

**MINUTES OF MEETING
MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Moody River Estates Community Development District held a Continued Public Hearing and Regular Meeting on September 6, 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
William Keeler	Assistant Secretary
Ilse Mayer	Assistant Secretary
John Teckorius	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Mike Eckert	District Counsel
Jennings Cooksey	Hopping Green & Sams
Laura Bryant	Property Manager

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:00 p.m. 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

Consideration of Resolution 2017-15, Setting Forth the Specific Terms of Moody River Estates Community Development District Senior Special Assessment Refunding Bonds, Series 2017A-1 and its Moody River Estates Community Development District Subordinate Special Assessment Refunding Bonds, Series 2017A-2; Approving, Adopting and Confirming Supplemental Special Assessment Methodology Report; Confirming, Allocating and Authorizing the Collection of Special Assessments Securing the Bonds; Providing for the Supplement to the Improvement Lien Book; Providing for Conflicts, Severability and an Effective Date

Mr. Cooksey presented Resolution 2017-15. This Resolution was the Supplemental Assessment Resolution setting forth the terms of the refunding bonds, which would refinance the Series 2005 bonds, to provide both annual and aggregate debt service savings. The Resolution would confirm the Assessment Methodology set forth in the Supplemental Special Assessment Methodology Report (SAMR) and also allocate and authorize the special assessments. Section 1 provided for the authority for the adoption of the Assessment Resolution, under Florida Statutes. Section 2 accomplished three things: 1) it set forth particular findings; 2) it adopted the SAMR for the Series 2017 refunding bonds and confirmed the benefits that the District's improvements exceeded the assessments, as allocated in the SAMR; and, 3) it set forth the terms of the Series 2017 refunding bonds, as set forth in Exhibit "B", wherein the numbers were set forth, and confirmed the maximum lien of the Series 2017 refunding bonds. Section 4 provided that the Series 2017 refunding bonds would be allocated in accordance with the SAMR and provided that the Series 2017 refunding bonds would be collected, as set for in Exhibit "D". Section 5 required that the District's Improvement Lien Book be updated to reflect the position of the special assessments for the 2017 refunding bonds. Section 6 provided for conflicts and stated that the Resolution was a Supplemental Resolution and that the prior Assessment Resolutions, remained in full force and effect. Sections 7 and 8 provided for severability and an effective date, for when the Resolution was adopted.

Mr. Adams stated that the SAMR was finalized, with the final numbers incorporated, and was the Exhibit “A”, to the Resolution. Although it was originally anticipated savings of 12% or 13%, the actual savings would be approximately 15%. A savings of no less than 9% was previously authorized as the minimum savings amount, in order to proceed with the bond issuance.

On MOTION by Mr. Pye and seconded by Ms. Mayer, with all in favor, Resolution 2017-15, Setting Forth the Specific Terms of Moody River Estates Community Development District Senior Special Assessment Refunding Bonds, Series 2017A-1 and its Moody River Estates Community Development District Subordinate Special Assessment Refunding Bonds, Series 2017A-2; Approving, Adopting and Confirming Supplemental Special Assessment Methodology Report; Confirming, Allocating and Authorizing the Collection of Special Assessments Securing the Bonds; Providing for the Supplement to the Improvement Lien Book; Providing for Conflicts, Severability and an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Adoption of the District’s Final Budgets for Fiscal Year 2017/2018, Pursuant to Florida Law

A. Affidavit/Proof of Publication

Mr. Adams presented the affidavit of publication for today’s Continued Budget Public Hearing and Regular Meeting.

B. Consideration of Resolution 2017-12, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2017, and Ending September 30, 2018; Authorizing Budget Amendments; and Providing an Effective Date

Mr. Adams presented Resolution 2017-12. The primary reason for continuance of the Public Hearing was to incorporate the bond refinancing savings into the 2018 Fiscal Year budget, which could not occur until after the closing.

*****Mr. Adams opened the Public Hearing.*****

No Members of the public spoke.

****Mr. Adams closed the Public Hearing.****

On MOTION by Mr. Pye and seconded by Ms. Mayer, with all in favor, Resolution 2017-12, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2017, and Ending September 30, 2018; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2017-13, Making a Determination of Benefit and Imposing Special Assessments For Fiscal Year 2017/2018; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

Mr. Adams presented Resolution 2017-13. This was the Assessment Levying Resolution, which took into consideration the budget that was just adopted, the appropriations and assessment levels within the adopted budget, and directed the District Manager, as the lien roll preparer, to finalize the lien roll and submit it to the Tax Collector for placement of the assessments on the November property tax bills.

