

**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, August 8, 2019, at 2:00 P.M. at the Beach Clubhouse, 18061 Miromar Lakes Parkway, Miromar Lakes, Florida 33913.

Present and constituting a quorum:

David Herring (phone)	Chairman
Doug Ballinger	Vice Chairman
Alan Refkin	Assistant Secretary
Michael Weber	Assistant Secretary
Mary LeFevre	Assistant Secretary

Also present were:

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

Audience:

Haley Hood
David Salco

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 2:03 p.m. and all Members of the Board were present at roll call.

SECOND ORDER OF BUSINESS

Consideration of Minutes

July 11, 2019 – Regular Meeting

Mr. Ward asked if there were any additions or corrections to the July 11, 2019 Regular Meeting Minutes. Mr. Ward asked if any could identify the Audience Member who was referenced on page 6 of the July 11, 2019 Meeting Minutes; none present could identify the Audience Member. Mr. Michael Weber noted on page 3, section II, the last sentence read "Dr. Herring noted...;" however, it should read "Mr. Weber noted..." He stated on page 6 it read "Mrs. Hood reported...;" however, this was incorrect. Mr. Ward agreed as Mrs. Hood was not present at the past Meeting. He indicated he would change this to read "Mr. Ward reported..."

On MOTION made by Ms. Mary LeFevre, seconded by Mr. Michael Weber, and with all in favor, the July 11, 2019 Regular Meeting Minutes were approved as amended.

THIRD ORDER OF BUSINESS

Consideration of Resolution 2019-8

Consideration of Resolution 2019-8 authorizing an encroachment agreement relating to Lot 2, Block "E-E" Miromar Lakes, Unit XII – Peninsula, Phase Two.

Mr. Ward stated this Item was discussed at the previous Meeting. He asked if the property owner was present. Mrs. Hood responded she was present. Mr. Ward asked if Mrs. Hood had a presentation in relation to the encroachment. Mrs. Hood responded she had pictures. Mr. Ward noted the Board had copies of Mrs. Hood’s pictures.

Mr. Ward stated the plan was revised to move the wall which was behind the pool outside of the easement area; therefore, the only things encroaching into the easement were the steps down from the pool to the dock itself. He explained, as such, the plans were acceptable to the district and a Resolution was prepared authorizing an encroachment agreement. Mrs. Hood stated her builder asked her not to sign any contract which indicated the dock and steps would be required to be removed if there were any future changes in policy. Mr. Greg Urbancic indicated it was a possibility, albeit remote, the steps would be required to be removed to allow the District to perform necessary maintenance or improvements in the future. Mrs. Hood noted there were currently steps in place and asked if it was possible for the District to require the current steps to be removed for maintenance or improvements. Mr. Ward responded in the affirmative. He explained the District always attempted to work around such things; however, if absolutely necessary the steps could be removed.

Mr. Doug Ballinger noted there was a correction in section C of the Resolution; the word “maintenance” should actually be “maintain.” Mr. Urbancic stated he would make this correction.

On MOTION made by Ms. Mary LeFevre seconded by Mr. Michael Weber, and with all in favor, Resolution 2019-8 was adopted as amended and the Chair was authorized to sign.

FOURTH ORDER OF BUSINESS

Staff Reports

a) Attorney

Mr. Greg Urbancic reported on his way to today’s meeting he received a four page demand letter from Mr. and Mrs. Hewes’ new attorney which indicated the Hewes would “pursue all remedies available to obtain proper compensation.” He stated he had not read through the letter in its entirety as of yet, but would send the letter to the Board Members. He asked the Board Members not to comment to each other regarding the matter. He indicated the argument was the District knew about the problem, were on notice regarding Mr. Hewes’ specific issue, were responsible under the permit and should be responsible for the cost.

b) Engineer

Mr. Charlie Krebs stated he was contacted by the HOA President for Ravenna regarding preparation of sketch and legal descriptions to turn over the Ravenna water management system. He stated he wanted to ensure the CDD was consistent. He asked, when the CDD obtained the Bellini water management system, did the CDD obtain the lake in fee title or just an easement around the lake. Mr. Ward responded he was unsure. Mr. Krebs indicated he wished to handle Ravenna in the same manner as Bellini for consistency. Mr. Urbancic stated he would find this information for Mr. Krebs. Mr. Krebs noted the Ravenna HOA expressed a desire to turn over much of the water management system and a portion of the main recreational lake. Mr. Ward stated, for purposes of clarity, Mr. Krebs was not representing the CDD in this matter and Mr. Krebs' comment was in respect to representation of the Ravenna Home Owner's Association. Mr. Krebs concurred and indicated he wished to obtain the proper information regarding the sketch and legal descriptions for the Ravenna HOA President.

