

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

The Regular Meeting of the Board of Supervisors of Miromar Lakes Community Development District was held on Thursday, March 14, 2019, at 2:00 p.m. at the Beach Clubhouse, located at 18061 Miromar Lakes Parkway, Miromar Lakes, Florida 33913.

Present and constituting a quorum:

Dr. David Herring	Chairman
Mr. Doug Ballinger	Vice Chairman
Mr. Alan Refkin	Assistant Secretary
Mr. Michael Weber	Assistant Secretary
Ms. Mary LeFevre	Assistant Secretary

Also present were:

James P. Ward	District Manager
Greg Urbancic	District Counsel
Charlie Krebs	District Engineer
Bruce Bernard	Asset Manager

Audience:

Mr. Tim Byal	Miromar Development Corporation
Ms. Julie Wilson	Representative of the Lake Use Committee

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. and all Members of the Board were present at roll call.

SECOND ORDER OF BUSINESS

Consideration of Minutes

February 14, 2019 – Regular Meeting

Mr. Ward stated the second order of business was consideration of the February 14, 2019 Regular Meeting Minutes. He noted each member of the Board was issued a copy of the Minutes. He noted Mr. Bruce Bernard indicated on page 4 where it read "Mr. Bernard" it should read "Mr. Urbancic." He asked if there were any other additions, corrections or deletions for the Minutes. Ms. Mary LeFevre noted there was a typo on page 3, second to the last paragraph, third line. She asked about "Board Member 17:28." Mr. Ward explained when the transcriptionist was unsure who was speaking, the transcriptionist would insert "Board Member 17:28;" the "17:28" was the audio recording time

reference point which enabled Board Members to refer to the audio to determine who was speaking at this time. He asked if there were further corrections, deletions or additions; hearing none, he called for a motion.

On MOTION made by Mr. Alan Refkin, seconded by Mr. Doug Ballinger, and with all in favor, the February 14, 2019 Meeting Minutes were approved.

THIRD ORDER OF BUSINESS

Consideration of Resolution 2019-2

Consideration of Resolution 2019-2 Acceptance of Berm Conveyances.

Mr. Ward indicated Resolution 2019-2 was a "clean-up" item and asked Mr. Tim Byal to elaborate.

Mr. Tim Byal reported many small pieces of property had been identified which had not been properly transferred over to the CDD. He explained this Resolution would complete the conveyance of all these small pieces of property over to the CDD. A Board Member 3:50 stated there were two pieces of property on Ben Hill and one on FGCU Lake Parkway. Mr. Byal concurred. A Board Member 3:58 stated he did not remember the property on Ben Hill Griffin as being a berm, the berms were built, and he did not recall when the CDD took over this property. He asked if this occurred prior to his becoming a Board Member. Mr. Byal responded in the affirmative and explained why proper conveyance of the various properties had been neglected. He reviewed a map which illustrated the pieces of property which were to be conveyed to the CDD. He explained the CDD had been maintaining these properties for years; this Resolution would simply correct the legal records indicating ownership.

On MOTION made by Dr. David Herring, seconded by Ms. Mary LeFevre, and with all in favor, Resolution 2019-2 was adopted as above and the Chair was authorized to sign.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2019-3

Consideration of Resolution 2019-3 Acceptance of Stormwater Conveyances.

Mr. Ward indicated Resolution 2019-3 was an addendum to a previous Resolution. He asked Mr. Urbancic to explain.

Mr. Greg Urbancic reported clean up on stormwater lines and drainage basins were to be transferred to the CDD for maintenance purposes; Resolution 2019-3 accepted these conveyances. He explained some neighborhoods owned the stormwater lines and the CDD would be required to partner with the neighborhoods for clean up efforts. He stated the process involved an inordinate amount of paperwork undoubtedly changes would need to be made to the various legal documents involved. He explained the addendum indicated if there were necessary modifications to the documents then the Chair, in conjunction with Mr. Ward and Mr. Urbancic, could finalize the modifications. He noted if there were material changes the Board would be notified. He indicated Miromar Lakes, LLC, the Master Association and the Golf Club signed the documents. He stated Mr. Charlie Krebs would answer any specific

questions regarding the various stormwater properties and facilities. He noted as each neighborhood signed the appropriate documents a letter which certified the stormwater facilities had been constructed in accordance with the plans and specifications and were acceptable for acceptance would be included. Discussion ensued regarding the multifamily neighborhoods still to be included, completing the platted neighborhoods first, followed by the more complicated areas.

On MOTION made by Mr. Alan Refkin, seconded by Mr. David Ballinger, and with all in favor, Resolution 2019-3 was adopted as above and the Chair was authorized to sign.

FIFTH ORDER OF BUSINESS

Staff Reports

a) Attorney

Mr. Greg Urbancic stated he had no report.

b) Engineer

Mr. Charlie Krebs stated he had no Report.

Mr. Ward stated before Mr. Bernard gave the Asset Manager Report he wanted to discuss ADA compliance. He noted over the past year there were 24 law suits against CDDs (none with which he was associated) relative to ADA website compliance. He indicated the websites he maintained were ADA compliant, aside from an issue he became aware of recently which he was in the process of correcting. He explained the issue was related to how a visually impaired individual would read a PDF file; his websites contained many PDF files and the older PDF documents were not in a visually impaired readable ADA approved format. He explained he was in the process of making the appropriate necessary upgrades to the ADA approved formatting. He noted the ADA was targeting not only CDDs, but municipalities and counties as well. He stated the law suits were costing CDDs between \$25,000 and \$50,000 to settle. A Board Member 14:00 asked if the visually impaired were converting the PDF files to audio. Mr. Ward responded in the negative. He explained there was a way to convert the PDF to a readable file by a visually impaired person through a specific version of Adobe Acrobat. A Board Member 15:18 stated there was software available which would allow text to become audible. He asked how a PDF file could be made readable for a blind individual if not through audio. Mr. Ward responded he was unsure exactly how it worked, but as it was explained to him, the visually impaired utilized computer screens which allowed the individual feel the website. He noted the law suits were impacting insurance rates as insurance companies were raising rates and requiring certain third party vendor compliance reviews.

c) Asset Manager

Asset Manager Bruce Bernard reported the contractor was on site working in Portofino and Montebello completely Capital Improvement projects. He noted Bellamare, Porto Romano and Siena were to be completed next. He stated hopefully the contractor would be done with this

year's Capital Improvements by the end of May 2019. He displayed and discussed pictures of the restoration work.

Mr. Bernard noted the first FEMA check received was \$9,000 dollars and covered 75% of the irrigation repairs. He stated the CDD was now waiting for the larger check to be approved and issued.

FOURTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

A Board Member 20:05 asked if anything occurred at the Representative Meetings which the Board should be aware of. Discussion ensued regarding the Minutes from the Representative Meetings, which the Board received, covering all necessary information.

A Board Member 20:32 asked about the carp life cycle which he believed was about to end. He noted the algae bloom would continue to be problematic and the Board needed to consider adding carp or utilizing chemicals to kill the algae. He stated the CDD did not own the lake involved, and both solutions to the problem were expensive. A Board Member 22:12 stated Ms. Julie Wilson, a representative of the Lake Use Committee was present. He stated a coordinated effort needed to be made between the CDD and the Lake Use Committee to oversee water quality. He noted Ms. Wilson understood the necessary rules and regulations and as such has taken the lead in this effort. He stated he believed a document should be created which clearly depicted lake regulations. Discussion ensued regarding the expense of fish and/or chemicals, the need to budget for the expenses, lake barriers, the CDD not being obligated to install lake barriers, and the CDD having the right to install lake barriers if desired.

Ms. Julie Wilson stated she was an educated amateur in lake matters, not a professional. She stated she served on the Lakes Committee from 2005 in her previous community in Virginia, a gated lakes community similar to Miromar Lakes. She stated in Virginia her community's lake had the same difficulties with algae, as well as difficulties with carp overrunning the lake ruining fishing prospects. She stated she felt it was important to reach out to an expert in this situation. She briefly reviewed the history of the problems she encountered in Virginia and the solutions her community employed. She explained she learned through the process the importance of looking to experts in the field for planned strategy development. She recommended twice annual vegetation surveys, titrated carp stocking, and an electrofishing survey to determine fish populations. She noted the CDD was up to date on nutrient and chemical monitoring. She recommended developing a plan of action and applying for state and private charity funding. She stated Mr. Byal was attempting to get FGCU to lend its expertise.

Discussion ensued regarding there being no experts to employ locally and the problems with the previous carp installation.

A Board Member 36:45 thanked Ms. Wilson for her presentation. He stated the fish population was not the CDD's purview. He stated the CDD went into the previous carp installation well educated; the carp were sterilized, a life expectancy was determined and the number of carp was calculated prior to release. He noted there were "experts" who made recommendations, including Southwest Florida Water Management. He stated he believed the problems which resulted could not have been predicted. He agreed strategical planning was important.

A Board Member 38:55 stated the previous algae problem was quite severe and could not be solved through chemical administration; therefore, the CDD took the most aggressive, yet environmentally friendly, approach as possible. He noted as a result of the prior experience the CDD could approach the current issue better educated. He stated he believed carp were the best natural solution to the algae problem.

Ms. Wilson noted it was important to have a vegetation survey prior to carp administration. She agreed carp was the best solution; chemicals could cause difficulties.

Discussion ensued regarding needing the cooperation of the lake owners prior to implementing any plan.

Ms. LeFevre asked about Mr. Byal's meeting with the lake owners. Mr. Byal responded the meeting with the lake owners went well. Discussion ensued regarding the lake owner's plans, the importance of being aware of said plans, water turbidity, turbidity barriers, water depth, barrier depth, and Mr. Byal having a satisfactory line of communication with the lake owners.

Mr. Michael Weber stated there were no formal instructions to determine size, height, location, etc., in relation to dock construction which has led to extremely varied dock installations along the lake shore. He stated he believed there should be a document which regulated dock installation or modification, which included dock regulations, approval processes, etc. He noted this was discussed at the Voter Rep Meeting, as well as the Master Association Meeting. He stated the docks were located on CDD property and as such the CDD should develop a formal approval process in relation to docks.

A Board Member 49:40 asked if the Master Declaration superseded the CDD in this issue. Mr. Byal responded in the affirmative. He explained there was a process, but it was not specific. He stated he hoped to develop regulations to be used as a basis for approval by the ARB. Discussion ensued regarding the Master Declaration enforcing the regulations and the CDD not becoming involved, as well as the problem of existing docks not falling into regulation standards.

Mr. Byal stated the CDD's obligation has been met regarding the median strip/tax situation. He noted the overlay district was in the process of being abandoned and an agreement had been made regarding maintenance which would prevent further assessment. He stated any remaining funds would be used as a capital expense to enhance landscaping.

Mr. Weber asked for an update regarding Mr. Jack Hewes. Mr. Ward responded Mr. Jack Hewes's request was put on hold at the previous Board Meeting until the value of the entire problem within the entire CDD could be determined. He stated he expected the necessary repair survey results would be available at the next Board Meeting which would include an estimate of Mr. Hewes's repairs. He noted at this point Mr. Hewes's request would come before the Board once more.

A Board Member 57:25 asked if Mr. Ward had developed any policy guidelines regarding resident reimbursement for repairs or denial of repair reimbursement. Mr. Ward responded in the negative; he would develop procedure guidelines once the Board determined whether it wished to reimburse residents for repairs. He stated it would be a very difficult process if the Board decided to approve reimbursement. Discussion ensued regarding new procedures, past procedure being clearly non-reimbursement, the situation with Mr. Hewes, no one telling Mr. Hewes he would be reimbursed, not being able to retroactively reimburse residents, easement ownership, easement responsibility, the HOAs

being well informed regarding CDD contact information, the CDD contact information being available on the Miromar Lakes website, information being available to residents regarding the CDD, the need to clearly indicate within the website residents would not be reimbursed for repairs, hurricane damage, the CDD doing an excellent job with regard to hurricane damage repair, CDD contact information being available via the CDD website, Mr. Hewes clearly stating damage to his lake shore being the result of boat wake damage and hurricane damage, the CDD not being responsible in any way for boat wake damage, and whether Mr. Hewes was actually told he would be reimbursed.

Mr. Ward stated the CDD website was easily found via Google search, and the website clearly displayed contact information. Mr. Weber recommended linking the CDD website to the Miromar Lakes People website. Mr. Ward stated this was an excellent idea and asked Mr. Weber to link the websites. Mr. Weber agreed.

Mr. Ward stated the CDD needed to address the Reserves Account when it reviewed the 2020 Budget. He stated Hurricane Irma was an unusual event; however, the CDD needed to be prepared.

Mr. Weber stated he has worked to make residents aware of the CDD through the Voter Rep Meetings.

Mr. Ward asked if there were any further questions or comments; hearing none he called for a motion to adjourn.

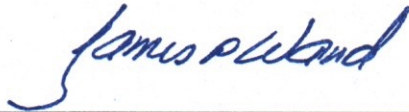
FIFTH ORDER OF BUSINESS

Adjournment

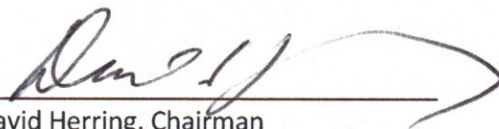
Mr. Ward adjourned the meeting at 3:20 p.m.

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



David Herring, Chairman