

**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, September 12, 2019, at 2:00 P.M. at the Beach Clubhouse, 18061 Miromar Lakes Parkway, Miromar Lakes, Florida 33913.

Present and constituting a quorum:

David Herring (phone)	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
Charlie Krebs	District Engineer
Bruce Bernard	Asset Manager

Audience:

Tim Byal

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 2:03 p.m. and all Members of the Board were present at roll call.

SECOND ORDER OF BUSINESS

Consideration of Minutes

August 8, 2019 – Regular Meeting

Mr. Ward asked if there were any additions or corrections to the August 8, 2019 Regular Meeting Minutes. Mr. Doug Ballinger stated the sentence on page 3 which read "Mr. Krebs noted the Ravenna HOA expressed a desire to turn over much of the water management system and main recreational lake" should include "lake frontage" or "a portion of the main recreational lake." Mr. Mike Weber stated page 1 where it read "Mrs. Haley" should read "Mrs. Hood" as her name was Mrs. Haley Hood. Mr. Ward noted he would make the necessary corrections.

On MOTION made by Ms. Mary LeFevre, seconded by Mr. Michael Weber, and with all in favor, the August 8, 2019 Regular Meeting Minutes were approved as amended.

THIRD ORDER OF BUSINESS

Staff Reports

a) Attorney

Mr. Greg Urbancic stated he had no report.

b) Engineer

Mr. Charlie Krebs stated he had no report.

c) Asset Manager

I. Solitude Contract Renewal

Mr. Ward reported the lake maintenance contract with Solitude was up for renewal. He stated the current contract rate was approximately \$91,000 dollars per year; the new rate would be \$97,532 dollars per year. He explained the change in the price was due to new lakes being added to the contract for Fiscal Year 2020. He reported the cost increase was included in the FY-2020 Budget. Asset Manager Bruce Bernard reported these additional lakes were included in the bid in 2017 as add alternates. Mr. Weber asked about Solitude's maintenance responsibilities. Mr. Bernard responded Solitude maintained the wetland plantings, sprayed the lake edges to prevent grass overgrowth, sprayed for algae bloom, performed aerator maintenance, etc. He explained this contract was bid in 2017 and there were seven renewal years on the bid; however, an increase in cost was required to be brought before the Board for approval or denial. Mr. Weber asked if the \$97,532 dollars was included in the FY-2020 Budget. Mr. Ward responded in the affirmative.

On MOTION made by Mr. Alan Refkin, seconded by Mr. Doug Ballinger, and with all in favor, renewal of the Solitude Contract was approved.

II. July, 2019 Report

Mr. Bruce Bernard reported the lake restorations and hurricane repairs were completed for 2019. He indicated the only hurricane repair left was possible rip rap in the Verona Lago area. He stated he hoped there would be money left next year to finish this repair; once this was completed the entire repair list would be completed. He reported MRI finished cleaning the catch basins for 2019.

Mr. Bernard reported the water level of the lakes on the east side of Ben Hill Griffin did not drain as fast as it should. He noted the water level of the lakes on the west side of Ben Hill Griffin drained much quicker. He stated there were difficulties moving the water south

through the conservation areas to the river. He indicated it was important to develop another outflow out of the area to promote proper drainage; however, he was unsure exactly how this could be done, perhaps by excavating a channel through the conservation areas. He discussed pervious drainage conditions, possible solutions to the drainage difficulties, and the current high water level conditions. Discussion ensued regarding an equalizer pipe, the conservation area, Wild Blue area de-watering and lake construction contributing to the drainage difficulties, cleaning out the conservation area, berm systems, fixing the drainage problem within the next few months (prior to the next rainy season), and permit modification for an overflow pipe.

d) Manager

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

There were no questions regarding the Financial Statements for the period ending July 31, 2019.

II. Resolution 2019-9

Mr. Ward indicated State Statute permitted the Board to designate dates, times and locations of regular meetings for FY-2020. He indicated he prepared a resolution which established a schedule of meetings to be held the second Thursday of each month at 2:00 p.m. at the Beach Clubhouse, 18061 Miromar Lakes Parkway, Miromar Lakes, Florida 33913. He reported approval of Resolution 2019-9 did not bind the Board to these meeting dates; the Board could add, subtract or reschedule meetings as deemed appropriate. He explained approval of the Resolution allowed the meetings to be advertised en toto via a single newspaper advertisement, rather than requiring monthly advertisement of each meeting. He recommended adoption of Resolution 2019-9.

On MOTION made by Ms. Mary LeFevre, seconded by Mr. Doug Ballinger, and with all in favor, Resolution 2019-9 was adopted and the Chair was authorized to sign.

FOURTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

Ms. Mary LeFevre asked for feedback regarding the arbitrage rebate services. She noted last year the arbitrage rebate service was \$2,000 dollars while this year it was \$2,500 dollars. Mr. Ward stated he would look into the situation.

Ms. LeFevre stated last month irrigation water was 600% over Budget and this month it was 865% over Budget. Ms. LeFevre noted last year irrigation water was budgeted at \$7,000 dollars while this year irrigation water was budgeted at \$1,250 dollars. Mr. Ward stated he would investigate this as well.

Ms. LeFevre commented the Board previously began a discussion regarding stormwater rules and regulations including responsible parties for certain drainage issues. She read from the regulations: "in the event an adjacent owner fails to undertake and complete the maintenance required under the

section, the District shall have the right to complete the maintenance and either charge or assess the adjacent owner for the cost of it. Further if the adjacent owner's failure to complete the maintenance required result in damages to the District's property the District reserves the right to charge or assess the owner for the cost of such damage." She indicated she understood this to mean the District could perform work on a resident's property if necessary. Mr. Ward stated this would only happen under extraordinary circumstances.

Ms. LeFevre stated under B on page 4 of the stormwater rules it indicated if any community sought to revise the stormwater issues, approval was necessary; the rules proceeded to provide instruction on how to obtain approval and direction regarding any stormwater revision. She asked about changes which were made prior to establishment of these stormwater rules and regulations. She noted yard drains were installed by homeowners between certain homes (draining into the lake) prior to creation of these rules and regulations. She asked if these yard drains would be required to be corrected. Mr. Ward responded in the negative; correction would only be required if the yard drains caused an extraordinary problem. Discussion ensued regarding whether the yard drains were impacting the shoreline, some yard drains causing difficulty while others did not, redirection of the yard drains being relatively simple, yard drains which caused shoreline washout needing redirection, and walking the lakes to determine which yard drains needed repair or redirection.

Ms. LeFevre noted at the last Board Meeting median maintenance was discussed. She asked Mr. Byal for an update regarding the medians. Mr. Byal noted the median agreements had not yet been fully ratified by the County Commission, but after a year and a half of negotiation with Lee County, when next the County Commission met the Agreement in which the Master Association became responsible for the medians from Alico to Estero Parkway would most likely be ratified. He stated the Agreement was a barter negotiation enabling Lee County to eliminate the University Overlay District which assessed the District and Master Association substantial amounts of money to maintain the medians. He stated the Agreement eliminated the \$50,000 dollar assessment from the University Overlay District, and in exchange the Master Association would maintain the medians minus the turf grass. He stated assuming the Board of County Commissioners ratified the Agreement the University Overlay would be abolished. Mr. Ward stated the ordinance was scheduled for Commission action on October 1, 2019. Discussion ensued regarding the Overlay abolishment, the medians being brought up to a reasonable level of maintenance prior to the Master Association taking over maintenance, \$40,000 dollars being available to further restore the median areas (such as dead tree replacement), and the possibility of enlisting the aid of FGCU and others for median maintenance. Mr. Bernard noted the Master Association would have the right to do as much or as little as it chose regarding median beautification. Discussion ensued regarding different possibilities for median enhancements, replacement of poor turf, and the Master Association's responsibilities versus the County's responsibilities.

Ms. LeFevre asked for an update regarding the toad population. Mr. Bernard noted a large number of toads were removed from the area. He stated it was a relatively expensive process at \$165 dollars an hour for toad removal. Ms. LeFevre asked if the toad problem was now under control. Mr. Ward responded in the negative; this would be an ongoing problem. Discussion ensued regarding the source of the toad problem, netting the pollywogs in an effort to prevent toad infestation, the toads becoming a problem for the entire community, budgeting for toad control, speaking to the aquatic maintenance contractor regarding the toad issue, Solitude netting pollywogs while conducting lake maintenance, the toads being extremely poisonous to dogs and children, and informing residents to keep children and animals away from the toads.

Ms. LeFevre noted during the previous Board Meeting Mr. Refkin was told landscaping information would be included in today's Agenda. Mr. Alan Refkin stated he would speak with Tim Byal regarding this issue; it was not necessary for this to be included on the Agenda as his question was informational and did not involve the CDD.

FIFTH ORDER OF BUSINESS

Adjournment

Mr. Ward adjourned the meeting at 2:42 p.m.

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

Miromar Lakes Community Development District


James P. Ward, Secretary


David Herring, Chairman