not live on the lake.

Mr. Ward responded in the affirmative; it was legal, but it was extremely difficult.

III. Consideration of Resolution 2022-9 imposing special assessments, adopting an assessment roll, and approving the general fund special assessment methodology

Mr. Ward called for a motion.

On MOTION made by Mr. Alan Refkin, seconded by Mr. Patrick Reidy, and with all in favor, Resolution 2022-9 was adopted, and the Chair was authorized to sign.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2022-10

Consideration of Resolution 2022-10, a resolution of the Board designating date, time, and location for Regular Meeting of the Board of Supervisor’s for Fiscal Year 2023

Mr. Gill indicated Meetings would be on the second Thursday of each month at 2:00 p.m. at the Library in the Beach Clubhouse, 18061 Miromar Lakes Parkway, Miromar Lakes, Florida 33913. He asked if there were any questions; hearing none, he called for a motion.

On MOTION made by Ms. Mary LeFevre, seconded by Mr. Doug Ballinger, and with all in favor, Resolution 2022-10 was adopted, and the Chair was authorized to sign.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2022-11

Consideration of Resolution 2022-11, a resolution of Board of Supervisors amending the fiscal year 2022 adopted budget

Mr. Gill stated this Resolution amended the Fiscal Year 2022 Budget to include the Villa II area, moving it from the off roll to the on roll. He asked if there were any questions; hearing none, he called for a motion.

On MOTION made by Ms. Mary LeFevre, seconded by Mr. Doug Ballinger, and with all in favor, Resolution 2022-11 was adopted, and the Chair was authorized to sign.

SEVENTH ORDER OF BUSINESS

Staff Reports

I. District Attorney

Mr. Urbancic stated the draft of the maintenance agreement with the HOA put the casualty aspects in the HOA side. He concurred with Mr. Ward’s earlier statement that there would be a substantial reevaluation of this agreement when the HOA was turned over to the homeowners.

II. District Engineer

No report.

III. Asset Manager

a) Operations Report July 1, 2022

Mr. Bruce Bernard indicated there was an increased population in cane toads to the north, in the two cove areas.

Mr. Weber asked about the cane toad traps.

Mr. Bernard indicated the traps cost \$132 dollars each. He stated perhaps in next year’s budget as the cane toad cycle came about, 100 traps could be purchased and set out. He noted the traps were effective; however, labor was involved as the traps needed to be checked and emptied and reset every two to three days. He stated the traps were made of sturdy materials. He explained the traps were designed to catch live toads, not the larvae or tadpoles in the lakes.

Mr. Bernard indicated Solitude installed the lily pads and fencing around some of the littorals. He noted these locations would be monitored over the next three months and the information obtained during monitoring would be used to determine what should be planted next year.

Ms. LeFevre asked about the snail status.

Mr. Bernard responded since the initial spray he had not heard any further complaints.

Mr. Weber stated he had snails on his rip rap in front of his dock.

Mr. Bernard stated he could do another spray.

IV. District Manager

a) Financial Statement for period ending June 30, 2022 (unaudited)

No report.

EIGHTH ORDER OF BUSINESS

Supervisor’s Requests and Audience Comments

Mr. Gill asked if there were any Supervisor’s Requests; there were none. He noted there were no members of the public present.

NINTH ORDER OF BUSINESS

Adjournment

Mr. Gill adjourned the meeting at approximately 2:39 p.m.

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

Miromar Lakes Community Development District


James P. Ward, Secretary


Alan Refkin, Chairman