

**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, September 29, 2016, 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

Staff present:

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

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) August 11, 2016 Regular Meeting

A comment was made in appreciation of the new format for the minutes.

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

3. Discussion and comments on coordination regarding the design and construction plans for the road interconnect between FGCU and CenterPlace.

Mr. Ward explained that since this was an issue related to the Alico project, he asked Glen Smith, the litigation attorney, to do the coordination with all of the appropriate professional staff and put together an outline of the comments that Greg, Charlie and Bruce had with respect to the FGCU-Alico Road construction that was going on. He also included in the agenda packet a copy of the ingress-egress easement along with a copy of the letter that was sent by Miromar Development to the developer as a separate document. He also included a copy of the documents that Alico had sent back to Miromar.

The purpose of this agenda item was that the district does have rights and obligations, pursuant to the agreement, to make any comments that it has appropriate to the construction of the facilities that Alico and FGCU are going to construct. Mr. Ward was not requesting a motion at this time, but only comments and discussion. However, at some point in the future, if this issue needs to be reconsidered, and a motion is desired, that can be done.

It was stated that the last time an issue like this arose, the contractor (possibly Lee County) cut through the berm by the golf course. He checked prior to it being done to be sure that the grass, trees, etc. would be replaced with the similar landscaping. However, when the time came to replace these items, no one would take the responsibility, so then the burden rested with the CDD. He commented that he would not be in favor of this construction unless there was one party who would be responsible for this restoration. He commented that whoever is going to do this construction, has probably yet to do the subcontracting. His suggestion was that they identify the party ahead of time who will have overall responsibility for replacement.

A comment was made that the Board needs to realize that this is a dynamic document that is not yet finalized. They could make comments, but could not approve or disapprove until the final version is available. It appeared that it was evolving daily.

Another comment was made to compare these current construction plans to the prior plans by Lee County. At that time with Lee County, an easement had not been granted. In this current case, an easement was granted in 2010. So now, what they are doing is coming back under the terms of the easement and asking the Board to coordinate.

A comment was made that it was not the easement that was the issue. It was more the conduct of the selected company and the uncertainty of who would be responsible for the replacement of grass, trees, etc.

It was pointed out that the road would give them access to that berm to do maintenance. Right now the berm only affects a few people, but after the road is built, it will be more prominent. He stated that all interests must work together to insure all things function as best they can.

Another comment suggested that the Board has little control over what is done. They can make suggestions, but the final say is not with the Board. The easement has already been granted. They have an obligation to coordinate. As stated in their letter, the provision is made in Section 6.

A Board member asked what coordinate actually means. It was said that they are supposed to get the Board's input for curb cuts, crossings, and consistency with compliance for permits. He suggested that there is some wiggle room, but it doesn't say they have to get the Board's final approval.

It was commented that the District is in charge of the surface water management system. That is where all the water from that side of the system exits and goes downstream. There is a design flow that is required in order for the water to go over the weir and sufficiently exit the property. The District needs to be comfortable that the design has accommodated that flow. The specifics relative to the engineering for the project are set in the documents.

Charlie Krebs arrived and apologized for being late. He was filled in on what had transpired up until his arrival. He commented that as part of his review, that the original application was examined, along with the flow that had been proposed when the weir was designed. They looked at the culverts for the road crossings. He reported that his recalculations affirm that the original plans will work. He was asked if so far as the engineering goes, the project was fine, and he responded that it was.

The Board agreed that the issues to be considered were the engineering, the light issues, aesthetic elements, and access to the road for maintenance of the berm. It was commented that it would be a public road.

A Board member asked if any of the berm is inside the easement area. The answer was no. The new construction will take the slope that goes from the road up and tie into the berm, which seems the best way to do it. It was commented that the CDD has underlying fee title to this berm. It was stated that what the project will be tying into is sod. It was then pointed out that only one side of the berm has been contracted; and therefore, now cost will have to be added for additional landscaping to maintain the other side of the berm, which at the present time is wild.

A question was asked if there was a county requirement for landscaping when a road was built. The response was that generally this was not the case for building a road. However, it was not felt that the CDD would necessarily have to be burdened with that improvement and maintenance.

Mr. Ward said maybe what they should do is in one of the comments put together a plan of what the Board thinks it should look like. One of their comments could be that this berm needs to be landscaped and maintained. It was suggested that they also establish a cost estimate.

An idea was put forward that FGCU should install a fence along the berm at the time the road is built. The University owns the forty acres, and a fence would secure the area for the safety of students and the privacy of residents. Several Board members felt the road would lead non-residents to come over to Miromar Lakes.

