

**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, May 11, 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:

David Herring	Vice Chairman
Doug Ballinger	Assistant Secretary
Alan Refkin	Assistant Secretary

Absent was:

Burnett Donoho	Assistant Secretary
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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:

Mary LeFevre	Resident, Tivoli
Mike Weber	Resident, Volterra
Tim Byal	Miromar Development Corporation

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 with the exception of Supervisor Donoho. Mr. Ward turned the meeting over to Dr. Herring.

Vice Chairman Dr. David Herring honored the passing of our Chairman Michael Hendershot by expressing his gratitude for the many years he had served the Board, and he added those who knew him, would miss him, his quiet demeanor, and wise counsel. A moment of silence was honored by the Board, staff and audience for Mr. Hendershot.

2. Consideration of Minutes

a) March 09, 2016 Regular Meeting

Mr. Ward asked if there were any additions, corrections, or deletions to the minutes. Hearing none, a motion was made for their approval.

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

3. Consideration of Resolution 2017-4 of the Board of Supervisors of Miromar Lakes Community Development District Approving the Proposed Budget for Fiscal Year 2018 and Setting the Public Hearing Thereon Pursuant to Florida Law; Providing for Severability, Providing for Conflict, and Providing for an Effective Date

Mr. Ward said this resolution would approve the proposed budget for fiscal year 2018 and set the public hearing for Thursday, August 10, 2017, at 2:00 p.m., at the Beach Clubhouse, 18061 Miromar Lakes Parkway, Miromar Lakes, Florida 33913.

Mr. Ward highlighted the changes from prior years. He said the first change was on Page 7 and 8, which dealt with the renewal and replacement of the landscaping. He said this included all of the areas within the plan that Bruce Bernard's firm had presented with recommendations for which areas would be improved beginning in 2018 and going to 2023. He said the areas could be done in any order, and the projected time schedule could be changed also. The second change he said was on Page 15, which was the number of units that were assessed within the District. The number of units had decreased by 82 units for fiscal year 2018 due to the reduction from Positano, which had changed their plan from building multi-family dwellings to single family. He added this changed the assessment rate from \$672.77 per unit to \$730.72 per unit per year.

Mr. Ward stated everything else in the budget had stayed relatively constant. He said some of the legal fees associated with the Center Place -Alico litigation had been taken out of the administrative budget, which dropped from \$100,000 to \$25,000. Operationally, he stated the numbers were remaining relatively consistent with prior years. He said the debt service funds had not changed from prior years.

Mr. Ward reiterated that approving the budget for purposes of setting the public hearing would not bind the Board to anything in the budget. It simply allowed them to move forward so that by August 10, they would be in a position to adopt the budget and set in place assessment rates. He asked for questions and said he would continue to carry this item on the agenda for three more months. He said he hoped they would have the final draft of the budget by July for the public hearing in August. He then called for questions.

Dr. Herring asked if the cost in 2018 for landscaping capital improvements was based on current fees being charged by the current contractor. The answer was that these were a landscape architect's estimates for the work based on the going rate for plant materials and installation. He stated they had not asked their existing landscape contractor for pricing on any of the work. He said he asked landscape architect to provide a separate cost estimate to put in the budget because he did not want a vendor giving information for budget purposes.

Dr. Herring then asked about future commercial development and where it was located on the property. Mr. Byal said it was the corner of Alico Road and Ben Hill Griffin Parkway. He said it was unlikely that commercial development would occur, and so the amount of square footage was reduced from 100,000 to 50,000. Dr. Herring asked how that affected the developer's contribution. Mr. Ward stated in terms of debt service, the developer would prepay all of the debt on the 50,000 square feet, and it would not affect anyone else's rate.

Dr. Herring asked where the assessment increase came from. Mr. Ward said \$28 came from the reduction in the number of units; the balance was from landscaping improvements.

Mr. Ballinger abouted Page 2, which indicated 1297 units in the District being assessed, whereas the developer units off roll was 647. He asked if this difference was related to the number of doors. Mr. Ward said the figures were different because a unit was calculated including a conversion for commercial or retail square footage, and so the District Budget will always be different than what the Homeowner Association showed because of that conversion factor. He said the 647 units included a conversion for the 50,000 square feet, which was the off roll number. The question was restated concerning the 1297 units and why that differed from the 1100 units in the report.

