

**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 19, 2017 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
Elizabeth Keeler	Vice Chair
Ilse Mayer	Assistant Secretary
John Teckorius	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Michael Eckert (<i>via telephone</i>)	District Counsel
Wes Kayne	District Engineer
Teresa Silva	Resident
Norm Hefty	Resident
Malcom Haas	Resident
Leah Bond	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:01 p.m., and noted, for the record, that Supervisors Pye, Mayer, Teckorius, Bond and Keeler were present, in person. One seat was vacant.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items*)

Mr. Norm Hefty, a resident, stated that, although most of the grounds were well-maintained, the area behind his house was overrun with weeds, vines and invasive plants. Mr. Adams stated that the area was intended to be preserved, in its natural state; however, he would arrange a meeting between Mr. Hefty and the contractor who would determine if the native vegetation required trimming.

Ms. Teresa Silva, a resident, presented photographs of two tree stumps that she wanted removed. One tree should be replaced otherwise, the District would be short one tree. Mr. Adams stated that the Acacia tree that was removed was not part of the tree count. Because the tree was an exotic, code enforcement ordered it removed, as it was too close to the CDD's aeration system. The maintenance area was the Association's responsibility. Mr. Adams would contact the Association and include Ms. Silva in the communication. In response to Ms. Silva's statement that the preserves, near her property, were an eyesore, Mr. Adams would ensure that the preserves were regularly maintained.

Mr. Malcolm Haas, a resident, stated that there was visible erosion in the lakes, despite the lack of rain. Mr. Adams would follow up with the contractor.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors, Terry Pye [Seat 3] and Elizabeth Keeler [Seat 4] (*the following to be provided in separate package*)

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Supervisors Pye and Keeler. He 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 Conflict**

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2017-3, Declaring a Vacancy in Seat 2; No One Qualified for Seat in General Election

Mr. Adams presented Resolution 2017-3 for the Board’s consideration. In response to a question about the significance of the seat numbers, Mr. Adams stated that the seat number was an organizational assignment and the terms were staggered.

On MOTION by Ms. Mayer and seconded by Ms. Keeler, with all in favor, Resolution 2017-3, Declaring a Vacancy in Seat 2; No One Qualified for Seat in General Election, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2017-4, Appointing a Qualified Elector to Fill Vacancy in Seat 2.

Mr. Adams presented Resolution 2017-4 for the Board’s consideration.

A. Letter of Interest: Leah Bond

Mr. Adams presented a Letter of Interest from Ms. Leah Bond, to fill Seat 2. No other nominations were made.

On MOTION by Mr. Pye and seconded by Ms. Mayer, with all in favor, Resolution 2017-4, Appointing Ms. Leah Bond to Fill Vacancy in Seat 2, was adopted.

i. Administration of Oath of Office to Newly Appointed Supervisor

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. Leah Bond. He provided and briefly explained the Supervisor Packet documents.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2017-5, Electing Officers of the District

Mr. Adams presented Resolution 2017-5 for the Board’s consideration. Ms. Mayer nominated Mr. Pye to serve as Chair and Ms. Keeler to serve as Vice Chair. No other nominations were made for Chair or Vice Chair. The slate of officers was as follows:

- | | |
|------------|------------------|
| Chair | Terry Pye |
| Vice Chair | Elizabeth Keeler |

Secretary	Chuck Adams
Treasurer	Craig Wrathell
Assistant Secretary	Ilse Mayer
Assistant Secretary	Leah Bond
Assistant Secretary	John Teckorius
Assistant Secretary	Craig Wrathell

On MOTION by Ms. Mayer and seconded by Ms. Bond, with all in favor, Resolution 2017-5, Electing Officers of the District, as nominated and stated, was adopted.

SEVENTH ORDER OF BUSINESS

Update: Quiet Title Action Against the District

Mr. Eckert gave a brief history of the case involving the District and the multi-family parcel, owned by Florida Tax Lien Assets IV LLC, (FTL). The property was previously owned by the Mood Development Corporation (MDC) and the CDD reached a Settlement Agreement with MDC that included certain deed restrictions on the multi-family parcel. The deed restrictions affirmed that only 55 multi-family units could be constructed and FTL would reimburse the District if that number was exceeded. FTL acquired properties through a tax deed sale, executed a title search and filed a Quiet Title Action, claiming ownership of the property, in court. The District was named as a defendant in a Quiet Title Action because deed restrictions and special assessments were put in place as a result of the settlement agreement with MDC. District Counsel’s approach in handling Quiet Title Actions was to preserve assessment liens and/or deed restrictions and settle the case quickly, so the District would incur less in attorney’s fees and could proceed without any repercussions. A settlement agreement was negotiated between the CDD and FTL, which maintained the assessment liens, deed restrictions and allowed the CDD to be reimbursed, in the event that the deed restrictions were violated. Mr. Eckert stated that the Board would be preserving the status quo and facilitating a quick resolution of the case by approving the motion that he would put forth. In response to Mr. Teckorius’ question regarding an access easement, Mr. Eckert stated that the District never had an easement on the property. Mr. Adams stated that the easement issue was satisfied.

On MOTION by Mr. Pye and seconded by Mr. Teckorius, with all in favor, filing of the joint Motion for Entry of Consent Judgment and authorizing the Chair to execute the Settlement Agreement, were approved.

EIGHTH ORDER OF BUSINESS

Update: Refinancing Series 2006 Bonds

Mr. Adams stated that current interest rates were no longer favorable for refinancing the Series 2006 bonds. FMSbonds, Inc., would continue to monitor the market. Mr. Adams would provide monthly updates on the Series 2006 bonds and call for a special meeting, if necessary.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of November 30, 2016

Mr. Adams presented the Unaudited Financial Statements as of November 30, 2016. Assessment revenue collections were at 18%. An educational newsletter reminding residents of the environmental standards of the preserves would be sent to curtail illegal dumping in these areas.

TENTH ORDER OF BUSINESS

Approval of October 20, 2016 Regular Meeting Minutes

Mr. Adams presented the October 20, 2016 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following change was made:

Line 135: Add "as defendant" after "named"

On MOTION by Ms. Keeler and seconded by Ms. Mayer, with all in favor, the October 20, 2016 Regular Meeting Minutes, as amended, were approved.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

There being no report, the next item followed.

B. District Engineer

There being no report, the next item followed.

C. District Manager

Mr. Adams recalled previous discussions about a South Florida Water Management District (SFWMD) notification regarding improperly graded lots, at the end of Blue Banyan Court. DR Horton, the Developer, accepted responsibility for all of the lots except Lots 90 and 96, which had pools installed after the closings. DR Horton contended that the integrity of the grading and the berms, following the closings were subsequently damaged by the owners of Lots 90 and 96. Those owners would be encouraged to have their pool companies make corrections.

- **NEXT MEETING DATE: March 16, 2017 at 1:00 P.M.**

The next meeting will be on March 16, 2017 at 1:00 p.m., at this location.

D. Operations Manager

Mrs. Adams stated that the berm area between 3351 and 3371 Banyan Hollow Loop was still being reviewed and the matter was unresolved or open. A SFWMD representative visited the CDD in response to a resident's complaint about the condition of the preserves. SFWMD subsequently sent a letter calling for installation of more conservation signs to prevent illegal landscape dumping in and around the wetlands. Mrs. Adams ordered 92 additional signs; the issue was being resolved.

TWELFTH ORDER OF BUSINESS

Public Comments (*non-agenda items*)

There being no public comments, the next item followed.

THIRTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Pye requested monthly email updates listing all open operational items. In response to Mr. Teckorius' question about the trees and maintenance issue on Silver Thorn Loop, Mrs. Adams stated that landscape buffers were installed near the homes of five residents on Lake 9. There was a change in the permitting and the County required DR Horton to install the landscape buffers. Although the buffers hindered maintenance access, it was a requirement to buffer the homes because they were in close proximity to the eagle's nest. Ms. Keeler stated that many residents did not know enough about the CDD and its functions and suggested holding a workshop to educate residents. Mr. Teckorius stated that Supervisors must be better informed

about the happenings within the community and would like more detail in the Operations Report. Mr. Adams stated that Staff would prepare and include an Action Items List highlighting ongoing and completed action items within the District.

Ms. Keeler mentioned an organism that periodically grew in the lakes and asked how growth could be contained. Mr. Adams stated that there was a treatment program performed on the lakes to remedy the issue and there were contractors who specialized in treating the wet well with a chemical injection system. Mrs. Adams would refer a contractor to Ms. Keeler. Mr. Adams would send a letter, for informational purposes.

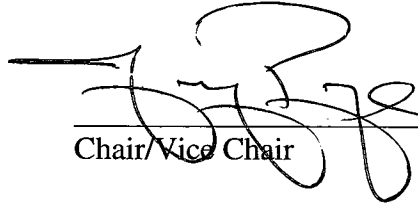
FOURTEENTH ORDER OF BUSINESS Adjournment

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

On MOTION by Mr. Pye and seconded by Mr. Teckorius, with all in favor, the meeting adjourned at 2:00 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair