

**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, June 11, 2020, at 2:00 P.M. at the Beach Clubhouse, 18061 Miromar Lakes Parkway, Miromar Lakes, Florida 33913.

**Present and constituting a quorum:**

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

**Also present were:**

James P. Ward	District Manager
Greg Urbancic	District Attorney
Bruce Bernard	Asset Manager

**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.

**PORTIONS OF THIS MEETING WERE TRANSCRIBED VERBATIM. ALL VERBATIM PORTIONS WERE TRANSCRIBED IN *ITALICS*.**

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

District Manager James P. Ward called the meeting to order at approximately 2:07 p.m. He reported with the State of Emergency in Florida, and pursuant to Executive Orders 20-52 and 20-69 issued by Governor DeSantis on March 9, 2020 and March 20, 2020 respectively, and pursuant to Section 120.54(5)9b)2., Florida, Statutes, this meeting was being held utilizing communication media technology due to the current COVID-19 public health emergency. He explained all Members of the Board and Staff were present via videoconference or telephone; no persons were present in the on-site meeting room location. He asked all speakers to state their names for the record prior to speaking. He conducted roll call; all Members of the Board were present constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Consideration of Minutes**

**May 14, 2020 – Regular Meeting**

Mr. Ward asked if there were any corrections or additions to the May 14, 2020 Minutes.

*Mr. Mike Weber: On page 6, 2<sup>nd</sup> paragraph of the minutes, we, in our discussion last month regarding the cane toads, an individual's name came up, a resident of Miromar Lakes, and that individual's name is in the Minutes, and I don't think it is appropriate to put his name in the minutes. I think we can put down "a resident" instead of his name. Agree or not?*

Mr. Ward indicated he was willing to change the Minutes to "a resident." Dr. David Herring indicated this was acceptable. Mr. Weber further explained his reasons for wishing to remove the resident's name from the record.

**On MOTION made by Mr. Doug Ballinger, seconded by Mr. Mike Weber, and with all in favor, the May 14, 2020 Regular Meeting Minutes were approved as amended.**

### THIRD ORDER OF BUSINESS

### Consideration of Resolution 2020-8

**Consideration of Resolution 2020-8, a Resolution of the Board of Supervisors of Miromar Lakes Community Development District accepting certain Fee Simple and Easement Conveyances relating to certain lakes known as Tracts O-2 and O-3 together with Related Stormwater Improvements in the Subdivision known as Miromar Lakes Unit Xvii – Costa Maggiore Plat – Phase I; Authorizing the Re-Conveyance back to the Developer of a portion of Tract O-1, Miromar Lakes Unit Xvii – Costa Maggiore Plat – Phase I; Authorizing the Chairman (or the Vice Chairman in the Chairman's absence) to Execute such Conveyance and Re-Conveyance Documents to the extent necessary to carry out this Resolution**

Mr. Ward asked Mr. Charlie Krebs to review Resolution 2020-8.

*Mr. Charlie Krebs: The request is to transfer a portion of the completed drainage system as part of the Resort Village Phase I development. It's going to be 2 lake tracts, which is tract O2 and tract O3, and the completed roadway drainage within Via Torino Way and that connects lake tract O3 to an existing golf course lake. There are also easements that have been recorded with the plat. As part of the request to transfer this there is a portion of an existing lake tract that was deeded to the district as part of the lakeshore work that was going on for Bellini and Ana Capri, Castelli, in that area. That stretches all the way up to the north end of that recreational lake, the old mine lake on the north side. As part of the transfer request, there is a request to transfer back about an acre and a half of that, so that Miromar can continue to develop the undeveloped portions up there near Alico and Ben Hill Griffin. As part of the package that I've provided as a letter of explanation, which kind of summarizes the tracts and the easements that are going to be transferred to the CDD, and there is an exhibit in there that shows the two lake tracts covered in blue, and then delineates the inlets and the drain pipes that go along Via Torino Way to tract O3 and then also shows it connecting from tract O3 over to the existing golf course lake. I've also included in there a copy of the recorded plat that encompasses not only the Phase I that we are making a request for today, but Phase II which would be subject to a request in the future once the construction in that area has been completed. It delineates and calls out the existing drainage easements that have been recorded as part of the plat. There is also a copy of the certification from South Florida Water Management District for Phase I and a copy of the certification letter from Lee County for Phase I. Then, I have included a copy of the record drawings for use by Bruce in the future if he needs them, location of a portion of tract*

*1 is in another sketch, along with a legal description for that portion. Greg has prepared necessary resolutions and deeds which I guess I will let Greg cover.*

*Mr. Greg Urbancic: Basically, we have a resolution, and there was a typographical error in there that I will point out. We have a resolution that basically would authorize the reconveyance of that portion of O1 which Charlie had said, back to the developer and it would be the developer's responsibility to maintain that going forward, and then the lakes that are coming to us, there are deeds from the developer, along with the necessary easements that Charlie helped me identify so that we could have the ability to maintain those and do what we need to do in terms of lake maintenance and access. Going forward. Those are the two portions. Just for reference in the resolution, it was in the last whereas clause, I had a typo. I had something in there from a prior resolution, but basically the last whereas clause, which pertains to the reconveyance which I just described says, we will reconvey a portion of tract O1 back to the developer, and it should read "the developer or successor should have the maintenance responsibility of that portion of tract O being reconveyed to the developer." That just clarifies what we are doing. A little bit of property back to the developer and we are taking on tracts O2 and O3 basically.*

*Dr. David Herring: I thought we weren't allowed to give land back to the developer.*

*Mr. Urbancic: This is lake tract that we were conveyed a while back and I don't think there wasn't any consideration. This was simply a transfer over to us of lake property. And if nothing else, one could argue we are getting far more in access than we were if we were actually comparing acreage, but we are not giving up anything that we paid value for essentially.*

*Mr. Krebs: Correct. We didn't pay any money for that.*

*Dr. Herring: If we paid money for it, we wouldn't be able to give it back?*

*Mr. Urbancic: We would look at that much differently. If we paid money, or we got property and we went out and substantially improved that property using public funds, we probably would look at it a little differently and say, "Okay, what do we need to do from that standpoint?" But in this particular case where it was sort of a cleanup and we are just trying to clean up that edge up there.*

*Mr. Krebs: Correct. I think when we did the original transfer, it wasn't looked at how far that tract extended north. Otherwise, the legal description probably would have read something different. It probably would have gone up to the south side of this Phase I and the rest of it would have been included in different submittals later on as part of different transfers.*

*Mr. Weber: I'm not obviously familiar with how these transfers work and all that. I'll leave it up to the experts, but an observation question: These improvements are being transferred to the CDD and we are then required to maintain and keep them in good functioning condition. Is there any type of inspection done prior to this transfer occurring to make sure that we are getting these improvements in a functional, workable, and are not defective or anything like that, that we will ultimately be responsible for repairing? That's one question.*

*Mr. Krebs: We did an inspection several months ago as part of the process for Miromar dealing with the local HOA. We inspected the gutters, the inlets, and the drainage at that time. I think it was at the beginning or end of last year that Miromar went out and did an inspection with MRI at the same time that the CDD did as part of the overall drainage, in which case they cleaned out the different inlets in this area*

*that required cleanout. The lake banks for the recreational portion are covered by a beach easement even though we have a drainage easement over them. The beach in this case is maintained (I think in this case) by the local HOA and not the Master Association, and the lake shoreline for the internal lake, again we inspected that a few months ago as part of the process with Miromar and the HOA and it was good at that time.*

Dr. Herring asked if Mr. Bruce Bernard inspected these areas. Mr. Bernard responded in the affirmative; he inspected these areas at the beginning of the week. He discussed his findings noting the area was still under construction. He indicated he suggested to Mr. Krebs, as this area was still under construction, the basins should be rechecked in October to ensure the basins were clean. He stated he asked Mr. Krebs to make sure this was done. Dr. Herring asked why not wait until October before conveying this property to the CDD. Mr. Bernard indicated he felt it was fine to take the land from the developer now, as long as the developer agreed to clean the basins by October 1, 2020.

*Dr. Herring: I hate to remind everybody, but this again, falls under the umbrella of last minute, here you go, let's do it.*

*Mr. Bernard: It's up to you, we can clean them now, but I think whatever way the Board would like to go, but I was just putting by October 1, 2020, because I know when it's rainy season we could get some more material in those basins.*

*Dr. Herring: Can I ask a question of Tim Byal? Tim, I think you know where I'm going here right?*

*Mr. Ward: I know where you're going here.*

*Mr. Tim Byal: The issue is the piece that we need to get back in order to plat the next neighborhood. If you guys are willing to return that piece without a contribution we will wait until whatever date you want. But we can't plat that site without getting that parcel back.*

*Dr. Herring: I assume the reason you gave it to us in the first place was just because it was part of another allocation of land to us?*

*Mr. Byal: That's correct. As Charlie mentioned we should have looked more closely at the description and we would not have conveyed that long of a strip.*

*Dr. Herring: If this isn't approved today Tim, that sets you back?*

*Mr. Byal: It sets us back considerably in our permitting for that next neighborhood.*

*Mr. Ward: My recommendation would be to go ahead and approve it. We will button this up with a letter agreement between the developer and the District and then a certification from the engineer in order to make sure that we are whole at the end of the day. It is not that big of an issue with respect to us, our side of this, but it clearly helps the developer, so I don't really see a major issue with this.*

Mr. Ward asked if there were any other questions from the Board; hearing none, he called for a motion.

**On MOTION made by Mr. David Herring, seconded by Ms. Mary LeFevre, and with all in favor, Resolution 2020-8 was adopted as**

described, subject to the addition of a letter agreement between the District and the developer related to the completion of construction and a certification from the District Engineer that it was completed in accordance with the plans and specs as of today and another certification as of September 30, 2020, and the Chair was authorized to sign.

**FOURTH ORDER OF BUSINESS****Staff Reports****a) Attorney**

*Mr. Greg Urbancic: As Jim mentioned at the beginning of the meeting we are operating under the executive orders of the Governor. The current order expires June 30. I don't think it's anybody's guess whether or not they are going to continue the order. So, it's possible our next meeting might be in person, but we will just have to let you know as to whether or not that gets extended. Other than that, I didn't have any other report unless there are any questions.*

*Dr. Herring: Is there a limit to the number of people who have to be live for a meeting?*

*Mr. Urbancic: If we are going to meet in person, well, prior to the waiver by the Governor, we had to have a quorum present in person. We needed to have at least 3 present under existing law. Then others could be deemed to participate if the Board found "exceptional circumstances" of why some other supervisor couldn't be present. Basically, under the law you always have to have 3. You have to have quorum present in person. So, if this waiver goes away, we will still need to have 3 in person.*

**b) Engineer**

No report.

**c) Asset Manager**

*Mr. Bruce Bernard: For the cane toads, we are still collecting toads. We are going to be doing it for another 2 and a half months yet. We're bring on a second wildlife company called Wild Things who is assisting with the removal of the tadpoles and larvae from the lakes also. We are out there once or twice a week collecting the toads, taking them off site and eradicating them, but there are still a lot there.*

*Mr. Ward: Does this stop when rainy season is over, so in the fall we don't really have this problem anymore?*

*Mr. Bernard: It sort of lessens by the fall, yes. But it doesn't totally dissipate, but it lessens after – they say the mating season goes through the summer and stops until the spring of next year.*

*Mr. Ward: I'm assuming with the volume or numbers of cane toads that we are taking out; the problem is going exacerbate itself going into next year?*

*Mr. Bernard: Until they find something to control cane toads, we are just going to have this ongoing problem. We can get traps, we can do a little better job at corralling them, but I don't know if we are going to ever get rid of them until we have something that stops them from multiplying.*

*Dr. Herring: Bruce, do you know if this a problem that some of the surrounding communities are having as well?*

*Mr. Bernard: Yes. All southwest Florida has got it. I have another community down in Naples. They have it also.*

*Mr. Ward: Bruce, out of curiosity, just to give the Board the flavor of it, what is your estimate for what we will spend on cane toads this year and an estimate of what you think it may be going into next year.*

*Mr. Bernard: Again, as we take these areas from Miromar, we will be getting more. This year we are going to spend about \$12,000 dollars capturing them, and about \$8,000 dollars or \$9,000 dollars removing larvae. Next year it's probably going to be about \$16,000 dollars capturing and \$12,000 with the larvae as we add more areas. Hopefully, someone will come up with something to make it easier than having to go out there and gig them at night. I know some companies are coming up with traps they can set in the lakes to capture them. There are new things coming on board, so hopefully by the time we start this up next year we will have some different methods to use then just going out at night and capturing them when it turns dark.*

Mr. Ward asked if Mr. Bernard had anything further to report.

*Mr. Bernard: We are done with our capital lake bank restoration. We are just waiting for next year. Everything else is finished.*

**d) Manager**

**I. Financial Statements for the period ending May 31, 2020 (Unaudited)**

Mr. Ward indicated he had no report unless there were questions; there were none.

**FIFTH ORDER OF BUSINESS**

**Supervisor's Requests and Audience Comments**

There were no Supervisor's requests and there were no audience members present.

**SIXTH ORDER OF BUSINESS**

**Adjournment**

Mr. Ward adjourned the meeting at 2:34 p.m.

**On MOTION made by Ms. Mary LeFevre, seconded by Mr. Alan Refkin, 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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David Herring, Chairman