

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

The Regular Meeting of the Board of Supervisors of the Miromar Lakes Community Development District was held on Thursday, January 12, 2023, at 2:00 P.M. in the Library at the Beach Clubhouse, 18061 Miromar Lakes Parkway, Miromar Lakes, Florida 33913.

Present and constituting a quorum:

Alan Refkin	Chair
Michael Weber	Vice Chair
Patrick Reidy	Assistant Secretary
Doug Ballinger	Assistant Secretary
Mary LeFevre	Assistant Secretary

Also present were:

James P. Ward	District Manager
Greg Urbancic	District Attorney
Charlie Krebs	District Engineer
Bruce Bernard	Asset Manager
Richard Freeman	Asset Manager
David Caplivski	Grau and Associates

Audience:

All resident's names were not included with the minutes. If a resident did not identify themselves or the audio file did not pick up the name, the name was not recorded in these minutes.

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

District Manager James P. Ward called the meeting to order at approximately 2:00 p.m. He conducted roll call; all Members of the Board were present, constituting a quorum.

SECOND ORDER OF BUSINESS

Consideration of Minutes

December 8, 2022 – Regular Meeting Minutes

Mr. Ward asked if there were any additions, deletions, or corrections for the Minutes. He noted he would add an audience name to the minutes for inclusion in the record.

Additions were made to the Minutes for clarity purposes.

Discussion ensued regarding the portions of the Minutes which were deemed “(indecipherable)” due to poor internet connection or due to speakers talking over one another.

Mr. Ward asked if there were any other changes to the Minutes; hearing none, he called for a motion to approve the Minutes as corrected.

On MOTION made by Ms. Mary LeFevre, seconded by Mr. Doug Ballinger, and with all in favor, the December 8, 2022, Regular Meeting Minutes were approved as amended.

THIRD ORDER OF BUSINESS

Consideration of Audited Financial Statements

Consideration of the Acceptance of the Audited Financial Statements for the Fiscal Year ended September 30, 2022

Mr. Ward introduced David Caplivski with Grau and Associates.

Mr. David Caplivski with Grau and Associates thanked the District's Management and Staff. He explained the Audit of Financial Statements was required by Florida Statutes and the Bond Agreements. He explained the Auditor provided an opinion on whether the Financial Statements were stated in accordance with GAP. He reviewed the Audited Financial Statements for the Fiscal Year ended September 30, 2022. He reported the opinion on the Financial Statements was a clean, or unmodified, opinion which was the best opinion a district could receive. He noted the Auditor was also required to report any internal control material weaknesses or deficiencies and none were noted. He stated lastly there was a letter the Florida Auditor General required which reflected a clean, unmodified opinion as well. He thanked the CDD for choosing Grau and Associates.

Mr. Reidy indicated he read the Audited Financial Statements and the numbers looked fine.

Mr. Weber asked if there were any differences between the unaudited year end numbers and the audited year end numbers.

Mr. Caplivski responded he was unsure, but if there were any differences, the differences would have been immaterial.

Mr. Ward stated he believed the answer was no, but he would look it up. He asked if there were any other questions; hearing none, he called for a motion.

On MOTION made by Mr. Doug Ballinger, seconded by Mr. Pat Reidy, and with all in favor, the Audited Financial Statements for the Fiscal Year ended September 30, 2022 were accepted for purposes of inclusion in the record.

FOURTH ORDER OF BUSINESS

Staff Reports

I. District Attorney

No report.

II. District Engineer

a) Continued Rip Rap Discussion

b) Lugano Detention Basin Plan

Mr. Charlie Krebs indicated included in the Agenda Packet was the rip rap exhibit. He stated he had someone go out and look at all the residential lots along the recreational lakes and identify how high up the existing rip rap was and try to determine a common elevation. He reviewed the exhibit explaining the various exhibit keys. He stated this chart would be used for future maintenance. He noted the rip rap was not inspected to see if it was installed with filter fabric or what size material was used, only what was there, which homes had it, and how far up the shore the rip rap came.

Mr. Refkin and Ms. LeFevre complemented Mr. Krebs for his work on this exhibit and Ms. LeFevre noted she was surprised about the wide variety of rip rap heights.

Mr. Reidy asked if the homes which had no rip rap, should have rip rap. He asked if homes were required to have rip rap.

Mr. Krebs responded homes were not required to have rip rap. He noted none of the homes on the southern end of the lake went in with rip rap; rip rap was installed in areas where there might be a lot of boat traffic creating wake; in the fingers of the lake where boats would be moving more slowly rip rap was not installed. He stated homeowners came in and installed rip rap, mostly without asking permission. He noted the original land development code for lakes indicated only 20 percent of the shoreline could have rip rap, and the District asked the County to increase this to 65 percent because of the nature of the lake. He explained there was a running tally by the County keeping track of how much shoreline had approved rip rap and where it was located and if the 65 percent limit were breached any homeowners who were over the 65 percent limit would be required to remove the rip rap. He noted at the last tally, the District was still below 65 percent, but he was unsure what the exact percentage was at this time.

Mr. Reidy asked if adequate protection was provided as long as the rip rap was installed above the control line, even by two feet, as was the case in Bellini.

Mr. Krebs responded in the affirmative. He stated installing above the control line by one or two feet provided protection against typical wear and tear from typical wave action; installing the rip rap higher would help provide protection during major storm events.

Mr. Reidy noted Irma came in and removed rip rap and eroded the shore up to eight feet above the control line. He asked whether Mr. Krebs recommended installing rip rap higher than two feet above the control line in case of a storm. He stated he felt the District was being reactive rather than proactive regarding to storm damage. He noted in this past rainy season, the rip rap in Bellini, even though it was two feet above the control line, was completely under water.

Mr. Krebs noted there were residents who did not want rip rap five feet up the shoreline, and this needed to be considered as well. He noted there were some areas in which there was not five feet of shoreline left to install rip rap.

Mr. Bernard stated there were many lots which were graded to drain into the lakes as opposed to drain out front, so to raise the rip rap in these lots would decrease the efficacy of the drainage.

Discussion continued regarding rip rap installed by homeowners; areas where rip rap was unnecessary; areas where rip rap was needed; areas where rip rap was the highest and why; areas where rip rap was the lowest and why.

Mr. Krebs stated the other exhibit was of potential dry retention area planting materials. He reported last month he had a meeting in Lugano to discuss the dry detention area with the local HOA and residents. He stated the residents were concerned about the look and maintenance of the dry detention area. He explained in the winter, the dry detention area's aquatic plants went dormant, and the greenery disappeared. He indicated he explained to the residents that as this was a detention area, aquatic plants were used, and while he could develop a plan for the area, the residents who were present in the summer would be the ones who would enjoy whatever color and flowers bloomed in the area. He stated he emailed the planting plan to Jeff Evans, the HOA president in Lugano, copied Mark Geschwendt with the Master Association. He noted this was not a definite planting plan, but he wished to get some feedback from Jeff and Mark and the CDD Board. He stated if the planting plan went over well, it might be applied to the other dry detention areas in the community.

Ms. LeFevre asked what the planting plan cost would be.

Mr. Krebs responded the cost would be approximately \$40,000 dollars and would include stone for drainage, a path for maintenance, additional trees and taller plantings for interest. He stated Bill Prizy (ph), the in-house landscape architect, developed this plan.

Mr. Refkin stated the plan looked very nice.

Discussion ensued regarding the other smaller dry detention areas in Lugano; how much it would cost to plant in each detention area; the larger dry detention areas in other parts of the community; using the same plant palate in the dry detention areas in other parts of the community if this were received well; hedges surrounding many of the dry detention areas in the community; and hedges camouflaging most of the dry detention areas.

Mr. Bernard explained the dry detention area in question originally had a hedge surrounding it, but this was removed before the CDD took it over.

Discussion ensued regarding what portions of the dry detention area were owned by the Master HOA and what portions were owned by the CDD; the plantings only being installed on CDD owned land.

Ms. LeFevre asked how much it would cost to replace the hedge as opposed to spending \$40,000 dollars on plantings.

Mr. Krebs stated he was unsure, however, the CDD had no control over the hedge.

Discussion ensued regarding when and why portions of the hedge were removed; what the hedge was replaced with; the hedge still being in place around the dry detention area, but not continuously; the area being a healthy detention area and wildlife sanctuary for birdwatching; the area being attractive in the summer; and the previous president of the local HOA being responsible for the alterations to the dry detention area.

Mr. Weber stated it sounded as if the local HOA president made changes as he pleased, and while he was not opposed to doing something to improve the area, \$40,000 dollars sounded like a lot of money.

Ms. LeFevre agreed \$40,000 dollars was a lot of money; however, she was leaning toward not doing anything to improve the area.

Mr. Ward stated he felt something needed to be done. He stated there was a lot of real estate surrounding this dry detention area, and it was basically in their front yards. He stated the residents should be allowed to weigh in on the plan and the CDD should take a more proactive approach to maintaining the area which included improving it to a condition which made it more palatable to the residents. He stated if you went and looked at the area, you would agree you would not want it in your front yard.

Mr. Reidy agreed; this was a large dry retention area right in front of a lot of homes in a large cul-de-sac.

Discussion ensued regarding the high cost of this improvement; whether the other dry detention areas would need to be improved if this was improved; there being six dry detention areas in the community, but only four which could be improved.

Ms. LeFevre asked what the CDD was being asked to consider today.

Mr. Krebs explained today he was bringing the request from the residents in Lugano to see what could be done to improve the dry detention area. He stated he was asking for feedback from the Master Association and Lugano HOA. He explained he did not want to show up in a month or two with a landscape plan for the CDD to approve without warning or feedback from the CDD.

Ms. LeFevre stated the CDD had to keep in mind, it was not just considering the one dry detention area; if this dry detention were improved, then all six would have to be considered for improvement.

Mr. Ward agreed, all of the dry detention areas had to be reviewed and considered for improvement. He stated this dry detention area was the first priority area for improvement, but the rest of the dry detention areas should be looked at and budgeted for appropriately in future budgets.

Mr. Refkin asked if the plantings would only be installed on CDD owned property.

Mr. Krebs responded in the affirmative.

Mr. Weber asked if filling in the hedge and growing the hedge taller would be an option for improvement. He noted that would be much less expensive than \$40,000 dollars.

Mr. Krebs stated the hedge was not in the dry detention area, the hedge was in the right-of-way.

Mr. Refkin stated filling in and growing up the hedge was still an option, and the cost should be determined.

Mr. Reidy stated he understood the surrounding residents wanted this to be a nature area for bird watching which they could see into; they did not wish to grow the hedge to hide the area, they wanted to clean up the bottom to give it more color in the winter. He noted he lived at the end of a cul-de-sac, and his cul-de-sac was landscaped; this cul-de-sac was a dry detention area, so he understood the residents concern about how it looked.

Discussion ensued regarding growing the hedges; what the homeowners wished in terms of landscaping versus hedges; presenting hedges to the homeowners as an option; reducing the density of the plantings and height of the trees to reduce cost; and different planting options.

Mr. Krebs noted this was just the starting point, he was just bringing this to the attention of the Board.

Mr. Refkin agreed this was just step one. He noted yes, all of the dry detention areas would need to be considered, but this did not mean every dry detention area would be improved to this degree, and at least the Board now had knowledge of what was out there and needed to be done. He thanked Mr. Krebs.

Ms. LeFevre indicated she was going to go look at the dry detention areas.

Mr. Krebs explained where the dry detention areas were located.

Mr. Ward stated after Mr. Krebs met with the Master and local HOA, he would return to the CDD to discuss this further.

Mr. Krebs concurred.

III. Asset Manager

a) Operations Report January 1, 2023

Mr. Richard Freeman reported three proposals for the plantings in the fishery were received; the lowest bidder was Earth Balance at \$69,700 dollars which was within budget. He noted the plants would be between 10 to 18 inches tall.

Mr. Bruce Bernard discussed where the plantings would be installed. He noted there would be plantings for the next three years.

Mr. Freeman stated no fence would be needed around the plants due to the size of the carp. He stated Miromar Lakes would pay 72 percent of the budget and the planting would take place

sometime in March or early April. He reported in regard to stormwater maintenance, the maintenance cycle was back around to phase 1. He indicated the communities which would be inspected were listed in the Agenda Packet. He stated 7 drains which needed cleaning were discovered during the video taping of the stormwater system; these drains were cleaned. He stated there was a section of pipe which needed repair, and this would be done after (indecipherable). He reported Dragonfly would be present next week to do rip rap repair in Isola Bella.

Ms. LeFevre asked if toad removal was being done across the street. She noted she saw a toad for the first time in her community.

Brief discussion ensued which was (indecipherable).

Mr. Reidy asked when the bait fish would be stocked in the lake; was stocking fish the next step.

Mr. Bernard reported next year more vegetation would be installed, and electrofishing would begin to remove the big bass. He noted you did not want to put little fish in the lake with big fish as the big fish would eat all the little fish. He stated the following year fish stocking would begin for two years.

IV. District Manager

a) Financial Statements for period ending December 31, 2022 (unaudited)

Mr. Ward stated he noticed in his Districts, the percentage of collection of on-roll assessments as of December 31st were all lower this year than in previous years.

Mr. Reidy explained residents were given an extra month to pay the assessments and get the 4 percent discount due to the hurricane.

Mr. Ward noted this explained it. He stated there were no Adjusting Journal Entries made by the auditor. He noted the September financials were done in October, so the entries his team made for audit purposes were not included in the audit; therefore, he would update the audit and include this in the next Agenda.

Mr. Reidy suggested the 633 number on page 2 of the balance sheet, the section on fund balance, be removed. He stated he looked at the 633 number as the free cash flow, and he discussed why he felt this was unnecessary and should be removed from the financial statements.

Mr. Ward stated he had no problem removing it. He stated he would do as Mr. Reidy recommended. He stated for purposes of the budget, he would calculate the fund balance, calculate the three months of reserves, and whatever was leftover would be dropped into an overall reserve account which was much easier to keep track of.

Mr. Reidy stated this would be just fine.

Mr. Ward asked if there were any Supervisor's Requests; there were none. He asked if there were any audience members present in person, or on audio/video with any questions or comments; there were none.

SIXTH ORDER OF BUSINESS

Adjournment

Mr. Ward adjourned the meeting at approximately 3:00 p.m.

On MOTION made by Mr. Alan Refkin, seconded by Mr. Doug Ballinger, and with all in favor, the meeting was adjourned.

Miromar Lakes Community Development District



James P. Ward, Secretary



Alan Refkin, Chairman