Mr. Byal said units were taken into account that were not residential units. He continued that the CDD also had boundaries it had concluded were not going to be in the Master Association. Mr. Ward stated in his experience there was always a difference in the HOA number and the CDD number with the CDD number usually being higher.

Mr. Ward stated if there was no further discussion, a motion would be in order.

Motion was made by Dr. Herring and seconded by Mr. Ballinger to approve Resolution 2017-4 as described above, and with all in favor the motion was approved.

4. Staff Reports

a) District Attorney

Mr. Urbancic said the University Overlay Landscape MSBU was being advanced. He said some of the discussions with the County included taking on various segments as ultimately they would like to offload some property based upon well locations. He asked Mr. Bernard to comment.

Mr. Bernard said there were four segments in addition to the two the CDD already had. He said these included one by the golf course crossover bridge up to Alico Road and a second one by the second hole of the golf course down to the entrance way of Porto Romano. He stated these two made sense for them to do if they could be off the hook for the MSBU. He suggested they ask the college for assistance.

Other property owners were suggested near the areas, but Mr. Urbancic stated the University might be easier to work with for cost sharing because it meant dealing with one entity. Mr. Urbancic stated the University did currently contribute money annually towards services received from the CDD.

It was stated that the property in question was owned by the County and not the CDD, and the County wanted the CDD to maintain it, so it looked good in front of Miromar Lakes. Mr. Bernard responded that was true. He said the County would give a basic service which included eight cuts per year and sporadic watering.

A Board member pointed out that the County would not give up the property. Mr. Urbancic agreed. Mr. Ward said they did not want it anyway, and he pointed out the real question was did they want to maintain per an agreement at higher cost, rather than accept the County's base level service. He said if the Board wanted to do so, then an agreement would have to be entered into.

Dr. Herring that the amount for this service of \$52,000 was dramatically increased this year. Mr. Ward said the \$52,000 would cover that additional area. The Board member stated that amount was new this year. It was \$30,000 before.

Mr. Ward said from the small amount of discussion he had had with the County, it recognized that \$52,000 may not be the right number. He said he did not know why it was changed.

Mr. Ballinger asked who was representing the CDD. Mr. Ward responded Mr. Urbancic and himself were dealing with the County Attorney.

Mr. Ward asked the Board to decide what they wished to do: Go back to the base level of service and dissolve the agreement, or keep the agreement and try to get out of the MSBU agreement or keep the level of services up.

Mr. Ballinger asked if at one time the agreement had been set up to save money on taxes. Mr. Ward stated his recollection of this was that maintaining the median at a higher level benefitted the overall development of the community because it looked better and also helped property values.

Mr. Refkin commented that no matter who owned the property, it reflected on Miromar. It would be especially true as they develop the new areas.

Mr. Ward agreed with Mr. Refkin. He said a good example was comparing Lee County to Collier County. Collier County has an amazing program for all their major roadways that look beautiful. He said Lee County was the opposite.

Mr. Refkin asked about the cost. Mr. Bernard responded for the same service that they were doing on their other median, the cost was the same as what they paid MSBU.

Mr. Refkin pointed out that they would be spending a great deal of money on landscaping within the community, and the outside of the community needed to be maintained in the same manner.

Mr. Ward asked again what the Board would like to do, and he added ultimately it would be a long process to get the County, Miromar, the University, and the mall to move in the matter. He said if they wanted to keep the maintenance levels up, then the decision would be to move this agreement forward as expeditiously as possible. Cost sharing may mean another year.

Mr. Urbancic said the County would resist their efforts to negotiate. A discussion ensued about what the County's idea of core level was. The consensus was it was at the level of a farm field.

Dr. Herring commented that he did not want to spend more than they were currently spending, and so if a deal could be worked out to spend the same amount and still maintain the areas, that would be agreeable. He also stated all possibilities for sharing cost should be explored. Mr. Ward said he agreed, but that would take time. It was added they should also approach the City Council members whom they have dealt with in the past.

Mr. Refkin pointed out that the college often asked for favors from the Board, and it would be beneficial to request money from them. Mr. Bernard agreed. Other Board members pointed out that prominent individuals support the University.

Mr. Ward summarized then cost sharing with surrounding businesses would be the direction they would pursue.