c) Asset Manager

Mr. Ward noted Mr. Bruce Bernard was on vacation. Ms. LeFevre asked who was responsible for maintenance of the grass in the medians on Ben Hill Griffin. Mr. Ward responded in his discussions with Mr. Tim Byal (Mr. Byal was not present and could correct Mr. Ward's statement at a later date) he understood the County would take care of all vertical landscaping, as well as the grass in the median on Ben Hill Griffin. He noted Mr. Byal agreed the maintenance of the lawn in the median was subpar and Mr. Byal had brought this to the attention of the County on several occasions.

Mr. Refkin asked what section of Ben Hill Griffin Ms. LeFevre was referring to. Ms. LeFevre indicated she was referring to the medians near the main gate intersection. Discussion ensued regarding what sections of Ben Hill Griffin the CDD was responsible for, the Maintenance Agreement with the HOA including the interlocal responsibility for the Ben Hill Griffin median lawn, the agreement with the County regarding maintenance of the grass portion of the median, the County agreeing to eliminate the MSBU Overlay District which saved \$50,000 dollars a year in assessments, the flowers at the entrance being lovely, the grass looking terrible, the County doing a poor job of maintenance, the "clunkiness" of the agreement between the HOA and the County regarding maintenance, the agreement between the HOA and the County indicating the County would maintain sod within the right-of-way and installed landscape improvements within the right-of-way, the failure of the sprinkler system and death of the landscaping, whether the HOA had a responsibility to inform the CDD prior to making such agreements, and the increased landscaping assessment.

Mr. Refkin noted he had many questions for Mr. Byal for the next Meeting regarding the landscaping assessment. Ms. LeFevre stated as she understood, the landscaping portion of the assessment was low; however, the quarterly fee was not just landscaping and the increase was the result of beach maintenance requirements. Mr. Refkin stated he wished to see a breakdown of the assessment fees, for himself and the residents. Mr. Ward stated he was unsure, but it was possible the County was performing minimal maintenance and the HOA was coming in to perform any additionally necessary maintenance. Mr. Refkin asked for this subject to be added to next Meeting's Agenda. Mr. Ward agreed.

Ms. LeFevre noted the CDD was 649% over budget for irrigation (page 5 of the General Fund); year-to-date was a little over \$8,000 dollars and the annual budget was \$1,250 dollars. Mr. Ward stated he believed this might be a coding error, but he would investigate.

d) Manager

I. Financial Statements for the period ending June 30, 2019 (Unaudited)

Ms. LeFevre asked about the legal advertising portion of the Budget at \$1,756 dollars in June. Mr. Ward responded this was the legal advertising for the Budget. Ms. LeFevre noted \$1,756 was over budget. Mr. Ward concurred and explained the Legislature had a bill, which did not pass, which would have released legal entities from the newspaper advertisement requirement. He noted as a result newspaper rates had significantly risen.

Ms. LeFevre asked about the arbitrage rebate service (page 3) which was higher than budgeted as well. Mr. Ward explained the CDD had two bond issues and each year the CDD was required to perform a calculation which benched the amount of interest earned on all accounts against the interest rate paid on the bonds. He noted he had a company which performed the arbitrage rebate calculations. He stated every five years, if more money was made on the bond accounts than was paid on the interest, the additional money would be rebated to the federal government (this had not happened in 20 years). He stated the normal fee for arbitrage rebate services was \$500 dollars per year per bond issue, so this number should only be \$1,000 dollars. He stated he believed the number difference may be related to a time overlap, as he had changed the time of year in which the arbitrage rebate calculations were performed.

FIFTH ORDER OF BUSINESS

Supervisor’s Requests and Audience Comments

There were no Supervisor’s Requests or Audience Comments.


SIXTH ORDER OF BUSINESS

Adjournment


Mr. Ward adjourned the meeting at 2:36 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



David Herring, Chairman