

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

The Regular Meeting of the Miromar Lakes Community Development District's Board of Supervisors was held on Thursday, March 9, 2017, at 2:00 p.m. at the Beach Clubhouse, 18061 Miromar Lakes Parkway, Miromar Lakes, Florida 33913.

Board members present and constituting a quorum were:

Michael Hendershot	Chairman
David Herring	Vice Chairman
Doug Ballinger	Assistant Secretary
Burnett Donoho	Assistant Secretary
Alan Refkin	Assistant Secretary

Board members absent:

None

Staff present:

James Ward	District Manager
Greg Urbancic	District Counsel
Charlie Krebs	District Engineer
Paul Cusmano	Calvin Giordano & Assoc.
Bruce Bernard	Calvin Giordano & Assoc.
Mike Conner	Calvin Giordano & Assoc.

Audience members present:

Bill Gard
Mike Weber
Leslie Simon
Mary Le Fave
Tim Byal

1. Call to Order & Roll Call

Mr. Ward called the meeting to order at 2:00 p.m. A roll call determined that all members of the Board were present.

2. Consideration of Minutes

a) February 9, 2017 Regular Meeting

Mr. Ward asked for any corrections or deletions to the minutes for this meeting. It was pointed out the Mr. Herring should be referred to as Dr. Herring. A Board member asked to be sure that the minutes accurately reflected: "...they would be dedicating e

everything that was not in a neighborhood to the master association and doing this meant that it would not require Board signatures.” Mr. Ward responded that this was accurate. A Board member referred to page 2, paragraph 2, which said the assessments were *less*, and he pointed out it should read *more*. Mr. Ward said he would make those changes.

Motion was made by Mr. Donoho and seconded by Mr. Refkin to approve the Minutes as described above, and with all in favor the motion was approved.

4. Staff Reports

a) District Attorney

Mr. Urbancic addressed the issue of the University Overlay Landscape MSTBU. He said a meeting had been scheduled with the County that Mr. Ward and he would attend on March 22 with the County Attorney and several County staff members to go over the request to eliminate the MSTBU Overlay District. He said he had talked with the Assistant County Attorney about the District’s resolution, and he said he was aware of it. The Assistant County Attorney asked for copies, and they were sent via email. He said he thought the Assistant County Attorney was receptive to it from a conceptual standpoint, but Mr. Urbancic was not sure about the other County staff members’ receptivity. He stated that now was a good time to do that.

Mr. Ward asked for questions from the Board and there were none.

b) Engineer

Mr. Krebs reported that he and the developer have been working with South Florida Water Management District, and they have finally acknowledged that there was no riprap limitation on the recreational lake. He said they worked with the staff on West Palm Beach and came back with the determination that the 40 percent rule that limited bulk head did not apply to riprap. Mr. Krebs added there was an application that had been prepared, which they now would submit, to get the riprap that was along the south shore in Verona, and all the permanent riprap, into the application to show where it was located.

A Board member asked if there was a permit process for riprap. Mr. Krebs said there was not, but it still had to be documented because they would still be held to the same 65 percent of the total shore line through Lee County. He said there was a limitation with Lee County, but not with the District, which was the bigger of the two to overcome. Mr. Krebs added that South Florida Water Management District recently went through a rule change and changed their permit manual, and the language that was altered took out the language that made it clear there was a

difference between bulk head and riprap. Since then, he said they had been working with them to get this determination.

c) Asset Manager

Mr. Bernard reported that they have started the erosion control project. He said they had finished Montelago; they restored the bank, put their property back and sodded up to the property line of the residents. He said next they will be going into Sorrento that has two small lakes that have a problem with erosion. He said the Homeowner Association in Siena gave their approval to do the work, which will begin in April.

A Board member asked Mr. Bill Gard, an audience member who worked on this project, if he had any comments. Mr. Gard responded that he had heard comments on the work that had been done was well done.

Mr. Ward asked members of the audience to put their name on the record before they spoke.

An audience member added that he thought they had done a great job. He said he watched them do the prep and saw the sodding, and it looked good.

Mr. Bernard said there were some areas that were not sodded because they were usually underwater. He said the last two rows of the sod had been pinned, so when it rained, they would stay in place.

A Board member asked if this work was all out of the budget, and Mr. Bernard's response was affirmative, even the drainage when they began work in Siena.