Mr. Urbancic concluded his report by saying there had been a vote to modify the Sunshine Laws to allow two people to have conversations. That vote failed, 68 to 48. He said also there was a change to the public records law awaiting the Governor's signature, which would make it harder for people to get attorneys' fees. He said there was a new

standard added on, whether the government acted unlawfully in not providing the records. He said there were a number of municipalities and counties that were for it.

b) District Engineer – No report.

c) Asset Manager

Mr. Bernard reported shore line restoration had been completed on Sorrento Lake banks, and Parka Lake banks and Verona Lago should be finished shortly. He added that next week restoration would be begun on Siena and in two weeks drainage improvements, re-sloping and re-sodding the banks should be complete. He said he also now has some extra money to go into the golf course to fix the four lake locations there. The landscape contractors completed the plantings on the east berm and did some additional plantings around the small retention area in Verona Lago. Beginning May 29, Bright Views would be aerating and top drawing the median in front.

A comment was made that this area was looking unsightly and if the reason was the work being done by Bright Views. Mr. Bernard responded that in one area the water pump had been broken for a week and in another the wrong mower was being used. He had spoken to Bright Views about these issues and taken appropriate action. A discussion ensued about how the water pump might have been broken.

Mr. Bernard said regarding the giant bulrush issue, the removal cost and replanting for all the lakes was \$30,000, and \$10,000 to \$15,000 to replace. The maintenance for them if they were not removed would be \$46,000 a year. He said there was 1110 feet of giant bulrush just around the homes on the lakes, the golf course side.

Mr. Refkin said the difference between removing them and cutting them down temporarily was only \$7,000. He commented someone was making money. He asked Bright Views if they did this work. A representative at the meeting stated they had a sub-contractor they would use. Mr. Bernard stated the bid was from the Lake Master they used currently.

Mr. Ward said a plan should be put together to look at the problem on a case by case basis to determine the solution.

Mr. Refkin reiterated his point and stated they need to see how the figures broke down.

Mr. Bernard said they could get three bids and go from there.

Mr. Ward said first they would put together a plan that would show how many locations there were and determine if all of them required removal.

Another Board member asked if they were allowed to take the bulrushes out, and the response was yes, if they were replanted, and they did not have to replant with giant bulrushes. He asked if this an aesthetic need for the individual homeowner and should the CDD be involved.

Mr. Ward said this was a valid consideration, and they needed to take a closer look at the situation. He said it was a compromise that needed to be looked at on a case by case basis.

d) District Manager

Mr. Ward said as a matter of law, the Supervisor of Elections was required to advise the Board of the number of registered voters within the district as of April 15 each year. He reported there were 1,437 voters in the district.

Mr. Ward said he and Mr. Urbancic would be preparing a resolution for consideration at the next meeting dealing with Mr. Hendershot's seat in office.

5. Supervisor's Requests and Audience Comment

Mr. Ward called for supervisor comments.

A comment was made that the docks behind Mirasol were being taken out. The negotiation with the developer was completed. He stated they would be relocating the docks, and he was asked, as a Board member, if the Board needed to be involved.

Mr. Ward replied theoretically the answer was yes. The Board member asked how he should respond. It was suggested that the lake behind Mirasol may be an area the CDD did not own. It was decided they needed to investigate the issue.

Mr. Ward said he would talk to Tim about it, and his answer was to inform Mirasol that if they wanted to insure clear title on the docks, they should have an agreement with the Board to permit it.

Mr. Ward called for audience comments.

Mike Weber from Volterra said he was asked as a member of the Lake Use Committee to work with the developer to come up with a new set of rules regarding dock size. He said the committee welcomed this involvement. However, hearing the discussion in this meeting, he questioned if the Lake Use Committee had the right to do this.

Mr. Ward responded that he thought they did have the right, and whatever the committee decided, the Board needed to know so that an agreement could be made with those people affected in case of the sale of property.

Mr. Ward was asked if the information from this committee needed to come before the whole Board, and the response was that he could inform Mr. Bernard.

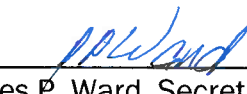
Mr. Bernard added he also would like to know if someone was going to build a dock who did not have previous approval.

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 3:00 p.m.



James P. Ward, Secretary



David Herring, Chairman