

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

The Board of Supervisors of the Moody River Estates Community Development District held a Regular Meeting on Thursday, January 18, 2018 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:

Ilse Mayer	Chair
Elizabeth Keeler	Vice Chair
John Teckorius	Assistant Secretary
William Keeler	Assistant Secretary
Robert Geltner (<i>appointed during meeting</i>)	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Michael Eckert	District Counsel
Carl Barraco	District Engineer
Lynn Endres	Property Manager
Bob Ercole	Resident
Bruce Warren	Resident
Walter Keller	Resident
Brian Taylor	Resident
Sue Warren	Resident
Ben Grossey	Resident
Peter Wachter	Resident
Tamera Greider	Resident
Elizabeth Hassan	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:00 p.m. Supervisors Mayer, Teckorius, Elizabeth Keeler and William Keeler were present, in person. Supervisor Pye was not present.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items*)

Mr. Bob E, a resident, asked if there was a vacancy on the Board and if that seat would be filled today. Mr. Adams replied that it would be discussed today.

Mr. Bruce Warren, a resident, voiced his understanding that, with regard to Item 4B of today's agenda and Resolution 2018-01, Electing Officers, there will be an appointment today. Mr. Adams replied that Resolution 2018-01 would be addressed only if there was an appointment. Mr. Adams further indicated that Supervisors are appointed and must meet the same qualifications as the candidate elected to the seat had to meet. To be a qualified elector, the person must be a resident of Florida and registered to vote in Lee County.

Mr. Warren asked if Item 5 was a draft or something that already exists. Mr. Eckert replied that it was the disclosure of public financing and, when the District issued its first set of bonds, about ten years ago, a disclosure of public financing was done, which was then recorded in the public records, as required, pursuant to Florida Statutes. This document contains the terms of the District's refinance bonds, which lowers assessments. Once approved by the Board, the document will be recorded and will supersede the old one. In response to Mr. Warren's question, Mr. Eckert replied that the document only differs in the amounts and now corresponds to the existing bonds; there were no major changes. Changes would have been for cleanup or to improve the language slightly.

Mr. Walter Keller, a resident, asked, if Item 5 was the document that appears in the agenda package. Mr. Adams replied affirmatively. Mr. Geltner asked, with regard to the assessments, if there was any way to show the public how many product types there are. Mr. Adams replied that it was included in the budget; the budget matches these numbers because the budget was adopted following the refinancing. On the last page of the budget, which is posted on the District's website, it contains the number of units beside each product type and the corresponding assessments, including debt service and the operation and maintenance (O&M) assessment, with a total of how it compares to the prior year.

THIRD ORDER OF BUSINESS

**Acceptance of Resignation of Supervisor
Terry Pye [SEAT 3]; *Term Expires
November 2020***

Mr. Adams presented Mr. Pye's resignation from Seat 3.

On MOTION by Ms. Mayer and seconded by Ms. Keeler, with all in favor, the resignation of Mr. Terry Pye, dated November 20, 2017, was accepted.

FOURTH ORDER OF BUSINESS

**Consideration of Appointment to Fill
Unexpired Term of Seat 3**

Mr. Adams stated that, following a resignation, the remaining Board Members are tasked with appointing a replacement to fill the unexpired term. Mr. Pye's seat expires November, 2020. The Board could nominate a candidate or a more formal approach could be taken, in terms of putting out a request for letters of interest or resumes and holding interviews or the submittals can be discussed at a following meeting with an appointment made then.

Ms. Mayer nominated Mr. Robert Geltner. Mr. Adams asked for further nominations. No other nominations were made. Ms. Keeler seconded the nomination.

Mr. Ercole asked to make a comment. Mr. Adams stated that it was up to the Board whether to hear the comment, since public comments were already heard. Ms. Mayer stated that the Board would hear the comment.

Mr. Ercole stated that he did not know about this meeting until yesterday and he thought it only fair that all 775 CDD residents have an opportunity to submit their name for election. He felt that Mr. Geltner was a great guy and there was no problem; however, the election should be opened to the community and brought to the next meeting. He thought that 1:00 p.m. meetings are tough for working people. He did not know the procedure for elections until last night at 11:00 p.m. He requested a list of when the Board Members' terms expire. Mr. Adams replied that the term expiration dates are on the CDD website. The next election will be November, 2018, for Seats 1 and 5, currently held by Mr. Teckorius and Ms. Mayer, respectively.

Mr. Teckorius wanted to motion to wait. Mr. Adams stated that a motion was already on the table and it must be acted on or rescinded, prior to making another motion. Mr. Teckorius questioned if there was a hurry to fill the seat today. Ms. Mayer stated that it was common knowledge that there would be an opening and someone publicized it. It was absolutely no secret and anybody who was interested in filling a seat could have contacted Mr. and Mrs. Adams.

Mr. Eckert stated that a motion was on the table and the public comment portion of the meeting was over; Board Members could state their opinions but should vote consistent with their opinion. If a majority of the Board Members do not support it, there would be no appointment today and the Board would not ask for any other nominations today. If there are no other nominations today, then the Board moves on towards March; that is the process that has to be followed in a Court of Law.

On MOTION by Ms. Mayer and seconded by Ms. Keeler, with Ms. Mayer, Ms. Keeler and Mr. Keeler in favor and Mr. Teckorius dissenting, the appointment of Mr. Robert Geltner to Fill the Unexpired Term of Seat 3, was approved. [Motion passed 3-1]

A. Administration of Oath of Office to Newly Appointed Supervisor (*the following will be provided in a separate package*)

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Geltner. Mr. Adams provided and briefly explained the following items:

- i. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- ii. Membership, Obligations and Responsibilities**
- iii. Financial Disclosure Form**
 - a. Form 1: Statement of Financial Interests**
 - b. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - c. Form 1F: Final Statement of Financial Interests**
- iv. Form 8B – Memorandum of Voting Conflict**

Regarding the Sunshine Law, Mr. Eckert emphasized the importance of emails and not emailing other Board Members and advised the Board Members to stay away from communicating on social media and encouraged Board Members to stay off blogs. Board Members could look at the blogs but not to post on them.

B. Consideration of Resolution 2018-01, Electing Officers

Mr. Adams presented Resolution 2018-01. Prior to his resignation, Mr. Pye served as Chair, Ms. Keeler served as Vice Chair, the remainder of the Board served as Assistant Secretaries, with Mr. Adams serving as Secretary, Mr. Wrathell serving as Assistant Secretary and Treasurer and Mr. Pinder serving as Assistant Treasurer.

Mr. Adams asked for nominations for Chair.

Mr. Teckorius nominated Mr. Keeler for Chair. Mr. Keeler declined the nomination.

Ms. Keeler nominated Ms. Mayer for Chair. Ms. Mayer agreed to serve as Chair.

Mr. Adams stated that Ms. Keeler currently serves as Vice Chair and, if the Board desired, the remainder of the Board could remain the same, with the addition of Mr. Geltner as an Assistant Secretary. The slate of officers was as follows:

Chair	Ilse Mayer
Vice Chair	Elizabeth Keeler
Secretary	Chuck Adams
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder
Assistant Secretary	John Teckorius
Assistant Secretary	William Keeler
Assistant Secretary	Robert Geltner
Assistant Secretary	Craig Wrathell

On MOTION by Mr. Keeler and seconded by Ms. Keeler, with three in favor, Resolution 2018-01, Electing Officers, as nominated and stated, with the addition of Mr. Geltner, as Assistant Secretary, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Amended and Restated Disclosure of Public Financing and Maintenance of Improvements to Real Property Undertaken by the Moody River Estates Community Development District – 2017 Refunding Bonds

Mr. Eckert stated that, anytime there is a bond refinancing, it changes the assessment levels. This time it is for the better and is helpful to the community. He explained the purpose of the Disclosure document.

Mr. Geltner repeated his prior question asking for the Board to consider putting in a matrix for the number of product types for each of the categories in that document; so that no one would have to go to the budget to find those numbers, as they could be found in the Disclosure. Mr. Eckert stated that was not required but could be added.

On MOTION by Ms. Mayer and seconded by Mr. Keeler, with all in favor, the Amended and Restated Disclosure of Public Financing and Maintenance of Improvements to Real Property Undertaken by the Moody River Estates Community Development District – 2017 Refunding Bonds, revised as discussed, was approved.

SIXTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of November 30, 2017

Mr. Adams presented the Unaudited Financial Statements as of November 30, 2017. Assessment revenue collections were at 28% and expenditures were at 9%.

SEVENTH ORDER OF BUSINESS

Approval of Minutes

A. August 17, 2017 Public Hearing and Regular Meeting

Mr. Adams presented the August 17, 2017 Public Hearing and Regular Meeting Minutes and asked for any additions, deletions or corrections. The following change was made:

Line 247 and throughout: Change “Mr. Mayer” to “Ms. Mayer”

On MOTION by Mr. Keeler and seconded by Ms. Keeler, with all in favor, the August 17, 2017 Public Hearing and Regular Meeting Minutes, as amended, were approved.

• **Action Items**

Mr. Adams presented the Action Items.

Regarding Item 1, Mr. Adams stated that he communicated with the contractor and expected the proposal by March. Ideally, this would be addressed prior to the rainy season, when the lakes are at their very lowest point, which is the best time to address lake bank erosion issues.

Item 2 was removed.

B. September 6, 2017 Continued Public Hearing and Regular Meeting

Mr. Adams presented the September 6, 2017 Continued Public Hearing and Regular Meeting Minutes and asked for any additions, deletions or corrections. The following change was made:

Header Date: Change “September 9” to “September 6”

On MOTION by Ms. Mayer and seconded by Ms. Keeler, with all in favor, the September 6, 2017 Continued Public Hearing and Regular Meeting Minutes, as amended, were approved.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Eckert stated that his office offers a ten-minute training course on public records, three or four times a year, at no extra charge. He is seeing more people struggle with the Sunshine and Public Records Laws and he wanted to ensure that the Board has up to date information. Ms. Keeler thought it was important to revisit the training course. Mr. Eckert expected to roll out the training in about six months. In response to Ms. Mayer's question, Mr. Eckert replied that social media is one of the issues he would address in the training, as it relates to both the Sunshine and Public Records Laws, to the extent that Board Members are posting on social media. It could be argued that posts are public record.

*****Mr. Barraco arrived at the meeting at 1:31 p.m.*****

B. District Engineer

There being no report, the next item followed.

C. District Manager

- **NEXT MEETING DATE: March 15, 2018 at 1:00 P.M.**

The next meeting will be on March 15, 2018 at 1:00 p.m., at this location.

Mr. Adams stated that he received inquiries or requests related to budget items, such as enhancing fountains, adding a fountain and capital outlay items. During upcoming budget discussions, it will probably be necessary to consider an increase in assessment levels. The CDD has hovered near its O&M assessment levels for many years and he is finding that the requests are reaching a point wherein, with the available funds, he is unable to address the items that need to be addressed, such as lake bank erosion, which has been sidelined for years, while dealing with equipment replacements, fountain and wetland needs and a significant amount of required signage. There were some additional activities, such as cleaning landscape and debris out of wetlands, to ensure the District is in compliance. The District is nearly completely built out and should start putting more money into infrastructure reinvestment and addressing items that need to be addressed.

D. Operations Manager

Mrs. Adams stated that they discussed adding fountains in two lakes. The first, Lake #5, was brought to her attention by Mr. Teckorius. Fountains cost approximately \$10,000 each and there is no money budgeted for those. Lake #9, since it has the observation deck, should be in consideration for adding an additional fountain. Both of those ponds are enjoyed by everyone in the District; therefore, are perfect candidates for fountains. She definitely wanted to consider

putting that into the Fiscal Year 2019 budget. Ms. Mayer discussed her concerns with Lake #9 and that the expectations of people are not what they perceived they would be. An example would be complaints and issues with the newest Fountain install at Lake #16. There have been conflicting comments that the fountain is either too high, or too low and about the noise factor and overspray to the adjacent resident. The public needed to know that, while the fountains are lovely, they add to the budget. Mrs. Adams had one resident complain that they were not happy; only one for Lake #16. They asked that the times be adjusted, which was done. When the wind blows, the spray hits them in the driveway. They thought about installing a wind sensor, which she did not recommend, since it would cost \$4,000 to \$5,000. To try and help with the overspray, she will have a valve installed that will allow adjustments. The height for the fountain is currently at a 35' display; it will be adjusted down and hopefully appease the resident. It is a \$500 fix, versus \$4,000 to \$5,000.

Ms. Mayer stated that, going forward, in consideration of an additional fountain, she would like the public to consider different values. Mr. Adams stated that Ms. Mayer made an excellent point. Other than #16 and the other fountain at the entry to the south, Lake #15, those were two, brand new installs. Everything else was the same as in the early years and consideration must be made for those living near those ponds, when considering whether to install another fountain.

