

**MINUTES OF MEETING OF THE
MIROMAR LAKES
COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Miromar Lakes Community Development District's Board of Supervisors was held on Thursday, June 8, 2017, at 2:00 p.m. at the Beach Clubhouse, 18061 Miromar Lakes Parkway, Miromar Lakes, Florida 33913.

Board members present and constituting a quorum were:

David Herring	Vice Chairman
Doug Ballinger	Assistant Secretary
Burnett Donoho	Assistant Secretary
Alan Refkin	Assistant Secretary
Michael Weber	Assistant Secretary

Staff present:

James Ward	District Manager
Greg Urbancic	District Counsel
Paul Cusmano	Calvin Giordano & Associates
Bruce Bernard	Calvin Giordano & Associates

Audience:

Mary LeFevre	Resident
John Atwood	Resident
Gary Gold	Resident
Tim Byal	Miromar Development Corporation

1. Call to Order & Roll Call

Mr. Ward called the meeting to order at 2:00 p.m. A roll call determined that all members of the Board were present.

2. Consideration of Resolution 2017-5 Declaring a Vacancy in Seat (1) on the Board of Supervisors

Mr. Ward stated the Board must appoint a qualified elector to fill the vacancy in Seat (1) pursuant to 190.004 Section 1 of the Statutes. He said the process was relatively simple, and did two things: One, It declared the vacancy from the passing of Mr. Hendershot, and two, the statute permits and provides that the Board in its sole discretion appoint someone to fill the unexpired term, which would be until November of 2018. He said the individual must be a citizen of the United States, a resident of the state of Florida,

and a qualified elector in Lee County which meant he must reside in the District and be a registered voter in Lee County.

Mr. Donoho asked if the Board could have a week to think about it, and Mr. Ward answered they could.

Dr. Herring asked if it would be ok to discuss this today

Mr. Ballinger stated that he would like to nominate Mike Weber for the position as Mr. Weber had superior knowledge of what was going on in Miromar Lakes and understood the relationship between different quasi-governing committees and things of that sort. He continued that Mr. Weber had broad experience with supervising over 600 employees in the medical field, and has good business experience. He has lived on a lake all of his adult life and this Board member felt he would be a good person for the position.

After a discussion among the Board members, a motion was made.

Motion was made by Dr. Herring and seconded by Mr. Ballinger to appoint Mr. Michael Weber to fill the vacancy on the Board of Supervisors, and with all in favor, the motion was approved.

3. Administration of the Oath of Office for the Newly Appointed Supervisor from the Adoption of Resolution 2017-5

Mr. Ward explained that he was a Notary of the State of Florida and authorized to administer the Oath of Office to Mr. Weber, and he did so. He provided Mr. Weber with a copy of the Original Oath of Office for him to sign. Mr. Ward also explained and provided copies of the Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees and Form 1, Statement of Financial interests.

4. Consideration of Resolution 2017-6 Re-designating the Officers of the District

Mr. Ward stated Mr. Hendershot had been the Chairman and so the Board must now select a new Chairman. After some discussion, the Board selected as follows:

- Chairman – Dr. David Herring
- Vice Chairman – Mr. Doug Ballinger
- Assistant Secretary – Mr. Alan Refkin
- Assistant Secretary – Mr. Burnett Donoho
- Assistant Secretary – Mr. Michael Weber
- Secretary/Treasurer – Mr. James P. Ward

Motion was made by Mr. Donoho and seconded by Mr. Refkin to approve Resolution 2017-6 re-designating the officers as described above, and with all in favor, the motion was approved.

5. Consideration of Minutes

a) May 11, 2017 Regular Meeting

Referring to page 3, Mr. Ballinger asked the meaning of a word on page 12, fourth paragraph down and it was explained and change was made.

Motion was made by Mr. Refkin and seconded by Mr. Ballinger to approve the Minutes as described above, and with all in favor, the motion was approved as amended.

6. Continued comments and discussion of the proposed Fiscal Year 2018

Mr. Ward stated the Public Hearing was scheduled for the Board's August meeting at the Clubhouse at 2:00 PM. He asked for questions about the budget. Hearing none, he continued to the next item.

7. Staff Reports

a) District Attorney

Mr. Urbancic stated he did not have anything new to report on the University Overlay Landscape MSBU. He said he had talked to a contact at FGCU to begin to determine whether they would participate. He said he had not gotten a very good reaction nor a returned phone call. He said the initial reaction was that FGCU was aware of it and aware that the Miromar Lakes would like them to participate, but FGCU did not know if they could support it. FGCU had some budgetary issues, particularly with the state, and asking for money at the present time probably would not be successful.

Dr. Herring asked how much money the CDD was asking for, and the response was it would be pro-rated on FGCU's involvement. Mr. Ward said he thought the value was less than \$20,000 a year. It was mentioned that the new FGCU President was going to be a neighbor of the Vice Chairman of the Board. Mr. Ballinger stated he would be having dinner with the President, and he asked who Mr. Urbancic talked to.

Mr. Urbancic said he had talked to Mr. Tom Mayo, who was going to talk to his superior. Mr. Urbancic said Mr. Mayo was the Facilities Director.

Mr. Byal was asked if the County was not willing to do an inter-local agreement for the portion that the CDD wanted to maintain. Mr. Urbancic responded he had had discussions with the County, and the County Attorney had indicated they would consider doing that. Mr. Byal was suggested that this might be an easier path.

Dr. Herring asked about how much the developer would contribute to the project. Mr. Urbancic responded that the developer had a part which they would take on.

Mr. Urbancic stated that he wanted to echo what Mr. Ward had said that there was a new public records law which would make it more difficult for government entities to be negligent for failure to respond.

b) District Engineer – No report.

c) Asset Manager –

Mr. Bernard said due to the weather conditions, Brightview had not been able to start aeration of the medians, but this work would start next week when the water subsided. He said a report was being put together on the bulrush, and it would be given at the next meeting. He said he had asked the golf course to inform them of any bulrush that it wanted to keep.

A Board member asked if the report would consider both options, removing them and trimming them. Mr. Ward responded affirmatively.

d) District Manager - No report.

8. Supervisor's Requests and Audience Comment

Mr. Ward asked for Supervisor comments.

Dr. Herring commented that it would be a good idea to know exactly how much property the CDD was responsible for and exactly what those responsibilities were. He said since there was a new Board member, it would be a good idea to put together something that outlined the property for which the CDD was responsible.

Mr. Ward responded that was a good idea, as this was a complicated project, and that the professional staff could prepare that for the Board. It was also suggested that it be put on the website so the residents could know.

Mr. Ward asked for audience comments. One audience member commented that his question could be asked after the meeting.

Gary Gold, President of Navona, asked a question on behalf of a resident. He stated this resident noticed from her lanai, a piece of machinery across the channel was taking dirt from the land and putting it into the middle of the channel, which she knew had been

dredged so boats could go through. This resident talked to the equipment operator, and he said he was told to do this. This resident has put in a request for remediation with Miromar Development, with the Board and with the contractor. He said she did this around mid-May and has not had a response from anyone. He said this was done when the lake was low.

Mr. Ward said the Board had not received an email and he asked for her contact information. A board member asked if the resident was Bonnie Head and said she had talked about that at the Voter Rep Meeting. Mr. God responded that it was Ms. Head.

Gary Gold said he had read the minutes of the last meeting, which mentioned the shoreline restoration of Sorrento, Park Lake and Verona Lago. He stated that Navona had some issues and he asked if there was a process for appealing to the CDD Board relative to erosion and shoreline protection. Mr. Ward responded that the property was not on their list of properties to fix since when CGA did their report over a year ago that was not CDD owned property. Mr. Bernard noted for the Board this property was recently taken over by the CDD, and at the time of turnover, the issues Mr. Gold raised were non existent. Mr. Gold said he would get the address of the property for them.

Mr. Byal said this erosion was being caused by the run off from the rear lot line and was getting channeled down and accumulating where the docks were installed. He said the water was from the irrigation of the homes that drained into the lake. It was asked who had constructed the runoff area, and the response was the individual home builders. He added that the problem was exacerbated by the low water level, and when the water came back up, the exposed areas would be underwater and there would be no run off.

Mr. Gold asked if there was any paper work to be done. Mr. Ward said he would talk to the engineer and find out what needed to be done.

Mr. Ballinger asked if this issue would be a problem if the property was re-inspected and would it be added to the list of things to correct. Mr. Ward responded affirmatively. He said the procedure needs to be understood.

Mr. Bernard said the County would not check the slopes again. He said he had talked to the County, and they said once the land development order was completed, when the developer was done and sold the lots to the builder, then it was the builder who was responsible. He said he asked specifically if the County inspected the slopes on final, and the answer was no. The building department handled everything else. Once the County approved the permit for the slopes, they were done.

Mr. Refkin commented that however it happened, it was the Board's responsibility to remediate when they could.

Mr. Ward commented that it just may be a drought issue, and they would keep checking it.

Dr. Herring commented that residents were putting in docks and the Board had no say on how they were done. Mr. Ward said that was correct.

An audience member commented that he was on a committee to draft the guidelines for putting in docks, and as they were being put on CDD property, what was the role of the CDD in this.

Mr. Ward stated that erosion happens no matter what, and it could be normal or abnormal. He said the dock issue he felt was a simple issue and was more about when the title search was done. He said an encroachment agreement should probably be done for the docks as was done for pools.

9. Adjournment

With no further comments or questions from the Board, Mr. Ward asked for a motion to adjourn.

Motion was made by Mr. Refkin and seconded by Mr. Ballinger to adjourn the meeting, and with all in favor the motion was approved.

The meeting was adjourned at 2:45 p.m.


James P. Ward, Secretary


David Herring, Chairman

OATH OR AFFIRMATION OF OFFICE

I, MICHAEL T WEBER, a citizen of the State of Florida and of the United States of America, and being an officer of the **Miromar Lakes Community Development District** and a recipient of public funds as such officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida, and will faithfully, honestly and impartially discharge the duties devolving upon me as a member of the Board of Supervisors of the **Miromar Lakes Community Development District**, Lee County, Florida.

Michael T Weber
Signature

Printed Name: MICHAEL T. WEBER

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) before me this 6TH day of JUNE, 2017, by MICHAEL T. WEBER, whose signature appears hereinabove, who is personally known to me or who produced _____ as identification.

James P Ward
NOTARY PUBLIC
STATE OF FLORIDA

Print Name: JAMES P. WARD
MICHAEL T. W

My Commission Expires _____

