

**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, November 14, 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
Meagan Magaldi	District Attorney
Richard Freeman	Asset Manager

**Audience:**

Heather Chapman	HOA
Erin Dougherty	

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**

**September 12, 2024 – Regular Meeting Minutes**

Mr. Ward asked if there were any additions or corrections to the Minutes.

A correction was made to line 131, Verdana changed to Bergamo.

**On MOTION made by Mary LeFevre, seconded by Doug Ballinger, and with all in favor, the September 12, 2024 Regular Meeting Minutes were approved, as corrected.**

**THIRD ORDER OF BUSINESS****Discussion****Discussion of the District's Water Management system – impacts of recent Hurricane's**

Mr. Ward stated after two major weather events Mr. Charlie Krebs put together a presentation and discussion for the Board reviewing the water management system.

Mr. Charlie Krebs indicated he provided the Board with an exhibit reviewing the water management system in its totality. He stated he tried to include who owned the different water management tracts. He reviewed the map explaining the areas in dark blue were lakes and easements which had been transferred to the CDD; the areas in yellow were owned by one of the many HOAs; the areas in red were owned by Miromar Lakes, LLC; the two areas in light blue were for Ben Hill Griffin and were used by the County to treat the water and get it over to different outfalls; on west side of Ben Hill Griffin were basins 1, 2, and 3, going from the maintenance facility to San Marino and those lakes cascaded south flowing to I-75; from I-75 the water led to the bridge crossing and then to the north branch of Estero River. He explained everything on the east side, including Esplanade, was a part of basin 5/6. He continued to review the map and discuss where the water flowed through and around the development. He noted basin 5/6 was hydraulically connected to the slough and the slough took water from all the land to the east, the land south of Alico and north of Corkscrew, part of the Estero River Basin, which was why the lakes were at different elevations. He stated if the slough was high there was nowhere for the water to go. He reported Estero Village was trying to improve the capacity of the north branch, but the land was all inside residential communities and it was overgrown which made improvement difficult. He stated as there was more development to the east there would be more impact to the water elevation in the slough which would impact the lakes. He explained if the slough were high and in turn the lakes were elevated, and a weather event came through there was no place for the water to go which would cause flooding. He discussed how the County provided development elevations according to a 5 year, 25 year and 100 year rain event; the 5 year dictated the minimum elevation of the roadway according to how high the water might rise if there was 5 inches of rain or more within 24 hour period; the 25 year set the minimum berm elevation around the basins according to how high water would rise with 10 to 11 inches of rain within 3 days; and the 100 year dictated the minimum elevation of homes according to how high water would rise with 12 to 15 inches of rain within 3 days. He noted if FEMA performed a model and it came back with higher elevations, then the FEMA elevations had to be observed. He stated when the lakes were high, and there was more than 5 inches of rain in 24 hours and the roadways flooded, the roads were intended to hold the water until the lakes could again take in water. He stated when all the lakes were high it was difficult to determine if and where a blockage might be located. He stated all the lakes in basin 5/6 had outfall north of the entrance into the development. He stated when the road was developed, a junction box was placed to allow for a second outfall to the recreation lake, the idea being if there was a blockage in one outfall the water could still escape through the second outfall.

Mr. Michael Weber noted the water level in the lake was recently 2 feet higher than it was today and the streets were flooded in places. He stated if a hurricane had come through at that time the development would have been in trouble. He stated he was concerned about the situation worsening with incoming new developments. He noted if rain events continued over the next few years the development would be in trouble.

Mr. Doug Ballinger discussed his concerns regarding his home flooding.

Mr. Weber discussed the portions of the roadways which were flooding. He stated there were no drains which needed cleaning therefore he believed it was an infrastructure issue causing the flooding. He stated there were certain storm drains sitting lower than others causing the lakes to fill up and equal the storm drain level causing the storm drains to become ineffective and the roads to flood. He stated the road flooding could become deep, up to one foot. He stated he believed the storm drains were not built properly and should be up higher like they were in Miromar.

Mr. Krebs indicated the storm drains were all above the minimum level indicated in the permits. He noted some of the storm drains were higher than others due to the grading required to build the roadways and the slope of the road. He noted he engineered most of the roadways and storm drains and the storm drains were not built incorrectly, in fact, elevation was added to the storm drains built after he came in starting in 2003. He noted the first phase was done with the original permits, but since then efforts were made to keep everything at a higher elevation.

Mr. Weber noted there was no fixing the issue then.

Mr. Krebs agreed there was no way to raise the storm drains without raising the roads, which would strain the transition to the homes and might raise the roads higher than the homes which would cause home flooding.

Mr. Weber stated when the water began flooding into the streets, residents became concerned about homes flooding. He noted it would be a good idea to communicate how the water management system worked to the residents to allay concerns about home flooding. He stated it would be helpful to see the streams on the map including the direction of the water flow.

Mr. Krebs stated everything east of Ben Hill Griffin flowed into the internal lakes before being discharged into the recreation lake. He pointed out how the water flowed on the map. He stated all flooding was controlled by the elevation of the lakes. He noted even though there was water in the roads, there was a big difference between the inlet elevation (21 feet) and the elevation of homes (23 feet or 24 feet) which would prevent home flooding. He discussed the land before the homes were built and the mining in the area which previously caused flooding difficulties.

Mr. Ballinger stated it sounded like there was considerable planning to ensure the community water flowed as it should; however, the weir looked as if it should have been designed to allow water to go over and exit the community. He asked if there was any discussion of making the weir a spillway.

Mr. Weber noted Mr. Krebs indicated Estero Village was working on the downstream issue; however, there was a lot of private property in Estero over which Estero Village had no control.

Mr. Krebs stated three or four years ago the County was looking at drainage improvements in this area, including improving the flow through the wetlands slough. He said how this would be done he was unsure, but the wetlands were owned by various entities and as such it would be difficult for the County to make improvements. He stated the municipalities were looking for ways to improve the situation, but putting plans into action, because of the various rules and regulations, was very cumbersome and it would take a long time to put any plan into motion.

Mr. Ballinger asked if the CDD should be speaking with Estero Village regarding the situation from within should be monitored and actively promoted unless it becomes inactive.

Mr. Krebs indicated he spoke with David Willems who was the Public Works Director of Estero Village, and he understood Estero Village was trying to do something in there, but as with anything it would take time.

Ms. Mary LeFevre asked if any home in Miromar Lakes had flooded in the last twenty years.

Mr. Krebs responded in the negative; not that he was aware of, and the lakes had risen high in the past twenty years. He stated in an average year, the control for the main water elevation was 18 inches, and in the summer, it was normal for the water level to rise to 20 inches, and it was even normal for the water level to rise to 21 inches with a rain event (it typically took a week to go from 21 inches back down to 20 inches).

Mr. Weber asked how many feet over the overflow the water level was last month. He noted he remembered it was reported to be more than 24 feet over.

Mr. Freeman stated the waterflow level was over 32 inches, not feet, and was backflowing into the system.

Mr. Krebs agreed, noting offsite lands were draining towards the slough and the water bottlenecked. He noted there was nothing to prevent water from flowing back into the weir. He stated originally the developer wanted to build a pumphouse to enable the community to pump water out, but South Florida Water Management District would not even entertain the idea of a pumphouse. He stated an operable weir was also considered, a weir which could be raised or adjusted, but South Florida Water Management District did not like this idea either.

Discussion ensued regarding the challenges involved in improving the water flow in Estero; the drainage basins; where water flowed in basin 4 and basin 5/6; which lakes were connected to each other; and the creation of a second outflow.

Mr. Weber asked for further explanation of the colors on the map.

Mr. Krebs explained the red areas were still under construction and had not been turned over to the CDD; the yellow areas were tied to Ravenna.

Discussion ensued regarding Ravenna's water management system and the CDD having easements over the water management system for maintenance purposes.

Mr. Krebs discussed the red areas on the map which were not yet turned over to the CDD, the red areas which were areas of sandy beachfront, and the area belonging to the Beach Club.

Mr. Ward stated he appreciated the map created by Mr. Krebs as it showed exactly what the CDD owned, what it did not own, and what it needed to own. He stated the red areas needed to be better identified as anything which was a part of the water management system needed to be owned by the CDD for maintenance, especially because this was what the permits indicated. He stated this map was a great start toward reaching this goal of obtaining the water management system in its entirety.

Mr. Krebs continued to review the map, pointing out areas which the CDD would likely take possession of shortly or when construction was completed.

Discussion ensued regarding construction in the slough on buildable land.

Mr. Krebs indicated the South Florida Water Management District would only allow a certain amount of development within the slough. He noted there was not much more developable land located within the slough. He stated SFWMD would not allow any construction within the slough which would cause significant wetland impacts.

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2025-1**

**Consideration of Resolution 2025-1, a Resolution of the Board of Supervisors accepting certain Fee Simple and Easement Conveyances relating to certain Lakes known as Tract O-5 together with related Stormwater Improvements in the subdivision known as Miromar Lakes Unit XVII – Costa Maggiore Plat – Phase I And Tract O-7 together with related Stormwater Improvements in the subdivision known as Miromar Lakes Unit XX – Costa Maggiore Plat – Phase 3; Authorizing the Chairman (or the Vice Chairman in the Chairman’s absence) to execute such conveyance documents to the extent necessary to carry out this Resolution; Providing for severability; Providing for conflicts; and providing for an effective date**

Mr. Ward stated Resolution 2025-1 was related to getting certain pieces of the water management system turned over the CDD. He indicated there were a few areas discovered during the last rain event in Costa Maggiore which had some backups in the water management system (these areas had been repaired) which needed to be turned over to the CDD. He stated the Resolution transferred this system to the CDD.

Mr. Alan Refkin asked if the system had been inspected and was working properly.

Mr. Krebs responded in the affirmative.

Mr. Refkin indicated that his question was asked due to the poor condition of Sienna’s water management system when the CDD accepted the transfer.

**On MOTION made by Alan Refkin, seconded by Mary LeFevre, and with all in favor, Resolution 2025-1 was adopted, and the Chair was authorized to sign.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2025-2**

**Consideration of Resolution 2025-2, a Resolution of the Board of Supervisors of the Miromar Lakes Community Development District amending the Fiscal Year 2025 Budget which began on October 1, 2024, and ends on September 30, 2025; providing a severability clause; providing for conflict and providing an effective date**

Mr. Ward explained there was a calculation error in the budget with respect to one of the communities which had more units assigned to it than existed within the community. He stated this affected the assessment rate. He explained this amendment to the budget reduced the reserve number a little bit in order to keep the assessment rate the same. He asked if there were any questions.

Mr. Weber asked how much the amendment affected the reserve.

Mr. Ward responded the reduction was approximately \$35,000 to \$40,000 dollars.

Ms. LeFevre asked in which community the calculation error was made; she wanted to be sure it was not San Marino.

Mr. Ward responded he was certain it was not San Marino, but he was unsure which community it was. He said it was one of the newer communities, not an existing community within Miromar.

**On MOTION made by Michael Weber, seconded by Doug Ballinger, and with all in favor, Resolution 2025-2 was adopted, and the Chair was authorized to sign.**

## **SIXTH ORDER OF BUSINESS**

### **Staff Reports**

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

Ms. Meagan Magaldi reminded the Board to complete the Ethics Training before the end of the calendar year.

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

Mr. Krebs reported there was a 600 to 650 foot section of shoreline near FGCU, coming down from the softball field, which did not back up to any homes, but was very steep and needed to be restored. He indicated he was working to identify a way to address this shoreline affordably. He pointed out where the shoreline area was located on the map.

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

- a) Asset Managers Report October 1, 2024**
- b) Waterway Inspection Report October 2024**

Mr. Richard Freeman reported he started working on the fiscal year 2025 plan for the fishery which would include adding bluegill and other fish for fishing, as well as additional carp, some plantings, and some electrofishing to eliminate some of the predator fish. He stated he was working on obtaining a report from the vendor regarding the condition of the storm drain system throughout the community and should have something to present at the next meeting which would include a map and the percentage of sediment in the system. He stated the proposal he would receive would be a large proposal as it would include the entire community as opposed to dividing the community up over three years, but at least it would identify the problem areas. He noted from there, the CDD could decide how it wanted to proceed. He stated the CDD could choose to address areas which

had a certain percentage of sediment. He reported the cane toad traps had been relatively effective and had trapped approximately 155 adult cane toads. He noted there was a meeting next week regarding the shoreline.

Mr. Urbancic agreed; there was a meeting next Friday at Miromar's office.

Mr. Patrick Reidy stated he noticed a handful of midge flies and he asked when midge fly spraying would begin.

Mr. Freeman responded midge fly spraying varied from location to location and depended on the number of midge flies. He noted there was a midge fly program in place and if he received complaints he would start with the pretreatment program.

Ms. LeFevre asked about the replanting of the I-75 corridor.

Mr. Dougherty indicated the replanting had begun.

Ms. \_\_\_\_ 57:35 (indecipherable).

Mr. Refkin asked if the CDD could get an update at meetings regarding the progress of the program.

Ms. \_\_\_\_ (indecipherable).

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

- a) Financial Statement for period ending September 30, 2024 (unaudited)**
- b) Financial Statement for period ending October 31, 2024 (unaudited)**

Mr. Ward stated Ms. LeFevre and Mr. Reidy would be sworn in again at the next meeting. He noted each would receive an Oath of Office from the State to sign and return to the State with \$25 dollars, but he would still swear them in with the CDD Oath during the next meeting.

Mr. Reidy indicated he did not have the October financial statement.

Mr. Ward noted he had the October financial statement.

The rest of the Board Members indicated they had the October financial statement.

Mr. Ward gave his copy of the October financial statement to Mr. Reidy.

#### **SEVENTH ORDER OF BUSINESS**

#### **Public Comments**

**Public Comments: - Public comment period is for items NOT listed on the agenda, and comments are limited to three (3) minutes per person and assignment of speaking time is not permitted; however, the Presiding Officer may extend or reduce the time for the public comment period consistent with Section 286.0114, Florida Statutes**

Mr. Ward asked if there were any audience comments; there were none.

**EIGHTH ORDER OF BUSINESS**

**Public Comments**

Mr. Ward asked if there were any audience comments or questions; there were none.

**NINETH EIGHTH ORDER OF BUSINESS**

**Announcement of Next Meeting**

**Announcement of Next Meeting – December 14, 2024**

**TENTH ORDER OF BUSINESS**

**Adjournment**

Mr. Ward adjourned the meeting at approximately 3:02 p.m.

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

Miromar Lakes Community Development District

  
James P. Ward, Secretary

  
Alan Refkin, Chairman