

**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 16, 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
Leah Bond	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
Dan Cotroneo	Resident
Teresa Silva	Resident
Samir Veida	Resident
Marian Jones	Resident
Malcolm Haas	Resident
Ben Vasion	Resident
Tom Pruitt	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*)

Mr. Dan Cotromeo, a resident, representing the Moody River HOA CDD subcommittee, developed a list of questions regarding contracts, budgets, maintenance concerns and the ponds.

The list would be emailed to Mr. Adams and he would provide a written response to each question, distribute the document to everyone and post it on the CDD website.

Ms. Teresa Silva, a resident, wanted additional fountains in the Moody River Estates South Community and asked if they could be added as a budget line item. Mr. Adams stated that a lake, in the South end, could benefit from a fountain; therefore, the District would consider adding a fountain to the budget. In response to Ms. Silva's question regarding whether it could be a fan spray fountain, instead of one with an upright geyser spray, Mr. Adams stated the District was willing to listen to what the community preferred. Mr. Adams would invite members of the Moody River South Neighborhood Committee to the next meeting to participate in the discussion regarding fountains, design and cost proposals. As to lake bank mitigation, Ms. Silva stated that there was a change in mitigation from a 4:1 slope to 6:1, and asked if the CDD planned to comply with the change. Mr. Adams stated that, if it was a recent change, the District would not be required to modify the ponds, as they were grandfathered in, under the prior requirements. In response to Ms. Silva's question regarding erosion, Mr. Adams stated that the District was working through the lake bank erosion repair process. The CDD budgets funds to repair one lake, per year. Regarding whether the CDD would repair the lake in Ms. Silva's neighborhood, Mr. Adams deferred to a map, with a priority list prepared by the South Florida Water Management District (SFWMD). In response to Ms. Silva's question, Mr. Adams stated that the priority list was not posted; however, he would forward it, via email.

Mr. Samir Veida, a resident, asked about the Series 2006 bond refinancing and whether a homeowner could prepay their bond debt. Mr. Adams replied affirmatively. A resident could pay off the principal amount, at any time, and eliminate their annual debt service assessment. Mr. Adams urged Mr. Veida to call Management's Office for assistance. In response to a question, Mr. Adams stated that the annual operation and maintenance (O&M) assessments would continue, forever, and the amount would vary, depending upon the adopted budget, each year. A Board Member asked for the amount of the O&M assessment for the South. Mr. Adams stated that property owners paid approximately \$308, except for East property owners, who paid approximately \$127, because they did not benefit from all of the services, on the O&M side.

Mr. Ben Vasion, a resident, asked for a breakdown of the budget, for the entire community. Mr. Adams stated that the CDD's budget was on the website and readily accessible. In response to a question regarding paying off the bond debt on his property, Mr. Adams urged

property owners to contact Management’s Office with the address or tax ID number to obtain the payoff amount specific to debt service.

For the record, Mr. Crotomeo clarified that he represented a subcommittee of the HOA, and not a CDD-sanctioned committee; it was an HOA committee.

THIRD ORDER OF BUSINESS

Discussion/Consideration: District Manager’s Revised Operating Procedures

A. Consideration of Resolution 2017-6, Electing Officers of the District

Mr. Adams presented Resolution 2017-6 for the Board’s consideration. Mr. Jeff Pinder, Corporate Controller at Wrathell, Hunt and Associates, LLC, would be added to the slate of officers, as Assistant Treasurer. This would enable Mr. Pinder to interact with the bank, on the CDD’s behalf, whenever Mr. Wrathell was unavailable. Mr. Wrathell must countersign all warrants and checks. The slate of officer was as follows:

Chair	Terry Pye
Vice Chair	Elizabeth Keeler
Secretary	Chuck Adams
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder
Assistant Secretary	Ilse Mayer
Assistant Secretary	Leah Bond
Assistant Secretary	John Teckorius
Assistant Secretary	Craig Wrathell

<p>On MOTION by Ms. Mayer and seconded by Ms. Keeler, with all in favor, Resolution 2017-6, Electing Officers of the District, as stated, with the addition of Mr. Pinder, as Assistant Treasurer, was adopted.</p>
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B. Consideration of Resolution 2017-7, Designating the Authorized Signatories for the District’s Operating Bank Account(s)

Mr. Adams presented Resolution 2017-7 for the Board’s consideration. The Resolution would add Mr. Pinder to the list of authorized signatories, which included Mr. Wrathell, the Chair and Vice Chair.

On MOTION by Ms. Mayer and seconded by Ms. Keeler, with all in favor, Resolution 2017-7, Designating the Authorized Signatories for the District’s Operating Bank Account(s), was adopted.

FOURTH ORDER OF BUSINESS

Update: Refinancing Series 2006 Bonds

Mr. Adams stated that it was no longer feasible to refinance the Series 2006 Bonds on the public market. Staff was focused on the private sector, for private placement with a bank but was not yet successful. Mr. Adams would regularly check with FMSbonds and call for a special meeting, if necessary.

FIFTH ORDER OF BUSINESS

Update: Recent Communications with South Florida Water Management District and Lee County

Mr. Adams continued having ongoing communications with the SFWMD and Lee County concerning berm breaches, maintenance and code enforcement. Palm fronds and miscellaneous waste were dumped in the conservation areas. All of the conservation signs were installed in all locations recommended by Lee County and the SFWMD.

Mrs. Adams stated that Lots 90 and 96 were still not in compliance. The owner of Lot 96 was being sued by the property owner behind him because of problems caused by heavy rainfall. The issue would soon be resolved. As to Lot 90, the County would soon serve the owner with a code enforcement action. Staff would meet with representatives from the County and the SFWMD regarding disturbances in the conservation areas. An HOA subcommittee authorized a removal of vegetation, in a specific location, in the preserves, which would cost thousands of dollars to restore. Mrs. Adams contacted Ms. Laura Bryant, the Property Manager, for additional information and expressed concern because certain residents treat the preserves as part of their backyards. She stressed that the preserves were not owned by residents and those who disturbed preserves or conservation areas must, eventually, pay for restoration. In response to a question

regarding the cost of the damages and resident responsibility, Mrs. Adams stated that, since the violation was validated and authorized by an HOA subcommittee, the HOA must reimburse the District for the restoration costs. It was the CDD’s responsibility to ensure that the preserves were protected. Mrs. Adams was investigating and compiling information regarding the breach and would send the Board an updated Operations Report. In response to Mr. Cotromeo’s question regarding the conservation area, Mr. Adams stated that there was a permit for the preserves, with very strict provisions. Discussion ensued regarding the preserves, blatant disregard of the rules and financial responsibility. Mr. Adams urged community members to report violators and trespassers to the Property Manager or to the District Manager.

SIXTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of January 31, 2017

Mr. Adams presented the Unaudited Financial Statements as of January 31, 2017. Assessment revenue collections were at 88%.

SEVENTH ORDER OF BUSINESS

Approval of January 19, 2017 Regular Meeting Minutes

Mr. Adams presented the January 19, 2017 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following change was made:

Line 209: Change “Ms. Mayer” to “Ms. Keeler”

On MOTION by Ms. Mayer and seconded by Mr. Pye, with all in favor, the January 19, 2017 Regular Meeting Minutes, as amended, were approved.

- **Action Items**

Mr. Adams recalled that, at the previous meeting, it was decided that Management would create an Action Items List.

Items 1, 2, 3, 6, 8 and 9 were completed.

Items 4, 5 and 7 were ongoing.

Regarding Item 4, Mr. Adams stated that, if there were surplus funds, after various O&M projects were completed, the lake bank erosion issue would be addressed. This item was

ongoing and would remain on the list. Mrs. Adams stated that \$2,500 was spent on cleanup from conservation area disturbances, \$1,250 for palm fronds and \$4,000 for signs.

Regarding Item 7, Mr. Adams stated that Lot 96 was being addressed but Lot 90 was not. A code enforcement action was issued. Mr. Adams would provide an update at the next meeting.

In response to a question, Mrs. Adams confirmed that she forwarded information about irrigation water quality. Regarding CDD responsibility for water quality, Mr. Adams stated that the HOA was responsible for the irrigation water supply in the community; however, the CDD was willing to help, when it could. Discussion ensued regarding maintenance of the inlets, ponds and landscaping. Mrs. Adams stated that water was receding in Lakes 21 and 15 and the fountains would be deactivated, if water continued to evaporate; water levels would be monitored. Mrs. Adams would contact the Property Manager regarding deactivation of the fountains. In response to a question from Ms. Marian Jones, a resident, Mr. Adams confirmed that Lake 15 was the entry point to the south. Regarding whether maps of the conservation area were available, Mr. Adams stated that conservation area information was posted on the CDD website. In response to comments that many residents were unaware that they could not enter the preserves, Mrs. Adams stated that the District sent annual newsletters, alerting residents that the conservation areas were off limits. Further discussion ensued.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Eckert stated that the Motion for Entry of Consent Judgment was filed on January 19 and the District was no longer embroiled in the case, in terms of responding to future pleadings. The other parties in the case were still litigating but the CDD could observe from afar.

B. District Engineer

There being no report, the next item followed.

C. District Manager

There being no report, the next item followed.

- **NEXT MEETING DATE: May 18, 2017 at 1:00 P.M.**

The next meeting will be on May 18, 2017 at 1:00 p.m., at this location.

D. Operations Manager

There being no report, the next item followed.

NINTH ORDER OF BUSINESS

Public Comments (*non-agenda items*)

A resident asked for the total acreage that residents could not enter or utilize. In response to a question regarding the fountains, Mr. Adams stated that there were no guidelines or mandates from the SFWMD regarding floating fountains and it was a community decision; any loss through aeration and evaporation was minimal. The fountains provided a water movement benefit, in terms of keeping the water from not being stagnant, which could create algae. In response to a question regarding ownership of the preserves, Mr. Adams stated ownership was divided between the District and the HOA and the acreage maps were posted on the CDD website. A Board Member stated that total acreage was 90 acres; consisting of ponds and preserves.

Mr. Tom Pruitt, a resident, asked why the debt assessment was higher for homeowners in the north and south, than central. Mr. Adams stated that bond debt was assigned on a per acre basis, based upon the product type identified in the Assessment Methodology. In the south and north, the density was a lot less, per acre, than in the central and, as a result, homeowners in the south have a higher, per unit, debt assessment.

Mr. Malcolm Haas, a resident, asked if District Staff planned to investigate the individuals who trespassed and created a disturbance in the conservation area. Mr. Adams replied affirmatively and hoped that the County would be involved, as it would have greater leverage working with the HOA to pursue recovery of damages from the trespassers.

Ms. Silva stated that the conservation areas were often dirty and filled with garbage and asked who was responsible for maintenance. Mr. Adams stated that Management hired contractors to maintain the preserves. It would be helpful if residents alerted Management either directly, or through the Property Manager, regarding the condition of the conservation areas. Mr. Adams stated that there was a maintenance schedule related to treatment of exotics and invasives and maintenance was performed quarterly.

In response to a question regarding whether the CDD or the HOA was responsible for installing fences, Mr. Adams stated that the only time the District would become involved with fence installation would be if the fence was supposed to be installed within a District easement.

TENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Pye asked for a show of hands of who read the CDD newsletter and the new publication entitled "Moody River Living." He was impressed by the response.

Mr. Teckorius stated that the Gopher Tortoise was endangered and the few remaining Gopher Tortoises were unhealthy and required care. He circulated guidelines, from the Florida Fish and Wildlife Conservation Commission. Upon researching the Waif Tortoise Program, Mr. Teckorius concluded that it was not feasible for the CDD to engage in the Program.

ELEVENTH ORDER OF BUSINESS

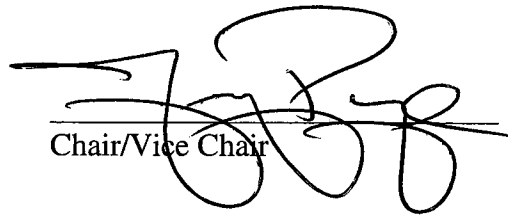
Adjournment

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

**On MOTION by Ms. Mayer and seconded by Mr. Teckorius,
with all in favor, the meeting adjourned at 2:13 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair