

**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, May 18, 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
Doug Tarn	District Engineer
Lindsay Whelan (<i>via telephone</i>)	District Counsel
Tony Grau (<i>via telephone</i>)	Grau & Associates
Laura Bryant	Property Manager
William J. Keeler	Resident
Teresa Silva	Resident
Tamara Grider	Resident
Judy Hoffman	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 Pye, Keeler, Mayer and Teckorius were present, in person. Supervisor Bond was not present.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items*)

Ms. Teresa Silva, a resident, asked for an updated lake bank mitigation schedule. Mr. Adams would forward the schedule. Funds were dispensed, according to priority, based upon severity of condition. In response to Ms. Silva's question regarding when repairs would be completed, Mr. Adams stated that the CDD was running against the anticipated end date with the

South Florida Water Management District (SFWMD). An extension would be requested, if necessary. Ms. Silva asked about the relationship between the SFWMD, the CDD and the HOA, how each entity functioned and who reported to whom. Mr. Adams stated that the CDD and the HOA each had separate and distinct responsibilities. The District, through its bond issue, funded projects, such as the stormwater management system, acquired lake and conservation areas and completed external improvements, such as landscaping and perimeter fencing, which were conveyed to the HOA, through a Facilities Maintenance Agreement. Since it was more practical to have one entity in charge of landscape maintenance, CDDs and HOAs oftentimes adopted this approach. The SFWMD and Lee County had jurisdictional oversight over the District and the HOA. Depending on the area of interest, the SFWMD had hierarchy authority over the CDD, with regard to its stormwater permit, which included all of the stormwater ponds, interconnecting pipes, control structures and conservation lands, identified as conservation areas or preserves. A conservation area was usually a more defined area, resembling a natural property, with an outer perimeter, a setback or upland buffer area, located in the jurisdiction of the HOA. In response to a question regarding why rules and regulations differed from one community to another, Mr. Adams stated that the rules, regulations and policies were based on what the governing board chose to adopt and/or enforce. In response to Ms. Silva's question, Mr. Adams stated that he was the consulting District Manager to the CDD's governing Board and worked in cooperation with the District Engineer and District Counsel. All information requests should be directed to the Board and Staff.

Ms. Tamara Grider, a resident, wanted to know how to have the Sheriff issue a trespass warning. Mr. Adams stated that specific rules were adopted in Fiscal Year 2015. Mrs. Adams provided a copy of Resolution 2016-8 and stated that it was previously circulated and could be found on the CDD website. Mr. Adams stated that the policy was difficult to implement and enforce. Ms. Grider noticed a steady decline in the bird population and bird variety, since 2012, and asked if Management observed the same decline, in other communities. Mr. Adams stated that numerous other communities experienced a decline in the bird population, as well; however, it varied from year to year. In response to Ms. Grider's question regarding whether carp and other fish were restocked, periodically, Mr. Adams stated that grass carp was rarely stocked because of the littoral shelves in the lakes. Game fish were stocked once, in lake #9, where the eagle's nest was located, to provide a food source. In response to Ms. Grider's question, Mr.

Adams stated that the District was responsible for preserve maintenance. In response to a question regarding dumping, Mrs. Adams stated that the District would be contacting certain residents directly, and imposing a deadline to remove the debris; otherwise, the District would hire a company to remove debris and assess those residents for the cost. Discussion ensued regarding illegal dumping, types of cleanup and debris removal and the current maintenance contract. Mr. Adams stated that, each year, management circulated a newsletter reminding homeowners about staying out of the conservation areas. Also, there is signage on every property lot line, adjacent to a preserve or conservation area. In response to a question, Mr. Adams stated that the maintenance and ownership responsibilities were on a map and could be found on the CDD website.

THIRD ORDER OF BUSINESS

Acceptance of Resignation of Supervisor Leah Bond [Seat2]; Term Expires November, 2020

Mr. Adams presented Ms. Leah Bond’s resignation.

On MOTION by Mr. Pye and seconded by Ms. Mayer, with all in favor, the resignation of Ms. Leah Bond, dated March 18, 2017, was accepted.

FOURTH ORDER OF BUSINESS

Discussion/Consideration: Appointment of Candidate, William Keeler, to Fill Unexpired Term of Seat 2

Mr. Adams stated that the Board should consider appointing a replacement to fill the unexpired term of Seat 2, which would expire in November 2020. Mr. Adams introduced Mr. William Keeler, who previously submitted a letter of interest.

Mr. Keeler stated that he had a strong background in community development and was interested in maintaining the pristine integrity of the CDD. Mr. Adams stated that District Staff contacted Mr. Keeler to discuss his potential appointment and the Sunshine Law, since his spouse, Mrs. Keeler, currently served on the Board. Mr. and Mrs. Keeler were made aware that they were subjected to the Sunshine Law and must govern themselves accordingly, as to CDD business, and comply with the Sunshine Laws. Ms. Mayer stated that this was not the first time

that spouses served on the same CDD Board. In response to a question, Mr. Adams stated that there was no conflict of interest.

