

**MINUTES OF THE 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, August 10, 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:

Dr. David Herring	Chairman
Mr. Doug Ballinger	Vice Chairman
Mr. Alan Refkin	Assistant Secretary
Mr. Burnett Donoho	Assistant Secretary
Mr. Michael Weber	Assistant Secretary

Staff present:

James Ward	District Manager
Paul Cusmano	Calvin Giordano & Associates
Bruce Bernard	Calvin Giordano & Associates
Charlie Krebs	District Engineer

Audience:

Gary Gold	Resident
Tim Byal	Miromar Development Corporation

1. Call to Order & Roll Call

Mr. Ward called the meeting to order at 2:05 p.m. A roll call determined all members of the Board were present with the exception of Supervisor Donoho, who arrived during the meeting.

2. Public Hearings

a) Fiscal Year 2018 Budget

Mr. Ward asked for a motion to open the Public Hearing.

Motion was made by Mr. Ballinger and seconded by Mr. Refkin to open the Public Hearing, and with all in favor, the motion was approved.

Mr. Ward asked for comments concerning the Fiscal Year 2018 Budget. Hearing none, he stated he had not received any written comments, and asked for a motion to close the Public Hearing.

Motion was made by Mr. Refkin and seconded by Mr. Ballinger to close the Public Hearing, and with all in favor, the motion was approved.

Mr. Ward asked for Board comment and stated there had been only one change which was a reduction in the engineering fees from \$20,000 to \$15,000.

Dr. Herring asked concerning who did the yearly removal of dead vegetation around the perimeter of the District's water management system. Mr. Bernard responded it was Lake Master's. On Page 5, Dr. Herring asked concerning Contract Reporting, \$2,000. Mr. Bernard responded was this was a separate firm which updated the District's environmental contracts periodically, and the reports were given to Mr. Bernard and Mr. Krebs. Mr. Ward stated unless there was something for the Board to consider, this report was simply filed.

Mr. Ward called for further comments. Hearing none, he asked for a motion to adopt Resolution 2017-7, which adopted the Annual Appropriation and Budget for Fiscal Year 2018.

Motion was made by Dr. Herring and seconded by Mr. Ballinger to adopt Resolution 2017-7, the Annual Appropriation and Budget for Fiscal Year 2018, and with all in favor, the motion was approved.

b) Fiscal Year 2018 Imposing Special Assessments; Adopting an Assessment Roll and Approving the General Fund Special Assessment Methodology

Mr. Ward called for a motion to open the Public Hearing.

Motion was made by Mr. Refkin and seconded by Dr. Herring to open the Public Hearing, and with all in favor, the motion was approved.

At this juncture, Supervisor Donoho joined the meeting in progress.

Mr. Ward asked if there were any questions or comments from the public related to the General Fund Assessment or the imposition of the General Fund Assessment for Fiscal Year 2018. Hearing none, Mr. Ward commented he had not received any written comments or testimony with respect to the levy of the assessment for Fiscal Year 2018. He asked for a motion to close the Public Hearing.

Motion was made by Mr. Refkin and seconded by Dr. Herring to close the Public Hearing, and with all in favor, the motion was approved.

Mr. Ward asked for Board comments or questions. Hearing none, he called for a motion to adopt Resolution 2017-8.

Motion was made by Dr. Herring and seconded by Mr. Ballinger to adopt Resolution 2017-8 as described above, and with all in favor, the motion was approved.

3. Consideration of Resolution 2017-9

Mr. Ward stated Resolution 2017-9 set the date, time and location for regular meetings of the Board of Supervisors of the District for Fiscal Year 2018. He said it was the same day, date and time as it had been, the second Thursday of each month at 2 p.m. at the Beach Clubhouse.

Motion was made by Mr. Ballinger and seconded by Mr. Donoho to adopt Resolution 2017-9 as described above, and with all in favor, the motion was approved.

