

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT
DISTRICT**

**REGULAR MEETING
AGENDA**

January 15, 2015

Moody River Estates Community Development District

6131 Lyons Road, Suite 100 • Coconut Creek, Florida 33073

Phone (954) 426-2105 • Fax (954) 426-2147 • Toll-free: (877) 276-0889

January 9, 2015

ATTENDEES:

Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.

Board of Supervisors
Moody River Estates Community Development District

Dear Board Members:

The Board of Supervisors of the Moody River Estates Community Development District will hold a Regular Meeting on **Thursday, January 15, 2015 at 1:00 p.m.**, in the **Clubhouse at Moody River Estates, 3050 Moody River Blvd., North Fort Myers, Florida 33903**. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments (*agenda items*)
3. Administration of Oath of Office to Newly Elected Supervisor, **John Teckorius [Seat 1]** (*the following to be provided in separate package*)
 - A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
 - B. Membership, Obligations and Responsibilities
 - C. Financial Disclosure Forms
 - i. Form 1: Statement of Financial Interests
 - ii. Form 1X: Amendment to Form 1, Statement of Financial Interests
 - iii. Form 1F: Final Statement of Financial Interests
 - D. Form 8B, Memorandum of Voting Conflict
4. Acceptance of Resignation of Supervisor Frank Reynolds, Seat 4; Term Expires November, 2016
 - Consider Appointment of Qualified Elector to Fill Vacancy in Seat 4
 - Administration of Oath of Office to Newly Appointed Supervisor
5. Consideration of **Resolution 2015-1**, Declaring a Vacancy in Seat 5; No One Qualified for Seat in General Election
 - Consideration of **Resolution 2015-2**, Appointing a Qualified Elector to Fill Vacancy in Seat 5
 - Administration of Oath of Office to Newly Appointed Supervisor
6. Consideration of **Resolution 2015-3**, Electing Officers of the District

7. Consideration of **Resolution 2015-4**, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2013 and Ending September 30, 2014
8. Discussion/Update: Boat Ramp Drain Pipe Plans
9. Discussion: Newsletter
10. Approval of Minutes
 - A. **August 21, 2014** Public Hearing and Regular Meeting
 - B. **October 16, 2014** Regular Meeting (No Quorum)
11. Other Business
12. Staff Reports
 - A. Attorney
 - B. Engineer
 - C. Manager
 - i. Approval of Unaudited Financial Statements as of November 30, 2014
 - ii. **NEXT MEETING DATE: March 19, 2015 at 1:00 P.M.**
13. Public Comments (*non-agenda items*)
14. Supervisors' Requests
15. Adjournment

Should you have any questions and/or concerns, please contact me directly at 239-464-7114.

Sincerely,



Chesley E. Adams, Jr.
District Manager

FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE:

CALL IN NUMBER: 1-888-354-0094

CONFERENCE ID: 8593810

October 15, 2014

Board of Supervisors
Moody River Estates Community Development District
c/o Wrathell, Hunt & Associates LLC
9220 Bonita Beach Road, Suite 214

Re: Resignation

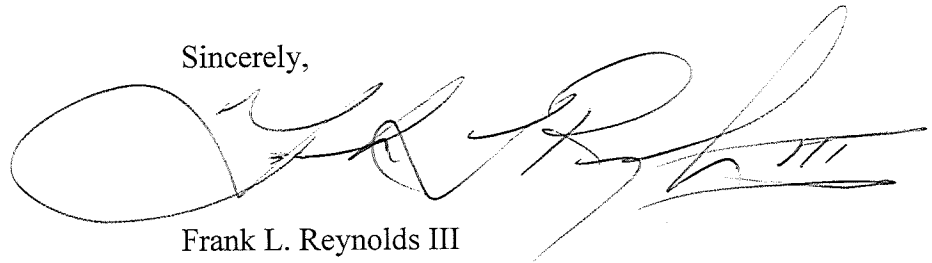
Members of Board of Supervisors and staff:

This letter is to inform you that I must resign as a member of, Moody River Estates Community Development District Board of Supervisors, effective immediately.

It has been my pleasure to serve on the board for the past year. However, I feel I have no choice but to step down, due to employer commitments.

I wish the organization only the best for the future, and regret any inconvenience my resignation may cause.

Sincerely,

A handwritten signature in black ink, appearing to read 'Frank L. Reynolds III', with a large, stylized initial 'F' and 'R'.

Frank L. Reynolds III

cc: Chuck Adams, District Manager

RESOLUTION 2015-1

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT DECLARING A VACANCY IN SEAT 5 ON THE BOARD OF SUPERVISORS PURSUANT TO SECTION 190.006(3)(b), FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Moody River Estates Community Development District (the “District”) is a local unit of special purpose government created and existing pursuant to Chapter 190, Florida Statutes; and

WHEREAS, on November 4, 2014, two (2) members of the Board of Supervisors (the “Board”) are to be elected by the Qualified Electors of the District, as that term is defined in Section 190.003, Florida Statutes; and

WHEREAS, the District published a notice of qualifying period set by the Supervisor of Elections at least two (2) weeks prior to the start of said qualifying period; and

WHEREAS, at the close of the qualifying period only one (1) Qualified Elector qualified to run for the two (2) seats available for election by the Qualified Electors of the District; and

WHEREAS, pursuant to Section 190.006(3)(b), Florida Statutes, the Board shall declare the remaining seat vacant, effective the second Tuesday following the general election; and

WHEREAS, a Qualified Elector is to be appointed to the vacant seat within 90 days thereafter; and

WHEREAS, the Board finds that it is in the best interests of the District to adopt this Resolution declaring the seat available for election as vacant.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. The following seat is hereby declared vacant effective as of November 18, 2014:

Seat 5 (currently vacant)

SECTION 2. If applicable, until such time as the District Board nominates a Qualified Elector to fill the vacancy declared in Section 1 above, the incumbent Board member of that respective seat shall remain in office.

SECTION 3. This Resolution shall become effective upon its passage.

PASSED AND ADOPTED this 15th day January, 2015.

ATTEST:

**MOODY RIVER ESTATES COMMUNITY
DEVELOPMENT DISTRICT**

Print Name: _____

Chair/Vice Chair

RESOLUTION 2015-2

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT APPOINTING A QUALIFIED ELECTOR TO FILL THE VACANCY IN SEAT 5 ON THE BOARD OF SUPERVISORS PURSUANT TO SECTION 190.006(3)(b), FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Moody River Estates Community Development District (the “District”) is a local unit of special purpose government created and existing pursuant to Chapter 190, Florida Statutes; and

WHEREAS, on November 4, 2014, two (2) members of the Board of Supervisors (the “Board”) were to be elected by the Qualified Electors of the District, as that term is defined in Section 190.003, Florida Statutes; and

WHEREAS, the District published a notice of qualifying period set by the Supervisor of Elections at least two (2) weeks prior to the start of said qualifying period; and

WHEREAS, at the close of the qualifying period only one (1) Qualified Elector qualified to run for the seats available for election by the Qualified Electors of the District; and

WHEREAS, pursuant to Section 190.006(3)(b), Florida Statutes, the Board declared such seat as vacant, effective the second Tuesday following the general election; and

WHEREAS, a Qualified Elector is to be appointed by the Board to the vacant seat within 90 days thereafter; and

WHEREAS, the Board finds that it is in the best interests of the District to adopt this Resolution appointing a Qualified Elector to fill the vacancy in Seat 5.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. The following vacant seat is hereby filled by the Qualified Elector designated below:

Seat 5 _____

SECTION 2. This Resolution shall become effective upon its passage.

PASSED AND ADOPTED this 15th day of January, 2015.

ATTEST:

**MOODY RIVER ESTATES COMMUNITY
DEVELOPMENT DISTRICT**

Print Name:_____

Chair

RESOLUTION 2015-3

**A RESOLUTION ELECTING THE OFFICERS OF THE
MOODY RIVER ESTATES COMMUNITY
DEVELOPMENT DISTRICT, LEE COUNTY, FLORIDA**

WHEREAS, the Board of Supervisors of the Moody River Estates Community Development District was notified of the General Election results held on November 4, 2014 for Seats 1 and 5; and

WHEREAS, the Board of Supervisors of the Moody River Estates Community Development District desires to elect the below recited person(s) to the offices specified.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD
OF SUPERVISORS OF THE MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT:**

1. The following persons are elected to the offices shown:

Chair	_____
Vice Chair	_____
Secretary	<u>Chuck Adams</u>
Treasurer	<u>Craig Wrathell</u>
Assistant Secretary	_____
Assistant Secretary	_____
Assistant Secretary	_____
Assistant Secretary	<u>Craig Wrathell</u>

PASSED AND ADOPTED this 15th day of January, 2015.

Chair/Vice Chair

Secretary/Assistant Secretary

RESOLUTION 2015-4

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT RELATING TO THE AMENDMENT OF THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on September 9, 2013, the Board of Supervisors (hereinafter referred to as the “Board”) of the Moody River Estates Community Development District (hereinafter referred to as the “District”), adopted a Budget for Fiscal Year 2013/2014; and

WHEREAS, the Board desires to amend the previously adopted budget for Fiscal Year 2013/2014.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT:

Section 1. The Fiscal Year 2013/2014 Budget is hereby amended in accordance with Exhibit “A” attached hereto; and

Section 2. This resolution shall become effective immediately upon its adoption, and be reflected in the monthly and Fiscal Year End September 30, 2014 Financial Statements and Audit Report of the District.

PASSED AND ADOPTED this ____ day of _____, 2015.

Secretary/Assistant Secretary

Chair/Vice Chair

EXHIBIT “A”

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND AMENDED BUDGET
FISCAL YEAR 2014
EFFECTIVE NOVEMBER 30, 2014**

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND AMENDED BUDGET
FISCAL YEAR 2014
EFFECTIVE NOVEMBER 30, 2014**

	FY '14 Actual	FY '14 Original Budget	Budget to Actual Variance	Proposed Amendment Increase/ (Decrease)	FY '14 Final Budget
REVENUES					
Assessment levy	\$ 242,890	\$ 240,521	\$ (2,369)	\$ 2,369	\$ 242,890
Interest and miscellaneous	473	-	(473)	473	473
Total revenues	<u>243,363</u>	<u>240,521</u>	<u>(2,842)</u>	<u>2,842</u>	<u>243,363</u>
EXPENDITURES					
Professional & admin					
Supervisor	3,014	6,459	3,445	(3,445)	3,014
Management	44,802	44,802	-	-	44,802
Accounting services	8,742	8,742	-	-	8,742
Audit	4,000	6,300	2,300	(2,300)	4,000
Assessment roll services	12,875	12,875	-	-	12,875
Arbitrage rebate calculations	1,500	1,200	(300)	300	1,500
Dissemination agent	1,000	1,000	-	-	1,000
Trustee	3,623	3,150	(473)	473	3,623
Legal - general counsel	22,611	15,000	(7,611)	7,611	22,611
Engineering	12,632	5,000	(7,632)	7,632	12,632
Postage	2,677	1,250	(1,427)	1,427	2,677
Telephone	500	500	-	-	500
Insurance	5,923	6,038	115	(115)	5,923
Printing & binding	1,100	1,100	-	-	1,100
Legal advertising	3,293	1,500	(1,793)	1,793	3,293
Other current charges	605	1,000	395	5,605	6,605
Annual district filing fee	175	175	-	-	175
Total professional & admin	<u>129,072</u>	<u>116,091</u>	<u>(12,981)</u>	<u>18,981</u>	<u>135,072</u>
Water management					
Other contractual	87,862	97,500	9,638	(9,638)	87,862
Utilities	49,275	40,000	(9,275)	9,275	49,275
Aquascaping	-	7,500	7,500	(7,500)	-
Total water management	<u>137,137</u>	<u>145,000</u>	<u>7,863</u>	<u>(7,863)</u>	<u>137,137</u>
Other fees and charges					
Property appraiser	752	856	104	(104)	752
Tax collector	693	1,284	591	(591)	693
Total other fees and charges	<u>1,445</u>	<u>2,140</u>	<u>695</u>	<u>(695)</u>	<u>1,445</u>
Total expenditures	<u>267,654</u>	<u>263,231</u>	<u>(4,423)</u>	<u>10,423</u>	<u>273,654</u>
Excess/(deficiency) of revenues over/(under) expenditures	(24,291)	(22,710)			(30,291)
Fund balance - beginning	111,244	101,705			111,244
Fund balance - ending	<u>\$ 86,953</u>	<u>\$ 78,995</u>			<u>\$ 80,953</u>

**MINUTES OF MEETING
MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT**

A Public Hearing and Regular Meeting of the Moody River Estates Community Development District’s Board of Supervisors was held on **Thursday, August 21, 2014** at **1:00 p.m.**, in the **Clubhouse at Moody River Estates, 3050 Moody River Blvd., North Fort Myers, Florida 33903.**

Present and constituting a quorum were:

Ilse Mayer	Chair
Jeff Berry	Assistant Secretary
Terry Pye	Assistant Secretary
Frank Reynolds	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Chuck Bowen	District Counsel
Wes Kayne	District Engineer
Charlie Huether	Mood Development Corporation
John Teckorius	Resident
Residents	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:02 p.m., and noted, for the record, that Supervisors Mayer, Berry, Pye and Reynolds were present, in person. Supervisor Shea was not present.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items*)

There being no public comments on agenda items, the next item followed.

THIRD ORDER OF BUSINESS

Acceptance of Resignation of Kathy Shea

41 Mr. Adams presented Supervisor Shea’s resignation letter dated August 13, 2014.

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43 **On MOTION by Mr. Pye and seconded by Ms. Mayer, with all**
44 **in favor, the resignation of Ms. Kathy Shea, dated August 13,**
45 **2014, was accepted.**

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48 **A. Discussion/Consideration of Appointment to Fill Unexpired Term of Office of SEAT**
49 **5; Term Expires November, 2014**

50 Mr. Adams advised that Ms. Shea’s term of office expires in November, 2014 and the
51 Board has the opportunity to appoint someone for the remainder of the term. He explained that
52 Seat 5 was up for General Election but no one qualified; therefore, it is currently vacant.

53 There being no nominations, the item was deferred.

54 • **Administration of Oath of Office (the following to be provided in separate**
55 **package)**

56 ✓ **Guide to Sunshine Amendment and Code of Ethics for Public Officers**
57 **and Employees**

58 ✓ **Membership, Obligations and Responsibilities**

59 ✓ **Financial Disclosure Forms**

60 ○ **Form 1: Statement of Financial Interests**

61 ○ **Form 1X: Amendment to Form 1, Statement of Financial**
62 **Interests**

63 ○ **Form 1F: Final Statement of Financial Interests**

64 ✓ **Form 8B Memorandum of Voting Conflict**

65 This item was deferred.

66 • **Consideration of Resolution 2014-___, Electing Officers of the District**

67 This item was deferred.

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69 **FOURTH ORDER OF BUSINESS**

Public Hearing to Hear Comments and
Objections on Adoption of Fiscal Year
2014/2015 Budget

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73 **A. Affidavit of Publication**

74 Mr. Adams presented the affidavit of publication for today’s public hearing and regular
75 meeting.

76 **B. Consideration of Resolution 2014-8, Relating to the Annual Appropriations and**
77 **Adopting the Budget for the Fiscal Year Beginning October 1, 2014, and Ending**
78 **September 30, 2015**

79 Mr. Adams presented Resolution 2014-8 for the Board's consideration.

80 Mr. Adams distributed a revised budget and called attention to the highlighted revised
81 line items. He advised that the adjustments are immaterial, with regard to the residential units or
82 the non east parcel units. The revisions to the budget were the result of discussions with the
83 owner of the east parcel who raised a concern over the level of the assessment increase, year over
84 year, from Fiscal Year 2014 to Fiscal Year 2015.

85 Mr. Adams explained that the Fiscal Year 2014 assessment was approximately \$116 per
86 unit, for the east parcel. The east parcel assessment level was increased to \$142, as reflected in
87 the proposed Fiscal Year 2015 budget located in the agenda but was revised to \$131 per unit,
88 subsequent to the conversations with the parcel owner.

89 Mr. Adams recalled that, prior to the settlement agreement with Mood Development
90 Corporation (Mood Development), the east parcel units were assessed "strictly" for all
91 professional and administrative fees. Subsequent to the settlement agreement, the same held
92 true, with the exceptions that the District would exempt them from paying legal litigation and
93 engineering fees. Mr. Adams clarified that the litigation fees became obsolete, once the case was
94 settled. Exemption from engineering fees was justified, as the east parcel is not connected to the
95 District's stormwater systems; therefore, any work performed by the District Engineer, related to
96 stormwater, did not benefit the east parcel. Mr. Adams noted that Mood Development must
97 install their own stormwater system if they develop the east parcel. Mr. Adams indicated that
98 these terms were included in the settlement agreement and previously approved by the Board and
99 court.

100 Mr. Adams advised that the east parcel assessments will increase, year over year, with the
101 adjustments. On Page 2 of the revised proposed Fiscal Year 2015 budget, he noted that the
102 District utilized \$22,710 of fund balance to reduce assessments in Fiscal Year 2014, maintaining
103 the same level, year over year. Although the reduction was focused on the non Mood
104 Development units, they benefited from a reduced assessment of \$116.24. The reduction in the
105 "total water management" expenditures from \$145,000 in Fiscal Year 2014 ,to \$124,000, in
106 Fiscal Year 2015, reduced expenses for non Mood Development units even further, providing

107 less supplemental revenue benefit to the Mood Development parcel units and triggering an
108 assessment increase.

109 Mr. Adams noted that the single-family, per-unit assessment is slightly higher than the
110 rate proposed in the budget. The proposed budget, in the agenda, reflected that \$4,000 of fund
111 balance would be utilized to maintain the same assessment levels and the revised proposed
112 budget reflects that the amount will include an additional \$750, for a total use of fund balance of
113 \$4,750.

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**On MOTION by Ms. Mayer and seconded by Mr. Berry, with
all in favor, the Public Hearing was opened.**

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**On MOTION by Ms. Mayer and seconded by Mr. Reynolds,
with all in favor, the Public Hearing was closed.**

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On MOTION by Ms. Mayer and seconded by Mr. Reynolds, with all in favor, Resolution 2014-8, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2014, and Ending September 30, 2015, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2014-9, Making a Determination of Benefit; Imposing Special Assessments; Providing for the Collection and Enforcement of Special Assessments, Including But Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll

Mr. Adams presented Resolution 2014-9 for the Board’s consideration. He explained that this resolution is commonly known as the assessment levying resolution, which makes certain findings with regard to benefit and imposes a special assessment in an amount consistent with the adopted budget. The resolution directs Staff to transmit the final lien roll to the tax collector’s office and allows for direct billing of the properties on a specific schedule.

On MOTION by Mr. Pye and seconded by Mr. Berry, with all in favor, Resolution 2014-9, Making a Determination of Benefit; Imposing Special Assessments; Providing for the Collection and Enforcement of Special Assessments, Including But Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll, was adopted.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2014-10, Declaring a Vacancy in Seat 5 of the Board of Supervisors Pursuant to Section 190.006(3)(B), Florida Statutes

Mr. Adams presented Resolution 2014-10 for the Board’s consideration. He explained that the statute provides that it is the Board’s responsibility to fill the vacancy within 90 days of the seat becoming vacant.

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On MOTION by Ms. Mayer and seconded by Mr. Berry, with all in favor, Resolution 2014-10, Declaring a Vacancy in Seat 5 of the Board of Supervisors Pursuant to Section 190.006(3)(B), Florida Statutes, was adopted.

SEVENTH ORDER OF BUSINESS

Discussion/Consideration: LakeMasters Aquatic Weed Control, Inc. Work Order for Debris/Trash Removal

Mr. Adams advised that LakeMasters Aquatic Weed Control, Inc., (LakeMasters) was asked to remove debris/trash left behind by contractors. He indicated that the debris can enter the lakes and wetlands from adjacent job sites; therefore, it must be cleaned up. This exercise is included in the semiannual wetland maintenance events; however, the cost was \$500 for an unscheduled cleanup. Staff will ask D.R. Horton to “police” their contractors so that the District is not faced with this expense, in the future.

EIGHTH ORDER OF BUSINESS

Approval of June 5, 2014 Special Meeting Minutes

Mr. Adams presented the June 5, 2014 Special Meeting Minutes and asked for any additions, deletions or corrections.

On MOTION by Mr. Reynolds and seconded by Mr. Berry, with all in favor, the June 5, 2014 Special Meeting Minutes, as presented, were approved.

NINTH ORDER OF BUSINESS

Other Business

There being no other business, the next item followed.

TENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being no report, the next item followed.

B. Engineer

217 Mr. Kayne recalled the MS4 permitting discussion at the last meeting. He indicated that
218 the state and Lee County approved the District's participation as a co-permittee and Staff can
219 now consider working on the applications.

220 Mr. Adams requested clarification regarding the activities that will occur as part of this
221 application. Mr. Kayne indicated that the new application will be a report of the current NPDES
222 system and outline different areas of the NPDES structures, which will facilitate the approval of
223 the application.

224 Mr. Adams recalled that the MS4 permitting was discussed during the preliminary budget
225 deliberations. At that time, Mr. Barraco presented an estimate of the costs associated with this
226 project, including an initial expenditure of \$2,500. Mr. Adams indicated that the "Engineering"
227 expenditure was increased from \$5,000, in the prior year, to \$10,000, to address this specific
228 item.

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230 **On MOTION by Ms. Mayer and seconded by Mr. Berry, with**
231 **all in favor, the Barraco & Associates proposal to prepare and**
232 **submit the application for the District's participation, as a co-**
233 **permittee with Lee County, in the MS4 NPDES program, in**
234 **the amount of \$2,500, was approved.**

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237 **C. Manager**

238 **i. Approval of Unaudited Financial Statements as of June 30, 2014**

239 Mr. Adams presented the Unaudited Financial Statements as of June 30, 2014. On Page
240 2, he noted that "Revenues" were at 101% and "Expenditures" were at 76%.

241 With regard to the "Debt Service Fund", Mr. Adams noted that "Principal" and "Interest"
242 payments were made. He pointed out that a \$291 balance remained in the "Capital outlay" fund;
243 the account will be closed during the transfer of the operating permit for the stormwater system.

244 **ii. Consideration of Fiscal Year 2015 Proposed Meeting Schedule**

245 Mr. Adams presented the Fiscal Year 2015 Proposed Meeting Schedule for the Board's
246 consideration. He noted that meetings will be held the third Thursday of October, January,
247 March, May, June and August at 1:00 p.m., at this location.

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On MOTION by Mr. Pye and seconded by Mr. Berry, with all in favor, the Fiscal Year 2015 Proposed Meeting Schedule, as presented, and directing Staff to advertise, accordingly, were approved.

ELEVENTH ORDER OF BUSINESS **Public Comments (*non-agenda items*)**

Mr. Charlie Huether, of Mood Development, indicated that he would like to discuss the attorney fees issue and the CDD, as it relates to the outfall. With regard to litigation, Mr. Huether indicated that he considers Mood Development and the District non adversarial parties, working together since the settlement agreement. Mr. Huether advised that Mood Development accepts the court’s findings, the working relationship with the CDD and the settlement. He expressed hope that everyone can continue to work together.

Mr. Huether stated that they were forced to read the meeting minutes that were available online, subsequent to receiving the demand for legal fees, and his concern was that adversities still exist. Respectfully, he questioned the Boards diligence in addressing some of those concerns dating back to October, 2013. He noted that the minutes reflected questions and answers regarding how the attorney’s fees were to be applied, including an extensive explanation from District Counsel advising that the multi-family units were not going to be pursued, for financial concerns.

Mr. Huether indicated that, prior to signing the settlement agreement, Mood Development was forthright with the attorneys to try and salvage whatever they could, which is what the settlement agreement did for them. He noted that Mood Development agreed on “some numbers” and to pay some fees. Mr. Huether indicated that they prepaid all of the assessments on the single-family homes, although he did not believe that the settlement agreement mandated that they pay all of it but they did. He clarified that all of the assessments were paid approximately two to three days after the settlement agreement was executed and the entire debt was paid the following year.

Mr. Huether affirmed that, as far as Mood Development is concerned, they should only be liable for the single-family section, as it is the only representation that they have an interest in. He confirmed that they are current on their assessments and would like to work with the District, in good faith, to keep it that way.

282 With regard to the outfall, Mr. Huether explained that a pipe was installed that outfalls
283 through the Moody River Estates single-family property; the pipe follows the roadway on the
284 edge of the property. He pointed out that the boat ramp, currently under construction, as part of
285 the settlement agreement, is not on District property. Mr. Huether indicated that they reached
286 out to Meritage Homes and the HOA and offered to provide them with whatever easement they
287 needed, free of charge.

288 Mr. Huether advised that a permit with SFWMD is pending, which will allow the pipe to
289 remain where it is now, with the intention that Meritage Homes will reroute that pipe to the boat
290 ramp, in 2015. He indicated that the court deemed the boat ramp as the District’s perpetual
291 easement. Mr. Huether noted that this is a potential adversarial situation and expressed hope that
292 it could be resolved amicably, even if they have to “chip in some money”. He expressed a
293 preference to resolve this matter via an agreement or to install a junction box and avoid any type
294 of litigation.

295 Mr. Huether asked that the Board invite him to future Board meetings to respond to any
296 questions or concerns from residents or Board Members. He expressed regret for not attending
297 prior meetings, as that may have avoided misunderstandings and the \$126,000 demand for the
298 District’s attorney’s fees. Mr. Huether recalled the October 31, 2012 meeting where District
299 Counsel, Mr. Mike Eckert, discussed Mood Development’s intentions with the multi-family
300 circle. Mr. Eckert advised the Board that the District would not receive reimbursement for
301 attorney’s fees, unless the court ordered Mood Development to pay. On November 21, 2012,
302 two weeks after the settlement agreement was recorded, the court denied the District’s request
303 for attorney’s fees. He noted that, one week after that decision, Mood Development lost the
304 appeal.

305 Mr. Huether questioned the reason for the demand for attorney’s fees with Mr. Eckert’s
306 detailed explanation on October 31, 2012, advising that the District was not entitled to attorney’s
307 fees. He had copies of the meeting minutes if the Board wished to review them.

308 Mr. Huether referred to Pages 12 and 13, of the May 16, 2013 minutes, and quoted “Mr.
309 Geml stated that the settlement agreement required Mood Development Corporation to
310 reimburse the CDD \$150,000 for legal fees and court costs... Mr. Eckert indicated that he will
311 review the agreement and asked Mr. Geml to contact him.” He noted that this discussion was
312 exactly one year prior to Mood Development receiving the demand letter.

313 Mr. Huether pointed out that a similar discussion was recorded in the April 24, 2014
314 meeting minutes. A resident expressed his concern about money owed to the District. Mr.
315 Huether questioned why the resident was not informed that Mr. Eckert reviewed the settlement
316 agreement subsequent to Mr. Geml's concern. Mr. Huether surmised that Mr. Eckert's opinion
317 was documented.

318 Mr. Huether stated that, if the Board believed that the District was owed \$126,000 in May
319 2013, it was their fiduciary duty to pursue the funds. He referred to the June, 2014 meeting
320 minutes and noted Mr. Adams' statement that "the District is to receive approximately \$126,000
321 in reimbursed legal fees".

322 Mr. Huether opined that the minutes reflect "how can we nail Mood". He noted that
323 many answers to the questions, in the minutes, are "inaccurate", "upside down" and "erroneous".

324 Mr. Adams clarified that there was no follow-up report to the Board, with regard to Mr.
325 Eckert's response to Mr. Geml. He indicated that he continued to "let the issue sit", as he
326 wanted the year-end 2013 audit completed and any accruals and journal entry adjustments
327 finalized. Mr. Adams stated that the auditor agreed that the settlement allowed for the District's
328 reimbursement of attorney's fees. He indicated that Mr. Eckert is on sabbatical and Mr.
329 Huether's emails and comments clarified any misunderstandings with regard to the settlement
330 agreement.

331 Mr. Adams acknowledged that rescission did not occur; therefore, the District is not
332 entitled to attorney's fees. As far as he is concerned, this is a dead issue; moving forward,
333 residents who inquire about the attorney's fees will be advised that the District is not entitled to
334 those fees. Mr. Adams confirmed that the note in the audit regarding the attorney's fees owed to
335 the District will be removed.

336 Mr. Adams stated that, all he can do, at this point, is express his apologies to Mr.
337 Huether.

338 Mr. Huether reiterated his previous points as to why the fees were not owed to the
339 District.

340 In response to Mr. Bowen's comment, Mr. Adams indicated that the funds were not
341 relied upon. If and when the funds were received, the District would have used the money to
342 open a designated reserve, use a portion to reduce assessments or remain in fund balance.

343 Ms. Mayer thanked Mr. Huether for attending today’s meeting. She noted that this
344 discussion was been very helpful.

345 Mr. Berry thanked Mr. Huether for attending today’s meeting and encouraged him to
346 attend as many meetings as possible. He noted that Mr. Huether represents many units in the
347 CDD and his opinion will assist the Board in making clearer decisions.

348 With regard to Mr. Huether’s prior comment regarding the outfall, Mr. Kayne did not
349 believe that the HOA is a co-permittee. He confirmed that the correct entity is the CDD and the
350 outfall structure is owned by the CDD. Mr. Kayne stated that the District has authority to “push”
351 Meritage to go in for a “minor” on this development order. Discussion ensued regarding a
352 possible location for the junction box.

353 Mr. Kayne indicated that Mr. Huether can tie in to the junction box. Mr. Huether stated
354 that it is not necessary, at this time, as on-site retention might be installed.

355 Mr. Kayne and Mr. Huether reviewed Mood Development’s site plans.

356 Mr. Adams indicated that Mr. Kayne will research the permit situation and provide a full
357 report and recommendation at the October meeting.

358 A resident thanked Mr. Huether for his comments. In response to the resident’s question,
359 Mr. Huether clarified the parties mentioned in the settlement agreement.

360

361 **TWELFTH ORDER OF BUSINESS** **Supervisors’ Requests**

362

363 There being no Supervisors’ requests, the next item followed

364

365 **THIRTEENTH ORDER OF BUSINESS** **Adjournment**

366

367 There being nothing further to discuss, the meeting adjourned.

368

369 **On MOTION by Mr. Pye and seconded by Mr. Reynolds, with**
370 **all in favor, the meeting adjourned at 2:15 p.m.**

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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

Chair/Vice Chair

1 **MINUTES OF MEETING**
2 **MOODY RIVER ESTATES**
3 **COMMUNITY DEVELOPMENT DISTRICT**
4

5 A Regular Meeting of the Moody River Estates Community Development District's
6 Board of Supervisors was held on **Thursday, October 16, 2014 at 1:00 p.m.**, in the **Clubhouse**
7 **at Moody River Estates, 3050 Moody River Blvd., North Fort Myers, Florida 33903.**
8

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

10 Ilse Mayer	Chair
11 Jeff Berry (<i>via telephone</i>)	Assistant Secretary
12 Terry Pye	Assistant Secretary

13
14
15 **Also present were:**

16 Chuck Adams	District Manager
17 Cleo Crismond	Assistant Regional Manager
18 Chuck Bowen (<i>via telephone</i>)	District Counsel
19 Wes Kayne	District Engineer

20
21
22
23 **FIRST ORDER OF BUSINESS**

Call to Order/Roll Call

24
25 Mr. Adams called the meeting to order at 1:04 p.m., and noted, for the record, that
26 Supervisors Mayer and Pye were present, in person. Supervisor Berry was attending via
27 telephone. Supervisor Reynolds was not present. One seat was vacant.

28 Mr. Adams indicated that Mr. Reynolds submitted a resignation letter last night. He
29 noted that, due to the lack of a quorum, items will be discussed but no action can be taken.

30 **▪ Discussion: Boat Ramp Drain Pipe Plans**

31 ******This item, previously the Third Order of Business, was presented out of order.******

32 Mr. Adams recalled that, last month, that Mr. Charlie Huether, of Mood Development,
33 the owner of the property on the east side, where the boat ramp is located, updated the Board on
34 his plans to reconfigure a portion of the drainage system on his property and to work with the
35 District to ensure that the District's interests were met, as part of that process. Mr. Adams
36 pointed out that Mr. Kayne reviewed the plans on the South Florida Water Management District
37 (SFWMD) e-permitting website and will present his findings to the Board, along with his
38 position or concerns, if any.

39 Mr. Kayne reported that the plans, prepared by Morris-Depew Associates, Inc., were
 40 obtained from the SFWMD website. He indicated that the current outfall for Moody River is a
 41 42” RCP pipe, which runs east through property owned by Mood Development; one site plan
 42 shows buildings on this site. Mr. Kayne pointed out that SFWMD proposes running the pipe
 43 through the portion of property that will be dedicated to the Association, in the future, which will
 44 be a 34” by 53” ERCP, equivalent to a 42” RCP pipe. He expressed concern about the additional
 45 70’ pipe, as the additional junction boxes incurred minimal head loss. Mr. Kayne suggested
 46 lowering the end wall, where it enters the creek, to the lowest invert possible, to improve
 47 efficiency. He had no other concerns, other than ensuring that the District has legal access to the
 48 drainage system; he recalled that there was an inclusive easement over that berm.

49 Mr. Adams will contact Mr. Huether to inform him that Staff reviewed the plans and had
 50 no concerns with the configuration and to discuss completion of those improvements, so that the
 51 District can participate in its portion of the connection. Mr. Adams recalled that Mr. Huether
 52 offered to maintain the District’s portion, which he prefers, and ensure that the District has
 53 access easement rights covering the reconfiguration and relocation.

54 Mr. Adams will work with Mr. Kayne and schedule a meeting, if the Board must consider
 55 any action items. He will also look for easements already in place and, if there are none, he will
 56 prepare a sketch and legal description to encompass this realignment and have District Counsel
 57 provide the agreement to the Board.

58 Mr. Bowen requested that Mr. Adams keep him apprised of this matter and monitor the
 59 process so issues can be addressed quickly.

60

61 **SECOND ORDER OF BUSINESS** **Public Comments (*agenda items*)**

62

63 There being no public comments, the next item followed.

64

65 **THIRD ORDER OF BUSINESS** **Discussion: Boat Ramp Drain Pipe Plans**

66

67 This item was discussed during the First Order of Business.

68 **FOURTH ORDER OF BUSINESS** **Approval of August 21, 2014 Public**
 69 **Hearing and Regular Meeting Minutes**

70

71 This item was deferred.

72 **FIFTH ORDER OF BUSINESS** **Other Business**

73

74 There being no other business, the next item followed.

75

76 **SIXTH ORDER OF BUSINESS** **Staff Reports**

77

78 **A. Attorney**

79 There being no report, the next item followed.

80 **B. Engineer**

81 There being no report, the next item followed.

82 **C. Manager**

83 **i. Approval of Unaudited Financial Statements as of August 31, 2014**

84 Mr. Adams presented the Unaudited Financial Statements as of August 31, 2014.

85 **ii. NEXT MEETING DATE: January 15, 2015 at 1:00 P.M.**

86 Mr. Adams reported that the next regularly scheduled meeting will be held on January 15,
87 2015 at 1:00 p.m., at this location. He noted that administration of the Oath of Office to Mr.
88 John Teckorius, who ran unopposed for Seat 1, acceptance of Mr. Reynolds’ resignation,
89 consideration of appointments for Mr. Reynolds’ and Ms. Shea’s seats and discussion of a
90 newsletter will be included on the January agenda.

91

92 **SEVENTH ORDER OF BUSINESS** **Public Comments (non-agenda items)**

93

94 Mr. Bowen asked if not having a quorum would delay the connection of the pipes. Mr.
95 Adams confirmed that it would not be delayed.

96

97 **EIGHTH ORDER OF BUSINESS** **Supervisors’ Requests**

98

99 There being no Supervisors’ requests, the next item followed

100

101 **NINTH ORDER OF BUSINESS** **Adjournment**

102

103 There being nothing further to discuss, the meeting adjourned at 1:10 p.m.

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Secretary/Assistant Secretary

Chair/Vice Chair

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
NOVEMBER 30, 2014**

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
NOVEMBER 30, 2014**

	Major Funds		Total Governmental Funds
	General	Debt Service	
ASSETS			
Cash - SunTrust	\$ 183,559	\$ -	\$ 183,559
Investments			
Revenue	-	276,568	276,568
Reserve	-	635,095	635,095
Prepayment	-	26	26
Deferred cost	-	80,283	80,283
Due from other funds			
General	-	90,369	90,369
Total assets	\$ 183,559	\$ 1,082,341	\$ 1,265,900
LIABILITIES AND FUND BALANCES			
Liabilities:			
Accounts payable	\$ 1,500	\$ -	\$ 1,500
Due to other funds			
Debt service	90,369	-	90,369
Total liabilities	91,869	-	91,869
Fund Balances:			
Reserved for:			
Debt service	-	1,082,341	1,082,341
Unreserved, reported in:			
Unreserved, undesignated	91,690	-	91,690
Total fund balances	91,690	1,082,341	1,174,031
Total liabilities and fund balances	\$ 183,559	\$ 1,082,341	\$ 1,265,900

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND
FOR THE PERIOD ENDED NOVEMBER 30, 2014**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ 31,023	\$ 31,023	\$ 241,458	13%
Interest and miscellaneous	5	10	-	N/A
Total revenues	<u>31,028</u>	<u>31,033</u>	<u>241,458</u>	13%
EXPENDITURES				
Professional & admin				
Supervisor	-	646	6,459	10%
Management	3,733	7,467	44,802	17%
Accounting services	729	1,457	8,742	17%
Audit	-	-	4,300	0%
Assessment roll services	1,073	2,146	12,875	17%
Arbitrage rebate calculations	-	-	1,200	0%
Dissemination agent	-	-	1,000	0%
Trustee	-	-	3,150	0%
Legal - general counsel	-	-	15,000	0%
Engineering	-	-	10,000	0%
Computer services	-	-	500	0%
Postage	26	247	1,250	20%
Telephone	41	83	500	17%
Insurance	-	5,923	6,515	91%
Printing & binding	92	183	1,100	17%
Legal advertising	-	255	1,500	17%
Other current charges	46	92	1,000	9%
Annual district filing fee	-	175	175	100%
Total professional & admin	<u>5,740</u>	<u>18,674</u>	<u>120,068</u>	16%
Water management				
Other contractual	3,371	3,371	72,500	5%
Utilities	3,737	3,737	44,000	8%
Aquascaping	-	-	7,500	0%
Total water management	<u>7,108</u>	<u>7,108</u>	<u>124,000</u>	6%
Other fees and charges				
Property appraiser	-	-	856	0%
Tax collector	515	515	1,284	40%
Total other fees and charges	<u>515</u>	<u>515</u>	<u>2,140</u>	24%
Total expenditures	<u>13,363</u>	<u>26,297</u>	<u>246,208</u>	11%
Excess/(deficiency) of revenues over/(under) expenditures	17,665	4,736	(4,750)	
Fund balance - beginning	74,025	86,954	79,268	
Fund balance - ending	<u>\$ 91,690</u>	<u>\$ 91,690</u>	<u>\$ 74,518</u>	

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND SERIES 2005
FOR THE PERIOD ENDED NOVEMBER 30, 2014**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ 90,316	\$ 90,316	\$ 719,799	13%
Interest	7	13	-	N/A
Total revenues	<u>90,323</u>	<u>90,329</u>	<u>719,799</u>	13%
EXPENDITURES				
Principal prepayment	65,000	65,000	225,000	N/A
Interest	<u>245,698</u>	<u>245,698</u>	<u>494,875</u>	50%
Total expenditures	<u>310,698</u>	<u>310,698</u>	<u>719,875</u>	43%
Excess/(deficiency) of revenues over/(under) expenditures	(220,375)	(220,369)	(76)	
Fund balance - beginning	<u>1,302,716</u>	<u>1,302,710</u>	<u>1,135,693</u>	
Fund balance - ending	<u><u>\$ 1,082,341</u></u>	<u><u>\$ 1,082,341</u></u>	<u><u>\$ 1,135,617</u></u>	