

**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, August 12, 2021, at 2:00 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
Michael Weber	Vice Chair
Doug Ballinger	Assistant Secretary
Patrick Reidy	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 2:00 p.m. He conducted roll call; all Members of the Board were present, constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Consideration of Minutes**

**July 8, 2021 – Regular Meeting**

Mr. Ward noted there were blanks for names of speakers. Discussion ensued regarding corrections which needed to be made and who was speaking when.

Mr. Ward stated the corrections would be made.

**On MOTION made by Mr. Doug Ballinger, seconded by Ms. Mary LeFevre, and with all in favor, the July 8, 2021, Regular Meeting Minutes were approved as amended.**

### **THIRD ORDER OF BUSINESS**

#### **Old Items**

##### **I. Agreement with Master HOA to include use of Reserve Funds**

Mr. Ward indicated he and Mr. Urbancic worked on this Agreement and provided the Board with both a clean and a redline version. He asked Mr. Urbancic to review the Agreement. He noted the Agreement had not yet been reviewed by the Master Association's attorney.

Mr. Urbancic reviewed the HOA/CDD Facilities Maintenance Agreement otherwise known as "The Landscaping Agreement." He indicated the revisions were in section 3 and 4 primarily. He explained the HOA would serve as a service provider and the landscaping could not be insured, but in the event of a tropical storm or hurricane the Association had a responsibility to restore and replace any damaged landscaping. He indicated a provision was also included which required the HOA to create a reserve for the costs of landscaping and this was to be updated on a periodic basis. He stated section 4B limited the HOA's ability to use the reserves; the reserves would not be utilized for everyday maintenance, only for significant capital replacements. He stated the provisions regarding who would be the representing entities in this process were cleaned up. He noted the term was extended, and general document cleanup was conducted. He indicated eVerify was also added. He noted the primary changes were clarified what happened in a casualty event and added a reserve schedule; the rest of the changes in the agreement were not as material.

Ms. Mary LeFevre stated she felt the Agreement was excellent.

Mr. Doug Ballinger asked if the Agreement would come before the Board again after it was reviewed by the HOA's attorney.

Mr. Urbancic responded in the affirmative. He indicated he recommended waiting to approve this Agreement until the HOA had a chance to review and comment.

Mr. Pat Reidy asked if the landscaping reserves would be based upon the reserve study being conducted.

Mr. Urbancic responded in the affirmative. He noted once the reserve study was completed the numbers would be filled into the Agreement.

Mr. Reidy commented on paragraph 3A noting "as" needed to be added in the fourth line up from the bottom of the paragraph. The correction was made.

Mr. Ward stated there was no action required for this Item; the Board would be kept updated.

##### **II. Discussion of Master Stormwater System Rules of Procedure**

Mr. Ward indicated the Stormwater Rules were scheduled for public hearing in September and the public hearing was being advertised; however, a Resolution officially setting the public hearing date needed to be adopted. He indicated Mr. Urbancic would include a title in the record and the Board would be asked to adopt the resolution by title to set the public hearing date.

Mr. Urbancic indicated the resolution would be Resolution 2021-9, a resolution of the Board of Supervisors of Miromar Lakes Community Development District to designate a date, time, and place of public hearing, and authorization to publish notice of such hearing for the purpose of adopting Stormwater Management Rules and Policies and providing an effective date. He explained the Resolution said the public hearing would be held at the Beach Club House on September 9, 2021, at 2:00 p.m. (at the next Regular Meeting). He explained due to advertising requirements, Mr. Ward had begun the advertising process.

Mr. Ward asked if there were any questions.

Mr. Reidy commented on the Stormwater System Rules and Procedures. He noted he read if a resident correctly installed rip rap according to the CDD regulations, the CDD would accept the maintenance responsibility of the homeowner installed rip rap. He noted it also read maintenance would only be done within the easement area. He asked if, as such, it would be the homeowner's or HOA's responsibility to maintain any rip rap outside of the easement area, even if approved by the CDD. He stated it would be difficult to know what portion of the rip rap the CDD was responsible for, and what portion was the responsibility of the homeowner. He noted also, when repairs were being done, two parties would be involved which was complicated. He asked if this would be difficult to manage.

Mr. Ward responded in the affirmative. He stated the CDD needed to consider if there were major storm damage, agreeing to fix the rip rap even if above the LME (lake management easement) line. He noted following the last storm event, when the CDD repaired the damaged rip rap, it was a relatively minor repair. He noted on an ongoing basis, for regular maintenance, the CDD would have to work with the residents regarding maintaining the rip rap above the LME line. He indicated he did not feel this would be an insurmountable complication, but this was what was stipulated in the rules.

Mr. Ballinger asked if language should be included stating if the CDD deemed it necessary, the CDD could complete the maintenance and bill a proportionate amount to the homeowner.

Mr. Ward noted this had been considered; however, the enforcement mechanism for a CDD was poor. He explained it was difficult for the CDD to levy a fine on a resident and collect said fine.

Mr. Ballinger stated if the language were in place and it became a problem, the language might provide the means of taking action if needed in the future.

Mr. Urbancic explained the challenge was the CDD did not have property rights to work outside of the maintenance easement. He stated he felt the CDD would need to address this type of situation on an ad hoc basis.

Mr. Mike Weber discussed various situations noting there would be times when the CDD would be required to work outside of the maintenance easement, the complications which would arise as a result, and the inconsistencies involved.

Mr. Ward agreed the problem was difficult and these problems would not be solved with a single rule. He stated he felt the Rule was 90% of the way there in terms of setting the course for the District. He indicated the Rule could always be amended in the future if a better more consistent solution were discovered.

Mr. Ballinger commented on the need for the word "is" on page 6, 8<sup>th</sup> line up from the bottom: "following installation the requesting owner, or the requesting owner's successor in title will be responsible for the maintenance of all rip rap installed unless and until the rip rap [is] accepted by the District."

Mr. Urbancic indicated the word "is" would be added.

Ms. LeFevre asked where in the document it read the CDD would accept rip rap installed by a homeowner.

Mr. Ward responded the rules provided what could be done by a homeowner within the LME as an encroachment into the easement. He explained residents would be required to come before the CDD requesting permission to encroach into the easement.

Mr. Reidy stated Section 5 discussed rip rap installation and CDD maintenance. He discussed again the difficulty in determining where the easement ended, and a homeowner's property began. He discussed the CDD maintaining the rip rap, ensuring the maintenance was completed, and the possibility of simply ignoring where the LME line was and continually maintaining all rip rap for the sake of the Miromar Lakes development. He noted this came down to funding, however. He stated he felt these rules and procedures were a good first step in figuring out how best to handle the situation.

Mr. Ward agreed. He stated with this rule and the procedures being written, the CDD would have an excellent starting point from which to manage the District. He stated from there, the District would evaluate and address individual situations as they arose. He reported Mr. Charlie Krebs was preparing a map showing where all rip rap in the system was located, what was owned and maintained by the CDD, what was owned by residents and in sufficient shape for the CDD to accept, and what rip rap owned by residents was in poor condition (not acceptable). He stated Mr. Krebs would also prepare a database and map of all encroachments within all of the LMEs within the District. He stated once these maps and database had been completed the District would decide how best to fix any problems. He reported a set of guidelines were being developed which would explain the process to obtain approval for easement encroachments. He noted an agreement with the HOA was being drawn up in which the HOA would agree not to approve any encroachments into LMEs without approval from the District. He noted this agreement with the HOA should solve most of the difficulties in enforcing the rules regarding LME encroachments.

Ms. LeFevre stated she understood this rule was intended to make the control elevation line more understandable.

Mr. Ward stated the term control elevation was no longer used in the document.

Ms. LeFevre stated she wondered if the replacement term and definition were any better: “generally speaking from the mean high-water line down.” She stated she felt this was just as confusing. She noted something which was a little more definitive would be preferred.

Mr. Ward stated he would review this with Mr. Urbancic and try to improve the term and definition. He asked if there were any questions; hearing none, he called for a motion.

**On MOTION made by Mr. Pat Reidy, seconded by Mr. Doug Ballinger, and with all in favor, Resolution 2021-9 was adopted, and the Chair was authorized to sign.**

#### **FOURTH ORDER OF BUSINESS**

#### **Staff Reports**

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

No report.

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

Mr. Ward indicated Mr. Charlie Krebs was absent due to his wife experiencing car trouble.

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

###### **a) Operations Report August 1, 2021**

Mr. Bernard reported on Lake Bank permits. He stated the District would be able to pull the permit. He stated cane toad removal continued. He noted over 7,500 cane toads had been removed over a period of 10 months.

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

###### **a) Financial Statement for period ending July 31, 2021 (unaudited)**

Mr. Ward stated financially he would do a quick year end projection at the next meeting. He reported he was working on a way to contact the condo associations regarding the process.

Ms. LeFevre noted her copy of the financial statement was cut off.

Mr. Ward indicated he would send out new copies of the Financial Statement.

Mr. Reidy asked about the Balance Sheet payable for \$29,750 dollars.

Mr. Ward stated this was probably on the wrong line and probably belonged one line up. He indicated he would double check.

Mr. Weber stated at the last meeting, discussion was held regarding developing procedures for financial reporting. He asked if the financial reporting question had been resolved.

Mr. Reidy stated his question last month was regarding how much detail the Board wished to see in the financial reporting. He stated his feeling was he did not need to see a lot of detail; he was content seeing the Balance Sheet and P&L monthly as this enabled him to review expenses and ask questions as needed. He noted he was a CPA and worked in auditing and felt this was appropriate.

Mr. Weber stated he felt it might be good to include footnotes regarding major expenditures in the financials.

Discussion ensued regarding footnotes.

Ms. LeFevre stated her comment last month was, she did not wish to micromanage the financials, but she would like to see any expenses which were an exception to the approved budget, come before the Board separately.

Mr. Bernard explained anything operational which came in above and beyond the approved budget would come before the Board for approval.

Ms. LeFevre stated she understood this; however, she wished to see any expenditure, even if approved through the budget, if it were an exception in any way, to come before the Board.

Mr. Ward stated there were no exceptions which did not come before the Board.

Mr. Bernard explained any funds which were not expressly spent in exactly the way approved by the Budget would come before the Board for approval, including if funds were moved from one operational expense to another.

Ms. LeFevre stated she felt the new rules and approval processes being developed would most likely resolve the expenditure exceptions she was referring to as her concerns had arisen due to the rip rap repair being done for homeowner installed rip rap which was in violation to a previous CDD rule.

Mr. Ward expressed his understanding and stated that particular problem had been corrected. He noted he would work to accommodate Mr. Weber's request.

Mr. Reidy stated the budget for Fiscal Year 2022 had been approved and included a fairly sizeable contingency number. He stated he would like to see any contingency expenditures come before the Board for approval. He asked about the work being done at the botanical park.

Mr. Weber responded the sewer lines were being repaired.

Mr. Ward asked if there were any Supervisor's requests; there were none. He asked if there were any audience members present on audio or video with any questions or comments; there were none.

**SIXTH ORDER OF BUSINESS**

**Adjournment**

Mr. Ward adjourned the meeting at 2:40 p.m.

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

Miromar Lakes Community Development District

  
James P. Ward, Secretary

  
Alan Refkin, Chairman