

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

A Regular Meeting of the Moody River Estates Community Development District's Board of Supervisors was held 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.**

**Present and constituting a quorum were:**

Terry Pye	Chair
Jeff Berry	Vice Chair
Ilse Mayer*	Assistant Secretary
John Teckorius	Assistant Secretary
Elizabeth Keeler*	Assistant Secretary

*\*(Ms. Mayer and Ms. Keeler were appointed and the Oath of Office was administered during the Fourth Order of Business)*

**Also present were:**

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Lindsey Whelan	Hopping Green & Sams, P.A.
Carl Barraco, Jr.	District Engineer
Malcolm Haas	Resident
Robert Moore	Resident
Bill Rodriguez	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 1:04 p.m., and noted, for the record, that Supervisors Teckorius, Berry and Pye were present, in person. Supervisor Reynolds was not present. One seat remains vacant.

**SECOND ORDER OF BUSINESS**

**Public Comments (*agenda items*)**

There being no public comments, the next item followed.

**THIRD ORDER OF BUSINESS**

**Administration of Oath of Office to Newly Elected Supervisor, John Teckorius [Seat 1] (the following to be provided in a separate package)**

Mr. Adams indicated that Mr. Teckorius ran unopposed for Seat 1.

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Teckorius.

- 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 Conflicts**

These items were not discussed.

**FOURTH ORDER OF BUSINESS**

**Acceptance of Resignation of Supervisor Frank Reynolds, Seat 4; Term Expires November, 2016**

Mr. Adams indicated that Mr. Reynolds' seat expires in November, 2016 and requested a motion to accept Mr. Reynolds resignation.

**On MOTION by Mr. Berry and seconded by Mr. Pye, with all in favor, acceptance of Supervisor Frank Reynolds resignation, was accepted.**

- **Consider Appointment of Qualified Elector to Fill Vacancy in Seat 4**

Mr. Adams reported that Mr. Reynolds seat was the final landowner elected seat. He explained that, according to Statute, the remainder of the Board has the responsibility to appoint a replacement for the remaining term and because, this is a landowner elected seat, the only requirements to fill the seat is that the candidate must be a resident of the United States and

Florida. Mr. Adams asked if the Board Members had an appointment or if there were any interested parties from the audience.

Mr. Berry nominated Ms. Ilse Mayer to Seat 4. Ms. Mayer replied affirmatively but wished to serve in Seat 5.

Ms. Elizabeth Keeler expressed interest in being appointed to Seat 4

Mr. Teckorius nominated Ms. Keeler to Seat 4

**On MOTION by Mr. Teckorius and seconded by Mr. Pye, with all in favor, appointment of Elizabeth Keeler to Seat 4, term expires November, 2016, as nominated, was approved.**

○ **Administration of Oath of Office to Newly Appointed Supervisor**

This item was addressed later in the meeting.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2015-1,  
Declaring a Vacancy in Seat 5; No One  
Qualified for Seat in General Election**

Mr. Adams reported that the vacancy in Seat 5 was declared, by resolution, at the August, 2014 meeting.

• **Consideration of Resolution 2015-1, Appointing a Qualified Elector to Fill Vacancy in Seat 5**

Mr. Adams reported that Seat 4 has a remaining term of two years and Seat 5 has a term of four years.

Mr. Teckorius nominated Ms. Mayer to Seat 5.

**On MOTION by Mr. Teckorius and seconded by Mr. Berry, with all in favor, appointment of Ilsa Mayer to Seat 5, as nominated, was approved, as evidenced by the adoption of 2015-1.**

○ **Administration of Oath of Office to Newly Appointed Supervisors**

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. Keeler and Ms. Mayer.

- **New Supervisor Package**  
*\*\*\*These items, previously the Third Order of Business, were presented out of order.\*\*\**  
Mr. Adams provided and briefly explained the following items:
  - 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 Conflicts**

Mr. Adams advised that all Board Members have a right to receive compensation of up to \$200 per meeting, with an annual maximum of \$4,800, minus FICA. If a Supervisor wishes to receive compensation, a W-4 form must be completed.

Mr. Teckorius waived compensation. Ms. Mayer and Ms. Keeler will consider it. Mr. Adams asked Ms. Mayer and Ms. Keeler to email, once their decision was made, and forward the W-4 form.

Mr. Adams reported that Mr. Teckorius completed Form 1, Statement of Financial Interests when he qualified in May and will receive one in May or June; however Ms. Mayer and Ms. Keeler must complete Form 1 and submit it to the Supervisor of Elections within the next thirty (30) days.

Mr. Adams explained Form 1X, Amendment to Form 1, Statement of Financial Interests, which must be completed and submitted to the Supervisor of Elections Office, if there are any changes to Form 1. Form 1F, Final Statement of Financial Interests, must be completed and submitted to the Supervisor of Elections Office within sixty (60) days of leaving office.

Mr. Adams explained the basic guidelines of the Sunshine Law Code of Ethics and highlighted that the Sunshine Law prevents Board Members from discussing District business outside of regularly advertised Board meetings. He noted that communication was defined by direct conversation, fax, telephone or electronic means, including email and Facebook, although communication with Staff was permitted. Mr. Adams advised that communication from constituents should be responded to directly, with a copy to Management, who acts as official custodian of all of the District's public records.

Mr. Adams explained that Management is the official custodian of the public records. Documents, such as the agenda, will be kept on record at the District office; therefore, Board Members do not need to retain these documents. He suggested that District files be separated from other personal and business items, as they are public records and, as such, are required to be open for public inspection, if requested. Mr. Adams encouraged the Supervisors to use their District email addresses for District business and not their personal email addresses. He advised that if the Supervisors receive emails from constituents, a copy should be provided to Management.

Ms. Whelan reminded the Supervisors that Management retains any documents that are provided to the Board; Supervisors should be cognizant when contacting a District contractor or a resident and retain copies of the emails. She provided a Supervisors Handbook to the newly elected Supervisors, which has all of these provisions, including the provisions of the public records law.

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2015-3,  
Electing Officers of the District**

Mr. Adams presented Resolution 2015-3 for the Board's consideration. He advised that, after each election or appointment, the Board is required to reconsider the slate of officers.

Mr. Adams reported that he serves as Secretary and Mr. Craig Wrathell is an Assistant Secretary and Treasurer. He requested that the Board appoint a Chair and Vice Chair and the remainder of the Board will serve as Assistant Secretaries.

Ms. Mayer nominated Mr. Pye to serve as Chair. Mr. Pye accepted the nomination.

No other nominations were made for Chair.

Mr. Adams requested nominations for Vice Chair.

Mr. Teckorius nominated Mr. Berry to serve as Vice Chair.

No other nominations were made for Vice Chair.

Mr. Adams indicated that hearing no other nominations, Mr. Pye will serve as Chair, Mr. Berry will serve as Vice Chair, he will serve as Secretary, Mr. Wrathell will serve as Treasurer, Mr. Teckorius, Ms. Keeler, Ms. Mayer and Mr. Wrathell will serve as Assistant Secretaries.

**On MOTION by Ms. Mayer and seconded by Mr. Teckorius, with all in favor, Resolution 2015-3, Electing Officers of the District, as nominated, was adopted.**

**SEVENTH ORDER OF BUSINESS**

**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**

Mr. Adams presented Resolution 2015-4 for the Board’s consideration. He indicated that this process is followed each year, when adjustments are made to the budget.

Mr. Adams discussed the budget amendment. He pointed out that “Professional and Administration Expenses” were over budget by \$6,000 because \$6,000 was added under “Other current charges”, to cover any discrepancies in the journal entries. This prevents the District from being in a position of where the budget appropriations were exceed by actual, which would result in a note in the audit. Mr. Adams noted that the budget is relatively tight and since several professional services have hourly rates, in case there are some unforeseen tasks, those hourly rates will tend to exceed the budget. He advised that there were some unforeseen tasks with the stormwater transfer and investigation of the shoreline on the north piece and some lakes on the south piece, resulting in additional District Counsel and District Engineer costs. Mr. Adams pointed out that, if the \$6,000 was not used, it would go into the Fund Balance.

**On MOTION by Mr. Pye and seconded by Ms. Mayer, with all in favor, Resolution 2015-4, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2013 and Ending September 30, 2014, was adopted.**

Mr. Adams reported that the audit is almost completed and will be provided at the next meeting.

**EIGHTH ORDER OF BUSINESS**

**Discussion: Boat Ramp Drain Pipe Plans**

Mr. Adams recalled that there was no quorum at the October meeting, due to Mr. Reynolds resignation the night before the meeting and Mr. Berry not being able to attend; so no

action was taken but there was discussion on this item. At that meeting, it was reported that the District Engineer reviewed the proposed drain pipe layout and found it to be satisfactory; it did not create negative impacts for the CDD. Mr. Adams indicated that this information was discussed with Mr. Charlie Huether, and he is proceeding through the process.

Mr. Adams discussed communication from the South Florida Water Management District (SFWMD); SFWMD requested several items, one of which was to ensure that the District actually has an appropriate easement over the final product, when complete. Mr. Huether agreed with this. Mr. Adams indicated that several attorneys have been involved with the two disputing parties but everyone is in agreement. He reported that, as of yesterday, there was final written communication indicating that everything is ready to go, with the intention to move as quickly as possible, to complete the improvements, prior to the rainy season. Mr. Adams suspects the work to be completed in 60 days and then drafting the easement modifications, to encompass the new layout, for approval by the Board.

In response to Mr. Teckorius' question, Mr. Adams indicated that Mr. Huether is paying for everything and the only conceivable cost is either the District or Mr. Huether will serve up the easement and District Staff would spend time reviewing it and ensuring it is legally sufficient.

Ms. Whelan pointed out that the amendment would likely be dropped, once construction is completed and there would be associated costs for preparation of the easement but the cost should not be significant. Mr. Adams noted that the costs would be minor compared to the construction side.

Ms. Keeler asked who Mr. Huether is. Mr. Adams indicated that Mr. Huether is the President of Mood Development who controls the property surrounding the boat ramp, on the east side. Mr. Adams pointed out that Mr. Huether is making improvements to the property. Mr. Huether can either build on it or sell it or convey it and re-alignment of the existing drain pipe will make Mr. Huether's property more usable and the boat ramp more accessible. Mr. Huether and Meritage Homes have competing interest, which is why the two attorneys were involved in the process. Mr. Adams noted that this property is important to the District because it is an outfall for the community on the west side and the District was involved to ensure that the improvements were not going to impede the District's conveyance capacities, which it thankfully, did not do.

**NINTH ORDER OF BUSINESS**

**Discussion: Newsletter**

Mr. Adams recalled that the Board discussed community outreach and pointed out that many communities do this, particularly when transitioning from developer to resident control. He explained that, when the District is under developer control, the developer generally is not interested in doing a lot of public relations on behalf of the District; most do not pay attention to the District in those early years. Through the evolution of the community, Mr. Adams indicated that people become more aware of the District.

Since the District is now in the process of full turnover of the Board to resident control, Mr. Adams believed it was a good idea to discuss community outreach. He pointed out that January through March or April is the peak time of year to reach out to residents because the seasonal residents are here. He felt that newsletters are the best way to reach out, as it forces communication.

Mr. Adams provided three sample newsletters and highlighted that each are in a different phase of communication. The first sample has basic start-up information with “Dear resident” and explaining what a CDD is, which is important to include in the first communication to the residents. It also discusses the CDD’s primary responsibilities, including the stormwater management system and what comprises it, which are the lakes, wetlands and interconnecting pipes between the lakes and wetlands. He noted that it does not include drainage facilities within parks and neighborhoods or yard drainage systems but it is important to define how the District maintains those stormwater systems. Mr. Adams pointed out that the newsletter can then discuss what improvements the District is undertaking and what is in this year’s budget and in future years.

Mr. Adams pointed out the left margin, which is discusses the basics of the District, when the next CDD meetings are and historical information, such as the number of acres in the CDD, number of stormwater ponds, etc.; this is an eye opener for residents. He likes to include the Board Members’ names and positions and email addresses can be included or contact information for the District Manager. Mr. Adams indicated that the newsletter can include the website address, which provides a database of information and provides a flavor of documents, the annual meeting schedule, audits, budgets, agendas and minutes.

Mr. Adams presented another newsletter and indicated that there is information about the annual budget and upcoming improvements. He referred to the third sample newsletter, which



was more thorough regarding what the District plans to accomplish through the years and lists the prior year accomplishments, including prices so residents can see where their money went. It also discusses adoption of the budget and how residents' assessments were affected, along with introducing a new Board Member and addressing speeding issues, by asking residents to curtail their speeding throughout the community.

Mr. Adams requested that the Board review each newsletter and provide comments regarding key points and other items of communication.

Mr. Teckorius asked how the newsletter is distributed to the residents. Mr. Adams indicated that a mailing house is used, such as Phase 5 Publishing and Treeline, to mail the newsletter to each residence. In response to Mr. Teckorius question, Mr. Adams indicated that there are budget line items for "Communication" and "Website" and the cost should be minimal, due to the relatively small number of units compared to larger CDDs, which spend \$1,000 to \$1,500 per mailing. Mr. Adams expects the District's costs to be well below \$1,000, as it will not be sent to every lot owner; only end users, who are listed on the lien roll will receive it. Mr. Adams explained that the Property Appraiser will export portions of the lien roll into a file and send to Phase 5 Publishing along with the newsletter formatting.

Discussion ensued regarding items for the District's newsletter. Ideas included the eagle nest and dumping in conservation areas.

Mr. Teckorius questioned why a newsletter was not published in the past. Mr. Adams indicated that, previously, there was no interest for one but, since this is now a resident Board, he is bringing it up again.

Ms. Whelan pointed out that having a newsletter is popular for Boards who have begun a final turnover to the residents and suggested having factual information in the newsletter. Many Districts do this and is a wonderful source of information for the community and helps to make the community tied to the District. She cautioned the Board against including anything opinion-related, on behalf of an individual Board Member, such as an article discussing the Chair's opinion on a District matter.

Mr. Teckorius asked how often the newsletter is published. Mr. Adams replied as frequently as the Board wants, which will be delineated in future budgets. Mr. Adams believed that this was the best time of year for a newsletter and recommended that the Board start with

one newsletter with basic information and have another newsletter in late summer, when most seasonal residents are here.

Mr. Teckorius suggested that the front page of the first issue have a box and an email address, so residents can vote on whether they want to receive a newsletter. Mr. Adams will include this.

Mr. Adams requested that the Board take a week to think about the newsletter and email topics to include in the newsletter and the level of detail. Based on the Board's responses, Mr. Adams will prepare a draft newsletter and provide to the Board for individual input.

Ms. Mayer voiced excitement about having a newsletter because, many times, residents do not receive enough information and some residents do not have access to the internet. Mr. Adams acknowledged that some Districts tried emailing the newsletter but residents complained that they never received it. He recommended keeping the newsletter short and to the point; two pages maximum was sufficient.

**TENTH ORDER OF BUSINESS**

**Approval of Minutes**

**A. August 21, 2014 Public Hearing and Regular Meeting**

Mr. Adams presented the August 21, 2014 Public Hearing and Regular Meeting Minutes and asked for any additions, deletions or corrections.

**On MOTION by Mr. Berry and seconded by Mr. Pye, with all in favor, the August 21, 2014 Public Hearing and Regular Meeting Minutes, as presented, were approved.**

**B. October 16, 2014 Regular Meeting (No Quorum)**

Mr. Adams presented the October 16, 2014 Regular Meeting Minutes and asked for any additions, deletions or corrections.

**On MOTION by Mr. Berry and seconded by Ms. Mayer, with all in favor, the October 16, 2014 Regular Meeting Minutes, as presented, were approved.**

**ELEVENTH ORDER OF BUSINESS**

**Other Business**

There being no other business, the next item followed.

**TWELFTH ORDER OF BUSINESS****Staff Reports****A. Attorney**

Ms. Whelan reported that Mr. Chuck Bowen left Hopping Green & Sams, P.A. and she will be working with Mr. Mike Eckert in relation to the District's legal matters.

**B. Engineer**

Mr. Adams introduced Mr. Carl Barraco, Jr., who was attending on behalf of the District Engineer.

**C. Manager****i. Approval of Unaudited Financial Statements as of November 30, 2014**

Mr. Adams presented the Unaudited Financial Statements as of November 30, 2014. He pointed out the limited activity, as October was an accrual month. On Page 2, he noted that seasonal expenses, such as the "Annual District Filing Fee" was at 100% and "Insurance" was at 91%.

Mr. Berry asked where "Website" and the newsletter appear in the budget. Mr. Adams indicated that is a line item for "Computer Services" and "Printing and Binding".

Regarding "Water Management", Mr. Berry asked if the District was going to do anything this year as far as bank repairs. Mr. Adams indicated that one or two banks are under consideration for repair. Mr. Teckorius questioned whether the lakes were numbered. Mr. Adams pointed out that one significant lake was further down Moody River Boulevard on the right and the other one is further on the right and has a significant drop. Mr. Adams indicated that he found a new contractor who has pricing per linear foot, two-thirds of the original cost from other east coast firms. This contractor is in Delray Beach and was just retained at Stoneybrook. Mr. Berry asked if this expenditure is paid from "Other contractual". Mr. Adams replied affirmatively.

Mr. Berry inquired about Aquascaping. Mr. Adams explained that Aquascaping is the supplemental plants, which are used for erosion repairs, to help stabilize the bank and get more life out of the restoration project. Mr. Adams offered to include information in the newsletter about aquatic plants and what they do for water clarity and preventing lake bank erosion.

With regard to the “Debt Service Fund” on Page 3, Mr. Adams noted that the November “Principal” and “Interest” payments were made. He pointed out that a portion of the principal was made and suspected that this was a prepayment, because principal is only paid once a year in May. Mr. Adams recalled that a neighborhood was re-platted several months ago and 12 units were removed and, as a result, a True-Up payment was made.

Mr. Teckorius pointed out that in the Supervisors Handbook, there was a strap number with the owners name and the amount due on the bond. He noted that he is the third owner but the original owners name is still listed and 60 homes are in Colonial’s name and questioned how this can be updated. Mr. Teckorius does not want Colonial to receive 50 copies of the newsletter. Mr. Adams indicated that any lot with Colonial will not receive a newsletter. Mr. Teckorius pointed out that Colonial does not own anything but all of the strap numbers are listed on the tax roll. Mr. Adams believed that an old lien roll was included in the Supervisor Handbook and will provide Mr. Teckorius with an updated one.

**ii. NEXT MEETING DATE: March 19, 2015 at 1:00 P.M.**

Mr. Adams reported that the next regularly scheduled meeting will be held on March 19, 2015 at 1:00 p.m., at this location. He anticipated having good news about the drainage pipe construction.

Mr. Teckorius asked if there will be a junction box. Mr. Adams replied yes, due to the realignment. He indicated that the contractor installed an oblong pipe. Mr. Teckorius asked if those documents are available on the website. Mr. Adams will provide copies of the documents that Mr. Huether provided to the Board at the last meeting. Mr. Teckorius inquired whether these are the final documents, because Mr. Huether was going to discuss the outfall and junction box with Morris-Depew Associates, Inc. Mr. Barraco, Jr. believed that Mr. Huether met with them to discuss the junction box and lowering the pipe where it outfalls to ensure that the flow is acceptable.

Mr. Teckorius questioned who is responsible. Mr. Adams replied Mr. Huether’s engineer, working in conjunction with Meritage Home’s engineer, Banks Engineering. Mr. Teckorius asked whether the CDD has any responsibility. Mr. Adams confirmed that the CDD had no responsibility, because Huether is making an adjustment downstream to the District’s facility to better accommodate their development of the parcel. Mr. Teckorius pointed out that the District Engineer is responsible for looking out for the CDD and questioned whether the

District Engineer felt comfortable that Huether's engineer was responsible. Mr. Barraco, Jr. indicated that as long as those easements were in place, it will not have any adverse impact to the CDD. Mr. Adams reported that Mr. Huether will be required to obtain the easements from the District before receiving the SFWMD Certification of Completion.

In response to Mr. Teckorius question, Mr. Adams confirmed that Mr. Wes Kayne provided the final documents. Mr. Teckorius pointed out that Mr. Huether makes a lot of changes and if Staff executed the documents, the Board should receive a copy. Mr. Adams requested that Mr. Barraco, Jr. download the documents from e-permitting and provide him with a copy.

Mr. Berry asked who is responsible for the seawall. Mr. Adams indicated that the property owner is responsible, whether Mood Development or Meritage Homes; the District is responsible for outfall drainage. Mr. Berry pointed out that backfill was needed. Mr. Teckorius indicated that the contractor is working on Sunday; a barge has been out there for six months and according to the contractor and they are working on an engine.

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

Mr. Adams thanked the residents for attending the meeting and appreciated their input.

Mr. Malcolm Haas, a resident, requested interpretation about fishing in the lakes.

Mr. Adams reported that the District does not have the legal ability to limit public fishing in its ponds, as the ponds are a public facility, which were purchased or acquired through public financing. He believed that the homeowner's association (HOA) has the ability in their covenants and declarations to prohibit fishing in the community.

Mr. Pye pointed out that the District paid for some fish. Mr. Teckorius clarified that the District paid for 5,000 fish but questioned whether 5,000 fish were actually received.

Mr. Adams recommended fishing in the lake around the eagle's nest but did not encourage anyone eating the fish out of the drainage ponds.

Mr. Robert Moore, a resident, questioned who is responsible for the fountains. Mr. Adams indicated that the fountains were initially installed by the developer and turned over to the CDD; the CDD is the official owner and responsible for maintenance of the fountains. Mr. Moore asked if there are funds in the budget to install additional fountains.

Mr. Adams replied no and reminded the residents that they are a governmental entity spending taxpayer money and try not to spend money on water features, unless they are in a high profile location and the benefit of the water feature benefits everyone, such as at a major thoroughfare, intersection or entryway. A fountain is more of an aesthetic benefit. Since it is the District's responsibility to maintain the ponds for water quality, Mr. Adams pointed out that under the District's Stormwater Management Permit (SMP), the District can install aeration systems or bubbler systems. He explained that in an aeration system, a pump will pump air through hoses and disburse through diffuser stones. It breaks the air into small enough molecules that gets absorbed into the water column, increases the dissolved oxygen, which benefits the fish and more importantly, benefits aquatic plantings and the natural bacteria and enzymes that are in the soil, which keeps a healthier pond in the long-term.

Mr. Moore asked if they value the aeration over the bubblers. Mr. Adams indicated that, for what the CDD is tasked with, which is infrastructure maintenance and the provisions of the SMP to ensure that the District is doing everything it can in terms of water quality from stormwater runoff, aeration systems are justified, because they do that far more efficiently than a fountain that throws water in the air and has lights on it at night. Mr. Moore questioned whether the District is paying for the operation of the pumps. Mr. Adams replied affirmatively.

Mr. Bill Rodriguez, a resident, indicated that he just moved into Moody River and was warned that the sprinklers contain salt that can rust out air conditioning units. Mr. Adams explained that the District is not in charge of irrigation but from his experience throughout Southwest Florida for the last 20 to 25 years, he indicated that irrigation water does not have chloride levels beyond 200 parts per million but, above 200 parts per million, will deteriorate flowers and sensitive plants. He noted that the water quality in the community is such that the chloride level is much lower than 200 parts per million and 1,000 parts per million may rust an air conditioning unit, because it is a more brackish water.

Mr. Rodriguez indicated that he was told that water from the lake was better quality. Mr. Adams confirmed that the ponds are freshwater ponds and suspected that the depth of the wells were 150' because of their proximity to the Caloosahatchee River. Mr. Berry pointed out that he has lived in Moody River for eight years and has no rusting on his air conditioning unit. Mr. Rodriguez was told by his air conditioning provider that water hitting the air conditioner will corrode the unit. Mr. Adams acknowledged that the water quality is not going to be as pristine as

rainfall but it will not be as such a level that it is going to create corrosion but anytime it rains the air conditioner will see water. Mr. Adams expressed concern with the air conditioning contractor if this is what he is telling Moody River residents.

Mr. Teckorius recommended that Mr. Rodriguez call Juniper to come out and adjust the sprinkler heads. Mr. Adams indicated that Ms. Crismond will take care of this.

The Board welcomed Mr. Rodriguez to the neighborhood.

Discussion ensued regarding fishing in the ponds.

Mr. Adams indicated that anyone can fish in ponds that come up to a road right-of-way, as these tend to be prime fishing spots in the CDDs he handles.

Mr. Pye pointed out that there used to be a designated fishing lake with a sign indicating that it was a designated fishing lake but this disappeared over time. He noted that the documents say no fishing is permitted in any of the lakes. .

**FOURTEENTH ORDER OF BUSINESS****Supervisors' Requests**

Ms. Keeler questioned the status of the fencing.

Ms. Crismond reported that in early December, she and Mr. Adams met with Ms. Mayer and Mr. Teckorius regarding a fence that had been installed on Lake 2. Due to some miscommunication, she heard that D.R. Horton gave approval to the resident to install the fence, based on the fence not being installed in the District's easement; however, it was installed in the District's easement. Ms. Crismond explained that the District received a letter from D.R. Horton, acknowledging that they had approved the fence, based on it not being installed in the District's easement and the District in turn, sent a letter to the resident, indicating that the District was backing D.R. Horton's decision to request removal of the fence by December 31, because it was illegally placed on the District's easement. She indicated that the resident retained an attorney, who sent a letter to D.R. Horton and the HOA, with a copy to the District, indicating that they were not going to remove the fence. According to D.R. Horton, Ms. Crismond reported that the HOA's attorney is now involved and this matter will end up in mediation at some point regarding the fence removal.

Mr. Adams stated that, at this point, Staff is content to let the HOA pursue the enforcement, since they approved the installation of the fence, subject to the fence not being placed in the District's easement. If the HOA prevails, he pointed out that the CDD prevails as

well and the fence will be removed from the District's easement, so that the District can access the perimeter of the pond for lake maintenance purposes.

Mr. Moore pointed out he had recently seen a picture of a pool that when removed, damaged the District's embankment and questioned who was responsible for the inspection. Ms. Crismond indicated that District Staff performs the inspections. She noted that she was familiar with this situation and District Staff is in the process of having that embankment repaired. The contractor hoped to complete the repair today but they broke some irrigation lines yesterday; it should be completed by the end of the day tomorrow. Mr. Moore questioned who discovered the broken embankment. Ms. Crismond replied the CDD.

Mr. Adams indicated that District Staff relies upon resident feedback and encouraged residents to contact his office if they see something, so his office can take action. Mr. Teckorius commented that Mr. Adams and his Staff will respond. Ms. Mayer pointed out that some residents are reluctant to make a comment and suggested that whatever is said to Staff remain confidential. Mr. Adams acknowledged that his office does not disclose the name of the person who made the complaint.

Regarding the embankment damage, Ms. Mayer questioned who is going to pay for the work. Mr. Adams indicated that the builder of the pool was responsible for paying for the repair. Ms. Crismond pointed out that she was in contact with the Land Development Manager at D.R. Horton who was handling this issue and the District was not paying for the repair.

Mr. Teckorius asked if Mr. Moore was describing the picture of the pool with the fence around it. Mr. Moore replied affirmatively. Mr. Teckorius clarified that there are two different issues and the CDD has nothing to do with repairing the lake embankment across Hancock Road on the channel side where the pool is located. He explained that the contractor moved the embankment to the river channel and questioned whether the CDD had any responsibility. Mr. Adams replied affirmatively and noted that the District has a conservation area along that area. He will look at this area after the meeting.

Mr. Teckorius pointed out that Mr. Moore found this picture on the Next Door Neighbor website, which was uploaded by the manager of the website, who said that D.R. Horton was not going to be responsible to repair the embankment. Mr. Adams indicated that this was the spreader swale, which Staff will look at and bring to Lee County's attention.



Mr. Teckorius explained to Ms. Mayer that what Ms. Crismond referred to was Lake 20, where the dirt fell into the pond. Ms. Crismond indicated that she was told by the Land Development Manager at D.R. Horton, that the embankment should be repaired by tomorrow. She noted that the Land Development Manager has been very communicative.

Mr. Teckorius asked about the rocks around the perimeter. Ms. Crismond indicated that she is waiting for D.R. Horton to provide a date. She sent an email to them this morning.

**FIFTEENTH ORDER OF BUSINESS**


**Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Ms. Mayer and seconded by Mr. Teckorius,  
with all in favor, the meeting adjourned at 2:15 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair