

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

The Regular Meeting of the Miromar Lakes Community Development District's Board of Supervisors was held on Wednesday, July 1, 2015, at 2:00 p.m., at the Beach Clubhouse, 18061 Miromar Lakes Parkway, Miromar Lakes, Florida 33913.

**Present and constituting a quorum were:**

<b>Mike Hendershot</b>	<b>Chairman</b>
<b>David Herring</b>	<b>Assistant Secretary</b>
<b>Alan Refkin</b>	<b>Assistant Secretary</b>

**Staff present:**

<b>James Ward</b>	<b>District Manager</b>
<b>Greg Urbancic</b>	<b>District Counsel</b>
<b>Bruce Bernard</b>	<b>Calvin Giordano &amp; Associates</b>
<b>Paul Cusmano</b>	<b>Calvin Giordano &amp; Associates</b>

**Audience present:**

<b>Tim Byal</b>	<b>Miromar Development Corporation</b>
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**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Ward called the meeting to order at 2:00 p.m.. The record should reflect that all members of the Board were present with the exception of Supervisors Ballinger and Donoho.

**SECOND ORDER OF BUSINESS**

**Consideration of Minutes**

**a. June 11, 2015, Regular Meeting**

Mr. Ward stated if you have any additions, corrections or deletions, it would be appropriate at this time to so indicate. Otherwise, a motion for their approval would be in order.

Mr. Hendershot referred to page 11, in the last paragraph, rather than crabs, it should say Krebs. On page two put the word Counsel after Special, so it read Special

Counsel Smith. On page five, the sentence under the red highlighted wording, it should read, "... or other water testing we're doing" rather than going, "... for Alico West."

Mr. Ward asked any other additions, corrections or deletions? Hearing none, a motion to approve the minutes as amended would be in order.

**On MOTION by Mr. Hendershot and seconded by Dr. Herring, with all in favor of approving the June 11, 2015, Regular Meeting minutes as amended.**

**THIRD ORDER OF BUSINESS**

**Continued discussion of the Fiscal Year 2016 proposed budget.**

Mr. Ward stated item three on your agenda is a continued item that we've carried for a couple months now, which is your proposed Fiscal Year (FY) 2016 budget. As I had mentioned to you at your last meeting, the staff doesn't really have any additional comments or presentations with respect to the detail of the budget. However, when we started this process, I had mentioned this would probably be our last meeting that we would have the ability to make any changes before we had to do the mailed notices.

Mailed notice is scheduled to go out the last week of July, so barring any more changes to this budget today, we will be doing the mailed notice of these rates that are contained in this budget.

Mr. Hendershot stated I think it would be a good idea if we can quantify or at least have a good explanation as to those items that represent the difference between last year and this year, or the cause for the notice. It's in addition to the litigation fees, it's our general counsel fees that were raised, I presume, for that reason, the engineering services that were raised, and then the capital improvements, I guess, that we're making that were broken out in the budget as well.

Mr. Ward stated right. I actually have that included in your agenda summary, but I'll see how to capsule that in the letter that I do for the residents when we send it out.

Mr. Byal asked do you generally send that letter around for review before it goes?

Mr. Ward stated not generally.

Mr. Urbancic stated there are some things in there that have to be in there, that we just have to put in there from a statutory perspective, and I know that's in the form.

Mr. Ward stated the letter is basically a standard, two-page letter that I've done for years that we have. I can add the summary information we have in here, but what's in there is basically required by law to go in there at this point in time.

Mr. Hendershot stated I also noticed that the public area landscaping went up significantly from last year to this year, from \$361 up to \$434. That might be queried as well.

Mr. Ward stated yes, we can go over that, but as I think I had mentioned to you in May that your overall budget on that is really up only \$30,000 for the whole landscaping program for last year, ten of which is related to contingency line items. The rest is a slight increase in Estate program costs, which haven't changed in whatever it's been, five or six years now.

Dr. Herring stated the quality will improve along with the additional funds.

Mr. Ward stated along with the payment of those funds, exactly.

Mr. Hendershot stated another question I had. There's a line items in one of the things for university, on page 13, under the 2012 bonds, what's the university line item?

Mr. Ward stated that is their proportionate share of the operating and maintenance budget only, not the 2012 bonds.

Mr. Hendershot stated oh, it's the General Fund.

Dr. Herring asked they purchased that piece of property on the other side of the road?

Mr. Hendershot stated yes.

