

**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 Wednesday, April 13, 2022, at 4:00 p.m. at the Library in the Beach Clubhouse, 18061 Miromar Lakes Parkway, Miromar Lakes, Florida 33913.

**Present and constituting a quorum:**

Alan Refkin	Chair
Doug Ballinger	Assistant Secretary
Patrick Reidy	Assistant Secretary
Mary LeFevre	Assistant Secretary

**Absent:**

Michael Weber	Vice Chair
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**Also present were:**

James P. Ward	District Manager
Greg Urbancic	District Attorney
Charlie Krebs	District Engineer
Bruce Bernard	Asset Manager
Tim Byal	
Andrew Gill	

**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 4:00 p.m. He conducted roll call; all Members of the Board were present, with the exception of Supervisor Weber, constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Notice of Advertisement of Meeting**

Notice of Advertisement of Regular Meeting.

**THIRD ORDER OF BUSINESS**

**Consideration of Minutes**

**March 10, 2022 – Regular Meeting**

Mr. Ward asked if there were any additions, corrections, or deletions to these Minutes; hearing none, he called for a motion.

**On MOTION made by Ms. Mary LeFevre, seconded by Mr. Doug Ballinger, and with all in favor, the March 10, 2022, Regular Meeting Minutes were approved.**

**FOURTH ORDER OF BUSINESS****Consideration of Resolution 2022-6****Consideration of Resolution 2022-6, a resolution of the Board of Supervisors approving the Proposed Budget for Fiscal Year 2023 and Setting a Public Hearing for Thursday, June 9, 2022, at 2:00 P.M. at the Beach Clubhouse, 18061 Miromar Lakes Parkway, Miromar Lakes, Florida 33913 on the Proposed Budget**

Mr. Ward explained Resolution 2022-6 began the process with respect to the 2023 Budget. He explained this approved the budget and gave the Board the opportunity to set a public hearing. He noted the public hearing would be on July 14, 2023 (not June 9), at 2:00 p.m. at the Clubhouse. He noted the budget could be changed moving through the process; however, he recommended making changes prior to the public hearing as at the public hearing the Budget would be adopted and making changes would be difficult. He explained if the budget were approved today, the Board could lower expenses or take away programs, but the budget could not go up. He reviewed budget highlights: the new bond series, debt service fund, and reduction in the assessment rates; general fund changes, overall budget increases, \$50,000 dollars for fish installment, and various capital programs. He noted a change would be made to the unit counts on the unplatted remaining units; the number of units would go down by 70 units which would increase assessments by \$25 or \$30 dollars. He stated the reserves would remain the same, the contingency would remain the same, and \$50,000 dollars would be added for snails, midge flies, and fish, etc.

Discussion ensued regarding a couple of spelling errors in the budget.

Mr. Pat Reidy asked if the Budget took inflation into account. He recommended increasing certain budget items to account for inflation. He asked about asset management needs.

Mr. Ward stated he did not necessarily account for inflation in the budget; however, he asked Bruce Bernard to provide new estimates regarding program costs which were incorporated into the budget.

Mr. Bernard noted there was only one formal bid service, for the aquatics and the wetlands, and their increase this year was 3% which was in the budget. He noted the cane toad and midge fly treatments were hourly, and this rate had not changed.

Mr. Alan Refkin asked if Mr. Urbancic or Mr. Krebs expected their respective hourly rates to remain stable.

Mr. Greg Urbancic responded if there were a change it would be moderate; however, at this point he did not expect any changes.

Mr. Charlie Krebs responded in kind.

Mr. Refkin stated Mr. Reidy had an excellent point; inflation needed to be taken into account during budget consideration.

Mr. Reidy discussed the upcoming increasing cane toad problems. He stated he was concerned service costs for cane toads and other nuisance pest relief program costs would increase.

Mr. Bernard stated the cane toad service came in three times a week and treated for cane toads; Miromar's cane toad service did the same; between the two companies the area was treated for cane toads six times a week. He stated he did not foresee an increase in cane toad service rates. He noted cane toad complaints so far this year were reduced.

Discussion ensued regarding cane toad rates; and increasing budget items and cash reserves.

Mr. Doug Ballinger asked when the electrofishing report would be ready.

Mr. Bernard responded this would be ready for the next Board Meeting.

Mr. Reidy asked as the budget could be decreased over the next few months, should an extra \$50,000 dollars be added to the budget today which could be removed before the public hearing if it were deemed unnecessary. He noted it was difficult to prepare a budget 6 to 8 months before the start of the fiscal year.

Mr. Ward stated he could add \$50,000 to the budget as a place holder item until next Meeting when the electrofishing report was reviewed.

Mr. Reidy indicated he liked this idea.

Mr. Refkin agreed.

Ms. Mary LeFevre asked how much an additional \$50,000 dollars would increase assessments.

Discussion ensued regarding the assessments; it was noted the assessments could go up \$60 dollars per unit with the reduction in units and the addition of \$50,000 dollars to the budget.

Mr. Reidy asked about the cap rate.

Mr. Ward explained the cap rate was established a number of years ago; it was an assessment rate cap; if the assessment rate went over the cap rate the CDD had to send a mailed notice to the community prior to adopting the new assessment.

Mr. Reidy stated he paid \$570 dollars a year to the CDD for maintenance and management which he felt was very reasonable. He stated he felt even \$1,000 dollars a year was a reasonable amount. He discussed the need to increase the budget as the community aged.

Mr. Ward stated he would add \$50,000 dollars and make the changes to the unit counts. He asked if there were any questions; hearing none, he called for a motion.

**On MOTION made by Mr. Alan Refkin, seconded by Mr. Doug Ballinger, and with all in favor, Resolution 2022-6 was adopted as amended, and the Chair was authorized to sign.**

## **FIFTH ORDER OF BUSINESS**

### **Staff Reports**

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

Mr. Urbancic reported on March 18, 2022, the Department of Justice (DOJ) made a statement regarding ADA accessibility with regard to websites. He stated the DOJ provided guidelines regarding this accessibility and he recommended the CDD's website IT provider review the website to ensure these guidelines were followed. He reported many of the bills he was watching died in committee during the last legislative session. He noted one bill which potentially changed advertising requirements passed. He explained the bill created a concept of a publicly accessible website; the County would be able to create a website for governments within the County to post notices. He stated he did not know whether Lee County would create this website, but if so, it would help the CDD save advertising costs.

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

##### **a) Stormwater Reporting Update**

Mr. Charlie Krebs reported the Stormwater Needs Analysis was nearly complete; he would have this ready for next month's Agenda.

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

##### **a) Operations Report April 1, 2022**

Mr. Bruce Bernard reported the fishery (electrofishing) report would be presented at the next meeting. He stated the first treatment for the apple snails was completed; the second (and final) treatment would be done shortly.

Ms. LeFevre asked if the CDD had now decided apple snail management fell within the purview of the CDD.

Mr. Bernard stated he believed this would be the case as the apple snails were associated with the lakes and the rip rap. He noted the snails on the dock pylons could be considered the homeowners responsibility, but it was simpler for the CDD to manage the problem globally as opposed to expecting all homeowners to each spray their respective properties.

Mr. Refkin asked at what point did the CDD take responsibility for addressing invasive species as opposed to one of the HOAs. He noted he understood the need for the CDD to manage cane toads and midge flies. He suggested setting guidelines regarding at which point the CDD became responsible for such things.

Ms. LeFevre stated it was important to determine what the CDD's responsibilities were. She indicated she understood the CDD was responsible for the waterways, shoreline, and public property not otherwise managed by the HOA.

Mr. Refkin added he understood the damage caused by the cane toads and midge flies, but he wondered what damage the snails would cause and how many snails there actually were.

Discussion ensued regarding the snails eating wetland plantings, the quantity of snails and how much damage said quantity might realistically cause.

Mr. Bernard explained the first year the cane toads were seen, not much was known about them and not very many were seen; however, the next year the number of cane toads doubled. He stated the same could happen with the snails. He stated the thought was to nip this problem in the bud before it got out of hand. He noted if the District could get the fishery right, the snail problem would be solved out of hand.

Mr. Tim Byal stated he did not believe the HOA could do the same job the CDD did as related to the lakes. He stated the CDD was better equipped to deal with these types of problems. He stated at the end of the day, the HOA took care of the landscaping, amenity, and privacy. He noted anything outside this realm was better handled by the CDD.

Discussion ensued regarding the snails, the fishery, the lakes, and the CDD's purview.

Mr. Refkin asked about the snail treatment cost.

Mr. Bernard responded the snail treatment cost was \$1,000 dollars per spray; so, \$2,000 dollars total. He noted the treatment would need to be repeated whenever the snails returned as the treatment was not preventative. He stated the cost could change depending upon the number of snails and snail location.

Discussion continued regarding the snails; a proper fishery solving multiple community problems; and the incoming new units and property.

Discussion ensued regarding an easement donated by the CDD years ago for a road to be built from Corkscrew to Alico; FGCU abandoning use of the access provided by the CDD but being reluctant to return the easement.

Mr. Bernard stated rip rap repair and maintenance continued. He noted one resident was transferring rip rap to the CDD and another resident was considering installing rip rap and doing the same.

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

- a) Notice of Qualified Elector Election – Seat 1, Mike Weber, Seat 2, Doug Ballinger, and Seat 3, Alan Refkin**
- b) Financial Statement for period ending March 31, 2022 (unaudited)**

Mr. Ward stated three seats were coming up for election: Seat 1, Mike Weber, Seat 2, Doug Ballinger, and Seat 3, Alan Refkin. He discussed the qualifying and election process.

Discussion ensued regarding past elections, qualifying, and the election process.

**SIXTH ORDER OF BUSINESS**

**Supervisor's Requests and Audience Comments**

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

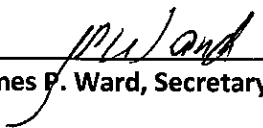
**SEVENTH ORDER OF BUSINESS**

**Adjournment**

Mr. Ward adjourned the meeting at approximately 4:45 p.m.

**On MOTION made by Mr. Doug Ballinger, seconded by Mr. Pat Reidy, and with all in favor, the meeting was adjourned.**

**Miromar Lakes Community Development District**

  
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James P. Ward, Secretary

  
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Alan Refkin, Chairman