

**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, March 19, 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

**Also present were:**

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Wes Kayne	District Engineer
Lindsey Whelan ( <i>via telephone</i> )	Hopping Green & Sams, P.A.
Leo Foley	Resident
Joe Paparella	Resident
Rich Maxson	Resident
Peter Belanger	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 1:00 p.m., and noted, for the record, that all Supervisors were present, in person.

**SECOND ORDER OF BUSINESS**

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

There being no public comments, the next item followed.

**THIRD ORDER OF BUSINESS**

**Ratification of 2015-5, Accepting the Dedication of Tracts of Real Property and Easements and Authorizing the Chairperson to Accept Certain Dedication of Real Property and Easements**

Mr. Adams presented Resolution 2015-5 for the Board’s consideration. He recalled that, at the April 24, 2014 meeting, the Board adopted Resolution 2014-7, after a presentation by a Board Member, who is a D.R. Horton representative, regarding the re-platting of Tracts B and D, in Unit 4. Mr. Adams indicated that the re-plat of Tract B included utility easement alignments, which were not considered major, in terms of width and location, other than ensuring continued proper access, for purposes of conducting drainage maintenance and improvements. He pointed out that the more substantive re-plat was Tract D, in Unit 4, reducing the originally planned 24 units to 12, which required a true-up payment, as a part of the bond issue that was received a few months later.

Mr. Adams reported that, during the discussion of Resolution 2014-7, it was mentioned that Lee County was reviewing the re-plats and the resolution approving them, in substantive form, and granting authorization to the Chair to finalize the re-plats, once final comments were received from the county. The comments were received and the county is prepared to finalize the re-plats. He pointed out that, typically, the County Commissioners approve the re-plats and record them; however, as it has been nearly a year, the county requested a resolution restating all of the provisions of Resolution 2014-7. Mr. Adams confirmed that Resolution 2015-5 was executed and transmitted to the county and requested ratification.

Mr. Teckorius asked if Resolution 2015-5 was changed. Mr. Adams confirmed that there were no changes to the plats or number of units. Mr. Teckorius inquired if District Counsel was in agreement with ratification of Resolution 2015-5. Ms. Whelan replied affirmatively, as it is consistent with the terms in the previously adopted resolution. Mr. Kayne concurred.

**On MOTION by Mr. Pye and seconded by Ms. Mayer, with all in favor, Resolution 2015-5, Accepting the Dedication of Tracts of Real Property and Easements and Authorizing the Chairperson to Accept Certain Dedication of Real Property and Easements, was ratified.**

Mr. Adams will provide the re-plats to the Board, once finalized and recorded.

**FOURTH ORDER OF BUSINESS**

**Update/Discussion: East Property  
Drainage Improvements**

Mr. Adams provided a summary letter, regarding a meeting that Mr. Teckorius and Mr. Leo Foley, a resident, attended with representatives of Lee County, which Mr. Adams felt provided good highlights of the discussions, concerns and feedback.

Mr. Foley reported that he is a member of the Ad Hoc Committee, comprised of homeowners, trying to secure the boat ramp. He pointed out that the committee is concerned about the Army Corps of Engineers (Corps) permit expiring next year; the Corps will not renew the permit but offered a two-year extension. Mr. Foley advised that he and Mr. Teckorius reviewed the Lee County and the South Florida Water Management District (SFWMD) public records and found two different drawings. The first drawing, from Lee County, shows the main overflow for the central portion of Moody River, running behind the units on Silver Thorn Loop, crossing Moody Road to the manhole cover on the Huether property, running along the fence and into Hancock Creek. The second drawing, from the SFWMD, shows a re-routing of the pipe, from a manhole cover in the center of Moody River, towards the northeast, to pick up drains on the New Eastern property, before flowing into Hancock Creek.

Mr. Foley pointed out that he and Mr. Teckorius are engineers but not civil engineers; however, they are concerned about additional water being picked up from drainage on the boat ramp property, due to a change from an elliptical to circular pipe. He indicated that he and Mr. Teckorius are also concerned about the difficulty in obtaining information from the attorneys and engineers involved. Mr. Foley noted that there is an easement issue but he could not locate the easement. He has letters from Mood's attorney, to the County, stating that the existing easements include Comcast, Tampa Electric Company, two easements resulting from the lawsuit, a temporary easement against the existing ramp and a future easement. Mr. Foley stated that the question is whether the District owns the pipe and has an easement.

Mr. Foley advised of legal issues that could delay the boat ramp, for at least one year or more. He did not want to involve the District but believed that the District is involved.

Mr. Adams confirmed that this matter involves the District and asked Mr. Kayne to discuss discrepancies between the two drawings. He believed that one drawing may be more environmental related versus drainage related.

Mr. Kayne advised that the SFWMD permits were easier to access because they have information as recent as January. The most recent plan shows a change in the pipe, from elliptical to circular, and an existing 42" pipe. He verified that, in the November email blast, all permits were in compliance; other than additional re-routes, creating some head loss but that was

of no concern. Mr. Kayne pointed out that anything above and beyond, would require modeling but, from a hydraulics standpoint, compared to existing permits, there were no issues.

Regarding elevation, Mr. Kayne reported that the difference between the older and the newer data is 1.2'. Mr. Teckorius advised that the center and alcove is negative 1.9'. The area over at the alcove is negative 1.9' because it is level and drainage pipes are typically flat. Mr. The design criteria for a pipe is a minimum slope. Mr. Kayne indicated that this is only for a sanitary sewer line.

Mr. Teckorius asked if there are concerns about additional water running into the retention pond and the south side of the property. Mr. Kayne confirmed that it was permitted this way and the only way to ensure that the pipe is the correct size is through modeling. Mr. Teckorius suggested that the Board review the modeling.

Mr. Adams reminded everyone to keep in mind that, during the issuing of a permit, a professional engineer's modeling is relied upon, along with their reputation and design; they will always have a provision in the permits, to the extent it creates negative adverse impacts to adjacent property owners. There will be a requirement to cure, rather than spending money to have the District Engineer verify another engineer's calculations and reliance by the permitting entity on the modeling that is presented for the permit and the provision that protects all adjacent property owners.

Mr. Teckorius voiced concern that the permits from Barraco & Associates (Barraco) and the SFWMD were from 2005 or 2006, as the numbers have changed and should be verified with the Morris, Depew shop drawing. Mr. Teckorius wanted to ensure that the District Engineer has the opportunity to review the shop drawing.

Mr. Adams advised that the shop drawing becomes part of the permanent file and supports the final certification. No matter what type of utility system it is, there are often adjustments in the field, which is why there is an original set of plans, "as built" plans and a document from the engineer stating that any adjustments did not create a negative impact to the original intent and design. Mr. Teckorius recommended revisiting the shop drawings.

Mr. Adams reported that the easement was for realignment of the pipe; it was planned, appears to be consistent with the original modeling and does not create negative impacts but the easement must be relocated because it overlies the pipe. He pointed out that there are written commitments and Lee County and the SFWMD require easements, in favor of the operating entities, prior to a Certification of Completion for a project. Mr. Adams acknowledged that the

operating entities will wait until the end of construction because adjustments may occur during the construction process; they do not want to create the easement and modify it afterwards. The easement will be dedicated to the District and the Master Association to operate and maintain the pipe serving the west side.

Mr. Foley pointed out that the pipe realignment removed the pipe from District property. He explained that, when the green area was first put in place by Colonial, two homeowners owned the two north parcels; the properties went from private landowners directly to Moody. The pipe is not on District property; however, the existing pipe is.

Mr. Adams pointed out that the pipe is within boundaries of the District but can also be treated as an off-site improvement, serving the interests of this community. He explained that this is no different than if the DO requires off-site improvements such as median cuts and highway dividers; the District can pay for those as off-site improvements. Mr. Adams noted that, in this case, an easement from the property owner is sufficient; the pipe does not have to be within the boundaries of the District. As long as there is an easement in the District's favor to operate, maintain, replace and restore, the District does not need fee title ownership to the property under those improvements.

Mr. Foley pointed out that Meritage's attorney indicated that an existing easement expires in 2017 and inquired whether this is the easement that the District currently has. Mr. Adams indicated that he was not aware of an easement with an expiration date; legal easements must be in place for District Staff to access, operate and maintain infrastructure paid for with bond proceeds, which are public funds. Mr. Adams advised that, under the bond indenture, the District would not put in place an easement with an expiration date.

Ms. Whelan agreed and advised that, in the public record, there is a binding easement for all properties, which remains in place, in the event that the property is sold.

Mr. Adams thanked Mr. Teckorius and Mr. Foley for presenting this matter and noted that any significant changes to the current plan, will be brought back to the Board.

Mr. Foley asked if Mood made a true-up payment. Mr. Adams replied affirmatively and recalled a reduction five or six years ago, based on the owner not receiving all of the benefits originally planned for in the debt service program. Mr. Adams pointed out that the owner paid a prorata share of their water and sewer and a small portion of the drainage, as part of a settlement.

**FIFTH ORDER OF BUSINESS**

**Status Update: Lake Bank Erosion Repair by DR Horton on Lot 77 (on lake 20)**

Ms. Crismond reported a breach in a salt barrier, two or three months ago, which required major erosion repairs by the builder; all repairs were completed and the lake bank was restored.

Mr. Teckorius indicated that the CDD installed sod but the sprinklers did not reach it. Ms. Crismond clarified that the builder installed sod and a temporary irrigation line, after the lake bank restoration, and will install a permanent irrigation line, upon completion of the project.

Mr. Foley advised that, based on feedback, several residents were thankful for the sod.

**SIXTH ORDER OF BUSINESS**

**Update/Discussion: Rock and Foreign Debris Removal on Lakes 16 and 20**

Ms. Crismond reported that, while touring the property, an excessive amount of large rocks, debris and PVC and irrigation piping were identified on the banks of Lakes 16 and 20. EarthBalance was retained, after Staff determined that removing the rocks and installing plantings was in the District's best interest. She pointed out that EarthBalance did a substantial amount of rock cleanup and installed plantings at one lake; however, Staff was not satisfied and EarthBalance will perform additional rock cleanup. Mr. Foley believed that some plants were left over because EarthBalance did not install plantings on both lake banks. Ms. Crismond noted that one lake had bacopia.

Mr. Adams explained that, in certain communities, when lakes are excavated, a rock ledge remains. Oftentimes, the ledge will be blasted, or hammered out, to try achieving the profile of the required lake bottom and small pieces of rock remain in the lakes; some are worse than others, such as Lakes 16 and 20. Mr. Adams confirmed that there was a ledge in these lakes, which had to be chiseled away; aquatic plants will be placed in these areas to cover the unsightly ledge and rocks 4" to 5" or larger, were removed.

Mr. Teckorius pointed out that, in Line 530, of the January 15, 2015 Minutes, when questioned about the rocks, Ms. Crismond stated that she emailed to D.R. Horton and was waiting for them to provide a date. Ms. Crismond confirmed that she sent the email.

Mr. Teckorius asked if D.R. Horton can be invoiced for half of the cost. Ms. Crismond advised that D.R. Horton will not do anything else because they believed that everything was done, according to permitting, and their permits were approved. Mr. Teckorius recalled Mr.

Adams pulling out a paver from one lake. Mr. Adams concurred and clarified that the perimeter of the ponds had debris, such as PVC piping and cinderblocks, and hose lines were run because of a lake tree program. Mr. Adams noted that, before there was any development around the lake, the District was required to keep the cypress trees watered; a builder could be pursued in some areas and Ms. Crismond put the builders on notice, behind homes already completed, and the builders agreed to instruct their contractors to do a better job of cleaning up active building sites and not to throw rocks into the lake. Mr. Adams pointed out that the builders have been somewhat responsive and cooperative; many builders try but do not make any promises. Mr. Adams will continue monitoring the builders and requested feedback from residents.

**SEVENTH ORDER OF BUSINESS**

**Update/Discussion: Conservation Sign Replacement Project**

Ms. Crismond recalled discussion, several years ago, about fading conservation signs and that, once there were funds in the budget, this project could proceed. The intention was to start with the most faded and, this year, 77 conservation signs were replaced. Based on a request from Mr. Teckorius, seven additional conservation signs and a tortoise preserve sign were ordered, which will be installed within the next few weeks.

Mr. Adams reported that the conservation area “Keep Out” signs are a requirement of the SFWMD permit; however, there is no mandated space requirement and it is difficult to determine the spacing. Mr. Kayne advised that he reviewed the permit and the plans but could not find anything and directed Mr. Adams based on what was evidenced in other projects. Mr. Adams pointed out that there is one sign behind each home abutting a conservation area. Ms. Crismond estimated that the signs are 50 yards apart. Mr. Adams stated that the sign reminds people of the conservation area so they do not throw landscape debris into it. Mr. Adams noted that the gopher tortoise sign is a condition of the permit.

Mr. Teckorius requested that, in the future, Mr. Adams come before the Board before installing signs. He felt that it was a very nice sign but preferred a Board vote on the type of sign.

Mr. Adams reported that the alligator signs are not a legal requirement of the permit, rather, they are an awareness program because, while alligators are scattered in the common areas, they tend to relocate. He pointed out that, if an alligator sign is posted at certain lakes but

an alligator appears at a lake that does not have a sign, the District may be liable, if somebody is injured. Mr. Adams recommended removing all alligator signs.

Mr. Teckorius asked if the District originally installed the alligator signs. Mr. Adams and Ms. Crismond replied no. Mr. Adams believed that the developer installed the signs and recommended removing them, versus randomly posting them. Mr. Adams suggested that Mr. Teckorius discuss this with the Association.

Ms. Mayer pointed out that she removed the sign on her property as soon as she moved in. She believed that anyone moving to Florida was aware of the potential for alligators.

Mr. Teckorius requested that District Staff contact the Association. Mr. Adams will ask the Association if they take claim to the signs. Mr. Teckorius pointed out that the Board cannot make a decision regarding removal of the signs.

Mr. Adams reported that the only signs he found were on common property, which is not owned and operated by the District.

In response to a question from Ms. Mayer, Mr. Adams indicated that the conservation sign in front of her lake was mandatory because the lake is part of the conservation area. Mr. Crismond asked Ms. Mayer if she removed the sign. Ms. Mayer replied no.

A Board Member questioned the cost of the gopher tortoise sign. Ms. Crismond replied \$72.

Mr. Teckorius reported that he asked the environmentalist for D.R. Horton how the District can repopulate the tortoise preserve and was told that there can never be tortoises because this is private property. Mr. Adams pointed out that, usually, a tortoise preserve is established within a community with gopher tortoises throughout the community and the gopher tortoises will eventually be relocated into a safe haven. Mr. Adams was surprised that D.R. Horton will not allow adjacent developments to utilize a preserve as a safe haven. Mr. Teckorius recalled that land was supposed to be donated. Mr. Adams noted that the District can never use this property because it will, forever, remain a gopher tortoise property.

**EIGHTH ORDER OF BUSINESS**

**Approval of January 15, 2015 Regular Meeting Minutes**

Mr. Adams presented the January 15, 2015 Regular Meeting Minutes and asked for any additions, deletions or corrections.

The following changes were made:



Line 23 and throughout: Change “Whelan” to “Whelan”

Line 190: Change “admin” to “administrative expenses”

Line 252: Insert “in the process of” before “full turnover”

Line 296: Insert “began a” after “have”

Line 300: Insert “on behalf of an individual Board Member” after “related”

Line 300: Insert “an article discussing” after “as”

Line 300: Insert “on a District matter” after “opinion”.

Line 345: Change “assisting” to “working with”

Line 345: Insert “, in relation to the District’s legal matters” after “Eckert”

Line 347: Insert “, on behalf of the District Engineer,” after “attending” and delete “in his father’s place”

Line 352: Change “filing fee” to “Filing Fee”

Line 355: Change “services” to “Services”

Line 356: Change “management” to “Management”

Line 372: Change “re-plated” to “re-platted”

Line 402: Insert “from the District” after “easements”

Line 419: Insert “public” after “limit”

Line 422: Insert “, to prohibit fishing in the community” after “declarations”

Referring to Line 422, Mr. Teckorius asked if private fishing can be limited in lieu of public fishing. Mr. Adams explained that public fishing can be limited in a public facility. The District lakes are public facilities because they are owned by a public entity and paid for by tax-exempt public funds.

The following change was made:

Line 446: Change “have” to “has”

Referring to Line 19, Mr. Teckorius asked which people are listed under “Also present were”. Mr. Adams indicated that people who speak and those on the sign-up sheet are listed.

Referring to Line 146, Mr. Teckorius believed that the District office was not in Lee County. Mr. Adams confirmed that all District records are retained in Lee County and are available, electronically. Mr. Adams offered to meet anyone requesting records, at the clubhouse, as he can log into his server and provide PDF records. Mr. Teckorius asked if hard copies are available. Mr. Adams indicated that most records are scanned.

Mr. Teckorius inquired if tapes of the meetings, are available. Mr. Adams indicated that the meetings are digital audio recordings and MP3 files. In response to Mr. Teckorius' question, Mr. Adams indicated that all recordings are retained forever; although, five years of cassette tapes exist. Mr. Teckorius pointed out that some communities have online recordings. Mr. Adams indicated that all websites must be in line with the changes to the law, in terms of material posted, including contact information for Board Members and Staff. He noted that, if documents, such as the Record of Proceedings, are within the size constraints, they can be included on the website.

The following change was made:

Line 167: Change "Ms. Keeler" to "Ms. Mayer"

Regarding Line 174, Mr. Teckorius asked why Mr. Wrathell is serving as Assistant Secretary. Mr. Adams indicated that Mr. Wrathell is the principal of the Management firm and he serves as Assistant Secretary in the event that a document requires an immediate counter signature. Mr. Adams pointed out that he serves as Secretary and executes the majority of documents but, in the event of a pressing matter, Mr. Wrathell serves as Assistant Secretary and Treasurer.

Mr. Teckorius reported that the Board's newsletter states that the District is governed by a five-member Board of Supervisors, which are residents of Moody River Estates CDD. Mr. Adams explained that the Board Members are Supervisors but they also serve as officers.

Regarding Line 206, Mr. Teckorius asked if the audit was completed. Mr. Adams indicated that the audit should be completed by the end of March; 90% of the audits are complete by March 31 and the statutory requirement is to complete all audits by June 30. Mr. Adams reported that he reviewed the draft audit, earlier in the week and it appears to be in order, with no substantive issues, findings or journal entry adjustment requirements. Mr. Adams indicated that the audit is clean but it must be reviewed by the auditor for final approval.

Mr. Teckorius referred to Line 222, which reported that written communication was provided indicating that the drain pipe improvements were ready to be made, and questioned if this statement should be changed. Mr. Adams replied no, as this was the status at that time and, since then, he read an email, on the e-permitting site, stating that everything was in order but subsequent adjustments must be made due to the discovery of another drawing.

The following change was made:

Line 359: Delete "replied no and" before "Adams"

Mr. Teckorius pointed out that, during the discussion on the lake bank repairs, it was reported that the lakes were re-numbered. Mr. Adams recalled that he and Mr. Teckorius were trying to identify the next two priority lakes. Mr. Teckorius asked if Mr. Adams stated that it was two-thirds cheaper. Mr. Adams clarified that it was two-thirds of the original price.

The following changes were made:

Line 359: Change "Lake" to "River"

Line 361: Change "less" to "of the original cost" and Delete "than what they are used to"

Regarding Line 424, Mr. Teckorius pointed out that he did not say that the District paid for 5,000 fish. He explained that he noticed a pick-up truck with two guys who opened a cooler with a bunch of fish.

The following changes were made:

Line 424: Insert "but questioned whether 5,000 fish were actually received" after "fish"

Line 471: Change "Haas" to "Pye"

Lines 473 and 474: Delete "Ms. Keeler researched this issue and found that in 2004, there were designated fishing lakes"

Regarding Lines 497 through 503, Mr. Teckorius indicated that there was discussion about Mr. Moore noticing a picture of a pool where a berm was damaged after the pool was removed and at the same time, Ms. Crismond stated that she was aware of this and would have the embankment repaired. Mr. Teckorius pointed out that there were two different discussions, one with Mr. Moore talking about the pool damage and another with Ms. Crismond talking about the dirt that fell into the lake behind Lot 77.

Ms. Crismond explained that the discussion pertained to the lake bank erosion repair on Lake 20 and, on the next page, it was noted that D.R. Horton was going to handle the erosion repair. Mr. Teckorius pointed out that Line 525 reflects Ms. Mayer's lake, which is Lake 2, not Lake 20. Ms. Crismond agreed, as the erosion occurred on Lake 20.

The following change was made:

Lines 525 and 526: Change "Ms. Mayer's" to "Lake 20"

Ms. Crismond advised that the revised minutes will be posted on the website.

**On MOTION by Ms. Mayer and seconded by Ms. Keeler, with all in favor, the January 15, 2015 Regular Meeting Minutes, as amended, were approved.**

**NINTH ORDER OF BUSINESS****Other Business**

Mr. Teckorius asked who was in charge of the boats. Mr. Adams indicated that the boats are owned by the Association.

Mr. Teckorius requested an accurate location map of the lakes. He suggested that the lakes be identified by number and not as “Lake 1-N”, for lakes on the north side of Hancock Creek, or “Lake 1-S”, for Lakes in Moody River South. Mr. Teckorius pointed out that several control structures are missing and the acreage is inaccurate. He requested that the newsletter be changed to reflect the correct acreage and number of lakes.

Mr. Teckorius discussed missing Exhibits and discrepancies with several documents. He reported that one document stated that the CDD has been maintaining Banyan Park; however, this park is not the CDD’s responsibility. Mr. Adams indicated that there is a facilities maintenance agreement between the District and the Association for certain facilities owned by the District, such as parks and any facilities that the District owns, that are not drainage related, are a party to the facilities maintenance agreement, which was provided numerous times to the Association. Mr. Teckorius inquired whether the CDD maintains Banyan Park. Mr. Adams replied no. Mr. Teckorius pointed out that LakeMasters has been maintaining the lakes in Banyan Park for years. Mr. Adams clarified that LakeMasters maintains the environmental interest for the District. Mr. Teckorius asked if Banyan park is treated as a preserve. Mr. Adams replied affirmatively.

Regarding discrepancies, Mr. Adams reported that the documents from the District’s website are from the SFWMD e-permitting website. Mr. Teckorius asked about the discrepancy in the number of acres, which should be 82 acres, not 62 acres. Mr. Adams deferred to Mr. Kayne.

Mr. Teckorius requested that the District Engineer work on the map and include drainage interconnects and control structures. Mr. Teckorius assumed that the District Engineer reviewed the permit. Mr. Kayne confirmed that he reviewed the permit and everything in the permit was represented on the map. Mr. Teckorius asked why the concrete structures were not included. Mr. Kayne indicated that the Amenity Center is owned by the Association and there is no easement to the District for maintenance purposes, whereas, the retention area is a private area that the Association is responsible for, which is typical for all Districts. Mr. Kayne

acknowledged that all interconnects and outfalls were included; it is the Board's discretion to use different designations.

Mr. Teckorius inquired whether preserve areas were included. Mr. Kayne did not know, as he did not provide the map. Mr. Teckorius indicated that the map was provided by the SFWMD. Ms. Crismond pointed out that her office provided the map to the District Engineer but she did not know the source. Mr. Teckorius reported that there are preserve areas on the walkways and common property. Mr. Kayne indicated that uplands and wetlands were included on the District's permitted plans. Mr. Teckorius noted that P4 is in his backyard; it is a wetland and is identified as both P4 and W2, which drains into Lake 3. Mr. Teckorius did not know how it could not be owned by the District, if it drains into a lake; he requested investigation by the District Engineer regarding the location of preserve areas and dividing lines.

Mr. Adams pointed out that dividing lines are not shown on this type of map but are on tract dedications, with legal descriptions. He directed Mr. Teckorius to the Lee County property appraiser website, [www.Leepra.org](http://www.Leepra.org).

Mr. Teckorius stated that, if someone wanted to clean out the overflow catch basin, they would not know where to go because it is not on the map. He pointed out that he wanted a map representative of what is in the District.

Regarding Lake 3, Mr. Kayne reported that, according to the drawings, there is no District easement allowing for maintenance and operation of those structures. Typically, retention areas, behind Amenity Centers or golf clubs, are on private property or Association property and the CDD is not responsible; however, if there is a Master Association, the CDD will be responsible for maintenance and will dedicate an easement.

In response to Mr. Teckorius' question, Mr. Adams indicated that P4 is identified as W1, which is a wetland. Mr. Adams noted that there is a natural area from the water's edge, which the District is not responsible for. Wetlands and uplands are part of the drainage program but the preserves may be dedicated to others. Mr. Adams pointed out that the District is not responsible for the preserves and it does not create an issue with the permit. He recalled that this issue was discussed when Mr. Teckorius had concerns about the trimming of palms in a wetland preserve. In response to Mr. Teckorius' question, Mr. Adams indicated that the District does not trim trees; it only maintains exotics and evasives in the wetland.

A Board Member asked why the wetlands, behind the clubhouse and across the street, are labeled W1. Mr. Kayne recalled that both areas were once considered one, whole wetland. Mr.

Kayne offered to use any designation that the Board wanted to use but he wanted to provide what was on the permit and what the District was responsible for. Mr. Adams acknowledged that consistency is key, in order for there to be communication with the agency.

Mr. Teckorius requested that Mr. Kayne research the discrepancy in the number of acres. Mr. Kayne will verify this, as well as confirm the designation of the lakes. Mr. Adams did not mind the designation as long as it is consistent with the permit.

Mr. Teckorius asked if the body of water behind the clubhouse outfalls to two outfalls in the grassy area. Mr. Kayne believed that these are the parking lot outfalls. Mr. Teckorius pointed out that the District is not responsible. Mr. Adams concurred because this is a private tract. Mr. Teckorius asked if this includes the preserve. Mr. Adams replied affirmatively and noted that it also includes wetland WL-1. He noted that the private tract will be on the wetland line, with buffer preserve tracts above it, which are setbacks for the development within the private tract that belongs to the Association.

**A. Attorney**

There being no report, the next item followed.

**B. Engineer**

There being no report, the next item followed.

**C. Manager**

**i. Approval of Unaudited Financial Statements as of January 31, 2015**

Mr. Adams presented the Unaudited Financial Statements as of January 31, 2015. On Page 2, he noted that “Revenues” were at 87% and “Expenditures” were at 22%; typically, “Expenditures” should be between 33% and 34%.

Mr. Adams pointed out seasonal expenses, such as the “Lake bank erosion repair”, which will be addressed later this spring, to coincide with the driest time of the year. A proposal will be provided at the next meeting from the contractor who completed work in the Stoneybrook CDD, for a charge of \$22 per linear foot, including the supply and installation of Floratam sod; this is compared to the \$32 to \$33 per linear foot that the District paid in prior years. Ms. Crismond pointed out that sod was not included. Mr. Teckorius reported seeing black “socks” on the Lake 5 bank. Mr. Adams noted that this is normal when the water drops.

**ii. NEXT MEETING DATE: May 21, 2015 at 1:00 P.M.**

Mr. Adams indicated that the next meeting will be held on May 21, 2015 at 1:00 p.m., at this location.

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

Mr. Joe Paparella, a resident, requested a fountain in Lake 15. Mr. Adams indicated that the Board decides whether to purchase fountains. The existing fountains were purchased by the original developer and conveyed to the District for ownership and operation and maintenance. Mr. Adams pointed out that, generally, Districts do not install fountains, as the primary purpose is stormwater quality, which is maintaining the ponds free of exotic and evasive materials, such as algae and submersed aquatics, restoring the lake banks and the integrity. Mr. Adams noted that, when the District decides to install fountains, this suggestion is appropriate because it would be in a central location and one that all taxpayers will benefit from, versus having a fountain installed in a lake in someone's backyard that only a dozen houses benefit from. Mr. Adams offered to obtain a price for a fountain at the entry lake into the south property.

Ms. Whelan pointed out that a fountain provides a beneficial use in a stormwater pond to keep water from becoming stagnant. Mr. Adams suggested installing aerators versus a fountain to move water or increase dissolved oxygen. In response to a question from Mr. Teckorius, Mr. Adams estimated \$10,000 to \$15,000 for a fountain with a five horsepower motor and lighting package but the electrical supply cost was unknown. Lighting packages include LED lights, which cost significantly less to operate. Mr. Adams pointed out that, at some point, all halogen lights will be over to LED because the return on investment is a couple of years. In response to a Board Member question, Mr. Adams indicated that River Hall CDD uses LED lights.

Mr. Teckorius asked if conservation signs will be placed on the south side. Mr. Adams replied yes, as the budget permits, in the next budget cycle, which commences in October.

Mr. Paparella asked if the fish were stocked to maintain the algae. Mr. Adams indicated that they were sport fish. Mr. Paperella asked if people can be stopped from fishing in the ponds, as the District ponds are public and paid with tax exempt financing. Mr. Adams explained that the enforcement of "no fishing" in a public pond is the responsibility of the Florida Fish and Wildlife Commission, although the Association may have provisions in their declarations, allowing for enforcement of "no fishing" but the CDD cannot enforce "no fishing". Mr. Paparella stated that he observes nonresidents fishing all the time. Ms. Mayer requested that Mr. Paparella contact the guards because kids leave their fishing lines, which become a detriment to wildlife. She does not support allowing fishing in the ponds.

Ms. Whelan advised that the District can adopt a “no fishing” policy, especially if the ponds are for stormwater management, and violators would receive a trespass violation if they are caught fishing. She indicated that because these ponds are open to the public, the Board cannot only allow residents to fish. Per the Board’s direction, she will provide a draft “no fishing” policy at the next meeting.

Mr. Adams requested that Ms. Whelan email a draft to him for Board discussion. He suspected that this would be a support policy through an existing covenant or declaration.

Mr. Peter Belanger, a resident indicated that what attracted him to the community was the beauty. He noted that the alligator signs are great. Mr. Belanger noticed people throwing debris into the pond while walking around the perimeter and suggested asking volunteers to pick up trash to beautify the area. Mr. Adams pointed out that the District pays the contractor \$5,000 to periodically clean those areas and that the primary offenders are construction crews. Mr. Adams confirmed that Staff brought this to the builders’ attention and received a commitment not to continue those activities. Mr. Adams will schedule another sweep.

**TWELFTH ORDER OF BUSINESS**

**Supervisors’ Requests**

Ms. Crismond asked if Staff is supposed to obtain a proposal for the Lake 15 fountain. Mr. Adams replied affirmatively.

**THIRTEENTH ORDER OF BUSINESS**


**Adjournment**

There being nothing further to discuss, the meeting adjourned.

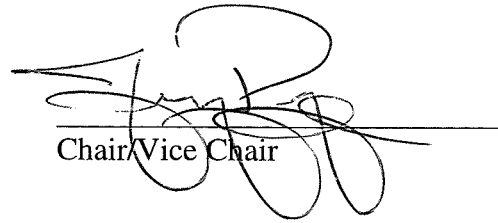
**On MOTION by Ms. Mayer and seconded by Ms. Keeler, with all in favor, the meeting adjourned at 2:36 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]





Secretary/Assistant Secretary



Chair/Vice Chair