

**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, October 11, 2018, at 2:00 p.m. at the Beach Clubhouse, located at 18061 Miromar Lakes Parkway, Miromar Lakes, Florida 33913.

**Present and constituting a quorum:**

Dr. David Herring	Chairman (via telephone)
Mr. Doug Ballinger	Vice Chairman
Mr. Alan Refkin	Assistant Secretary
Mr. Michael Weber	Assistant Secretary
Mr. Burnett Donoho	Assistant Secretary

**Also present were:**

James P. Ward	District Manager
Greg Urbancic	District Counsel
Charlie Krebs	District Engineer
Paul Cusmano	Calvin Giordano & Associates

**Audience:**

Ms. Mary LeFevre	Resident
Mr. Tim Byal	Miromar Development Corporation

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 2:00 p.m. and all Members of the Board were present at roll call.

**SECOND ORDER OF BUSINESS**

**Consideration of Minutes**

Mr. Ward called for any additions, corrections or deletions to the September 13, 2018 Minutes. He stated an amended copy of the Minutes had been provided with red-lined corrections.

Assistant Secretary Michael Weber stated on page 2, in the first paragraph "\$617.00 dollars" should be changed to "\$617,000.00 dollars;" on the bottom half of page 6 "Mr. Weber responded" should be changed to "Mr. Risso responded" and "Mr. Weber said that if Mr. Weber" should be changed to "Mr. Weber said that if Mr. Risso;" the bottom of page 7 should read "However, if the \$150,000.00 was ever needed the reserves would be more than adequate" rather than "However, if the \$150,000.00 was never needed the impact down the road would be more than adequate."

Vice Chairman Doug Ballinger stated during a previous meeting it had been decided "Master Association" should be added into the Minutes in place of "HOA"; for clarity and continuity purposes Master Association should be used consistently. Mr. Ward indicated he would make a global change to the Minutes to reflect Master Association where appropriate. Mr. Ballinger stated on page 6 "like the economies a scale" should read "like the economies up scale;" on page 8 the control elevation should be clearly defined as 18 feet above, as readers may not understand what the control elevation was. Chairman David Herring indicated in some instances the control elevation varied and could be 16 feet or 18 feet depending. Mr. Ward concurred; the wording "control elevation" would remain the same. Mr. Ballinger stated on page 10 "an unidentified speaker was asked" should read "an unidentified speaker asked."

Mr. Ward asked if there were any additional corrections. There were none.

**On MOTION made by Mr. Alan Refkin, seconded by Mr. Burnett Donoho, and with all in favor, the September 13, 2018 Minutes as amended were approved.**

### THIRD ORDER OF BUSINESS

#### Staff Reports

##### a) Attorney

Mr. Ward asked District Council Greg Urbancic for his Staff Report. Mr. Urbancic responded he had no Staff Report.

##### b) Engineer

Mr. Ward reported at the previous meeting a discussion was held regarding water management systems owned by the District and not owned by the District. He stated he asked District Engineer Charlie Krebs to create a map and information sheet which illustrated the entire water management system within Miromar Lakes including who owned which areas. A Board Member 8:34 asked if this information was on the website. Mr. Ward responded in the negative; it was not online yet. He stated he wanted the Board to review the map as he was surprised to see how much of the water management system the District did not own. District Engineer Charlie Krebs reported the red areas on the map indicated drainage areas the District had received; however, in review of the Bond Issues no documentation could be found which would prove acquisition. He stated the areas in yellow had various owners: Miromar Lakes, LLC, Ravenna, San Marino, etc., according to the Lee County Property Appraiser website. A Board Member 10:39 asked if there was a blanket easement document the CDD could create to simplify the process and prevent excessive legal fees for the various associations. He indicated the goal was to acquire responsibility for the entire water management system in Miromar Lakes, especially knowing the system was not being properly maintained throughout. He stated it was appropriate for the CDD, as the surface water management entity, to fully maintain the assets which were owned by the various entities. Mr. Ward stated this could be accomplished. He asked if the various entities each had separate legal descriptions. Mr. Krebs responded in the affirmative; he explained most of the right-of-ways were separate tracts created by plat, but the

multifamily legal description was of the entire multifamily community and buildings. He stated multifamily communities were generally not broken up into right-of-way tracts or water management tracts. Mr. Ward asked if the majority of the various communities on the information sheet were multifamily communities. Mr. Krebs responded he was unsure. Mr. Ward stated with the Master Association, a developer, or a single family roadway, it would be a simple matter to create an easement transfer to the CDD document; however, condo associations were more difficult. He stated he did not want to encumber an entire condo building with an easement to the CDD. A Board Member 13:33 stated he felt it was not important for the CDD to necessarily own all the water drainage areas, but it was important for the CDD to have the right to access and maintain the water drainage areas. A Board Member 14:17 asked what percentage of the lake areas did the CDD not own, and how would acquisition of the unowned areas affect the budget. Mr. Krebs responded the CDD owned approximately 90% of the lake areas; however, there were roadways and yard drainage areas in individual communities which had not been transferred to the CDD. Discussion ensued regarding yard drainage, whether it was the CDD's responsibility to clean yard drainage, valley gutter water collection access, road drainage, roof drainage, where CDD management of drainage maintenance left off and HOA responsibilities began, and local HOA drainage maintenance responsibilities. A Board Member 16:53 stated the water systems that the MRI identified and serviced were the assets the CDD needed to be able to continuously maintain for surface water management purposes; yard drainage was not included. Mr. Ward concurred; yard drainage maintenance was the homeowner's responsibility. Discussion ensued regarding valley gutter maintenance being the responsibility of the CDD, valley gutter repair not being the responsibility of the CDD, the CDD needing access to the valley gutters for surface water maintenance purposes only, not owning the valley gutters, and did the CDD need ownership in order to secure access for maintenance purposes. Mr. Ward stated ownership was not necessary, only an access easement was needed for purposes of maintenance. Mr. Urbancic stated if the CDD did not acquire the drainage areas as assets prior to maintenance, maintenance would need to be done via reimbursement. Mr. Ward stated he felt storm drainage pipes could be added to the easement form to simplify things. Mr. Urbancic concurred. Mr. Ward asked what the next step was in terms of getting this on paper. Mr. Krebs stated he thought the next step would be to go neighborhood by neighborhood in the single family areas and acquire the drainage easements per each plat. He stated the condo associations would be a little more complicated, but he would work with Mr. Urbancic, combing out the situation plat by plat. Mr. Ward asked how long the process would take. Mr. Krebs responded he was uncertain; it would be a long process. Mr. Krebs briefly described his process and indicated at the next meeting he would report on his progress and inform the Board how much more time he would need. Mr. Ward stated he approved of the plan.

**c) Asset Manager**

**I. September, 2018 Report**

Mr. Bruce Bernard reported between Miromar and the CDD approximately 120 catch basins and lake openings had been cleaned. He stated in the next several months he would organize the cleaning of the easements Mr. Krebs acquired for the CDD. He stated he planned to prepare a yearly report indicating which drainage areas needed to be cleaned. A Board Member 23:56 asked what the MRI had charged to clean the drainage basins. Mr. Bernard responded \$60,000 dollars. Discussion ensued regarding the CDD's portion of the \$60,000 dollars being \$19,000

dollars, and the cost being high due to certain drainage areas never having been cleaned before. Mr. Bernard stated the cost would be significantly less in years to come (between \$10,000 dollars and \$20,000 dollars) due to regular maintenance and only a third of the system requiring maintenance yearly. He reported the trimming of the hedge of FGCU would be completed next week and the lake bank erosion contract proposals for Montebello, Portofino, and Bellamare would be acquired within the next couple months. A Board Member 25:49 stated a good job was done trimming the viburnum hedge on the Ben Hill Griffin berm side and asked if there was a plan to fill the now visible viburnum gaps. Mr. Bernard responded in the affirmative.

**d) Manager**

**I. Financial Statements for the period ending August 31, 2018 (Unaudited)**

**FOURTH ORDER OF BUSINESS**

**Supervisor's Requests and Audience Comments**

Mr. Ward asked if there were any comments from the Board. A Board Member 26:35 inquired about Lyons Land Corp, LLC's ownership of Siena as per Mr. Krebs information sheet. Mr. Krebs reported Lyons Land Corp, LLC was the original home builder. He explained when he pulled Siena up on the Lee County Property Appraiser website it was listed as owned by Lyons Land Corp, LLC. Discussion ensued regarding Lyons Land Corp, LLC, not being the owner of Siena, whether it was legally required to fix the discrepancy and the importance of notifying the Siena HOA owner representative of the discrepancy.

Mr. Ward asked if there were any comments from the Audience. There were none.

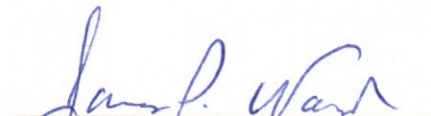
**FIFTH ORDER OF BUSINESS**


**Adjournment**

Mr. Ward adjourned the meeting at 2:30 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

  
Doug Ballinger, Vice Chairman