

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT
DISTRICT**

**REGULAR MEETING
AGENDA**

October 15, 2015

Moody River Estates Community Development District

2300 Glades Road, Suite 410W • Boca Raton, Florida 33431

Phone (561) 571-0010 • Fax (561) 571-0013 • Toll-free: (877) 276-0889

October 8, 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, October 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. Discussion: CDD Review
 - Additional Services: CDD vs. Master Association
4. Approval of **August 20, 2015** Public Hearings and Regular Meeting Minutes
5. Other Business
6. Staff Reports
 - A. Attorney
 - B. Engineer
 - C. Manager
 - i. Approval of Unaudited Financial Statements as of August 31, 2015
 - ii. **NEXT MEETING DATE: January 21, 2016 at 1:00 P.M.**
7. Public Comments (*non-agenda items*)
8. Supervisors' Requests
9. 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

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

5 Two (2) Public Hearings and a Regular Meeting of the Moody River Estates Community
6 Development District's Board of Supervisors were held on **Thursday, August 20, 2015** at **1:00**
7 **p.m.**, in the **Clubhouse at Moody River Estates, 3050 Moody River Blvd., North Fort**
8 **Myers, Florida 33903.**
9

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

11 Terry Pye	Chair
12 Jeff Berry	Vice Chair
13 Ilse Mayer	Assistant Secretary
14 John Teckorius	Assistant Secretary
15 Elizabeth Keeler	Assistant Secretary

16 **Also present were:**

17 Chuck Adams	District Manager
18 Cleo Crismond	Assistant Regional Manager
19 Lindsay Whelan	District Counsel
20 Carl Barraco, Jr.	District Engineer
21 John Hofstetter	Resident
22 Malcolm Haase	Resident
23 John Petelinsek	Resident
24 Gene Mitchell	Resident
25 Sandra Paparella	Resident
26 Alan Swiftman	Resident

27 **FIRST ORDER OF BUSINESS**

28 **Call to Order/Roll Call**

29 Mr. Adams called the meeting to order at 1:00 p.m., and noted, for the record, that all
30 Supervisors were present, in person.
31

32 **SECOND ORDER OF BUSINESS**

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

34 There being no public comments, the next item followed.
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42 **THIRD ORDER OF BUSINESS**

**Public Hearing to Hear Comments and
Objections on the Adoption of the
District’s Final Budget for Fiscal Year
2015/2016, Pursuant to Florida Law**

47 **A. Affidavit of Publication**

48 Mr. Adams presented the affidavit of publication for today’s Public Hearings and Regular
49 Meeting. He noted that the advertisement indicated an assessment increase on certain properties
50 within the District. The affected properties, primarily the “East Parcel”, through an agreement,
51 only participate in certain professional costs in the administrative portion of the budget.

52 **B. Consideration of Resolution 2015-9, Relating to the Annual Appropriations and**
53 **Adopting the Budget for the Fiscal Year Beginning October 1, 2015, and Ending**
54 **September 30, 2016; Authorizing Budget Amendments; and Providing an Effective**
55 **Date**

56 Mr. Adams presented Resolution 2015-9 for the Board’s consideration.

57 Mr. Adams indicated that the budget was discussed, in detail, at previous meetings.
58 There was a slight reduction in total appropriations and, as a result, the fund balance was reduced
59 to zero. Referring to Page 2, Mr. Adams stated that less than \$5,000 of fund balance was used
60 Fiscal Year 2015 to keep assessments at the same level. He indicated that, by reducing the fund
61 balance to zero, in Fiscal Year 2016, the assessment level remained the same as Fiscal Year
62 2015.

63 Mr. Adams reiterated that the multi-family “East Parcel” did not receive the benefit of the
64 reduction on the operating side and assessments increased. He noted that the explanation for the
65 difference in assessment levels was on Page 8.

66 Mr. Adams explained that the “Debt Service” fund is based on the “Amortization
67 Schedule” and the obligation of principal and interest payments due each year, which helped to
68 keep the assessment levels the same, year over year. He indicated that, like a mortgage, the
69 interest payments were weighted at the front end of the loan. Mr. Adams noted that the final
70 debt service payment is due on May 1, 2036.

71 Mr. Adams stated that the assessments would be listed as Moody River Estates CDD or
72 MRE CDD on the 2016 property tax bill.

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

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77 There were no public comments.

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79 **On MOTION by Mr. Berry and seconded by Mr. Pye, with all**
80 **in favor, the Public Hearing was closed.**

81

82 **On MOTION by Mr. Pye and seconded by Ms. Mayer, with all**
83 **in favor, Resolution 2012015-9, Relating to the Annual**
84 **Appropriations and Adopting the Budget for the Fiscal Year**
85 **Beginning October 1, 2015, and Ending September 30, 2016;**
86 **Authorizing Budget Amendments; and Providing an Effective**
87 **Date, was adopted.**

88

89 **FOURTH ORDER OF BUSINESS**

Public Hearing to Hear Comments and
Objections on the Imposition of Special
Assessments to Fund the Budget for
Fiscal Year 2015/2016, Pursuant to
Florida Law

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95 **A. Mailed Notices to Property Owner(s)**

96 Mr. Adams presented proof of the mailed notices for today’s Public Hearing and Regular
97 Meeting. He indicated the “East Parcel” notices included information regarding the proposed
98 assessment increase.

99 In response to a Board Member’s question, Mr. Adams advised that Mood Development
100 was the owner of the “East Parcel” and Florida Tax Lien Assets IV, LLC had a lien interest in
101 the property.

102 **B. Consideration of Resolution 2015-10, Imposing Special Assessments and Certifying**
103 **an Assessment Roll; Providing a Severability Clause; and Providing an Effective**
104 **Date**

105 Mr. Adams presented Resolution 2015-10 for the Board’s consideration. He explained
106 that the resolution incorporates the adopted budget, the appropriation and assessment levels and
107 directs Staff to certify and submit a lien roll to the Lee County Tax Collector for placement of
108 the assessments on the property tax bills.

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110 **On MOTION by Ms. Mayer and seconded by Ms. Keeler, with**
111 **all in favor, the Public Hearing was opened.**

112

113 Mr. John Hofstetter, a resident, asked what the “East Parcel” referred to. Mr. Adams
114 indicated that the “East Parcel” is comprised of a number of properties on the east side of Moody
115 Road. He noted that 55 residential multi-family units and 14 single-family units are being
116 assessed by the District. Through a lawsuit, a settlement was reached between the District and a
117 property owner regarding the annual operations and maintenance (O&M) assessment levels, as
118 the “East Parcel” does not receive benefit from District operations.

119 Mr. Adams explained that water from the “East Parcel” does not flow into the District’s
120 drainage system; the District’s drainage flows across the “East Parcel” to an outfall. The District
121 reduced the O&M assessments for the “East Parcel” to include only District overhead costs, with
122 the exception of engineering costs. The District recognized that engineering is stormwater
123 related and the “East Parcel” does not enjoy benefit from District engineering services.

124 Mr. Teckorius asked if, when the 42” overflow pipe is intersected, the “East Parcel”
125 could receive some benefit from the District’s system, resulting in increased assessments.

126 Mr. Adams indicated that the “East Parcel” is under a separate stormwater permit and the
127 facilities and outfall on the “East Parcel” were not constructed with District funds. He noted that
128 the permit envisioned that the District would, at some point, own and operate the system, as the
129 District was listed as the operating entity in the “early years”. Mr. Adams emphasized that the
130 District was never listed as the permitted entity, only as a potential operating entity.

131 Mr. Adams compared the “East Parcel” to a community located downstream on a river
132 and the community would have to take into account not only their flow but the flow from
133 communities upstream, as well. He reiterated that the “East Parcel” did not receive any benefit
134 and was required to maintain the downstream system that that the District was reliant upon.

135 Mr. Malcolm Haase, a resident, questioned how the undeveloped properties were handled
136 with respect to assessments. Mr. Adams stated that all property in Moody River Estates,
137 including undeveloped property, was platted and is included on the tax roll and received an
138 assessment from the District for O&M.

139 Mr. John Petelinsek, a resident, asked if the “East Parcel” included Mangrove Bay. Mr.
140 Adams indicated that Mangrove Bay is not within the boundaries of the District.

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

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On MOTION by Mr. Pye and seconded by Mr. Berry, with all in favor, Resolution 2015-10, Imposing Special Assessments and Certifying an Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

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FIFTH ORDER OF BUSINESS

Consideration of Resolution 2015-11, Adopting the Annual Meeting Schedule for Fiscal Year 2015/2016

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Mr. Adams presented Resolution 2015-11 for the Board’s consideration.

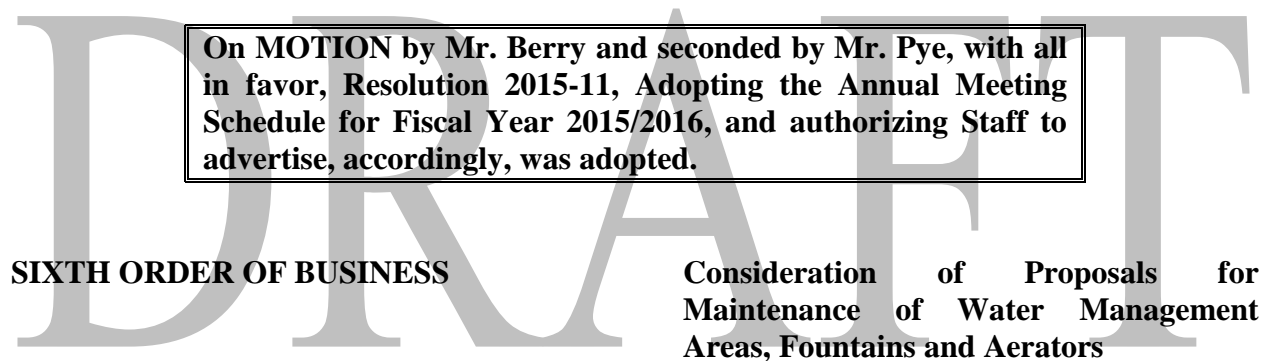
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Mr. Adams indicated that the proposed meeting schedule was the same as previous years, which is the third Thursday of October, January, March, May, June and August at 1:00 p.m., at this location. The proposed budget for Fiscal Year 2017 will be presented at the May meeting and adopted at the August meeting.

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On MOTION by Mr. Berry and seconded by Mr. Pye, with all in favor, Resolution 2015-11, Adopting the Annual Meeting Schedule for Fiscal Year 2015/2016, and authorizing Staff to advertise, accordingly, was adopted.



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SIXTH ORDER OF BUSINESS

Consideration of Proposals for Maintenance of Water Management Areas, Fountains and Aerators

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- A. Aquagenix
- B. Lake & Wetland Management, Inc.
- C. Lake Masters Aquatic Weed Control, Inc.

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Ms. Crismond reported that she contacted four contractors to provide aquatic maintenance services but only three responded. She indicated that Aquagenix had the highest bid, Lake & Wetland Management, Inc. was the second highest and Lake Masters Aquatic Weed Control, Inc. (LakeMasters) had the lowest bid.

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Ms. Crismond recalled that the current contractor, LakeMasters, agreed to hold their current price for the next three years. District Counsel provided a three-year contract, with the ability to terminate with 30 days notice. Ms. Crismond noted a typographical error on the price for the third year.

180 Ms. Crismond advised that LakeMasters has been the District’s contractor for years and
181 Staff felt they did a great job for the District.

182 Mr. Teckorius agreed that LakeMasters is doing a great job but asked why they omitted
183 photos of Lakes 4, 7, 10, 15 and 19 from their bid. Mr. Adams assumed that LakeMasters
184 provided a sampling of their current work.

185 Mr. Teckorius questioned why EarthBalance was performing work for the CDD. Ms.
186 Crismond indicated that EarthBalance was hired for littoral planting and to remove unsightly
187 plant material in one of the wetland dry detention areas. Mr. Teckorius felt that EarthBalance
188 did a good job and asked if the HOA ever hired them. Ms. Crismond did not believe so. Mr.
189 Adams indicated that EarthBalance handled special projects for the District. He explained that
190 the District benefited from the bulk purchasing savings that District Management had obtained
191 by bringing many of their communities together for purchasing these services.

192
193 **On MOTION by Ms. Teckorius and seconded by Mr. Mayor,**
194 **with all in favor, awarding a three-year contract for**
195 **maintenance of water management areas, fountains and**
196 **aerators to Lake Masters Aquatic Weed Control, Inc., was**
197 **approved.**

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199 **SEVENTH ORDER OF BUSINESS**

**Update: Installation of Fencing Abutting
Lake #2**

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202 There being nothing to report, the next item followed.

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204 **EIGHTH ORDER OF BUSINESS**

**Approval of June 18, 2015 Regular
Meeting Minutes**

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207 Mr. Adams presented the June 18, 2015 Regular Meeting Minutes and asked for any
208 additions, deletions or corrections.

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210 **On MOTION by Ms. Mayer and seconded by Ms. Keeler, with**
211 **all in favor, the June 18, 2015 Regular Meeting Minutes, as**
212 **presented, were approved.**

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214 **NINTH ORDER OF BUSINESS**

Other Business

216 Mr. Adams reported that Advantage Marine Services (Advantage) recently completed
217 erosion repairs on Lake 6. A nonwoven geo-tube was pumped full of soil from the lake, tied off
218 and stabilized. Mr. Adams noted that the geo-tube would remain until water levels receded, at
219 which time, the tube would be cut open horizontally and the soil would be raked off to restore
220 the 4:1 slope. Sod would then be installed and compacted to better withstand rain runoff while it
221 reestablished.

222 Mr. Adams noted that Advantage’s prices are significantly less than other contractors and
223 District Management has used them on several projects in Lee County.

224 Mr. Adams advised that, last weekend, Advantage left their boat and trailer on District
225 property and they were towed. He contacted the towing company and authorized the boat and
226 trailer to be released to Advantage, at their cost.

227

228 **TENTH ORDER OF BUSINESS**

Staff Reports

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230 **A. Attorney**

231 There being no report, the next item followed.

232 **B. Engineer**

233 Mr. Barraco reported that the owner of the “East Parcel” submitted an application to the
234 South Florida Water Management District (SFWMD) for approval. Staff followed up to confirm
235 that the changes to the outfall remain as reviewed and will continue to monitor. Mr. Adams
236 stated that any changes that Staff views as a detriment to the CDD will be brought to the Board’s
237 attention.

238 Mr. Teckorius indicated that, with the rain received in the past week and the lakes at peak
239 level, the system worked properly but voiced concern about future work.

240 Mr. Barraco reported that the system was reviewed and deemed to be constructed as
241 originally designed. He pointed out that outfalls should flow almost continuously during the wet
242 season. He cautioned that the lake levels were not at their peak.

243 Mr. Barraco explained that the minimum design for a stormwater system in the area is
244 that roads are not flooded more frequently than once every five years. He noted that the
245 perimeter of the project was designed not to be flooded more frequently than once every 25 years
246 and the homes were designed so that they would not flood more than once every 100 years.

247 Mr. Teckorius pointed out that other communities have had flooding issues while the
248 District has not.

249 Mr. Barraco indicated that the best thing that could be done to mitigate flooding was to
250 continue the maintenance program.

251 **C. Manager**

252 **i. Approval of Unaudited Financial Statements as of June 30, 2015**

253 Mr. Adams presented the Unaudited Financial Statements as of June 30, 2015. He
254 pointed out that, as of June 30, 2015, expenditures were under budget but, with the erosion
255 repair, expenditures were expected to be on budget by the end of Fiscal Year 2015.

256 Mr. Berry asked which line item the new fountain on the south property was paid from.
257 Mr. Adams indicated that funding came from fund balance.

258

259 **ELEVENTH ORDER OF BUSINESS**

Public Comments (*non-agenda items*)

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261 Mr. Gene Mitchell, a resident, questioned the ownership of the “ratty” fence on Skyline
262 Drive.

263 Discussion ensued regarding the location of the fence.

264 A Board Member stated that the fence was discussed at an architectural review meeting
265 and was determined to belong to Buttonwood.

266 Mr. Mitchell questioned why the south side of Skyline Drive, approaching Randag Road,
267 did not look as nice as the north side. Mr. Adams indicated that the area in question, Wetland 3,
268 was a conservation area. Mr. Mitchell did not understand why one side of the street could be
269 nicely landscaped while the other side “looked like a junk yard” and felt that the District was
270 getting “shorted”, which was not right. Mr. Mitchell requested that trees and shrubs be planted
271 and a chain link fence installed. Mr. Adams reiterated that the area in question was a
272 conservation area and Staff could only remove exotic and invasive species. Ms. Crismond noted
273 that the District could remove trash and foreign materials from the conservation area.

274 Discussion ensued regarding what is permitted within a protected area.

275 Mr. Adams stated that Staff will look into the matter further.

276 Ms. Sandra Paparella, a resident, witnessed children fishing in District lakes. She spoke
277 to the children, who noted that there were no “No Fishing” signs. Ms. Paparella advised that she
278 printed out the policy regarding recreational activities on District ponds, confronted the boys and
279 called the police but the children came back the next day. The boys told her they lived in the
280 community but she saw them sneaking through the broken fence near Hancock Elementary. Ms.
281 Paparella asked if anything could be done.

282 Mr. Adams stated that the solution is to install “No Trespassing/No Fishing Signs” every
283 500’ around the perimeter of the ponds but the unsightliness of the number of signs that would
284 be required deterred the Board from taking further action. He recalled that the Board adopted a
285 “no fishing” policy for residents and non-residents, which is on the CDD’s website. Mr. Adams
286 advised that the policy could be used when confronting someone who is fishing, which may or
287 may not have the desired effect.

288 Ms. Paparella noted that the children favor Lakes 16 and 17.

289 Ms. Whelan stated that properly posted signs allow the Sheriff to act without Staff or the
290 Chair. Mr. Adams indicated that, most likely, enforcing the “no fishing” policy would not be at
291 the top of the Sheriff’s priority list.

292 Discussion ensued regarding a teen on a golf cart who was vandalizing the community.

293 Mr. Teckorius requested an update on the re-creation of “Exhibit A”. Mr. Adams stated
294 that Staff is matching the exhibit with ownership records and it then will be added to the District
295 map, which will be color coordinated as to ownership areas that pertain to the agreement and
296 ownership areas that are maintained by the District.

297 Mr. Teckorius reminded Management that D.R. Horton is planning a turnover to the
298 homeowners on October 30, 2015 and asked how this affects the District. Mr. Adams confirmed
299 that it does not affect the District at all.

300 Mr. Teckorius noted the possibility of the District renegotiating some of the CDD’s
301 responsibilities. Mr. Adams stated that there was an entire menu of services that a CDD could
302 provide the District. He noted that the residents must make that decision.

303 Mr. Teckorius asked how the community would go about doing that. Mr. Adams replied
304 that, after the turnover, a joint meeting of the Homeowner’s Association and CDD could be held.
305 Mr. Teckorius asked if there could be a workshop. Mr. Adams advised that workshops allow for
306 community input but do not allow the Board to take action.

307 Mr. Adams stated that he manages other CDDs that have taken advantage of all services
308 allowed under the statute. Ms. Whelan pointed out that the CDD could not take over private lot
309 maintenance but could manage common areas within the community.

310 Discussion ensued regarding CDD responsibilities.

311 Ms. Mayer questioned the management of Lake 20. Mr. Adams replied that all lakes are
312 managed by the District and all lake tracts are District owned.

313

314 **TWELFTH ORDER OF BUSINESS** **Supervisors' Requests**

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

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318 **THIRTEENTH ORDER OF BUSINESS** **Adjournment**

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

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322 **On MOTION by Ms. Mayer and seconded by Mr. Berry, with**
323 **all in favor, the meeting adjourned at 1:58 p.m.**

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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

Chair/Vice Chair

DRAFT

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
AUGUST 31, 2015**

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
AUGUST 31, 2015**

	Major Funds		Total Governmental Funds
	General	Debt Service	
ASSETS			
Cash - SunTrust	\$ 186,408	\$ -	\$ 186,408
Investments			
Revenue	-	551,966	551,966
Reserve	-	600,425	600,425
Prepayment	-	26	26
Deferred cost	-	114,985	114,985
Due from other funds			
Debt service	-	38,916	38,916
Total assets	\$ 186,408	\$ 1,306,318	\$ 1,492,726
LIABILITIES AND FUND BALANCES			
Liabilities:			
Accounts payable	\$ 1,500	\$ -	\$ 1,500
Due to other funds			
Debt service	38,916	-	38,916
Total liabilities	40,416	-	40,416
Fund Balances:			
Restricted for:			
Debt service	-	1,306,318	1,306,318
Unassigned	145,992	-	145,992
Total fund balances	145,992	1,306,318	1,452,310
Total liabilities and fund balances	\$ 186,408	\$ 1,306,318	\$ 1,492,726

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND
FOR THE PERIOD ENDED AUGUST 31, 2015**

	<u>Current Month</u>	<u>Year to Date</u>	<u>Budget</u>	<u>% of Budget</u>
REVENUES				
Assessment levy	\$ -	\$ 265,589	\$ 241,458	110%
Interest and miscellaneous	7	200	-	N/A
Total revenues	<u>7</u>	<u>265,789</u>	<u>241,458</u>	110%
EXPENDITURES				
Professional & admin				
Supervisor	-	3,875	6,459	60%
Management	3,734	41,069	44,802	92%
Accounting services	728	8,014	8,742	92%
Audit	-	4,300	4,300	100%
Assessment roll services	1,073	11,802	12,875	92%
Arbitrage rebate calculations	-	-	1,200	0%
Dissemination agent	-	-	1,000	0%
Trustee	-	-	3,150	0%
Legal - general counsel	4,333	9,329	15,000	62%
Engineering	3,350	9,452	10,000	95%
Computer services	-	-	500	0%
Postage	51	1,552	1,250	124%
Telephone	41	458	500	92%
Insurance	-	5,923	6,515	91%
Printing & binding	92	1,008	1,100	92%
Legal advertising	-	938	1,500	63%
Other current charges	49	1,705	1,000	171%
Annual district filing fee	-	175	175	100%
Total professional & admin	<u>13,451</u>	<u>99,600</u>	<u>120,068</u>	83%
Water management				
Other contractual	12,677	65,268	72,500	90%
Utilities	4,153	40,101	44,000	91%
Aquascaping	-	-	7,500	0%
Total water management	<u>16,830</u>	<u>105,369</u>	<u>124,000</u>	85%
Other fees and charges				
Property appraiser	-	752	856	88%
Tax collector	-	1,030	1,284	80%
Total other fees and charges	<u>-</u>	<u>1,782</u>	<u>2,140</u>	83%
Total expenditures	<u>30,281</u>	<u>206,751</u>	<u>246,208</u>	84%
Excess/(deficiency) of revenues over/(under) expenditures	(30,274)	59,038	(4,750)	
Fund balance - beginning	176,266	86,954	79,268	
Fund balance - ending	<u>\$ 145,992</u>	<u>\$ 145,992</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 AUGUST 31, 2015**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ -	\$ 783,199	\$ 719,799	109%
Interest	6	68	-	N/A
Total revenues	<u>6</u>	<u>783,267</u>	<u>719,799</u>	109%
EXPENDITURES				
Principal	-	225,000	225,000	100%
Principal prepayment	-	65,000	-	N/A
Interest	-	489,659	494,875	99%
Total expenditures	<u>-</u>	<u>779,659</u>	<u>719,875</u>	108%
Excess/(deficiency) of revenues over/(under) expenditures	6	3,608	(76)	
Fund balance - beginning	<u>1,306,312</u>	<u>1,302,710</u>	<u>1,135,693</u>	
Fund balance - ending	<u><u>\$ 1,306,318</u></u>	<u><u>\$ 1,306,318</u></u>	<u><u>\$ 1,135,617</u></u>	