Mr. Bernard said Verona Lago had gotten their land development order from Lee County. He said they were waiting for one more dock permit, but they would start Mr. Parker's property, which needed the most rebuilding, in the next week.

Mr. Bernard reported he and Paul had met with the contractor for the riprap. He said an area where they will load the riprap material had been selected. He said Miromar Development was going to give riprap material from the lakes they were digging so they would not have to buy it.

Mr. Bernard added the water had been tested, and the results were that the quality of the water was very good.

A Board member asked if the bulrushes in Siena would be pulled up when the golf course was redone. The response was negative. He asked if these plants could be taken out. Mr. Bernard responded that they did not take them out, but they controlled them, so they didn't go over a certain width. He was asked about the height. He responded that there were different types of bulrushes: the giant bulrush

which was the tall one, and there was the smaller type. It was commented that these get very tall and some residents can't see over them. A resident, Bill Gard, added that they would like to get rid of the tall bulrushes, but he added, you could chop them down but that would not kill them. A discussion of this issue occurred.

Mr. Ward said he and Mr. Bernard would take a look at the issue and see how many bulrushes there were. He said some people liked them and some did not, so it was a no-win situation. He said they had been dealing with the issue on an individualized basis. A discussion brought to light that it was not a simple process.

A Board member suggested talking to the Homeowner Associations, figuring out the cost, and bringing it before the Board.

Another Board member asked when the Golf Course trimmed the bulrushes each year, if they asked permission to do so. The response was negative, but that they should ask for permission.

Mr. Ward stated that he knew the extent of the problem in terms of the volume of bulrushes; and to make everyone comfortable, he would get a handle on how much it entailed and what the obligation was to keep them trimmed, but not removed.

A Board member agreed with Mr. Bernard who stated that this problem had to be dealt with uniformly.

Mr. Ward added that this was an appropriate time to look at this issue if it impacted the budget as he was getting ready to start the new budget.

d) Manager

Mr. Ward stated that he would start the budget process in the next month or two.

5. Supervisor's Requests and Audience Comment

Mr. Ward asked for questions from the Board.

A Board member asked about the statement that Miromar Development was going to transfer these new lakes to the Homeowners Association, so that they would not have to go through the CDD. He questioned the legality of that and was that something they wanted as a matter of policy.

Mr. Ward responded that from his perspective he didn't think that was the best alternative. He said the District has had the responsibility and authority for the operation of the water management system. However, he added at the end of the day having two entities who could potentially be in conflict with one another in terms of its operation and maintenance was problematic. He added if there was a process that they could put in place that ensured that the district would get the ownership of

what was being constructed as part of the water management system, he would be more comfortable with it. He said the process of just turning it over to the Master HOA was not something that he would normally recommend to them.

An audience member wished to clarify that it was procedural, and what Miromar Development was trying to do was make it easier. He said what they had done in the past was dedicate each of the individual areas to the specific final ownership, which required everybody to participate, and the CDD had to sign off on their piece of the plat. He said what they had done was to simplify the procedure and say they were only going to have one entity be responsible during the construction of these assets, so they would not have to burden the Board with plat signing. The work could be completed under that scenario. The intent was always to provide to the CDD the assets that were part of the Surface Water Management System. He said that the Board had mandated to them that they could not give the assets to them until they were fully approved. He said sometimes the CDD claimed they did not want them anyway, but that was a different issue. He said their intent was always to give them to the CDD, but they wanted to make sure the process was fully complete and certified and ready to be accepted. He said they did not need CDD money to build them like they used to, which was why the process was created that way originally. He said now they could fully complete all the assets and make sure the deed matched up and it was certified, and then give them to the CDD. He said that was what they were trying to accomplish with the new methodology.

A Board member asked why it had to be transferred to the HOA first, and would it then be the HOA that would come to them. The response was that Mr. Urbancic could speak to the legal standpoint and that it was a dedication on the plat. He said everything had to be dedicated to somebody when property was platted.

Mr. Urbancic pointed out that Lee County had gotten more difficult and was now requiring the entity that was going to ultimately accept the asset to either sign the plat or have a resolution that specifically said you were accepting that master storm water system at that point in time. He said he thought what Miromar Development was saying was they were going to dedicate it to the HOA, but eventually they were going to sign it all back over to the CDD. It was pointed out that it was dedicated on the plat that the intent was upon full certification that the asset would be conveyed all at once, which made this an easier process through Lee County.

Mr. Urbancic further pointed out that there had been a great deal of changeover in County staff and the transfer process had changed so that everything needed to be a platted tract.

A Board member asked Mr. Urbancic if he was comfortable with the arrangement. Mr. Urbancic responded that yes, it could be done that way. He said the other way they could do it would be to adopt a resolution and go through the planning process with the developer and sign off on each thing. He stated the result was the same at the end of the day. He said it could be done either way, and he

thought the proposed way was cleaner and put it in one final package and no items were left out that had to be addressed later.

A Board member commented to Mr. Byal that he believed him when he told the Board that his company was doing something that would eventually benefit them, and he just had wanted clarification and to make sure that everyone was okay with it.

Mr. Ward commented that he was not recommending that process, but understood that was something the developer could do.

The Board member continued and asked if it was a process that was all or nothing, or if it turned out that it was not to their benefit, was it something that could change. He asked if they could go back to the old way once they started doing it the new way.

Mr. Urbancic said he thought they could change the process to make it smoother or if they found there was something that did not work.

Mr. Ward said as long as it was not codified in any agreement that would be binding upon either of the parties and as long as it got done, it would be okay. He said if Mr. Byal decided to leave Miromar Development, it would be a problem. He said they now have a bifurcated process; irrespective of how easy it might have been to get to point X, the Master Association still had authority over the water management system. He said the change, although it may be more administratively easy, did not bind anybody to do anything. He said in his opinion that was the problem with the process. It was pointed out that it was a possibility that a new person could say they wanted the assets to stay in the Master Association.

Mr. Byal stated that the challenges that have been posed over the years had made this decision easy. He said it was not an easy process before. He said he thought it was a well-founded business decision based on the experience over the past couple of years.

A Board member said that in a prior discussion about this HOA was used. He asked if that was what they meant or did they mean the Master Association. The response was the Master Association.

A Board member asked when Miromar would be in a position to make a presentation on new development. The response was that there was a development plan, and it would be emailed to him as he was not at the last meeting.

A Board member stated that on March 13 the redevelopment program for the new golf course would begin and he asked if anyone knew what chemicals were being used to kill the grass. He also asked where the chemicals would drain and would they affect any of the water management areas.

The response was that this process had already been completed in another community and there had been no problems. It was also pointed out that it was basically the fairways that were being treated and these were set back from the lakes. It was further pointed out that all of the fairways slope toward the water, and it would be a good idea to find out which chemicals were being used. A Board member said that the chemical being used was like Roundup in that it only killed the grass, and it would not hurt the squirrels or the pets or the people playing golf. It was also commented that it took three applications of this chemical to kill the grass, and it must break down fairly quickly, or the new grass would not root and grow.

Mr. Ward asked for audience comments.

Mary LeFave asked if the new opportunity to use riprap would be cause for the erosion plan to be revised. She said in Tivoli they were told that their percentages were used up. The response was that the restrictions were still there for the internal lakes. He said the recreational lake had been changed to 65 percent, but the County's restriction for all of the other lakes, which is 20 percent, was still in place.

A Board member stated that other communities have ponds that are 100 percent riprap. The response was that had happened because it had not been noticed by County code enforcement, and sometimes people do not understand the restrictions.

A Board member pointed out that riprap was not always the solution to wave action; sometimes runoff was the issue and improper drainage.

Ms. LeFave said the erosion was very bad on the lake where she lives. She said she knew the erosion plan was to dredge. She asked their professional opinion about which was better, dredging or riprap. Mr. Bernard said over the years, the erosion had happened just from the wind pushing the water, and his recommended solution was to find something that could keep the water from rushing down and eating up that corner. He said when they build that up with the fill that may slow down the flow of the water. He said the erosion from the lake was bad, but the rain was worse. He explained a new drainage system for the houses that he hoped would help. He said most of the erosion had to do with runoff coming from the properties. He said they were putting the money into solving the drainage and runoff problems and that should solve the erosion problems.

6. Adjournment

With no further comments or questions from the Board, Mr. Ward asked for a motion to adjourn.

Motion was made by Mr. Refkin and seconded by Mr. Ballinger to adjourn the meeting, and with all in favor the motion was approved.

The meeting was adjourned at 2:54 p.m.



James P. Ward, Secretary

David Herring, Vice Chairman