

**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, July 11, 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	Chairperson
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

Audience:

Heather Chapman
Tom Cernich

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

May 9, 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.

<p>On MOTION made by Doug Ballinger, seconded by Alan Refkin, and with all in favor, the May 9, 2024, Regular Meeting Minutes were approved as amended.</p>
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THIRD ORDER OF BUSINESS**Fiscal Year 2025 Budget****Fiscal Year 2025 Budget**

- I. Chairman’s Report on Discussion with Miromar Development (Master HOA)**
- II. Agreement with Master HOA for Landscaping (Restoration from Hurricane Damage)**
- III. Landscaping Restoration from prior Hurricanes**
- IV. Budget Discussion & Timeline**
- V. Consideration of Resolution 2024-3, a Resolution of the Board of Supervisors of the Miromar Lakes Community Development District approving the Proposed Budget for Fiscal Year 2025**

Mr. Ward indicated today he would ask the Board to approve the Budget for purposes of setting the public hearing which would be held in August.

Mr. Refkin discussed his gathering of information regarding the landscaping agreement with the Master HOA and restoration of landscaping from hurricane damage. He discussed his conversations with Mark Geschwendt, Erin Dougherty and Heather Chapman regarding whether the Master HOA or the CDD should maintain the assets. He indicated Mr. Geschwendt said he was taking a global view of the landscaping and creating a landscaping report. He stated his response to Mr. Geschwendt was the CDD had an asset it was fiduciarily responsible for maintaining which was turned over to the Master HOA on the premise that Miromar (the Master HOA) had the funds to maintain the asset in the manner it should be maintained, and the Master HOA would accept responsibility for the asset. He indicated to Mr. Geschwendt that the CDD had a very comprehensive landscaping report which showed the deficiencies in the landscaping which needed to be restored to the level at which the landscaping was surrendered to the Master HOA. He indicated he and Mr. Geschwendt continued the conversation and discussed what needed to be done to bring the landscaping back up to standard, the fact that the Master HOA volunteered to takeover landscaping, and that the CDD did not “foist this off on them.” He said Mr. Geschwendt began to get angry, but he explained to Mr. Geschwendt that the CDD wanted the Master HOA to maintain the landscaping, but it had to be maintained, and a written agreement between the Master HOA and the CDD would be helpful to ensure the expectations of both parties were clear and there would be no more “he said, she said.” He discussed how much the Master HOA was spending on landscaping maintenance versus how much the CDD used to spend on maintenance. He noted the Master HOA was spending less than the CDD used to spend, but perhaps this was a result of more efficient spending, he was unsure. He noted Mr. Geschwendt indicated he would get back to him but had not yet. He indicated Aaron was very good at listening and provided good input.

Mr. Mike Weber noted the Master HOA verbally told Mr. Refkin they were spending \$500,000 dollars, so this meant a couple of things, one, combining the contracts should save the CDD money, and two, the Master HOA was maintaining the landscaping assets, but a good portion of the assets were destroyed, so technically they were not being maintained anymore, and as such, it should cost less.

Mr. Refkin stated the maintenance of the berms was not being done to the same standard which the CDD kept. He said the CDD did a much better job replacing dead plants and shrubberies especially as Miromar pushed the CDD to take action in this regard. He stated the end result of the Master HOA taking over the landscaping was an asset which did not have the same visual appeal.

Mr. Weber stated it sounded like the CDD did not have the ability to put together a plan of action and move forward because Mr. Refkin had not yet heard back from Mr. Geschwendt.

Mr. Refkin stated the CDD had a very detailed plan of what needed to be done, and it was possible the Master HOA would give the responsibility back to the CDD.

Mr. Weber stated there were two pieces to this, one was the maintenance, and the other was replacement. He asked if it would be a good compromise for the Master HOA to continue with maintenance while the CDD made the replacements.

Mr. Refkin stated personally he did not have a problem with this; however, he did not know how the CDD's replacement would fit in with the Master HOA's master landscaping plan. He indicated Mr. Geschwendt stated he was taking a global view of the landscaping and was creating a plan which included the CDD's assets.

Discussion ensued regarding the Master HOA's master landscaping plan, the CDD needing to approve any changes to its assets, the CDD having fiduciary responsibility for its assets, and the CDD's assets costing approximately \$300,000 dollars to bring back up to standard at this time.

Mr. Weber stated at this point no one wanted to do the replacement and repairs, but it needed to be done. He said if this was the sticking point, the CDD could go ahead and do the repairs.

Ms. Mary LeFevre stated right now the residents were being charged for maintenance and repair from the Master HOA, so in order to split up the charges to the residents, the Master HOA would have to reduce their assessments.

Mr. Weber stated he disagreed; the residents were not getting charged because the Master HOA was not doing anything.

Ms. LeFevre stated the residents were getting charged an assessment for something the Master HOA was supposed to be doing.

Mr. Weber stated if this was the case then the Master HOA should have a significant surplus because the Master HOA has not spent the money.

Mr. Ward stated the original concept for the replacement was the Master HOA had non specified reserves to use to do the replacement. He stated he did not believe the Master HOA increased its assessments to residents to cover replacement of CDD assets; the Master HOA was going to use existing funds. He said the residents were not paying for this; it was not in the CDD's budget, and the Master HOA was not charging for it.

Mr. Refkin asked for Ms. LeFevre's opinion.

Ms. LeFevre stated she spoke with Aaron some time ago and he spoke of the master landscaping plan. She said the difficulty came in because the CDD's budget was due now, but the Master HOA's budget did not come due until January. She stated she spoke with Aaron about Ben Hill Griffin and Aaron shared what the Master HOA's thoughts were regarding the Ben Hill Griffin landscaping. She explained the Master HOA hired a "landscaping guru" who indicated there were certain plants it

would be unwise to replace in kind as there was a reason the plants did not do well along Ben Hill Griffin, and there were other plants which were 20 years old and were aging out. She stated in her opinion Ben Hill Griffin and I-75 were the two areas people saw in relation to Miromar Lakes; people being possible homebuyers and such. She stated the holes in the berm on I-75 should be filled in; this needed to be fixed, and in her opinion the berm along the Ben Hill Griffin corridor should be significantly improved. She stated she felt the Master HOA was trying to look at the big picture and do what the CDD wished, but she did not think the CDD had the time to wait for the Master HOA. She stated the same day she spoke with Aaron, the landscapers, Estate, were working on the berm on the other side of I-75 by the golf course walkover re-plugging and planting and told Tom Cernich they would be watching the grass to see if it would come back. She stated she was seeing the Master HOA take some steps as a result of the CDD raising the issue with them. She stated she believed the Master HOA was trying, she just did not know if the CDD was out of time.

Mr. Patrick Reidy stated he felt the reason Mr. Refkin went to speak with Mr. Geschwendt was for I-75 and Ben Hill Griffin. He stated when he drove I-75 he could see over the berm into the homes. He stated until he could see a breakdown the \$500,000 dollars the Master HOA was spending did not mean anything. He stated his view was, when he drove around Miromar everything looked okay, I-75 was bad, and everyone was saying Ben Hill Griffin was bad. He noted the Master HOA was taking steps to fix Ben Hill Griffin, was working on a master plan and had a landscape expert involved, and while there was a difference in fiscal year dates, he felt the CDD should leave the money in the CDD budget and wait and see what the Master HOA landscaping plan was and hopefully it included I-75. He noted whether it was all done now, or whether it took several years was fine, as long as there was a plan in place to take care of it. He asked if the CDD had one more month to change the budget.

Mr. Ward responded in the negative.

Mr. Reidy stated regardless, the money should stay in the budget, and if the CDD used it fine, and if not, it could be added to the reserves. He said he hoped the master landscaping plan would include I-75 and Ben Hill Griffin. He noted the CDD would not be doing anything right now with landscaping anyway because hurricane season was setting in.

Mr. Refkin stated the CDD has conveyed to the Master HOA that it really wanted the Master HOA to maintain the landscaping. He said he wished there was a little more collegial aspiration in Mr. Geschwendt to work with others. He stated he agreed the CDD could wait and see what the Master HOA came up with in the master landscaping plan.

Mr. Greg Urbancic stated he had a conversation with Mark Geschwendt a few minutes ago and Mr. Geschwendt wanted to convey to the CDD that the Master HOA was taking this very seriously and he expected to have the proposed master landscaping plan in hand by Friday and he hoped to get the master landscaping plan to the CDD next week. He noted this would not change the CDD's budget, but Mr. Geschwendt wanted the CDD to know.

Mr. Refkin stated the CDD Board appreciated Mr. Geschwendt's efforts. He stated the CDD wanted to work with the Master HOA synergistically to bring the berms up to Miromar standards.

Mr. Ward stated he agreed with Mr. Reidy; the budget and assessment rate should stay as it was. He stated he would put the \$337,500 dollars earmarked for landscaping damage back into capital to keep the rate the same, and if things changed next year the budget would change.

Mr. Weber noted if Mr. Geschwendt had the master landscaping plan by Friday, then the Board would have it within a week or two, and if this were the case then the CDD could make a more accurate budget.

Mr. Ward stated the only open item was how much the Board wanted to put in reserves; he recommended leaving the assessment rate the same and not reducing the budget.

Mr. Reidy agreed, noting it was important to build up the reserves.

Discussion ensued regarding looking forward to seeing the master landscaping plan and Taylor Morrison planning to landscape the back side of its berm pretty heavily.

Mr. Ward called for a motion to adopt Resolution 2024-3, a Resolution of the Board of Supervisors of the Miromar Lakes Community Development District approving the Proposed Budget for Fiscal Year 2025.

On MOTION made by Patrick Reidy, seconded by Doug Ballinger, and with all in favor, Resolution 2024-3 was adopted, and the Chair was authorized to sign.

FOURTH ORDER OF BUSINESS

Staff Reports

I. District Attorney

No report.

Mr. Refkin asked about the wall which was built down by the water that Miromar was going to take the lead on.

Mr. Urbancic responded he had no update in this regard. He stated he, Charlie Krebs, Jim Ward, Mark Geschwendt, and some developer representatives had a call, and it was collectively agreed the developer would send a letter saying the wall needed to come down. He stated there was some confusion afterwards about who was sending the letter, and he did not know whether the letter had been sent yet, but the developer would be approaching the landowner about removing the wall.

Mr. Weber asked about Ravenna.

Mr. Urbancic reported the Ravenna easement was done and recorded.

Mr. Refkin stated he thought the Board at Bella Vista approved turning over the stormwater management to the CDD.

Ms. LeFevre stated she did not believe this was the case; at the last meeting Marie Kitsberg was bringing it to the Board; however, there was no money in the budget for it this year. She said if it

had been a lesser amount of money Bella Vista would have done it, but it would not happen this year, maybe next year.

Mr. Refkin stated he spoke with Ms. Kitsberg a week ago and she said Bella Vista found the money.

Ms. LeFevre stated she had not heard this, but she would reach out to Ms. Kitsberg.

II. District Engineer

No report.

III. Asset Manager

a) **Asset Managers Report June 1, 2024**

b) **Asset Managers Report July 1, 2024**

No report.

IV. District Manager

a) **Important Board Meeting Dates for Balance of Fiscal Year 2024**

1. **Public Hearing – Approval of Budget Fiscal Year 2025, August 8, 2024**

b) **Financial Statement for period ending May 31, 2024 (unaudited)**

c) **Financial Statement for period ending June 30, 2024 (unaudited)**

No report.

FIFTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

Mr. Ward asked if there were any audience comments.

Mr. Tom Cernich discussed the I-75 berm and the need to plant enough on top of the berm to block the view of road. He said he walked the top of the berm and found a capped water pipe which worked. He stated approximately 160 to 180, 15 gallon (indecipherable) could be planted in a double row with a PVC water pipe between them, and this could be done for somewhere between \$20,000 dollars and \$25,000 dollars. He said while this may not be what the CDD was interested in, in terms of aesthetics, it would help the residents with the view and would block some of the noise from the road. He said this could be done quickly before hurricane season.

Ms. LeFevre asked someone to summarize what Mr. Cernich said because she could not hear him.

Mr. Refkin moved Mr. Cernich closer to the microphone.

Mr. Cernich said he was just talking about the berm on I-75.

Ms. LeFevre stated she spoke with Aaron about the I-75 berm as well and gave Aaron the proposals for the I-75 berm, and Aaron spoke with the landscaping expert who did not agree with certain plants in the proposal for the I-75 berm, but definitely recognized the need to fill in the bare areas. She stated the landscaping expert was looking at other options to fill in the spaces and she provided a copy of the proposal from Estate to Aaron.

Mr. Cernich stated his proposal would be significantly less expensive than whatever the landscaping expert proposed.

Ms. LeFevre stated this was duly noted, but she felt it would be best to wait until next week and see what the master landscaping plan looked like.

Mr. Cernich stated he was willing to wait and see, but Tivoli was running out of patience.

Ms. LeFevre stated she understood, she lived in Tivoli.

Mr. Ward asked if there were any other comments.

Ms. Heather Chapman stated she wished there was more open communication because she went through four different vendors to get the same quote. She stated she had been working on this project for two years, and she felt bad Mr. Cernich had to waste his time to get the same exact quote she already had. She discussed what types of plants she understood would grow well in the I-75 berm. She discussed her past efforts to get things planted on the I-75 berm near Tivoli and why the plants were never installed. She stated she was always available if there were any questions. She stated, "I am the doer, let me do." She discussed past difficulties in replacing plants damaged by hurricanes, difficulties with irrigation, etc.

Mr. Cernich discussed his efforts regarding getting the landscaping replaced on the berm on I-75.

Ms. Chapman recommended making requests in writing to prevent "he said, she said" situations. She encouraged Mr. Cernich and the CDD to come to her with questions.

Mr. Refkin thanked Ms. Chapman for the reminder that she was available as a resource for these types of concerns.

SIXTH ORDER OF BUSINESS

Announcement of Next Meeting

Next Meeting – August 8, 2024

SEVENTH ORDER OF BUSINESS

Adjournment

The meeting was adjourned at approximately 2:51 p.m.

On MOTION made by Alan Refkin, seconded by Doug Ballinger, and with all in favor, the meeting was adjourned.

Miromar Lakes Community Development District


James P. Ward, Secretary


Alan Refkin, Chairman