

1 **MINUTES OF MEETING**  
2 **MIROMAR LAKES SOUTH**  
3 **COMMUNITY DEVELOPMENT DISTRICT**

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5 A Public Hearing and Regular Meeting of the Miromar Lakes South Community  
6 Development District's Board of Supervisors were held on Thursday, October 12, 2017 at 1:00  
7 p.m., at Miromar Development Corporation, 10801 Corkscrew Road, Suite 305, Estero, Florida  
8 34928.

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10 **Present and constituting a quorum were:**

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12	Tim Byal	Chair
13	Michael Elgin	Vice Chair
14	Jeffrey Staner	Assistant Secretary
15	Rich Pomeroy	Assistant Secretary
16	Mark Geschwendt	Assistant Secretary

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18 **Also present were:**

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20	Chuck Adams	District Manager
21	Greg Urbancic	District Counsel
22	Carlie Krebs	District Engineer
23	Jim Wilson	Grandezza Community Resident
24	Peter Dersley	Grandezza Community Resident

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27 **FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

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29 Mr. Adams called the meeting to order at 1:02 p.m. Supervisors Byal, Elgin, Pomeroy  
30 and Geschwendt were present, in person. Supervisor Staner was not present at roll call.

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32 **SECOND ORDER OF BUSINESS**

**Public Comments**

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34 Mr. Jim Wilson, a resident of Grandezza, asked for the details of a proposal related to the  
35 Engineer's Report. Mr. Adams stated that would be better entertained, during the Public Hearing.

36 ***\*\*\*Mr. Staner arrived at the meeting at approximately 1:23 p.m.\*\*\****

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38 **THIRD ORDER OF BUSINESS**

**Public Hearing to Consider the Adoption  
of an Assessment Roll and the Imposition  
of Special Assessments Relating to the  
Financing and Securing of Certain Public  
Improvements**

43 **A. Affidavit/Proof of Publication**

44 Mr. Adams presented the proof of publication for today's Public Hearing and Regular  
45 Meeting.

46 **B. Mailed Notice to Property Owners**

47 Mr. Adams presented the mailed "Notice to Property Owners". Mr. Adams stated that  
48 there are five affected property owners in this case and they are all owned by the same entity.

- 49 • *Hear testimony from the affected property owners as to the property and*  
50 *advisability of making the improvements and funding them with special*  
51 *assessments on the property.*
- 52 • *Thereafter, the governing authority shall meet as an equalizing board to hear*  
53 *any and all complaints as to the special assessments on a basis of justice and*  
54 *right.*

55 **\*\*\*Mr. Adams opened the Public Hearing.\*\*\***

56 **C. Consideration of Resolution 2018-01, Authorizing District Projects for Construction**  
57 **and/or Acquisition of Infrastructure Improvements; Equalizing, Approving,**  
58 **Confirming, and Levying Special Assessments on Property Specially Benefitted By**  
59 **Such Projects To Pay the Cost Thereof; Providing For the Payment and the**  
60 **Collection of Such Special Assessments By the Methods Provided For By Chapters**  
61 **170, 190, and 197 Florida Statutes; Confirming the District's Intention To Issue**  
62 **Special Assessment Bonds; Providing For True-Up Payments; Making Provisions**  
63 **Relating To the Transfer of Real Property To Governmental Bodies; Providing For**  
64 **the Recording of an Assessment Notice; Providing For Severability, Conflicts and an**  
65 **Effective Date**

66 Mr. Urbancic presented Resolution 2018-01. This is the second step of the Master  
67 Assessment Process. At a prior meeting the Board adopted the Master Engineer's Report and the  
68 Master Assessment Methodology, both dated, August 10, 2017. Today, the Supervisors, sitting  
69 as the equalizing board, would hear comments and testimony as to whether to change the manner  
70 in which assessments are levied. The Master Assessment Report and the Master Assessment  
71 Methodology will be adopted, as part of the Resolution, which provides for the payment of the  
72 Special Assessments that will formally be equalized through this process. A future Resolution  
73 will supplement this Resolution and will adopt the Supplemental Engineer's Report and  
74 Supplemental Assessment Methodology, as they relate to the Series 2017 Bonds.

75 Mr. Adams explained the following exhibits and details:

76 ➤ Master Engineer’s Report: The Board previously approved this Report, which relates to  
77 the infrastructure costs and land acquisition, within the boundaries of the Miromar Lakes South  
78 CDD only; it did not have any impact to any adjacent properties; however, there might be some  
79 offsite improvements to help facilitate the development of the property, such as constructing  
80 turning lanes in and out of the property, on the adjacent roadways.

81 ➤ Engineer’s Report: The Report identifies the overall costs of development, including  
82 items, such as earthwork, roadways, utilities, water management, landscaping, community  
83 privacy, on and off-site wetland mitigation, off-site impacts and acquisition of public lands.

84 ➤ Overall costs identified in the Engineer’s Report are \$17,258,000.

85 ➤ The land acquisition component relates to acquiring environmental lands, within the  
86 property and the Panther Mitigation property in Collier County, to offset the development of this  
87 property, along with the credits that go with that property.

88 ➤ The Master Assessment Methodology Report: The Methodology takes into consideration  
89 the costs in the Master Engineer’s Report and spreads those costs on a per-acre, per-developable  
90 acre basis, based upon special and peculiar benefit.

91 ➤ Assessment Methodology Report Construction Fund: Added to the \$17,258,000 is the  
92 Debt Service Reserve, Capitalized Interest, Costs of Issuance, Underwriter’s Discount and those  
93 are rounded up for a total of \$20,660,000, over the total acres and out-of-boundary modifications  
94 of 277 acres, resulting in a per acre assessment of \$74,467. It was not anticipated that the entire  
95 \$20,660,000 would be levied but that amount will be validated in Circuit Court.

96 Mr. Urbancic described the product types and the Equivalent Residential Unit (ERU)  
97 values and the annual payments to retire the debt. Mailed Notices were sent to all affected  
98 property owners.

99 Mr. Urbancic asked for comments or testimony from the affected property owners.

100 There were no comments or testimony from the affected property owners.

101 **\*\*\*Mr. Adams closed the Public Hearing.\*\*\***

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**On MOTION by Mr. Byal and seconded by Mr. Geschwendt, with all in favor, Resolution 2018-01, Authorizing District Projects for Construction and/or Acquisition of Infrastructure Improvements; Equalizing, Approving, Confirming, and Levying Special Assessments on Property Specially Benefitted By Such Projects To Pay the Cost Thereof; Providing For the Payment and the Collection of Such Special Assessments By the Methods Provided For By Chapters 170, 190, and 197 Florida Statutes; Confirming the District’s Intention To Issue Special Assessment Bonds; Providing For True-Up Payments; Making Provisions Relating To the Transfer of Real Property To Governmental Bodies; Providing For the Recording of an Assessment Notice; Providing For Severability, Conflicts and an Effective Date, was adopted.**

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**D. Consideration of Resolution 2018-02, Supplementing Resolution 2018-01 Which Resolution Previously Equalized, Approved, Confirmed, Imposed and Levied Special Assessments On and Peculiar To Property Specially Benefitted (Apportioned Fairly and Reasonably) By the District’s Projects; Approving and Adopting a Supplement To the Engineer’s Report for the 2017 Project Entitled First Supplemental Engineer’s Report for Miromar Lakes South Community Development District prepared By hole Montes, Inc. Dated October 12, 2017; Approving and Adopting the Miromar Lakes South Community Development District First Supplemental Special Assessment Methodology Report Prepared By AJDC Associates Dated October 12, 21017, Which Sets Forth the Specific Terms of the Miromar Lakes South Community Development District Special Assessment Revenue Note, Series 2017; Providing For the Supplementation of the Special Assessments as Set Forth In the Improvement Lien Book; and Providing for Severability, Conflicts, and an Effective Date**

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Mr. Adams presented Resolution 2018-02. This Resolution supplements Resolution 2018-01; essentially, it considers the Supplemental Engineer’s Report and the Supplemental Assessment Methodology Report.

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Mr. Urbancic stated that this relates to Resolution 2018-01; it levies the Master Lien and sets the 2017 Project and ensures that the lien book is kept up; it adopts the Supplemental Engineer’s Report and Supplemental Assessment Methodology, both dated October 12, 2017. The Supplemental Engineer’s Report refines what was defined in the 2017 project, within the

143 Master Project, and updated some of the costs. Essentially, the Supplemental Methodology  
144 calculated the figures for the actual assessments, with respect to the issuance of the 2017Note, so  
145 that the District can memorialize such, on the District’s lien book, and what will be collected,  
146 through the processes set up through the Trust Indenture. This Resolution adopts the  
147 Supplemental Reports and tells the District to make notations in the lien book.

148 Mr. Adams explained the terms of the Note, the financing and terms thereof.

149 **\*\*\*Mr. Adams opened the Public Hearing.\*\*\***

150 Mr. Peter Dersley, a Grandezza Community resident, asked about stormwater  
151 management and discharge into the southern canal, from the District.

152 Mr. Adams replied that the Public Hearing should be closed first, since the question  
153 involved a mechanical and engineering discussion.

154 **\*\*\*Mr. Adams closed the Public Hearing.\*\*\***

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**On MOTION by Mr. Byal and seconded by Mr. Geschwendt, with all in favor, Resolution 2018-02, Supplementing Resolution 2018-01 Which Resolution Previously Equalized, Approved, Confirmed, Imposed and Levied Special Assessments On and Peculiar To Property Specially Benefited (Apportioned Fairly and Reasonably) By the District’s Projects; Approving and Adopting a Supplement To the Engineer’s Report for the 2017 Project Entitled First Supplemental Engineer’s Report for Miromar Lakes South Community Development District prepared By hole Montes, Inc. Dated October 12, 2017; Approving and Adopting the Miromar Lakes South Community Development District First Supplemental Special Assessment Methodology Report Prepared By AJDC Associates Dated October 12, 21017, Which Sets Forth the Specific Terms of the Miromar Lakes South Community Development District Special Assessment Revenue Note, Series 2017; Providing For the Supplementation of the Special Assessments as Set Forth In the Improvement Lien Book; and Providing for Severability, Conflicts, and an Effective Date, was adopted.**

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178 **FOURTH ORDER OF BUSINESS**

**Consideration of True-Up Agreement**

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180 Mr. Adams stated that Mr. Urbancic distributed a revised True-Up Agreement.

181 Mr. Urbancic explained the purpose of the True-Up Agreement and how true-up  
182 payments are calculated. Periodically, during the platting process, the Methodology Coordinator

183 and Manager will run tests every time a parcel is platted to ensure balance is maintained with the  
184 units and per acre figures, going forward. If the amounts do not balance, it may result in a true-  
185 up payment.

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**On MOTION by Mr. Byal and seconded by Mr. Geschwendt,  
with all in favor, the True-Up Agreement, was approved.**

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Mr. Byal stated that this was the third or fourth time, in a series of meetings specifically  
on this issue, that these documents have been discussed; this is more of a “clean up”, in terms of  
the documents. The documents have been worked on for the last six months.

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**FIFTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial  
Statements as of July 31, 2017**

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Mr. Adams presented the Unaudited Financial Statements as of July 31, 2017. The  
District is Developer-funded on an as-needed basis, through funding requests.

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**SIXTH ORDER OF BUSINESS**

**Approval of Minutes**

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**A. August 10, 2017 Public Hearing and Regular Meeting**

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Mr. Adams presented the August 10, 2017 Public Hearing and Regular Meeting Minutes  
and asked for any additions, deletions or corrections.

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**On MOTION by Mr. Byal and seconded by Mr. Elgin, with all  
in favor, the August 10, 2017 Public Hearing and Regular  
Meeting Minutes, as presented, were approved.**

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**B. September 21, 2017 Continued Public Hearing, Public Hearings and Regular  
Meeting**

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Mr. Adams presented the September 21, 2017 Continued Public Hearing, Public Hearings  
and Regular Meeting Minutes and asked for any additions, deletions or corrections.

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**On MOTION by Mr. Byal and seconded by Mr. Elgin, with all in favor, the September 21, 2017 Continued Public Hearing, Public Hearings and Regular Meeting Minutes, as presented, were approved.**

**C. September 28, 2017 Continued Public Hearings and Regular Meeting**

Mr. Adams presented the September 28, 2017 Continued Public Hearings and Regular Meeting Minutes and asked for any additions, deletions or corrections.

**On MOTION by Mr. Byal and seconded by Mr. Pomeroy, with all in favor, the September 28, 2017 Continued Public Hearings and Regular Meeting Minutes, as presented, were approved.**

**SEVENTH ORDER OF BUSINESS Other Business**

There being no other business, the next item followed.

**EIGHTH ORDER OF BUSINESS Staff Reports**

**A. District Counsel: *Coleman, Yovanovich & Koester, P.A.***

There being no report, the next item followed.

**B. District Engineer: *Hole Montes***

There being no report, the next item followed.

**C. District Manager: *Wrathell, Hunt and Associates, LLC***

- **NEXT MEETING DATE: May 10, 2018 at 11:30 A.M.**

Mr. Adams stated that the next meeting will be held on May 10, 2018 at 11:30 a.m., at this location. He suspected there will be a need to have a meeting prior to that date, due to the activity in the construction.

**NINTH ORDER OF BUSINESS Supervisors' Requests**

There being no Supervisors' requests, the next item followed.

**TENTH ORDER OF BUSINESS Public Comments**

255 Mr. Dersley stated that there was flooding in Grandezza, the southern neighboring  
256 community, where he resides. The Grandezza stormwater management system was also  
257 designed by Hole Montes and it operated as designed, during the recent hurricane and storm  
258 events. While he believed that the system the District will install will be in accordance with the  
259 requirements of various agencies, one of the statements by the District verified that the water  
260 would run from the CDD to the Estero River and that the Estero River has sufficient hydraulic  
261 capacity to convey the runoff from CDD, based on agency-designed criteria; however, he was  
262 not sure of the accuracy of that statement, based on recent experiences and flooding. Three  
263 weeks ago, the ditch that the CDD drained into breached into Grandezza; the berm height is  
264 19'2" below sea level and there was a 100-yard stretch where water was flowing heavily into  
265 Grandezza. It took two days to ease the flow of water because flooding was 2' deep and trees  
266 were in the roads. A town meeting will be held next Thursday to discuss the situation and  
267 potential solutions. As this District proceeds with its system, his issue is whether the system has  
268 adequate hydraulic capacity to convey the runoff from the District, based on agency criteria. He  
269 is pressuring The Village to clean the canals. The drainage ditch at the corner of Corkscrew  
270 Road and the I-75 on-ramp is full of debris and he is working with the County to get it cleaned.  
271 He asked what the District can do to ensure that the waterways are maintained.

272 Mr. Byal asked if he was familiar with the Lee County Water Management Study (Study)  
273 and what that did for the Estero River. Mr. Dersley was not familiar with that Study. Mr. Byal  
274 stated that the County conducted studies of all tributaries in the County; it established a  
275 maximum construction for each of the tributaries, based on its evaluation of the historic water  
276 levels in the tributaries. A discharge rate was derived, in order to maintain the historic levels.  
277 SFWMD adopted those levels; therefore, any project developed near the Estero Basin must  
278 maintain, at a maximum, those discharge rates; those restricted discharge rates are required of  
279 any new or future development, since that Study was adopted. When pulling a SFWMD Permit,  
280 that will be the maximum discharge rate.

281 Discussion ensued regarding the Estero River, storm events, stormwater drainage systems  
282 and permitting.

283 Mr. Dersley stated that, at the last meeting with the County, there was agreement to a  
284 berm along the southern boundary and asked when it would be installed. Mr. Byal replied that,  
285 based on the conditions in the Zoning Resolution, at that time, the berm and improvements along  
286 the southern border were also contingent on the southern parcels adjacent to it. The District's



287 current construction does not include development along the southern border; it is concentrated  
 288 more to the northern half of that section. There is a section of the Development Order (DO),  
 289 which is the next step in permitting, specific to the corner of Estero and Ben Hill Griffin  
 290 Parkway. He believed that was permitted as a “clear and fill”, at the time; if that parcel is  
 291 cleared and filled, then the berm would be built. Regarding the stormwater question, the only  
 292 construction on the south property line is one outfall structure, which is a discharge structure  
 293 built pursuant to the South Florida Environmental Research Permit, and discharges into that  
 294 canal. There is one point of discharge for the current construction.

295 Mr. Dersley asked if installing hardscaping, roofing and parking lots causes additional  
 296 water discharge than prior to the construction. Mr. Byal replied no.

297 Discussion ensued regarding the District’s mitigation areas.

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299 **ELEVENTH ORDER OF BUSINESS**

**Adjournment**

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301 There being no further business to discuss, the meeting adjourned.

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**On MOTION by Mr. Byal and seconded by Mr. Pomeroy, with  
 all in favor, the meeting adjourned at approximately 1:37 p.m.**

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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

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Chair/Vice Chair

DRAFT