On MOTION by Mr. Pye and seconded by Ms. Mayer, with all in favor, the appointment of Mr. William Keeler, to Seat 2, term expires November, 2020, was approved.

- **Administration of Oath of Office** (*the following to be provided in a separate package for newly appointed Board Members*)

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

- **Consideration of Resolution 2017-8, Electing Officers**

Mr. Adams presented Resolution 2017-8 for the Board’s consideration. After each election or appointment, the slate of officers must be reconsidered. The Board opted to maintain the current slate of officers, with the addition of Mr. Keeler, as Assistant Secretary. The slate of officers 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	William J. Keeler
Assistant Secretary	John Teckorius

Assistant Secretary

Craig Wrathell

On MOTION by Ms. Mayer and seconded by Mr. Teckorius, with all in favor, Resolution 2017-8, Electing Officers, as stated, with the addition of Mr. Keeler, as Assistant Secretary, was adopted.

FIFTH ORDER OF BUSINESS

Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2016, Prepared by Grau & Associates

Mr. Grau stated that the “Independent Auditor’s Report”, on Pages 1 and 2, was a clean opinion. The “Changes in Net Position”, on Page 5, reflected a \$2,610,147 loss, in Fiscal Year 2016, compared to a \$2,718,867 loss in Fiscal Year 2015. On Page 9, the “Balance Sheet” for the “Governmental Funds” reflected “Fund Balance” of \$1,305,605 in the “Debt Service” fund and \$89,596, in the “General” fund. There were no findings in the “Independent Auditor’s Report on Internal Control Over Financial Reporting and on Compliance and Other Matters”, on Pages 23 and 24, and no instances of non-compliance on the “Independent Auditor’s Report on Compliance with the Requirements of Section 218.415, Florida Statutes”, on Page 25.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2017-9, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2016

Mr. Adams presented Resolution 2017-9 for the Board’s consideration.

On MOTION by Mr. Pye and seconded by Mr. Teckorius, with all in favor, Resolution 2017-9, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2016, was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of Hopping Green & Sams P.A., Standard Hourly Rate Increase

Ms. Whelan discussed the requested rate increase. The new billing rate would be effective on October 1, 2017 and was presented, in advance of the District’s budget process, to

facilitate any potential changes to the proposed budget. Mr. Teckorius asked if the District was billed each time a PDF document/newsletter was circulated. Ms. Whelan replied affirmatively. The reason was that it benefited many of the firm’s clients so the cost was distributed to all of the Districts that received the newsletter. The CDD was billed a fraction of the cost.

On MOTION by Mr. Teckorius and seconded by Mrs. Keeler, with all in favor, the Hopping Green & Sams P.A., Standard Hourly Rate Increase, was approved.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2017-10, Approving the District’s Proposed Budgets for Fiscal Year 2017/2018 and Setting a Public Hearing Thereon Pursuant to Florida Law; and Providing An Effective Date

Mr. Adams presented Resolution 2017-10 for the Board’s consideration. No major changes in programming or funding were anticipated for Fiscal Year 2018, unless the Board requested it. The “Single family-East” assessment level, year-over-year, remained unchanged at \$307.80, while the “Multi family-East”, would increase from \$127.02 to \$131.05. A separate mailed notice, identifying the assessment increase, would be sent.

On MOTION by Mr. Pye and seconded by Mr. Teckorius, with all in favor, Resolution 2017-10, Approving the District’s Proposed Budgets for Fiscal Year 2017/2018 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 17, 2017, at 1:00 p.m., at this location; and Providing An Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Discussion: Increase in Fishing in CDD Ponds and Potential Remedies

Mr. Adams stated that the District’s fishing policy was adopted by Resolution 2015-8, which set forth standards required for the Sheriff’s Department to enforce “No Fishing” or “No Trespassing”. One requirement was for the CDD to have a person in an authority position be available when a citation was issued. This was difficult, as Management was not on-site,

regularly. Board Members could participate and assist law enforcement; however, their availability, at the time of processing, was difficult, as well. Young people, usually visiting teenagers, would gravitate to the ponds and commence fishing, which offended residents. Mr. Adams recommended establishing designated fishing areas and notifying residents through e-mail and signage, which worked very well in a community with very active fishing. Ms. Whelan stated that the CDD was a governmental entity and should allow the outside public to fish in the ponds, as well as residents. Mr. Pye stated that, when the CDD was originally developed, there was a designated fishing pond near the amphitheater. Over time, the signs disappeared and fishing currently occurred in undesignated ponds. Discussion ensued regarding designated fishing areas and establishing guidelines. Management would devise a plan, along with costs, and circulate it and include it on the next agenda.

Ms. Judy Hoffman, a resident, wanted to know who would be liable for community fishing. Mr. Adams stated that the CDD would carry the liability, since the ponds were owned by the CDD. In response to a question, Mr. Adams doubted that there would be an increase in costs, to homeowners but would confer with the District's insurance carrier.

Ms. Grider asked how damage to the littoral shelves, caused by fishing, would be handled. Mr. Adams stated that it would be a District responsibility and would be addressed by re-contouring. Mr. Adams would forward the designated fishing plan and guidelines to the Chair first and, once fine-tuned, the document would be sent to remaining Board Members and included on the next agenda.

TENTH ORDER OF BUSINESS

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

Mr. Adams stated that, recently, there were issues with Lots 90 and 96. Ms. Laura Bryant, the Property Manager, stated that the Lot 96 issue would be resolved this week and the Lot 90 issue would be resolved next week.

Mr. Adams stated that Management planned to accompany SFWMD and Lee County Code Enforcement officials, by boat, to examine the perimeter buffer, on the north property, adjacent to the canal. Mr. Teckorius would be included in the review, as only one Board

Member could be accommodated. A report would be generated and circulated, upon completion. Mr. Adams anticipated a clean report.

ELEVENTH ORDER OF BUSINESS

Discussion: Maintenance and Condition of Preserve Areas Within Moody River Estates

This item was discussed during the Second Order of Business.

TWELFTH ORDER OF BUSINESS

Discussion: Verification of Electric Bills Servicing Ponds and Identification of Responsibility and Possible Discrepancies

This item was removed from the agenda.

THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of March 31, 2017

Mr. Adams presented the Unaudited Financial Statements as of March 31, 2017. Assessment revenue collections was at 92% and expenditures were at 50%. “Legal – general counsel” was at 157% because of the Quiet Title Action.

FOURTEENTH ORDER OF BUSINESS

Approval of March 16, 2017 Regular Meeting Minutes

Mr. Adams presented the March 16, 2017 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following change was made:

Lines 23, 39 and 74: Change “Mr. Cotromeo” to “Mr. Cotroneo”

On MOTION by Ms. Mayer and seconded by Mrs. Keeler, with all in favor, the March 16, 2017 Regular Meeting Minutes, as amended, were approved.

- **Action Items**

Items 1, 2 and 3 were ongoing. (Item 3 was partially completed).

Item 4 was completed. Due to low water levels it was removed but would be added, when water levels increase.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

There being no report, the next item followed.

B. District Engineer

Mr. Tarn examined Lot 96 and provided the exhibits that Mrs. Adams previously requested.

C. District Manager

i. 1,012 Registered Voters in District as of April 15, 2017

Mr. Adams stated that there were 1,012 registered voters residing within the boundaries of the District as of April 15, 2017.

ii. NEXT MEETING DATE: June 15, 2017 at 1:00 P.M.

The next meeting will be held on June 15, 2017 at 1:00 p.m., at this location.

D. Operations Manager

Mrs. Adams discussed items from a previously circulated handout:

- The Lake #10 fountain was down and being repaired. It should be operational within one or two weeks.
- Lake #16 proposal includes a 5-horsepower motor for the new fountain. Mrs. Adams presented a \$9,100 invoice, including a two-year warranty.

Mr. Adams stated that the District had sufficient budget funds to install the fountain, as lake bank erosion would be addressed in the Fiscal Year 2018 budget. In response to a question, Mr. Adams stated that the fountain installation would not affect the fishing areas. Discussion ensued regarding the difference between the 5-horsepower motor versus the 7½-horsepower motors in the other fountains in the community, consistency and electricity.

On MOTION by Mr. Pye and seconded by Mr. Teckorius, with all in favor, authorization install a fountain with a 5-horsepower motor, in Lake #16, in a not-to-exceed amount of \$9,100, was approved.

- Additional signage locations, requested by the SFWMD, were being identified and would be installed in a few weeks.

SIXTEENTH ORDER OF BUSINESS

Public Comments (*non-agenda items*)

There being no public comments, the next item followed.

SEVENTEENTH ORDER OF BUSINESS

Supervisors' Requests

Ms. Mayer stated that she and Mr. Teckorius were involved with the Community Board of Directors and asked for guidance regarding avoiding Sunshine Law violations while attending and participating in the Community Board of Director meetings and also serving on the CDD Board. Mr. Adams stated that there were two ways to address potential conflicts. One could excuse oneself from certain discussions, so only one CDD Board Member was present during discussion of a CDD item. Another way was to take summary notes, during the Community Board of Director workshop meetings, of discussions pertinent to the CDD, to share with the CDD Board. Ms. Whelan agreed with those two options. Mr. Teckorius asked if Management could publicize the Community Board of Director workshop meetings. Mr. Adams asked for a copy of the Community Board of Directors meeting schedule and asked to be apprised of changes. Per Mr. Teckorius' request, going forward, Management would post notices of the Community Board of Directors community workshop meetings and the Board Members who attended or participated in the workshop meeting would present summary notes, on CDD discussion items, only.

In response to a favorable comment about a Moody River Living magazine article, Mr. Adams stated that Management would continue to submit articles on topics that residents routinely had questions about.


EIGHTEENTH ORDER OF BUSINESS

Adjournment

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

On MOTION by Ms. Mayer and seconded by Ms. Keeler, with all in favor, the meeting adjourned at 2:14 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair