

**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, March 14, 2024, 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
Mary LeFevre	Assistant Secretary
Doug Ballinger	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

**Audience:**

Erin Dougherty  
Heather Chapman  
Robin Koop  
Connie L.

All residents' 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**

**February 8, 2024 – Regular Meeting**

Mr. Ward asked if there were any additions, deletions, or corrections for the Minutes.

Several suggestions were made, and the Minutes were amended.

**On MOTION made by Patrick Reidy, seconded by Doug Ballinger, and with all in favor, the February 8, 2024, Regular Meeting Minutes were approved as amended.**

### **THIRD ORDER OF BUSINESS**

### **Staff Reports**

#### **I. District Attorney**

Mr. Urbancic stated the legislative session had come to a conclusion and he would keep the Board updated regarding what the Governor signed. He noted a bill requiring special districts to establish performance measures and evaluate said established performance measures was passed, and he was waiting to see if the Governor signed the bill. He stated he would report back to the Board. He indicated the Sovereign Immunity bill died which was good.

#### **II. District Engineer**

Mr. Charlie Krebs stated the Drainage System Transfer proposal was in Bella Vista's hand, in Lisa's hand.

Mr. Refkin stated in talking to Marie at Bella Vista, she said the original proposal was for \$5,000 dollars; however, he heard about an additional \$3,000 dollars and it was not clear what this was for. He stated the estimate sheet he saw from Mr. Krebs was very detailed and gave a \$5,000 dollar estimate. He asked about the \$3,000 dollars.

Mr. Krebs explained when he was doing the sketch and legals, he figured out there might be one to three sketch and legals needed and provided an estimate for what it would be for each. He stated these were narrowed down to a specific number and a total cost was provided. He explained he took the vagueness out for the number of sketch and legals which would be possible and wrote the proposal against the new number. He stated the \$3,000 was the estimate for the finalized number of sketch and legals it would take for the whole drainage system.

Mr. Refkin indicated Mr. Krebs might want to clarify this with Marie at Bella Vista.

Mr. Krebs stated he could reach out to Lisa and Marie. He asked for Marie's email.

Mr. Refkin indicated he would provide Mr. Krebs with Marie's email.

Mr. Krebs stated the surveyors were supposed to stake out the property line between Miromar Lakes and Esplanade by the end of the week.

#### **III. Asset Manager**

##### **a) Operations Report – March 1, 2024**

Mr. Bruce Bernard stated the rip rap was finished in Bellini, Verona Lago, and Isola Bella. He noted there was some GeoTube work to do at Bella Mare, the rip rap was finished, and the last part of GeoTube work at Montelago was being finished.

Mr. Refkin asked if cane toad season had begun.

Mr. Richard Freeman responded in the affirmative; the tad poles started to increase, and he received a few residential complaints. He stated these have been addressed.

Discussion ensued regarding cane toad traps; the efficacy of the traps; and whether the District should put out traps.

Mr. Weber stated his friend who had a horrible problem with midge flies last year reported a much improved midge fly situation this year.

Discussion ensued regarding the midge flies.

Mr. Freeman indicated an apple snail treatment would also be done.

Mr. Bernard stated with the fishery program the oxygen sampling was slated to begin to determine if more diffusers were needed to oxygenate the water for fish viability. He stated oxygen sampling would take 3 to 4 months to complete.

Mr. Weber asked if the District was using cane toad traps.

Discussion continued regarding the cane toad traps.

Mr. Freeman indicated he understood the District felt it was the responsibility of Miromar to pay for traps, but he could get a cost estimate for the Board to decide if it would like to move forward with traps.

#### **IV. District Manager**

- a) Florida Law changes to Form 1 Filings**
- b) Financial Statement for period ending February 29, 2024 (unaudited)**

Mr. Ward stated he would keep the Form 1 issue on the Agenda. He stated in the printed material provided to the Board there was an updated memo, and he would send this memo to the Board in Word also. He explained the links for the three courses were included in the memo. He discussed the training courses for each link. He noted the law did not require any sort of certification, it only required the Board Members to complete the courses. He indicated any questions could be directed to himself or staff. He noted the Board could complete the training through other means, but the links he provided were free training resources. He stated the filing due date for this year was July 1, 2024 and the ethics training box did not need to be checked this year. He stated the ethics training was due before the end of the calendar year, but he recommended completing the ethics training sooner than later.

**FOURTH ORDER OF BUSINESS**

**Supervisor's Requests and Audience Comments**

**Supervisor Mike Weber: Ravenna Water Management System turnover**

Mr. Weber stated he spoke with Boris and Ravenna had not approved the turnover yet. He explained Boris wanted to make sure everything was done perfectly but planned to have it done this month.

Mr. Ward noted the Board and Mr. Weber had done what could be done and it was in Ravenna's hands at this point. He stated he understood Ravenna did a good job on the rip rap.

Ms. LeFevre asked Heather Chapman about the replenishment of the tree corridor.

Ms. Chapman stated she understood plants were going in but was unaware of trees. She stated she heard there was a meeting with the developer about the I-75 berm, but she was not in the meeting.

Ms. LeFevre stated after the hurricane took out the trees, she thought there would be replanting on the berm.

Ms. Chapman responded there was about \$80,000 dollars in plantings.

Discussion ensued regarding the I-75 berm and the trees which needed replacement.

Mr. Refkin stated the District had an agreement with Miromar (Master HOA), Miromar would take care of the berms; however, two hurricanes had come through and no tree replacement has taken place. He stated the District was now gathering data as to exactly what the berms needed. He discussed the poor condition of the berms and Miromar's poor handling of the berms. He gave a brief history of when, how and why Miromar took over the care of the berms. He stated after the data was gathered the District would determine what was needed to bring the berms up to "Miromar status."

Mr. Weber stated if this was the case, then the District would be the one responsible for repairing the berms.

Mr. Refkin stated he felt it should be a conversation between the District and the Master HOA because Miromar had the responsibility, but he did not believe Miromar had received any direction, and there was no self-motivation from Miromar in this regard.

Mr. Weber asked if part of the informed decision would include a meeting with the Master HOA to find out if there was any intent of the Master HOA to fix the berms.

Mr. Refkin responded in the affirmative.

Ms. LeFevre stated she thought there was an agreement with the Master HOA to take responsibility for the berms in the case of hurricane damage.

Mr. Refkin concurred. He stated this was the case, but the Master HOA (Miromar), was not fulfilling this responsibility.

Discussion continued regarding the berms; and why the Master HOA took over maintenance of the berms.

Mr. Ward stated he would theoretically present a budget to the Board in April, but he was unsure of the exact date. He indicated the state of the landscaping in the hands of the Master HOA, was not finished yet. He stated as soon as this was finished, he would be able to produce the budget and hopefully this was done before the April meeting.

Mr. Ballinger asked if installation of a fence on the back berm should be a shared expense with the Master HOA.

Mr. Bernard stated Taylor Morrison planned to put up a wall across the back, so a fence would be unnecessary.

Ms. LeFevre asked about the berm on Ben Hill Griffin. She noted it was in poor condition also.

Ms. Chapman stated that berm belonged to the golf course.

Discussion ensued regarding who actually owned this berm.

Mr. Bernard indicated he would look into it and find out who owned the berm.

Mr. Refkin discussed the berm he felt looked the worst.

Discussion continued regarding the berms; the poor condition of the berms; how to fix the berms; and the responsibility of the Master HOA to maintain the berms.

Mr. Refkin stated the Master HOA increased the residents' assessment by \$300 or \$400 dollars a quarter when it took on the berms. He asked where these funds went.

Discussion ensued regarding the Master HOA budget and the money dedicated to maintaining the berms; how the Master HOA tracked the funds spent on the berms; the Master HOA's contract with the landscaping company and how the contract changed with the addition of berm maintenance. Portions of this discussion were (indecipherable).

Mr. Ward stated, to Ms. LeFevre's point, the reason the berms were moved to the Master HOA was the District did not have the reserve funds needed to repair the facilities which were damaged from the hurricanes. He stated Miromar Lakes had been through two hurricanes and the CDD Board was not seeing the Master HOA use its reserves, which the Master HOA indicated would be used. He stated the CDD was told the Master HOA had "x" millions of dollars in reserves and would use those reserve funds to replace the landscaping damage done by the hurricanes. He stated the question was, what Ms. LeFevre was asking was, had this been done. He stated it was a yes or no answer: had the Master HOA used its reserves.

Mr. Dougherty responded it was not a yes or no question; the answer was yes some of it has been done.

Ms. LeFevre stated it was not done with reserves.

Ms. Chapman stated the Master HOA could not use its reserves for this purpose.

Mr. Dougherty stated that they could not use reserves for landscaping.

Mr. Ward asked then why the CDD changed the contract over to the Master HOA.

Mr. Dougherty stated as he remembered the conversation the CDD was proposing a reserve for the CDD for a plant, but you cannot have a reserve for a plant.

Mr. Ward stated it was not for a plant. He explained the CDD was establishing a reserve account in the event that there was damage done from natural disasters, and the CDD did not have it in the budget to handle it in the year of the hurricane, and would not until the next year, and the next budget cycle. He stated the number was a large number. He stated the developer indicated at the time that it would be more cost efficient for the District to enter into an agreement with the Master HOA to maintain the facilities and the Master HOA had sufficient reserves to handle hurricane damage that the District did not have.

Mr. Bernard stated the Master HOA took the landscaping, but the CDD took the stormwater drainage system which it never had before, when the switch was made. He stated the CDD took the cleaning of the drains, the maintenance of the drains, etc., away from the Master HOA and was fulfilling its obligations. He noted the Master HOA had the drainage in the past. He explained the Master HOA took the landscaping and the CDD took the drainage system.

Mr. Refkin stated during a meeting the CDD proposed a \$500,000 dollar reserve; Tim Byal did not like this idea, and the Master HOA chose to take over the maintenance of the berms. He stated the CDD agreed under the idea that the Master HOA would maintain the berms and landscaping at the same level of quality while bringing down the cost to residents; however, now the quality of the landscaping was deteriorating. He stated Ms. Chapman and Mr. Dougherty did an excellent job; his complaints were not a reflection on Ms. Chapman or Mr. Dougherty. He wondered if the Master HOA did not have the money to replace the plants, how was it going to replace the trees. He stated it could not happen without an assessment and an assessment was not wanted. He stated there would be more hurricanes, and more trees would need to be replaced and it was important to figure out how the CDD and the Master HOA could get ahead of the landscaping.

Mr. Weber stated as there was an agreement signed by both parties, it should be reviewed.

Mr. Refkin agreed and stated there was also a recording of the conversations which could be reviewed. He stated everyone wanted the same thing, a really great place to live with zero problems.

Mr. Ballinger stated, for clarification, there was a difference between reserve and maintenance, and the Master HOA was calling this maintenance, when it was actually something else, it was replacement of damage caused by the hurricane. He stated this was what the CDD based its decision on. He explained this was not maintenance, this was replacement, and this was what the Master HOA was supposed to do according to the agreement, and this had not been done.

Mr. Refkin stated this was not an adversarial conversation, this was trying to figure out how this could get done.

Mr. Ward asked if there were any audience questions or comments.

Ms. Robin Koop asked what would happen to the east of her home from the berm to the north end.

Mr. Bernard stated that was Esplanade Lake Club, and the whole area was a preserve and could not be used for anything as it was unbuilt.

Ms. Koop stated she understood the north was preserve area. She asked about the land to the east where homes were being built, the old FGCU property, was this Esplanade property and was it all Taylor Morrison.

Mr. Bernard responded in the affirmative.

Ms. Koop asked how many homes would be constructed.

Mr. Ward stated he thought the property was slated for 54 single family homes.

Ms. Koop asked how big Esplanade would be upon completion.

Mr. Ward responded there would be about 653 units.

Discussion continued regarding the Esplanade property being developed by Taylor Morrison; whether Taylor Morrison would clear the land for lakeside homes; the CDD not being privy to all Taylor Morrison's plans; the noise and mess produced by the construction; and how long construction would take (possibly approximately 18 months).

Mr. Weber stated there was a plan of action to clean up the area, build a wall behind it, and make it difficult for Esplanade residents to use Ms. Koop's lake for fishing as it was not the Esplanade's residents' property. He noted this was a good plan, but it would take time.

Ms. Connie L. asked about the apple snails.

Mr. Freeman indicated the District was currently on the second apple snail treatment out of four treatments; the next treatment would be April 1, 2024. He stated the treatments should take care of the apple snail problem.

Ms. Connie L. discussed the tadpoles and cane toads.

Mr. Refkin stated MasterHOA and Miromar Lakes had a combined budget of \$80,000 dollars to address the cane toad problem. He stated Mr. Bernard and Mr. Freeman were very aware of the problem and doing everything which could be done.

Mr. Weber noted the cane toads could never be eradicated, only managed.

Mr. Ward agreed.

Mr. Reidy discussed the budget process noting the CDD would approve next year's budget in July; therefore, the CDD had to plan far ahead and could not make last minute decisions to do work for which

Mr. Freeman responded the entire fountain had to be changed out which put the CDD over budget, and then there was quarterly maintenance also associated with fountain.

Mr. Reidy noted there was discussion about possibly adding more aerators as well.

Mr. Bernard explained the oxygen study being done would show if and where diffusers would be needed to increase aeration.

Mr. Reidy asked about the fishery's artificial reefs.

Mr. Bernard stated after the white lily pads were installed, consideration would be given to the artificial reefs. He stated the recommendation would be brought to the CDD Board for consideration. He discussed where the white lily pads would be installed.

Mr. Weber asked if the costs would be split between Esplanade and Miromar Lakes.

Mr. Bernard responded in the affirmative.

**FIFTH ORDER OF BUSINESS**

**Announcement of Next Meeting**

**Next Meeting – April 11, 2024**

**SIXTH ORDER OF BUSINESS**

**Adjournment**

The meeting was adjourned at approximately 2:59 p.m.

**On MOTION made by Alan Refkin, seconded by Patrick Reidy, and with all in favor, the meeting was adjourned.**

Miromar Lakes Community Development District

  
James P. Ward, Secretary

  
Michael Weber, Vice-Chairman