On MOTION by Ms. Keeler and seconded by Mr. Mayer, with all in favor, Resolution 2017-13, Making a Determination of Benefit and Imposing Special Assessments For Fiscal Year 2017/2018; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Teckorius stated that the tie-in of the storm drain for the boat ramp was not supposed to occur until Phase II of development of that parcel, which he understood would be the 190 units. There was confusion between the District, the South Florida Water Management District

(SFWMD) and the County, who approved two different plans from two different engineering firms that designed two different systems. The permit clearly called for a single dry system to be installed for the boat ramp,. This information was documented for the Board to review with the Boat Ramp Committee, since a Marine Engineer would be hired, shortly, to help with the damage. He asked the Board to help, since the HOA was not obligated to accept the stormwater system yet and requested that District Counsel get involved, since the District Engineer would not go back into the record, as certification was already accepted and Mr. Adams accepted that position. The District Engineer would go no further unless directed by the Board. Mr. Teckorius wanted District Counsel to assist with the issue, since the permits required a single, stand-alone system, until Phase II of that parcel was developed.

Mr. Teckorius motioned to engage District Counsel to review the East Property Permit compared to actual construction, for potential deficiencies.

Ms. Mayer asked for the pros and cons of the two systems and the benefit to the District, if the permits were for the one system. Mr. Teckorius replied that, the original documents indicated that the Mood Development Corporation (MDC) pipe was to be removed but was not,. The mistake made was that the MDC pipe should be plugged or capped but neither one was done. If it was plugged or capped, it would created the potential for it to be unplugged or uncapped it in the future, which was why he thought it should be removed. If construction began, the footings of the building would have to be removed and that is why the permit stated it should be removed. There was no advantage and he did not believe that the Army Corps of Engineers (Corps) would allow two discharges into the Caloosahatchee River. Ms. Mayer stated that information did not answer her question regarding the pros and cons and asked if Mr. Teckorius was going by exactly what was written and by the permits or was he considering what would be beneficial to the District. Mr. Teckorius stated that there had been a working system since 2004 but now the system was disrupted.

Mr. Adams stated that the original discharge pipe was in the District's control and, a permit to modify that configuration, with the intention that it would help clean up the footprint of the undeveloped parcel, so it would not be in conflict, was issued. It was modeled, permitted, constructed and signed off by the Engineer of Record, the County, SFWMD, and all on record. The Board received a write up from the District Engineer, an the last meeting. From the District's perspective and, in the District Engineer's professional opinion, it was constructed to

permit specifications and no negative impacts to the District were found, as of now. The intention was that the section of the existing pipe, beyond the reconfiguration point or the tie in point, would be removed, at some point, and then receive a more permanent plug. Mr. Adams stated that, as of today, a temporary plug was not done yet. Discussion ensued regarding the pipe, permits, ownership of the pipe, whether District Counsel should become involved, etc.

Mr. Eckert saw no sense in spending the District's funds on this matter, as it appeared to be an issue that would only benefit the HOA and it would cost at least \$5,000 for him to simply review the permits and determine the issues.

Mr. Teckorius continued presenting his opinion of this matter.

The other Board Members preferred to go no further with this matter without knowing the benefits to the District..

Mr. Teckorius strenuously protested the Board's reluctance to take action and continued debating his position.

There being no second to Mr. Teckorius' prior motion, the motion died.

Ms. Mayer inquired if a letter was sent to Mr. David Mize, a resident, notifying him of the Board's denial of his request for a License Agreement for the lake maintenance easement encroachment and advising him to remove his lanai. Mrs. and Mr. Adams stated that a letter was not sent bu Mr. Mize indicated that he would remove it. They would notify him, in person. Mrs. Adams reiterated that Mr. Mize understood that the lanai must be removed.

SEVENTH ORDER OF BUSINESS

Adjournment

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

On MOTION by Ms. Keeler and seconded by Ms. Mayer, with all in favor, the meeting was adjourned at 1:25 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

C. F. ALI
Secretary/~~Assistant Secretary~~

J. S. H. Mays
Chair/~~Vice Chair~~