

**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 Tuesday, November 28, 2023, 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:

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| Alan Refkin | Chair |
| Michael Weber | Vice Chair |
| Patrick Reidy | Assistant Secretary |
| Mary LeFevre | Assistant Secretary |
| Doug Ballinger | Assistant Secretary |

Also present were:

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| James P. Ward | District Manager |
| Greg Urbancic | District Attorney |
| Bruce Bernard | Asset Manager |
| Richard Freeman | Asset Manager |

Audience:

| | |
|-----------------|-------------|
| Heather Chapman | HOA Manager |
| Rich Pomeroy | |

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

October 12, 2023 – Regular Meeting Minutes

Mr. Ward asked if there were any additions, deletions, or corrections for the Minutes.

One correction was mentioned and made.

On MOTION made by Mary LeFevre, seconded by Mike Weber, and with all in favor, the October 12, 2023, Regular Meeting Minutes were approved as amended.

THIRD ORDER OF BUSINESS

Staff Reports

I. District Attorney

Mr. Urbancic reminded the Board about the new ethics training requirements for 2024. He indicated he would provide additional information when available. He noted the next meeting would be in January and he would keep the Board updated regarding the next Legislative Session.

Mr. Weber asked if ethics classes would be online.

Mr. Urbancic responded some classes would be online, but there would be alternatives available.

II. District Engineer

No report.

III. Asset Manager

- a) Operations Report November 1, 2023**
- b) Waterway Inspection Report October 2023**
- c) Water Quality Report August 2023**

Mr. Richard Freeman indicated he received the proposals regarding lake bank restoration for the rip rap and Geotube repairs throughout the community. He stated the proposals were within budget. He stated if approved, the restoration would begin early next year.

Mr. Bruce Bernard listed the areas where the lake bank restoration would be done. He noted \$108,000 dollars was allocated for these repairs, and the proposals came in around \$103,000 dollars.

Mr. Freeman reported the cane toad vendor recommended placement of an additional 35 boxes at a rental cost of \$165 dollars per month and this would help mitigate the tadpoles and cane toads. He stated there was enough in the budget to cover this additional expense.

Mr. Ward asked if this cost was split with the Master HOA.

Mr. Freeman responded in the negative; he explained the CDD and the Master HOA each had their own cane toad vendor.

Mr. Bernard explained the CDD's vendor mostly skimmed the lakes and removed tadpoles, while the Master HOA's vendor collected the mature toads from land.

Mr. Refkin asked where the 35 boxes would be placed.

Mr. Bernard responded the boxes would be placed around the lakes which had the most cane toads. He noted the boxes could be moved from one place to another as needed.

Mr. Reidy asked about water vegetation.

Mr. Bernard stated he spoke with Solitude yesterday and Solitude would soon provide the estimate for the 2024 plantings. He stated Solitude felt the five year plan was going well. He noted 375 carp had been installed. He reported he was checking on the installation of rip rap along the lake shore bank in Ravenna and the installation was going well. He stated the slope was 3 to 1 and 4 to 1 in spots. He noted Ravenna was digging out the slope in places to ensure it was at the proper incline.

Mr. Weber asked how far along the Ravenna installation was.

Mr. Bernard responded the rip rap installation was 65 percent complete; another vendor would be installing the irrigation, grading, and sod.

IV. District Manager

- a) No meeting December 14, 2023**
- b) Financial Statement for period ending October 31, 2023 (unaudited)**

Mr. Ward indicated there was no meeting in December.

Mr. Reidy asked about the water quality report.

Mr. Bernard stated overall the water quality report was good. He stated the lakes were in good shape.

Mr. Reidy noted, in the financial statement, insurance was double what was originally budgeted.

Mr. Ward concurred. He stated this was the case in every one of his CDDs. He stated he had one CDD whose insurance went from \$8,000 dollars to \$70,000 dollars; Miromar Lakes was lucky its insurance rates only doubled.

FOURTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

Mr. Ward asked if there were any Supervisor's requests.

Mr. Mike Weber stated regarding Ravenna and the transfer of the property to the CDD, the issue was with the need to get 100 percent approval from the residents and the lienholders in order to transfer the property which would be nearly impossible to obtain. He stated he questioned the Ravenna HOA regarding the need for 100 percent approval and the Ravenna HOA questioned two different law firms who both agreed 100 percent approval from the residents and the lienholders was required for any land transfer. He stated he understood there was a 50 percent mortgage rate in Ravenna and as such it

would be difficult to obtain 100 percent approval; therefore, the Ravenna HOA would like to grant the CDD an easement. He noted there were pros and cons to an easement and the CDD's preference was a title transfer. He stated he and Mr. Ward spoke and proposed accepting an easement under the condition that the CDD write all the legal documents regarding the easement with no input from the HOA's legal team. He indicated he would make this proposal to the Ravenna HOA.

Mr. Refkin asked how Mr. Urbancic felt about this proposal.

Mr. Urbancic responded he understood this was a unique property with unique challenges, and he could certainly prepare an easement document which would give the CDD the rights and authority needed. He stated FEMA required a fee simple title which could be a drawback if ever there were a FEMA issue. He indicated he could certainly draft an easement; it was not as good as a fee simple title, but it would still give the CDD the right to do what it needed to do. He stated it was important to determine whether Ravenna had the right to grant an easement; if it did not have the right to grant a fee simple title, it may not have the right to grant an easement.

Mr. Weber stated supposedly the Ravenna HOA had the right to grant an easement without going to the homeowners.

Mr. Urbancic stated he would like to see what Ravenna was referencing in this regard.

Mr. Reidy asked if there was any chance the South Florida Water Management District would become involved or object.

Mr. Ward stated he understood the SFWMD permit on Ravenna was in Ravenna's name currently, and the thought was this permit would be transferred to the CDD once the new multifamily site next to Ravenna, on the same permit as Ravenna, was finished being developed.

Discussion ensued regarding the docks on Ravenna's lake; the construction of a new multifamily site next to Ravenna (on the same permit as Ravenna); and the permit being transferred to the CDD for maintenance purposes upon completion of construction.

Ms. LeFevre asked what was better about having a fee simple title transfer as opposed to an easement.

Mr. Ward noted there was the FEMA issue, which he did not feel was a big issue, but when you owned the property, you had the right to do whatever you wanted on the property, and when you had an easement, you did not, you only had the right to do whatever the easement allowed you to do. He stated because this was an easement in an HOA, there would be an HOA deck overtop the land, and the HOA could always assert their rights against the CDD, although this issue has never been litigated. He stated he personally preferred title transfer, unless it was a side lot or roadway easement, but if Mr. Urbancic could write the easement in a way that the HOA was not given any right to do anything pursuant to the easement as a recordable legal document, the CDD would have a strengthened position from an ownership perspective.

Discussion ensued regarding the Ravenna HOA most likely wanting the CDD to have full rights and responsibilities for the lake bank and maintenance.

Ms. LeFevre asked if there was a way to change the Ravenna HOA documents to not require the lienholders approval of a land transfer.

Mr. Ward responded in the negative.

Mr. Weber stated Ravenna was very interested in transferring responsibility for the lake to the CDD, especially after being hit with the recent assessment for lake bank restoration.

Mr. Refkin stated he had been working with Bella Vista for a couple of years regarding transfer of its water management system to the CDD once it was in good condition. He stated the plans were all prepared for Bella Vista.

Ms. LeFevre asked what would happen if the CDD did not accept transfer of the permit or the Ravenna easement or anything. She asked what would happen if the CDD did nothing and left the situation as it was.

Mr. Ward stated the CDD was maintaining the water management system for the entire community but because of a developer who went defunct there was a part of the community (Ravenna) which was being harmed by that one event which could not be fixed properly because of an HOA document. He stated this was an extremely unusual situation which the CDD should try to take care of for Ravenna. He stated if the CDD decided not to move forward with the easement, there was no downside for the CDD other than it was hurting a portion of the community which he felt the CDD should help.

Mr. Reidy agreed. He stated the CDD should take responsibility for the maintenance of Ravenna's water management system.

Mr. Refkin agreed.

Discussion ensued regarding the benefits of taking responsibility for Ravenna's water management system, and the South Florida Water Management District permit.

Mr. Weber asked if the Board was in agreement with his easement proposal.

The Board was in agreement.

Mr. Weber indicated he would make the proposal to the Ravenna HOA and report back to the Board.

Mr. Ward noted Ravenna's attorneys could be difficult.

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

FIFTH ORDER OF BUSINESS

Announcement of Next Meeting

Announcement of Next Meeting – January 11, 2024

SIXTH ORDER OF BUSINESS

Adjournment

Mr. Ward adjourned the meeting at approximately 2:35 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