Mr. Byal stated it's in the District, so they inherited that corner that they purchased. They inherited some CDD obligations. Not a full obligation, but a designated payment of the operating costs.

Mr. Urbancic stated we have an interlocal agreement with them, because assessing the other entities is a problem, but they agree, knowing that they got benefit from our systems.

Mr. Ward stated any more questions on the budget? If not, we'll go to a public hearing in September with the proposed budget that we have. Probably, I'll be asking Tim if there's a little larger venue in this building that we could use for the public hearing, just in case we get people that show up.

Mr. Byal asked is the theater large enough?

Mr. Hendershot stated probably it would be.

Mr. Byal stated yes, we'll do it in a theater.

Mr. Ward asked in the theater?

Mr. Byal stated right.

Mr. Ward stated okay, that would be perfect.

Mr. Hendershot stated I hope that it would be, particularly this time of the year.

Mr. Byal asked can you contact them for arrangements and copy me?

Mr. Ward stated okay. Usually Mike is the person, Mike Fabian.

Dr. Herring stated asked have we talked about the dates for the next two meetings?

Mr. Ward stated not the September meeting, just till August.

Dr. Herring asked and have we changed that date?

Mr. Ward stated I haven't changed it yet. I was going to probably next week some time.

Dr. Herring stated before you put dates in here and I'm not available for the August or September published dates that we have, so I don't know if you want, if it's necessary that I be here I would think, but I'm out of the Country, so.

Mr. Ward stated August, it's not a big issue, but September is a problem, because it's the public hearing on your budget. I guess we can change it today.

Dr. Herring asked so it would be September 10<sup>th</sup>, is that correct?

Mr. Ward stated the publish date is the tenth.

Dr. Herring stated won't be coming back until late that night. I don't know how everybody else --

Mr. Refkin asked what's the August date again?

Mr. Ward stated well August is normally the 13<sup>th</sup>, but David's out of town, and I was probably going to try to change that.

Mr. Refkin stated as long as it's not any time between the first and the seventh or eighth, I'm out of the Country, a long way out the Country.

Mr. Hendershot asked August or September?

Mr. Refkin stated September, I'm fine.

Mr. Ward stated September you have two choices, you either have to make the change the date today for notice purposes.

Dr. Herring stated that's why I bring it up.

Mr. Ward stated I don't know what Bernie's schedule is, and I clearly don't know what Doug's schedule is.

Mr. Refkin stated I can call him up, Doug, and ask him.

Mr. Ward, Doug's gone. I left him a message earlier today.

Mr. Refkin stated he's in Denver. I think he's in Denver, isn't he? Yes, he's in Denver.

Mr. Ward stated yes, he hasn't called me back, and he's usually very good about doing that. What are your thoughts? You know these two better than I do.

Mr. Refkin stated September I'm fine.

Mr. Hendershot stated we need to make sure we've got a quorum with whatever date we have, however we do that.

Mr. Ward stated yes.

Dr. Herring asked can we check that outside of this meeting, and then can you get in touch with us and see.

Mr. Ward stated no, it's a scheduled public hearing date, so I will actually have to do this by resolution and motion today to change it.

Dr. Herring asked can I be here via teleconference?

Mr. Ward stated yes.

Mr. Urbancic stated we have to have three physically here though.

Mr. Hendershot asked are you on the plane coming back?

Dr. Herring stated I'll have to look at my plane schedules exactly.

Mr. Urbancic stated we have to have it done by the 15<sup>th</sup> as well.

Mr. Ward stated yes, I've got a really short window, because there's four to six weeks of legal advertising to do for this hearing, so we don't have a lot of choice here.

Mr. Bernard stated he'll be back, telling him the 10<sup>th</sup>, could we do it the 11<sup>th</sup> Jim?

Mr. Ward stated yes, it's a Friday.

Dr. Herring stated as a matter of fact, I don't get back until the 13<sup>th</sup>.

Mr. Ward stated okay, which is Sunday. I just don't want to screw up the quorum. You guys travel so much in the summer, I'm just not sure what to do.

Mr. Refkin stated I'm okay any time you move it to September, I'm fine, you just pick a day.

Mr. Urbancic stated you might have Bernie back as well, but there's no way to know.

Mr. Refkin stated well, if we move it and Dave is back, I mean we just move it days, and then we do have a quorum, the three of us, and then you have your 30 days' notice.

Mr. Ward I have an idea, do you want to just reschedule for Tuesday the 15<sup>th</sup>?

Mr. Hendershot stated yes, if that gives you the time.

Mr. Urbancic stated yes, that's the last possible day.

Dr. Herring stated well, I'll be here the 15<sup>th</sup>.

Mr. Refkin stated I'll be here the 15<sup>th</sup>.

Mr. Hendershot stated probably the safest thing to do.

Mr. Ward stated but that's the last day for adoption of a budget, and the roll is the 15<sup>th</sup> of September by statute. Well, at least the assessment piece of it, not the budget, but it is what it is. Okay, so we'll do the 15<sup>th</sup>?

Dr. Herring stated okay.

Mr. Refkin stated two o'clock.

Mr. Ward stated I'm going to form a motion for you, but there'll be some blanks left in it, so it will be a motion to approve Resolution 2015-, and I'll fill in the number to amend Resolution 2015- whatever the number is that we approved the budget, to change the public hearing date from Thursday, September 10<sup>th</sup> to Tuesday, September 15, 2015, same time, two o'clock, at the same location.

Mr. Hendershot stated no, it's a different location, that meeting. It's in the theater.

Mr. Ward stated I just call this whole place the Beach Clubhouse.

Mr. Hendershot stated oh, all right, that's fine.

Mr. Ward stated so at the same location, the Beach Clubhouse, 10861 Miromar Lakes Parkway, Miromar Lakes, Florida 33913. That resolution is in order.

On MOTION by Dr. Herring and seconded by Mr. Refkin, with all in favor of approving the motion as stated above by Mr. Ward setting the date, time and location for the public hearing for the approval of the Fiscal Year 2016 Budget and Assessment Rates for the Miromar Lakes Community Development District.

Mr. Ward stated I will double check the quorum.

Mr. Hendershot stated August, I'm gone the first week of August and part of the second week, but if it's the Thursday of the second week, I might be back.

Mr. Refkin stated so you and I are both gone the first week, but after the eighth, I'm here.

Mr. Ward asked what's your schedule, David?

Dr. Herring stated I leave the 9<sup>th</sup> and I come back on the 16<sup>th</sup>. Alan is gone the 6<sup>th</sup>.

Mr. Ward stated so, basically, you're all looking at the third week at the earliest.

Mr. Refkin stated 17<sup>th</sup> or later, yes.

Mr. Urbancic stated that's administrative hearing week.

Mr. Ward stated that's administrative hearing week for the lawsuit. I mean do you just want to play it by ear and just cancel the meeting if we don't have any business to talk about, or do you want me to just try to do something in the last week of August? It's up to you.

Dr. Herring stated I'm here the last week of August or the third week of August.

Mr. Refkin stated if we do it the last week of August it's good timing, because the other one is basically not till the 15<sup>th</sup>. I'm back on the 8<sup>th</sup>. Mike, when are you back?

Mr. Hendershot stated probably around the 12<sup>th</sup>, it could be as early as the 10<sup>th</sup>.

Mr. Refkin stated let's say the 12<sup>th</sup>, we have two, so if we have one more person, then you have a quorum.

Mr. Urbancic stated since we don't need to set that one officially, at least we can call Doug and see if he's going to be back.

Mr. Ward stated I'll see what I can put together.

Mr. Refkin stated that at least puts you into a good time.

Mr. Ward stated okay, I'll do that for your office meeting.

FOURTH ORDER OF BUSINESS

Consideration of Encroachment Agreement with John J and Jesse K. Clancy to permit a partial encroachment into a lake maintenance easement for a previously constructed pool enclosure.

Mr. Ward stated, just briefly, this issue came up because the homeowner went to get a permit to replace the screen enclosure of an existing one, as he has told me, since 2003, it came up on the survey. It showed up in the County permitting, and the County asked for some sort of letter of acknowledgement that the encroachment can exist. I understand that the enclosure has already been constructed, but at the end of the day, we asked him to be able to sign an encroachment agreement. This is the same form of encroachment that you have had before, and the survey shows the nature of the encroachment. From staff's perspective, we are not opposed to the size of the encroachment that's on this pool enclosure.

Dr. Herring stated I've spoken to the person that helped him get the enclosure and the permits, Ray, the handyman, and he assures me that it's exactly what was there before, that they didn't change it whatsoever.

Mr. Ward stated I would assume so.

Mr. Bernard stated yes, it's not changed.

Dr. Herring stated good, so I have no problem with it personally.

Mr. Hendershot asked why didn't we catch it the first time.

Mr. Bernard stated that's the issue.

Mr. Refkin stated that's before we were on the CDD.

Mr. Ward stated ten to one, I would suspect that they probably submitted a survey with a pool enclosure that wasn't in the easement area, and it got moved back during construction, and it was never resurveyed.

Mr. Refkin stated this is a good way to straighten everything out.

Mr. Ward stated it kind of fixes the whole problem, and to help the homeowner or anybody in the District, it certainly is not a bad thing to do.

Mr. Refkin asked do you need a motion?

Mr. Ward stated yes, I do.



On MOTION by Mr. Refkin and seconded by Mr.Hendershot, with all in favor of approving the Encroachment Agreement with John J and Jesse K. Clancy to permit a partial encroachment into a lake maintenance easement for a previously constructed pool enclosure.

FIFTH ORDER OF BUSINESS

Staff Reports

a. Attorney

Mr. Urbancic stated the only thing I want to update is that, subsequent to our last meeting on the Center Place litigation, you gave us direction in the closed sessions, and we're working to carry out that direction. We did receive a response back today from Center Place counsel, and we're going to be evaluating that with Glen Smith, so nothing really further to report, other than still working on your direction.

Mr. Refkin stated thank you.

Mr. Ward asked any questions.

b. District Engineer

I. Update on proposed plan to modify Lake M-M for the development of 12 single-family lots adjacent to the golf course

Mr. Ward stated Charlie is not with us today. He had texted me and indicated that he was on vacation or something of that nature but would called in, but he hasn't called me, so we'll just deal with it at this time. He had under his this item, which is this Lake M-M issue, so I guess what I'll do is just carry this item over to your next agenda. There was no action required from the Board anyway, unless you have any questions. Otherwise, I'll just carry that item over to your next meeting.

Mr. Byal stated I'd be glad to give an update.

Mr. Ward stated sure.

Mr. Hendershot asked do we know where we are on the riprap permit?

Mr. Byal stated that was approved from the County's perspective, so what the proposal is, this is his latest plan, and he has all the information detailed out in his memo, but the intent would be in the shaded areas are portions of the lake that need to be filled in order to meet the building obligations. The entire area from start to finish would be riprapped.

Mr. Hendershot stated we were told before that it's going to be about a two to three feet increase in depth, the grey areas here. He talks about 5,300 square feet.

Mr. Byal stated right, that's the grey area.

Mr. Hendershot stated if you sum all these up, it's roughly about 650 feet from each, and if it's 55,000, that's about nine feet depth on average going into that lake.

Mr. Byal stated I'm a visual guy, so I had him prepare this. This is his report.

Mr. Hendershot stated yes, we've seen that before.

Mr. Refkin stated yes, this was about ten feet over here before, because that was the question I was asking him before. But I agree with Mike, that's a lot of square footage if you just do the math from this. Maybe we can get some detail on that.

Mr. Byal stated okay.

Mr. Hendershot stated and the riprap permit, is that permit different than the general permit that I was of the understanding was being filed for the whole development?

Mr. Byal stated it is. This doesn't relate to the big lake, that's a separate issue on the coverage of that lake, and the amount of riprap compared to this. This is a private maintenance situation. The county was okay with this edge condition.

Mr. Hendershot asked so is the other permit still pending?

Mr. Byal stated as far as I know. That was more of a master permit, relative to the large lake.

Dr. Herring stated I'm sure that Charlie is going to elucidate, but I'm guessing that this 5,300 square feet, it's not just surface area. The riprap, I mean obviously, is going to go below the surface, and that's probably where the additional square footage comes in.

Mr. Hendershot stated could be.

Mr. Byal stated I think you're right. I think the riprap goes below and above control, and so the theoretical ownership line is control, and so while there's riprap above that control line, it belongs to the neighborhood, and the riprap below that control line belongs to the CDD.

Dr. Herring stated right, that's what I'm guessing is how that's going to work.

Mr. Ward stated in my discussion with Charlie, that's exactly how that's going to work.

Mr. Byal stated again, in an effort to try and keep everybody in the loop, and not at the last minute.

Mr. Hendershot stated because we have had some residents that called and expressed a concern about increasing the fill in that lake, particularly as to how it would affect their view, the people that have the lots on the other side. We've told them not to be concerned. I said it's only a couple or three feet we were looking at.

Mr. Byal stated right. Like I say, I don't know, as you can see from here, that it's recognizable. I think the recognizable issue will be the change in the edge detail, which will end up matching the edge detail that exists over there on the 18<sup>th</sup> green and around by the clubhouse. There'll be a consistent treatment.

Mr. Hendershot stated it would be here, because this is for the lake right in front of the clubhouse here.

Dr. Herring stated some people, to be unnamed, thought that the whole lake was going to be filled in, so I think that's taken off the table.

Mr. Bernard stated right.

Mr. Byal stated the other issue, not requiring any Board action, but to keep you updated. This is the most recently submitted site plan for Positano, and I don't believe, at least from what I can see in here, that there was any benefits that we saw from any changes to the existing edge. From what Mike Elgin was saying, the CDD doesn't yet own this, because we kept enough of a generic line, so that when we do convey it, it's conveyed at the actual finished elevation. I know that there was concern that when they were doing the bathymetric surveys out there, but it appears as though everything seems to fit and provide sufficient beach easement.

Mr. Hendershot asked you don't have to bring in any sand?

Mr. Byal stated I mean we bring in sand every year.

Dr. Herring asked if the public still going to have access to that beachfront?

Mr. Byal stated this easement, as it runs all the way along, is a Master Association asset, and it's maintained and the access – in fact, hopefully, that's never maintained at a very high level. Now the attention will be that it's a nice clean beach.

Dr. Herring asked the cabanas that are there are going to be removed?

Mr. Byal stated yes, more than likely. I mean they might be able to be relocated down more in this common area between Costa Amalfi.

Mr. Hendershot stated we could put our own up, since it's on our beachfront and charge.

Mr. Refkin asked how tall are the buildings?

Mr. Byal stated they are five stories over parking. Mirasol type of scale; I don't think they're quite as tall as Mirasol, but I don't think they're too much smaller. There's four units per floor. They're fairly condensed.

Mr. Hendershot asked have they sold any of them yet?

Mr. Byal stated we've 11 reservations.

Mr. Hendershot stated that's good. All the top floor is gone?

Mr. Byal stated yes. Whether you're aware of that utility project over there that's tearing everything, brought the line under the golf course, and we thought that was the messy part. But, apparently, more the getting it across Ben Hill Griffin and connecting it laterally is causing much more of a disturbance; from my guys' reports, that's another two weeks in process until they wrap that up and start cleaning some of those areas.

Dr. Herring stated so not as bad as the berm where they haven't touched it.

Mr. Refkin stated it's almost a CDD problem, because we own the berms.

Mr. Bernard stated just to bring that up also, they came to us for the easement just for that area, but that waterline is going to be going another thousand feet south, and that sidewalk is all coming up, and we maintain behind the sidewalk as the CDD. Even though it's a county right of way, the CDD maintains that, so they're going to be tearing that whole property all the way up to within 1,000 feet.

Mr. Hendershot asked aren't they obligated to restore it at least to their standard of what it was?

Mr. Bernard stated they're supposed to be restored to equal or better, but they never came and asked. I mean the county never approached us when they were here, saying that they were going to tear that up, and we maintain it with our sprinklers and everything else that's in it.

Dr. Herring asked is that something we need to deal with now, or just wait until it's done.

Mr. Bernard stated I've talked the young lady to make sure that we get a final inspection on everything, and everything operates and works to our satisfaction.

Mr. Byal asked anybody has any other questions.

c. Asset Manager

Mr. Bernard stated I just wanted to elaborate on two items on the report. Our grass carp removal issue. Paul and I have failed to locate any licensed contractor willing to remove the carp from the lakes.

Mr. Hendershot asked the Lake Masters thing didn't pan out?

Mr. Bernard stated Lake Masters are not licensed to do it either.

Mr. Hendershot stated they had a contact.

Mr. Cusmano stated the guy to remove the carp, we had called him, he doesn't want to have anything to do with it. He says it takes him too long, and it's not worth the money and the time.

Mr. Bernard stated I also asked Ms. Howe from FWC if they recently issued any take permits; she emailed me back, no take permits have been asked for by any other agency, and the ones that do have them, on their monthly reports they're putting in one to two carp removed per month, that's it.

Mr. Refkin asked you can't have like a carp rodeo around here or something?

Mr. Bernard stated there is nothing. Like everybody says, they're in there, they die off naturally, so there's not really an industry.

Mr. Hendershot asked we can't lower them into a channel and blow them up?

Mr. Bernard stated I can't put them on the record.

Mr. Hendershot asked why.

Dr. Herring stated as the official Board veterinarian, I would really be opposed to something like that, or even the thought of doing something like that.

Mr. Hendershot asked you have a carp sympathy prior disclosed.

Dr. Herring stated listen, they've already been neutered, so what else can we do to them.

Mr. Bernard stated if we can't find anybody, probably our recommendation is we're probably going to have to let the carp run out their natural cycle, which is probably, at this point, another three and a half years.

Dr. Herring asked is that what we figured, three years?

Mr. Bernard stated I'd rather go to probably adding additional barriers on our shelves, so then we can start replanting. We're going to take that money that we have to put in for the carp removal and put it into additional barriers, put more barriers out and start replanting our shelves, so when they finally die three years from now, we've got something already established, we just take the barriers down and go from there.

Dr. Herring asked how does the developer feel about the effect of the carp on the lake?

Mr. Byal stated we would like them to be removed.

Dr. Herring asked to make the water quality different? I mean I have to say again, I was out on the lake this weekend, and it's really nice to be able to navigate just about the entire lake without running into the plant life. In terms of navigability, I think that's improved 100 percent. I can't comment on the fishing part of it, because it's not something that I do.

Mr. Hendershot stated the carp eat the bulrushes as well, some of it.

Dr. Herring stated I guess the bottom line is we've done due diligence, we've tried to find some way to appease everybody by limiting the number of carp that are in there now, or reducing the number of carp that are in there right now, and it's just an impossible task. There's just no way to do it.

Mr. Hendershot asked did either of you get a call from Tim Fisher or Tom Fisher yesterday? I gave him your number, because he called me. He says, "Well, if you're having trouble finding somebody, maybe some of us can," talking about the residents, "find somebody."

Dr. Herring asked is fisher a pseudonym, or that his real name?

Mr. Hendershot stated that's his name.

Mr. Byal stated if you reach that conclusion that there's not a formal program, I mean having an informal program where there's a notification that we have that take permit, and that it's through Amber and the Marine Services, that they will have a packet of information. And let the residents see what they can do without any cost to anybody to slowly address some of that issue.

Mr. Hendershot stated whether it's a carp fishing tournament they want to run or whatever it is.

Mr. Byal stated exactly.

Dr. Herring asked is there some kind of bait that they prefer?

Mr. Hendershot stated dough balls or corn.

Mr. Cusmano stated yes, sweet corn.

Dr. Herring stated there's nothing that stops any of the residents from fishing for them.

Mr. Byal stated right, but the informational, so that they understand that they need to be removed.

Dr. Herring stated not catch and release, right. Remove, catch and remove.

Mr. Byal stated right.

Dr. Herring stated and then they can be used for gefilte fish.

Mr. Cusmano stated no.

Dr. Herring asked if an individual catches it, who's to stop what they do with it?

Mr. Ward stated exactly.

Mr. Bernard stated the only issue I have is we have the take permit, and if we put something out like that formally, we'd have to give a number back to the FWC every month of how many are estimated.

Mr. Byal stated we can make Amber in charge of monitoring and recording any of that information.

Mr. Cusmano stated the permit states they have to be destroyed, so you have to have a record of where it was destroyed also.

Mr. Ward stated I don't have a problem with what Tim's talking about.

Dr. Herring stated it depends on what your definition of destroyed is, right?

Mr. Cusmano stated I think the it says you can't eat them.

Mr. Ward stated I'm comfortable with where we're going with this.

Mr. Bernard stated okay. The last issue is the natural erosion of the CDD banks due to the windblown conditions, and the water level fluctuations over the years. It's the CDD is requirement to keep our area of the easements sloping up to permit levels. When I talked with Charlie about it, Charlie says when they drop down nine inches below the 18 level of the ground, that's something we have to take corrective action, as far as the CDD.

Mr. Hendershot asked who polices that, when you say it's our duty?

Mr. Bernard stated that's in our permit that we have for those easements. It says the CDD's, so anything that's caused by natural conditions, not from somebody's runoff of their properties, is ours to maintain. Over the next few months, we're going to evaluate each lake, seeing what we have there, as far as the erosion problem, and putting together a program and a budgetary cost for that program for the 2017 budget cycle.

Mr. Hendershot asked do we want to be proactive in this?

Mr. Ward stated yes, I think we need to be proactive, and I had asked Bruce to put together a plan of action for us over the next few years with respect to how we need to deal with this erosion problem, and the cost of doing that. We can evaluate the budgetary impact of that during the FY 2017 budget process. The point of him bringing this up to you today, is to get us started in that process. We understand at least that the problem exists, and now to try to put our arms around exactly how big or small that problem may be.

Mr. Bernard stated this came up, just like Charlie had to walk the lakes with somebody from South Florida Water Management District (SFWMD).

Mr. Hendershot asked does this affect the position that we've taken with Sienna?

Mr. Bernard stated no, this is all our owned.

Mr. Hendershot stated the lakes in Sienna though.

Mr. Bernard stated yes, but Jim had talked of it before, and we discussed if Sienna's go their problem, we have a problem, and Sienna has got to fix their areas first for ours to come behind.

Mr. Refkin stated because theirs is not a natural, right.

Mr. Bernard stated yes, theirs is not natural.

Mr. Refkin stated and that's the distinction.

Dr. Herring stated again, my little tour around the lake, and I'm going to display my ignorance in naming the communities, but in those communities that are out by where the bocce ball courts are that are now accessible by going up the canal next to FGCU. Since that bridge is gone, I saw a lot of those houses, either already constructed or in construction that have a simply a small portion of black, looks like flexible tubing, coming out, and they don't enter the water at all. They're right at that lake line, that almost half the cause of erosion.

With the new construction, I know that you came up with a great informational package for people to figure out how to improve what's already there, but for new



construction, are they being held to any standards of the runoff at the back of those houses? Because I can almost guarantee that there's going to be erosion, because of the way it's constructed now.

Mr. Byal stated yes, they're looking at it slightly different now, but you'll still have the same issues. I mean you can't physically pitch it enough. At some point, it has to run that way. The only exception is if someone were to run a vertical seawall. I mean that's the only way that you can separate where the water runs from, and that's not a viable solution.

Mr. Ward stated but I think David's talking about the fact that there's actually physical pipe, right, in the ground sitting that's sitting at control.

Mr. Hendershot stated that either the builder or the homeowner has installed?

Mr. Ward stated right.

Dr. Herring stated I'm guessing it's the builder.

Mr. Byal stated, for instance, the reason like in Sienna, that there was, that it was so problematic, because they didn't do any of that. Had they directed the water to get it to control it. Yes, there's always going to be some issue, it's a matter of where that issue occurs, so if you don't control and you let the runoff go on top of the ground, as it continues to go run and find its path, it's going to take material. If you take the gutters and downspouts and things, and put them underground, but I think that what they have to do is they have to stop at the control elevation.

I think that's probably what you see at the low water condition is that pipe that is taking the drainage off the roof and depositing it in the lake directly, rather than allowing it to naturally run off.

Mr. Hendershot stated but if it's above the waterline, you're going to get erosion.

Dr. Herring stated it's way above the waterline, and it doesn't fit. Like some of the things that I've seen in other communities, I mentioned it last time, they have solid PVC pipe that goes out into the body of the lake.

Mr. Byal stated but they're not allowed to do that. But we should address it. I mean maybe it's a situation that they can create a bubble, where they can have basically a buried well of rock, with a pipe coming up, so it generally will be contained in that area, until it can't, and then it bubbles straight up. I mean there's various ways to accomplish that. I guess my point is those are actually moving in a better direction than letting the downspouts

come off the roofs, like Sienna, and have them just run down where the grade and the lots come to the low point, and guarantee that you create these large run off areas that erode the property back.

Dr. Herring stated so Charlie, who knows much more about it than any of us, if he's doing a tour of the lake, he's going to see the things that I just mentioned as well. I mean you don't have to be in a boat to see them, you just have to walk the edge of the property line. I don't know if Charlie ever gets into a boat and tours the shoreline like that.

Mr. Bernard stated like I said, we're probably going to go lake by lake ourselves, and try to evaluate what we see, and find, first of all, what the cause is, natural or from runoff or whatever. Then address each lake, each issue, hopefully, so we can come with a consensus what we're going to need do on that lake, whether it's what the homeowners' association is going to need to do, than us coming behind them, or if it's just ours, what we need to do to match up what's there.

Mr. Ward asked do you have anything else, Bruce?

Mr. Bernard stated that's it.

**d. District Manager**

**I. Financial Statements for the period ending May 30, 2015**

Mr. Ward stated I had nothing for you, unless you have any questions.

**SIXTH ORDER OF BUSINESS**

**Supervisor's Requests/Audience Comments**

Mr. Ward asked anything from the group? Mr. Byal, anything more?

Mr. Byal stated just one last item. We are replacing several of the large pumps and control panels that are in the irrigation supply house behind the sale center. The net result of that process is that there will be no irrigation for a three-day period. We're going to sending out notifications. Chris is working with Estate and trying to provide temporary water for all the locations, but I just wanted you guys to be in the loop. I mean we're trying to do it at a time when there's rain, but we'll stress out certain things to go for three.

Mr. Hendershot asked the water that's drained into the sewer system through the streets, does that go to any kind of cistern or does it just empty directly back into the main lake?

Mr. Byal stated not directly; it never goes directly back into the main lake. It goes into a water body that then when that water body stages up above control, then goes and goes back into the water (Unclear 46:24).

Mr. Hendershot asked the water body, is it a natural collection area? It's a manufactured area?

Mr. Byal stated it's all part of the water management system, so whether it's behind Montelago, or wherever there is a lake.

Mr. Hendershot stated because they were asking me about that in my deposition.

Mr. Cusmano stated Verona Lago that you cleaned out, that's one of the ones they're talking about, and we cleaned out that area and cut it.

Mr. Byal stated yes, some of them could be a dry detention.

Mr. Hendershot stated yes, but that's just normal runoff.

Mr. Bernard stated it's a bubble up in it. That has to fill to a certain elevation and overflows; that holds water till it gets to a certain elevation, then it overflows, then it goes into lake.

Mr. Byal stated the last part of the cleansing process is it goes first in stages in some intermediary area.

Mr. Hendershot asked so it varies from neighborhood to neighborhood?

Mr. Byal stated right, but it all goes to somewhere first before it goes out.

Mr. Hendershot asked like the stuff that you take for irrigation, does that come out of the main lake?

Mr. Byal stated correct.

Mr. Hendershot asked after it's gone through all this other stuff?

Mr. Byal stated no, I mean not much goes out of any of those lakes. Obviously, you know only for a short period of time, and then it's just a question of, by the time, how much of it is runoff, so I mean there's a substantial amount of cleansing process. Then also it's a balancing. I mean it doesn't just automatically run, because, obviously, the big lakes are at the same level as those other lakes. I mean you can actually go and look at those things, and sometimes they go that way, and sometimes the big lake goes back into the smaller lakes. It's a relative pressure situation, that is all based on the control. Ultimately,

simplistically, it goes over the weir, and runs through the slough, and all of the systems eventually exit there.

Mr. Hendershot stated I noticed we also had a pretty big increase in the budget in the pumps and the aeration equipment that we're going to be maintaining as well? We spread it out over two years.

Mr. Bernard stated it's not big, two or three years. We have some of the lines floating out in the lakes, we want to weight them down. We've got some aerators changed, so just regular maintenance stuff over the years, so we put them in a four or five-year budget to get them all done.

Dr. Herring asked when will this project happen?

Mr. Byal stated I believe it's July 20<sup>th</sup>, if I recall. I just received the information from Chris today, so there'll be something that the HOA will send out, in terms of preparing for it, and as far as the irrigation.

Dr. Herring asked and it's the entire property that it's going to affect.

Mr. Byal stated everything. The entire property is dependent on that irrigation source.

Mr. Hendershot asked so all of the irrigations that we had for the houses came out of this system?

Mr. Byal stated correct.

Dr. Herring asked and you think it's going to be three days?

Mr. Byal stated it is three days. I mean that's the plan. I mean it's a fairly substantial capital undertaking to replace those pumps and control panels.

Mr. Hendershot stated it's good that they're doing that, where they donated to us anyway.

Mr. Byal stated it's a preventative maintenance type of thing. We have a contract, but it's at the age that at least this a planned shutdown of the water, and the lead time of ordering the pumps and so forth, so we're trying to be diligent about the planning these things, so that there isn't an unplanned shutdown of the irrigation system.

Dr. Herring asked is that expense going to offset the treadmills in the fitness center?

Mr. Byal stated we just ordered those.

Dr. Herring asked with the TVs or without?

Mr. Byal stated with.

Dr. Herring stated good job, thank you.

Mr. Ward asked any other questions? Hearing none.

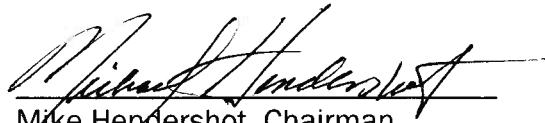
SEVENTH ORDER OF BUSINESS

Adjournment

Mr. Ward stated a motion to adjourn would be in order.

On MOTION by Dr. Herring, seconded by Mr. Refkin, with all in favor of adjourning the meeting at 2:53 p.m.

  
\_\_\_\_\_  
James P. Ward, Secretary

  
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Mike Hendershot, Chairman