4. Consideration of Resolution 2017-10 Amending the General Fund Budget for Fiscal Year 2017

Mr. Ward stated Resolution 2017-10 amended the General Fund Budget for Fiscal Year 2017. He said the exhibit to the resolution highlighted the Board's discussion at the last meeting with respect to bulrush removal and plant replacement. He said the line item of \$36,000 was moving into Aquatic Weed Control from the Erosion and Restoration Program. He said this codified what was discussed at the last meeting by Mr. Bernard.

Hearing no questions, Mr. Ward called for a motion.

Motion was made by Dr. Herring and seconded by Mr. Ballinger to adopt Resolution 2017-10 as described above, and with all in favor, the motion was approved.

5. Staff Reports

a) District Attorney

Mr. Ward advised that Mr. Urbancic could not be with us today, due to an emergency and that Mr. Urbancic said there was no report as there had been no movement on the University Overlay District pending ordinance.

b) District Engineer

Mr. Krebs stated the report on Navona needed to be corrected in the fifth paragraph, second sentence, which should read, "It's my opinion that the CDD should not be responsible to repair this." He reviewed the information in the report. Mr. Krebs stated Mr. Ward had forwarded some correspondence from Mr. Gold about erosion in Navona. He said he sent an engineer from his office to take pictures of the conditions. He showed these photographs to the Board and said the erosion seemed to be caused by a drainage pipe which came down from the homes and was located underneath the docks and did not extend out into the lake. The water rushing out had been undermining the area. He concluded this area did not look like other areas, and it should not be a CDD responsibility, but the homebuilder's.

Mr. Refkin asked Mr. Krebs to explain where the CDD responsibility started physically according to the photograph.

Mr. Krebs responded the CDD responsibility included the 20-foot easement, but the dock was not included.

Discussion ensued among the Board, and it was stated instructions were given to home builders about how and where to put the pipes, which obviously had been ignored in this situation. The comment was made that docks were built on CDD property without CDD involvement in regulating them.

Mr. Krebs said for the most part the docks were installed before the lakes were turned over to the CDD.

Mr. Refkin asked if there was a procedure where dock builders were required to come to the CDD. He asked Mr. Byal if there was a procedure where Miromar would come to the Board to ask permission to put in the footing.

Mr. Byal's response was negative, and he added he didn't think the CDD had regulatory authority over the docks. He said the CDD had an easement right in order to maintain the lake.

Mr. Refkin's response was the Board did not want to get into the dock business, but what he was saying was the Board had responsibility for the floor.

Mr. Byal stated residents were required to get dock approval from the permitting agency of the County.

Mr. Ballinger commented it seemed in recent years builders had gone to furnishing the permit but not the actual dock, so the process was disjointed.

Mr. Byal stated usually it was the owners who hired a dock builder. He said the ARB approval Board gave approval and stated the dock was in compliance with the parameters of construction in Miromar. He also added there was no fee for this approval.

Mr. Ballinger clarified by asking if he wanted to build a dock, would he have to give the builder \$40,000. Mr. Byal responded it was not charged in any neighborhood other than Verona Lago, that was a correct statement.

The discussion continued, and it was asked if any of the docks were constructed with pilings which entered the ground in land which the CDD owned. The response was every one of them did. It was asked how then the CDD could not be involved in the process of dock approval.

Mr. Byal responded the CDD did not have ownership; they had easement rights.

Mr. Ward stated his experience had been CDDs did not get involved in building or permitting activities as that responsibility was provided by the local government. He noted that the County had the authority to enforce the standards. The County should be the one who enforces the building code for a dock installation, and hold the builder accountable for that construction. I don't know what that standard is for a dock installation maybe Charlie can speak to that issue.

Mr. Krebs stated that whenever someone pulled a dock to shore permit, the contractor who was pulling it, had to give the County the design documents. He said all that information must be provided to the agencies, including SFWMD, who grant approval and then it must be certified to close out the permit.

