

**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, June 14, 2018, 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
Doug Ballinger	Vice Chairman
Alan Refkin	Assistant Secretary

Board members absent:

Mike Weber	Assistant Secretary
Burnett Donoho	Assistant Secretary

Staff present:

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

Audience:

Mary Le Fevre	Resident
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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 Supervisors Weber and Donoho.

2. Consideration of Minutes

a) April 27, 2018 Regular Meeting

Mr. Ward called for any additions, corrections or deletions to the minutes. There were none.

b) May 10, 2018

Mr. Ward Called for any additions, corrections or deletions to the minutes. Mr. Ballinger said at the bottom of Page 2, change the word "the" to "that"; on Page 4 "the risk of the terminating agreement" might be better worded. Mr. Ward suggested, "The risk to the District was the MASTER HOA terminating the agreement." Mr. Ballinger stated on Page 5 at the beginning to add a question mark; on Page 7 to substitute "Mr. Ward" for "he"; on Page 9 in the middle, to change the word "instructed" to "advised."

Motion was made by Dr. Herring and seconded by Mr. Ballinger to approve the Minutes of April 27, 2018, and May 10, 2018, with corrections noted above, and with all in favor the motion was approved.

3. Consideration of Resolution 2018-5 Establishing an Electronic Records Policy

Mr. Ward said this would establish an Electronics Records Policy for the CDD and a policy on an electronic signature. He provided the Board with a red line version of the resolution, which codified what was already in the law which allowed governmental agencies to keep records in an electronic format as long as certain standards were met. He said those criteria were attached to the Resolution as an exhibit. He advised the State had updated this policy for the betterment and to keep up with technology. He said in essence he had followed this policy anyway, and kept in paper format only resolutions, agreements and minutes. He said he used to need these documents in paper form, but that was no longer true, and nearly all documents were sent electronically.

Mr. Ward explained that this Records Policy would allow for electronic signatures, which meant the Board could now use email to sign documents.

Dr. Herring asked if the paper copies were also electronically available. Mr. Ward responded they were.

Dr. Herring asked where the records would be stored electronically. Mr. Ward responded he used a Cloud-based system which had backup in three different states.

Mr. Urbancic pointed out that notarized signatures could not be electronic, but hopefully soon they would be.

Mr. Ward called for a motion.

Motion was made by Dr. Herring and seconded by Mr. Ballinger to approve Resolution 2018-5 as described above, and with all in favor the motion was approved.

4. Continuation of Discussion Relative to the Fiscal Year 2019 Budget

Mr. Ward stated there were many different items for this discussion, and he would try to "set the stage" and then go through the documents.

a) Agreement with Miromar Development Corporation for the Operation and Maintenance of the District's Landscaping Program

Mr. Ward said from a strategic standpoint, the Board was amending the Budget to reduce all of the landscaping that was currently in the proposed Budget and terminating the landscaping budget as of December 31, 2018. Then on January 1, 2019, the Master Homeowners' Association would be responsible for all of the maintenance obligations, including but not limited to the Ben Hill Griffin median strip. The MASTER HOA would also be responsible for any of the capital work that was needed for improvements as they deemed appropriate as of January 1, 2019.

Mr. Ward continued that he had reduced the Budget to keep the cost of landscaping through December 31, 2018, for three months, and no capital element whatsoever.

b) Consideration of Acceptance of Dedication of San Marino Berm

Mr. Ward stated that as these changes were being made, the San Marino berm was in the process of being dedicated to the District, which was part of FEMA work which was ongoing with respect to reimbursement. He said in order to keep that going forward, this had been included on the agenda, but it would be an obligation of the MASTER HOA under the agreement with them.

b) Consideration of Resolution 2018-6 establishing Rules and Regulations for the Operation of the Storm Water Management Program, and Authorizing the Staff to Advertise for the Adoption of a Rule for the Storm Water Management Program

Mr. Ward said this Resolution relating to the Storm Water Management Program was the biggest piece of the puzzle. Mr. Ward indicated he and Mr. Urbancic concurred this agreement should be put in writing in a twofold process. One would be a resolution that stated what the policy would be on a going forward basis and then a rule would be established. He said a Rule cannot be undone easily, which would prevent the Board and the audience from requesting the Rule be amended. He said the rule would be definitive as to what could be done, and Mr. Urbancic, Mr. Krebs and Mr. Bernard had spent a significant amount of time making it clear and complete. He said the Rule was consistent with what was said at the last meeting: The District will maintain up to control elevation and homeowners will maintain above control; the district will work on all of the storm water system internal to the single family home projects or any condo sites. He said the Master MASTER HOA has agreed to provide the District with deeds and/or easements, to the extent they have any ownership interests or easement rights. He said the District would maintain in the budget the completion of the erosion control problem from Hurricane Irma. He said he had not included any reserves in the Fiscal Year 2019 Budget. He stated that would be evaluated in the future.

Mr. Refkin asked when these responsibilities were transferred to the MASTER HOA, would it be done on an as-is basis and not have to be brought up to a certain standard. Mr. Ward responded this was correct.

Dr. Herring asked above what level of the water line was the District responsible. Mr. Ward responded for control, so basically up to the top of water line, 18 feet above sea level.

Dr. Herring asked if the reason for this concession in January was due to the MASTER HOA's fiscal year. Mr. Ward responded affirmatively.

Dr. Herring asked if there were any changes in landscaping in those areas which the CDD owned, would the MASTER HOA have to make those proposals through the District. Mr. Urbancic responded any material changes would come through the District for review. Mr. Bernard stated he did not think this was the case.

Mr. Ward stated the intent was to keep an open dialogue with the developer. He said there was a provision which allowed him as manager to have input for landscaping plans, and he would assign that responsibility to Mr. Bernard. He said he did not see that any bad decisions had been made in the Community to this point, but it would be something to evaluate over the next year or two.

Dr. Herring asked if homeowners wanted to become involved in decisions, would it be done through the MASTER HOA. Mr. Ward responded this was correct.

Mrs. Le Fevre from the audience said she had read the contract, and it was very specific in saying any substantial changes would have to be approved by the CDD. She said this told her as a homeowner that if she wanted to do something different on CDD property, she would have to come to the CDD Board.

Mr. Ward responded that the intent of the agreement was that the MASTER HOA would have complete responsibility for the operation and maintenance of the landscaping program, which included whatever homeowners wanted to do on the berm. He said if changes became substantive, that would be a communication that he would have with Mr. Byal in deciding whether it should come to the Board. He said he did not see anything in the landscaping program that would rise to that level.

Mr. Rekin asked if the wording of the agreement reflected what Mr. Ward had just said. Mr. Urbancic responded affirmatively and read that part of the agreement aloud.

Dr. Herring said Ms. Le Fevre had a conversation with Mr. Byal who said he would be cooperating with the homeowners.

Ms. Le Fevre said her only issue was homeowners gave the responsibility to the Master MASTER HOA for landscaping, but for anything else, it was their responsibility; however, there was no funding for anything else in the budget.

Dr. Herring responded it was funded through the MASTER HOA. Ms. Le Fevre asked through whose MASTER HOA, and Dr. Herring responded the Master Association.

Ms. Le Fevre said when residents approved the Community Program, there had been no money for it. Dr. Herring stated that was a "wish list." Ms. Le Fevre said then any funding for that, the Master Association had to get and would have nothing to do with what the CDD was paying them for landscaping.

Mr. Ward responded the District did not pay the MASTER HOA for taking over the landscaping program. He said it was an agreement to let the MASTER HOA maintain the CDD's facilities, and then they would charge the homeowners in the same way as for regular landscaping. The MASTER HOA could do whatever they desired with the "wish list." It was not an obligation. Mr. Ward continued this was an opportunity to have one entity maintain an entire system which was always a good idea. He said the residents would see an economy of scale and in the operation of the way it was done on an ongoing basis. He said he did not see the developer would do something that would hurt property values in any way, but rather be in a position to do more on a faster basis than the CDD could ever do in terms of the operation of the system, including renewable plant replacement.

Ms. Le Fevre said she did not disagree with the decision and thought it was sensible. She said she wanted to know where to go in the future.

Mr. Ballinger stated the same thing she was talking about was discussed at a prior meeting, and he had asked the question. He said there had been progress made towards that end because he had talked to Don Miller, and Mr. Miller had attended a Master MASTER HOA meeting, which was good because there was definitely going to be some landscaping questions that needed to be aired in front of the Master MASTER HOA.

Ms. Le Fevre stated she was not trying to disrupt, and the CDD certainly wanted to maintain what it had and over time improve what it owned.

Mr. Refkin reminded Ms. Le Fevre that the CDD represented the residents and both agreed Mr. Byal was very helpful.

Mr. Cusmano commented that the elevation was 18 feet above sea level around the lakes, but not in all places. He said Mr. Krebs had provided an exhibit, and the area was broken up into drainage basins. The basins for the large recreation lakes were 18 feet above sea level, but going south, it went from 17.5 feet to 16.5 feet to 16 feet. He stated there must be engineering reasons for doing this. He pointed out as the map went south, the control elevation was different.

This information was discussed and clarified.

As a final note, Mr. Ward stated Mr. Byal had been helpful in working with the County and trying to eliminate the MSBU. He said with any luck at all, an agreement should be reached in the next year, but hopefully sooner. He said he understood the County was working on an agreement, and the Master MASTER HOA said they would enter into the agreement with the County to maintain that berm. He said this agreement should essentially eliminate \$50,000 a year, and this would be a benefit as the CDD moved forward.

Mr. Ward stated he would walk the Board through the motions for these items.

Mr. Ward said the first was a motion to approve the agreement with Miromar Development Corporation for the Operation and Maintenance of the District's Landscaping Program.

Motion was made by Dr. Herring and seconded by Mr. Refkin to approve the agreement with Miromar Development Corporation for the Operation and Maintenance of the District's Landscaping Program, and with all in favor, the motion was approved.

Mr. Ward said the next motion would accept the Dedication of the San Marino Berm.

Motion was made by Mr. Refkin and seconded by Mr. Ballinger to accept the Dedication of the San Marino Berm, and with all in favor, the motion was approved.

Mr. Ward said the next motion would approve Resolution 2018-6 which set up a process where the Board would have, as part of their public hearing process in September, adoption of the Rule related to the Storm Water Management Program. He said the Public Hearing for the Rule would be September 13, 2018, at 2:00 p.m. at the Beach Club House, 18061 Miromar Lakes Parkway, Miromar Lakes, Florida 33913.

Motion was made by Mr. Refkin and seconded by Dr. Herring to approve Resolution 2018-6 as described above, and with all in favor, the motion was approved.

Ms. Le Fevre asked when the Rule took effect. Mr. Ward responded the Rule would take effect as of the date of adoption of the Rule, at that point anything over control would be the

homeowners' responsibility. However, he said the CDD would continue the process to fix all of the Hurricane Irma damage for the next couple of years.

Mr. Bernard said the CDD would complete their Storm Water Management Program that was adopted and that included Ms. Le Fevre's property.

Ms. Le Fevre asked if that was the program that started with Sienna and Verona Lago, and Mr. Bernard responded that was correct.

Ms. Le Fevre asked if even though the Rule had come into effect, the CDD would be taking care of maintenance even below the control level because she had not yet reached control level. Mr. Ward responded affirmatively.

Another audience member, who lived in Bellini, said her Board had just voted to turn over control of the surface water to the CDD, and had that been unnecessary. Mr. Ward responded that was necessary, and she responded that this turnover had been done. Mr. Ward thanked her for this information.

d) Revised FY 2019 Budget

Mr. Ward stated he had included a copy of the revised Budget in their package. He said there would be another revision soon before the Public Hearing, which would deal with the buy down by Miromar Development of 140 units from both the 2012 and 2015 bonds. He explained this would be approximately \$1.5 million which Miromar Development would pay the District to pre-pay those lots which would not be developed. He said this took 150 units off of their assessments, but also the debt would be eliminated. He said this would be reflected in the revised Budget.

5. Consideration of Acceptance of Track L1 - Unit XVI - Positano Water Management System

Mr. Urbancic stated this was another shoreline cleanup item. He explained it also would give the CDD access easement over track OS1. He said Charlie Krebs' letter of review was included, and the documents were in order. He recommended approval.

Motion was made by Mr. Ballinger and seconded by Mr. Refkin to accept Track L1 - Unit XVI - Positano Water Management System, and with all in favor. the motion was approved.

6. Staff Reports

a) District Attorney - No report.

b) District Engineer - No report.

c) Asset Manager

Mr. Bernard reported he had started replanting on Ben Hill Griffin due to hurricane damage and this should be done by the end of next week. He said next week he would start cleaning out the basins which had 25% or more organic matter in them from inspection at the beginning of the year; he said this included all areas of the Community. He said the Master MASTER HOA would be paying a portion of this expense.

Mr. Ballinger asked if the area on the other side of the weir had been cleaned. Mr. Bernard responded affirmatively. Mr. Ballinger asked if this clean up would improve that situation, and Mr. Bernard responded it would help them to move a little to the end of that point, and then it was all gravity with no positive drainage. Mr. Ballinger stated then the CDD was doing all it could do, and Mr. Bernard agreed.

d) District Manager - No report.

7. Supervisor's Requests and Audience Comment

Mr. Ward called for supervisor's requests or audience comments and there were none.

8. 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 2:36 p.m.

Miromar Lakes Community Development District


James P. Ward, Secretary


Doug Ballinger, Vice Chairman