Mr. Ward commented that the equipment for building the road should not be stored on CDD property and that this issue should be addressed in the comments.

Mr. Ward said that he would coordinate putting the comments in writing to FGCU and CenterPlace. He will add a disclaimer that states that these will not necessarily be their final comments, and they do reserve the right to look at the final plans when they are finished. When Miromar Development has finished their review, they will bring it before them again.

4. Staff Reports

a) District Attorney

Mr. Urbancic stated that the only thing he had to report was concerning the land exchange the Board had approved was a few meetings ago. This has been signed and recorded, and it should be finalized in the next couple of days.

Mr. Ward added to this report that there has been another public records request log request. There is a company that has started making requests of all the districts. He also added that these requests are not going out to any Board members' email.

b) District Engineer

Mr. Krebs mentioned and Mr. Ward explained that there is a list of violations from South Florida Water Management District that has not been resolved of the Alico Litigation. He has a report for the Board, which will be presented next month, which will give the status of all of the items. He specifically mentioned a wall that had been constructed by one of the residents. This wall will need a modification. It is not urgent at this time. He will report next meeting concerning these violations notices.

c) Asset Manager

Mr. Bernard elaborated on a couple of reports that had already been sent to the board. He addressed dealing with the bank erosion in Verona Lago. He reports that the contractor has issued purchase orders to do the maintenance. He has sent for the permits. The only hold up might be the lake level. He will keep the Board advised as to when the project will start. He stated that this was the first portion of their capital program. The residents have been informed of the work.

A question was asked regarding the lake level and if the water was still going over the weir. Mr. Bernard reports that the weir is underwater.

Mr. Ward said that a budget amendment had been done to include this capital project in this year's budget. The cost was a little over \$100,000. However, now it will not happen until October because the water level is so high. The Board may have to do another budget amendment to put that money back into the budget for next year. Obviously, it will have no effect on the current budget.

Mr. Bernard said the plantings on the berm on St. Moritz have been done. They have also looked at doing a capital improvement for landscaping based on the suggestions of the landscape architect presented at the last meeting.

Mr. Ward commented that year one for the plan brought forward by Mr. Bernard would be fiscal year 2018. The calculations at the bottom of the page were to show where assessment levels were now and how much could be spent without going over the capital rate, which would then require notice to the entire community. He then stated there was no "pride of authorship" in what gets done first. The plan was based on the numbers from his perspective to keep them where they needed to be, at or below the cap rate. The number of units was accurate and was the number included within the CDD. The intention is to do all of their neighborhoods first, and then consider the 175 berm in year 7 and beyond.

Mr. Ward emphasized that the water management plan and the landscaping plans will both now be two major elements of the entire community that will be looked at over the long term. There then was some discussion about the amount of money as spread over the seven years. These figures seemed reasonable to the board.

A comment was made from the audience thanking the Board for taking seriously the concerns regarding the privacy on Ben Hill Griffin. She appreciated what has been done. There was one segment that she felt was the worst offender and she questioned the reason it had not been included in the first phase of the plan. It was explained that it was decided that what they did was even more important, but the Board indicated that they would look at the sections to which she was referring. She suggested a fence might be a good idea and wondered if there had been any more discussion about that. She was informed that no fencing has been discussed, but there is a possibility that it still could be done by the association.

Mr. Bernard reported that after the last meeting, the Estate Landscaping Company was informed of the Board's opinions. The company feels that the Board are the ones finding the problems. New bids will be solicited. He concluded from Board comments that they want a higher level of maintenance for the community. A Board member pointed out that the current company should be aware that they are on a probationary standing. A board member stated that this company had been fired from another CDD and the replacement was much better. Mr. Ward pointed out that they might have to spend a little more, but this issue needs to be looked at. He was happy that they were bidding for a new landscaping company. It was clarified that their contract with the current landscaping company is 30 days without cause.

d) District Manager

I. Financial Statements for the period ending August 31, 2016

Mr. Ward said the financials are right on track.

4. Supervisor's Requests and Audience Comment

There were no requests from the Board or the audience.

5. 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. Donoho 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

Michael Hendershot, Chairman

d) District Manager

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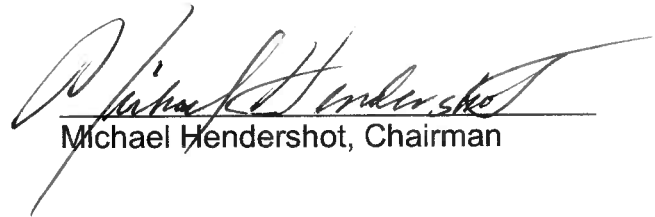
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James P. Ward, Secretary



Michael Hendershot, Chairman