Mr. Refkin said this was symptomatic of other issues the Board has had including air conditioning units being placed in the easement. He said this was an example of how in these processes the CDD was not informed or involved.

Mr. Bernard stated that the CDD should be involved at the end, maybe with a call, so the property could be checked to be sure all criteria were met. It was said the homeowner would not necessarily see potential problems, but a builder should. A comment was made that most likely this drain pipe issue was not intentional, and what was done at the time seemed the best solution. It was also pointed out the water level of the lake probably was contributing to the issue.

Mr. Bernard was asked how far out it was recommended to have the drainage pipes. The response was the recommendation was 4-5 feet out, but it was also to a certain depth and according the type of pipe.

A point of clarification, was the CDD responsible up to the control level and 20 feet. Mr. Krebs responded there was a 20 foot lake maintenance easement which started at control and went to the houses. He said in the past year it was determined the CDD would try to maintain the side slope and address any erosion which happened in that 20 feet. He said similar to the past, if there was a point upward, which was the homeowner's responsibility, that was causing the erosion, this would need to be addressed first. He added normal wear and tear over time was also something the CDD addressed. A comment was made the CDD would maintain, but not if the erosion was a result of something being done improperly. Mr. Krebs responded yes.

Mr. Refkin questioned if there really had been faulty construction as it was to code and had been inspected. He said he would call it a design issue but not faulty construction. The comment was made that preventative maintenance was being done for these drains.

Mr. Krebs showed a drainage exhibit which mapped all the lakes owned and maintained by the CDD, and a landscape buffer exhibit which showed all the areas the CDD owned or maintained as far as the perimeter landscaping. He said in Ravenna the internal lake was always intended to be turned over to the CDD, but it had not been but a solution was being worked on. He said there was also a lake in Bellini which may also come to the CDD.

The Board discussed this issue and the question was asked if the waterway in front of Volterra transitioned over or not. The answer was no. Mr. Krebs said this property was similar to Bellini.

Mr. Krebs stated this property was in the process of being put together in a package to be brought before the Board to be turned over to the CDD. Similar to Bellini and Ravenna, the shorelines would be inspected to make sure they were correct, which was a requirement the Board put in place some time ago. If correction was necessary, this must be done before the CDD received them.

c) Asset Manager

Mr. Bernard reported a savings of \$75,000 in the restoration due to the savings in the fill. He said there was also a savings on a project in Verona Lago of \$2,000. He said the retention wall in Bellamare was permitted. He said he would be meeting with the landscape contractors to express his displeasure with the weeds in the medians on Ben Hill Griffin Parkway, and he said if the problem was not resolved, he told them he would hold five months retainage. He said Brightview told him they had been trying by putting herbicide down but the rain was washing it out. He said he told them if it could not be done by the end of the month, then he would put them on notice. It was mentioned the landscape company's trucks leave ruts on the grass

when they park. Mr. Bernard said he has talked to them about that, but he would again.

d) District Manager

Mr. Ward stated the contract with Brightview Landscaping Company began on December 1st, which was structured as seven 1 year unrenovable contract terms. He said he included in the agenda package a renewal which did two things: Kept the price for the second year, and changed the contract date to start from January 1 to October 1. It doesn't change the termination agreement, so Brightview could be terminated if Mr. Bernard decided to do so.

Mr. Ward asked for a motion to adopt the amendment to the Brightview contract.

Motion was made by Mr. Refkin and seconded by Mr. Ballinger to adopt the Brightview Contract Amendment, and with all in favor, the motion was approved.

6. Supervisor's Requests and Audience Comment

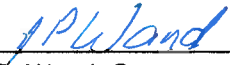
Mr. Ward called for comments from the Board or the audience.

7. Adjournment

With no 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 about 3:00 p.m.


James P. Ward, Secretary


Dr. David Herring, Chairman