

**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, July 11, 2019, 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
Mr. Doug Ballinger (phone)	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
Bruce Bernard	Asset Manager
Greg Urbancic (phone)	District Attorney
John Baker	Hole Montes, Inc.

**Audience:**

Mr. Tim Byal	Miromar Development Corporation
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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 2:08 p.m. and all Members of the Board were present at roll call.

**SECOND ORDER OF BUSINESS**

**Consideration of Minutes**

**I. April 11, 2019 – Regular Meeting**

Mr. Ward asked if there were any additions or corrections to the April 11, 2019 Regular Meeting Minutes. Mr. Weber indicated on page 2, first paragraph, "Delmar" was spelled incorrectly and on page 4 the sentence which read: "Mr. Refkin asked where the \$340,000 dollars from FEMA went when received." did not make sense. Mr. Refkin stated the sentence should read: "Mr. Refkin asked where the \$340,000 from FEMA went and if it was received." Mr. Ward responded the answer to this question was the money was not received.

**On MOTION made by Mr. Alan Refkin, seconded by Ms. Mary LeFevre, and with all in favor, the April 11, 2019 Regular Meeting Minutes were approved as amended.**

## **II. May 9, 2019 – Regular Meeting**

Mr. Ward asked if there were any additions or corrections to the May 9, 2019 Regular Meeting Minutes. Mr. Weber stated on page 4, second paragraph, “and the develop” should read “and the developer” and on page 9 “The audience member was concerned it would get into the lake.” was an unclear sentence. Mr. Ward indicated he would change the sentence to read “... was concerned if we cleaned the old rip rap it would get into the lake.”

**On MOTION made by Mr. Alan Refkin, seconded by Ms. Mary LeFevre, and with all in favor, the May 9, 2019 Meeting Minutes were approved as amended.**

## **III. June 13, 2019 – Regular Meeting**

Mr. Ward asked if there were any additions or corrections to the June 13, 2019 Regular Meeting Minutes. Ms. LeFevre stated she did not have any additions or corrections; however, she had a question. She noted on page 3, during a discussion regarding the drainage systems it read “if the drains were not repaired and as a result the shoreline washed out again.” She stated she understood policy indicated it was the HOA or homeowners responsibility to fix the drainage, and if the drainage was not fixed the CDD had the authority to fix the drainage and bill the homeowner for the repair. Mr. Ward concurred. Mr. Weber stated he understood the CDD was going to repair the current erosion; however, if erosion reoccurred because a homeowner did not fix the yard drainage (which was the homeowner’s responsibility) then the homeowner would be financially responsible for future erosion repair. Discussion ensued regarding whether the CDD had the right or ability to fix yard drainage problems, drainage problems in Sienna, what the policy actually said versus what it should say, policy being changeable, and the necessity for recourse when CDD property suffered due to a resident’s noncompliance. Mr. Ward stated he would look into the matter. Mr. Greg Urbancic indicated policy did provide recourse for the CDD. He noted the CDD could demand residents fix yard drainage problems and if a resident refused, then the CDD could file a law suit against the home owner or employ other methods of enforcement; however, the CDD did not have the right to fix yard drainage and bill the resident, as yard drainage was located on private property, not CDD owned land. Ms. LeFevre stated she worried policy was unclear and should be clarified. Mr. Ward stated he would add this as an Item to the next Board Meeting Agenda.

**On MOTION made by Ms. Mary LeFevre, seconded by Mr. Mike Weber, and with all in favor, the June 13, 2019 Regular Meeting Minutes were approved.**



**PUBLIC HEARINGS RELATED TO THE ADOPTION OF THE FISCAL YEAR 2020 BUDGET****IV. FISCAL YEAR 2020 BUDGET**

Mr. Ward reported there were no major Budget changes. He stated rates were \$346.15 dollars per unit per year and \$332.83 dollars off-roll per unit. He stated the reserve assessment was \$61.75 dollars per unit and \$58.69 dollars off-roll per unit with a total of \$407.90 dollars for resident's property per unit and \$391.52 dollars off-roll per unit.

**I. Public Comment and Testimony**

Mr. Ward called for a motion to open the Public Hearing.

**On MOTION made by Mr. David Herring, seconded by Ms. Mary LeFevre, and with all in favor, the Public Hearing was opened.**

Mr. Ward indicated the Public Hearing was now open and noted he had not received any written or oral comments with respect to consideration of the Budget. He asked if any present had any questions regarding the Fiscal Year 2020 Budget; hearing none, he called for a motion to close the Public Hearing.

**On MOTION made by Mr. Alan Refkin, seconded by Ms. Mary LeFevre, and with all in favor, the Public Hearing was closed.**

**II. Board Comment and Consideration**

Ms. LeFevre asked why the CDD was paying \$550 dollars in bank fees. Mr. Ward explained public funds had different reserve requirements than regular checking/savings accounts. Ms. LeFevre asked if there was any way to avoid these fees. Mr. Ward responded in the negative. Ms. LeFevre asked about the legal fees which were anticipated at \$26,000 dollars, but budgeted at \$30,000 dollars. Mr. Ward explained he believed attorney's fees would go up next year. Ms. LeFevre asked about the increase in littoral shelf replanting barriers from \$6,000 dollars to \$15,000 dollars. Mr. Bernard explained the current littoral shelf needed replacement; therefore, the cost included removal and replanting of the littoral shelf. Ms. LeFevre asked if General Fund Reserves could be used for anything. Mr. Ward responded in the affirmative; in a governmental agency general fund reserves could be used for any operations according to law. Mr. Weber noted the \$346.15 dollars was a 34% decrease from last year's assessment while the total \$407.90 dollars (which included the reserve assessment) was a 22.5% decrease.

**III. Consideration of Resolution 2019-5 adopting the annual appropriation and Budget for Fiscal Year 2020.**

Mr. Ward called for a motion.

**On MOTION made by Mr. Alan Refkin, seconded by Ms. Mary LeFevre, and with all in favor, Resolution 2019-5 was adopted and the Chair was authorized to sign.**

Dr. Herring noted Resolution 2019-5 and Resolution 2019-6 had the wrong year listed and needed to be corrected. Mr. Ward agreed and noted the correction would be made.

**V. FISCAL YEAR 2020 IMPOSING SPECIAL ASSESSMENTS; ADOPTING AN ASSESSMENT ROLL AND APPROVING THE GENERAL FUND SPECIAL ASSESSMENT METHODOLOGY.**

Mr. Ward noted Resolution 2019-6 set the assessment rate pursuant to the Budget and adopted the methodology of assessment billing on a quarterly basis for the General Fund and just before the due dates of debt service for the 2012 and 2015 Bonds. He noted all of the 2012 Bonds were on the tax rolls and would not be applicable for the upcoming year and the CDD would bill the developer the off-roll amount for the 2015 Bonds.

**I. Public Comment and Testimony**

Mr. Ward called for a motion to open the Public Hearing.

**On MOTION made by Mr. David Herring, seconded by Ms. Mary LeFevre, and with all in favor, the Public Hearing was opened.**

Mr. Ward indicated the Public Hearing was now open and noted he had not received any written or oral comments with respect to consideration of the Resolution. He asked if any present had any questions regarding adoption of the assessment rates for Fiscal Year 2020; hearing none, he called for a motion to close the Public Hearing.

**On MOTION made by Mr. Alan Refkin, seconded by Ms. Mary LeFevre, and with all in favor, the Public Hearing was closed.**

**II. Board Comment and Consideration**

Mr. Ward noted he would fix the date in the Resolution. He asked if there were any Board Comments; there were none.

**III. Consideration of Resolution 2019-6 imposing special assessments, adopting an assessment roll and approving the general fund special assessment methodology.**

Mr. Ward called for a motion.

**On MOTION made by Mr. Alan Refkin, seconded by Mr. Mike Weber, and with all in favor, Resolution 2019-6 was adopted and the Chair was authorized to sign.**



**FOURTH ORDER OF BUSINESS****Consideration of Resolution 2019-7**

**Consideration of Resolution 2019-7 authorizing the reconveyance of a portion of Tract B-16, Miromar Lakes unit XIV – Peninsula Phase Four to Peninsula IV Homeowners' Association, Inc.; authorizing the chairman or the vice chairman (in the chairman's absence) to execute such reconveyance document necessary to reconvey a portion of such property; providing for severability; providing for conflicts; and providing for an effective date.**

Mr. Greg Urbancic reported a few drainage basins in Peninsula Four were transferred over to the CDD following which it was realized there was encroachment of a neighborhood sign very slightly onto CDD property. He explained it was decided to quitclaim the signage area (a 3 foot by 5 foot area) over to the Peninsula IV Homeowners' Association. He noted this Resolution authorized the Chair to sign the quitclaim deed. Discussion ensued regarding the quitclaim deed, the signage remaining the responsibility of the HOA, and the quitclaim deed not impeding the CDD's ability to manage the basin.

**On MOTION made by Mr. Alan Refkin, seconded by Mr. Mike Weber, and with all in favor, Resolution 2019-7 was adopted and the Chair was authorized to sign.**

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

No Report.

**b) Engineer**

No Report.

**c) Asset Manager****I. May 2019 Report**

Mr. Bruce Bernard reported lake restoration in Sienna and Anacapri was finished. He reported hurricane damage repair in Isola Bella was approximately 50% completed and in Porto Romano there was approximately 800 feet of rip rap needing repair which would be done by the first week of August. He noted this would complete the lake restoration projects for this year's Budget. He stated the cleaning of the 48 catch basins identified within this year's program would be completed by the end of the month. Mr. Refkin commented the work being done in Sienna was excellent. Dr. Herring asked for the status of Mr. Jack Hewes's situation. Mr. Ward stated Mr. Hewes's request was denied and he had not heard from Mr. Hewes since.

**d) Manager**

**I. Financial Statements for the period ending May 31, 2019 (Unaudited)**

Mr. Ward stated he had no Report unless there were questions. There were none.

**SIXTH ORDER OF BUSINESS****Supervisor's Requests and Audience Comments****Mrs. Halely Encroachment Plans**

Mr. Ward reported there was a resident who wished to install a seawall. Discussion ensued regarding the resident needing a permit from South Florida and what the CDD's role was in this matter. Mr. Urbancic explained the resident would be installing a seawall and a walkway connection to the dock within the easement which was owned by the CDD; therefore, the homeowner needed the CDD's consent to encroach into the easement. Mr. Tim Byal stated approval of this request would be precedent setting. He indicated it was important to limit encroachments into the easement. He stated this would be a decorative recreational extension of the property out into the easement. He noted it was attractive looking; it was a decorative brick paver walkway patio which cantilevered into the easement area. He stated while it did not present an engineering problem, there would be maintenance issues. He stated other homeowners might also wish to have this type of rear deck/patio area extension and he expected the CDD would have an influx of this type of request. He noted the developer's construction committee would not permit this type of improvement. Mr. Ward stated the CDD's recommendation was to deny the request. Discussion ensued regarding the request, possible unexpected consequences of request approval, the homes which had constructed patios which encroached upon the easement without consequences, the CDD having the right to demand removal of said patios, the CDD considering approval of the request with inclusion of a "right to demand removal" clause, and the redesigned construction plans. Mr. Byal stated he would approve the request as redesigned noting there was no easement encroachment by the deck space. Mr. Ward recommended this Item be deferred until the correct legal documents, including the redesigned plans, were assembled. It was agreed to defer the Item.

An Audience Member 39:28 asked who was responsible for shoreline maintenance in Cassina. Mr. Bernard responded the Master Association was responsible for shoreline maintenance. Discussion ensued regarding the difficulties with drainage when it rained along the lake shore in Cassina.

**SEVENTH ORDER OF BUSINESS****Adjournment**

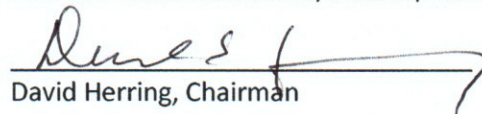
Mr. Ward adjourned the meeting at 2:51 p.m.

**On MOTION made by Mr. Alan Refkin, seconded by Ms. Mary LeFevre, and with all in favor, the meeting was adjourned.**



James P. Ward, Secretary

Miromar Lakes Community Development District



David Herring, Chairman