Ms. Mayer stated that she hoped that Lake bank restoration will have a priority over installing any additional fountains. Mr. Adams hoped the Board would focus on that in the upcoming budget; the Board has continued to program \$30,000 per year, which is a modest amount, with the idea to keep assessments as low as possible, yet there are programs that needed to be implemented. The lake banks need to be addressed; that program must get back on track.

Ms. Adams stated that, since Hurricane Irma, money has been spent on cleanup, tree removal and things of that nature. There were also repairs to fountains and aeration systems that were damaged during the Hurricane, due to the numerous power surges and lighting strikes, all of which were not budgeted.

Ms. Mayer stated that she is aware of what causes lake bank erosions but some individuals may not be aware of the factors that impact erosion. Mr. Adams stated that lake bank erosion was a naturally occurring event. It is a matter of how quickly it occurs and how quickly it is addressed. Over time, runoff is the first and primary factor for erosion. Quite often, it is seen on property lines on single-family homes because they have a gutter system. Downspouts

on either side of the home put a tremendous volume of runoff between homes, which runs down a bank at a high velocity. When it hits exposed dirt, erosion occurs, particularly when the rainy season is just getting started and the lakes are drawn down. Once the water levels rise, the impact is not as severe. He discussed various approaches to erosion control, such as geotubes and plantings. One of the most important of plants is that they passively improve the water quality by absorbing fertilizer and nutrients. The District needs to get back on track with that program; \$30,000 is budgeted. Regarding pipes and inlet cleaning, the District is in pretty good condition and most of the funds will be put back into the next series of lakes for the upcoming year; he anticipated becoming more aggressive with that amount, going into Fiscal Year 2019. Fountain maintenance was programmed at \$10,000 years ago but everything is now aging and requires more repairs and maintenance; therefore, the budget must increase, accordingly. Lakes and wetlands are in good shape with \$45,000 budgeted. Every time a fountain is added, electrical charges increase, as well; while a fountain may only cost \$10,000, there are maintenance and electricity costs.

Mrs. Adams stated that the Property Manager indicated that residents and CDD Board Members have been going to their office with District issues. She and Mr. Adams ask that residents and Board Members with questions regarding the lakes or conservation areas contact her or Mr. Adams directly, instead of going to the Property Manager.

Mr. Ercole stated that it would be nice if there was a one-page notice posted on the door with copies, so that if someone comes to the Office to ask questions about the District they can give them a sheet with contact information. Mrs. Adams replied that they could do that. She is drafting the next newsletter, which will be sent to all residents. Everyone will be reminded to contact the District. In the meantime, she will contact the Property Manager about putting a note on their door. Discussion ensued about contacting Mr. and Mrs. Adams and the newsletter.

Mrs. Adams reported the following:

- The County went through Skyline and cut tree branches that were posing a liability to the roadway after Hurricane Irma and the District's Wetland Crew recently went through and removed all of the debris, since the County did not. The District was not charged by LakeMasters, as they were already on site for routine wetland maintenance.
- She will be conducting a review of the conservation signs next week, since it was her understanding that some of them were blown over or missing. Over 175 signs have been installed within the conservation areas.

Mr. Adams stated that downed trees in preserve areas and debris created, as a result of Hurricane Irma, would be dealt with first; anything that is excluded from the preserve across from private property. Private property owners are responsible for cutting trees on or overhanging their private property and they cannot enter into the preserve. The District does not have any obligation or liability for a tree that has come out of the preserve or any property that the CDD owns, operates or maintains, and lands on adjacent private property, with the exception of a few caveats. Mr. Eckert referred to his memo and stated, if a "Notice of a Defective Tree" is received, his advice was to take care of it; if there is no Notice, generally, there is no liability.

Mr. Adams stated, with regard to downed trees within a preserve and whether the District could remove them, the South Florida Water Management District (SFWMD) advised that there would not be any exceptions; SFWMD considered preserves as natural areas that will go through these cycles. In response to Ms. Mayer's question, Mrs. Adams replied that, LakeMasters' contract requires a sweep of the conservation areas, twice per year. Their lake management Technicians visit two times per month, unless there is a reason to come out more.

A resident asked if Management would do anything about a black chain-link fence on Old Banyan and South Side, along the inside perimeter, that was damaged by a fallen tree. Mr. Adams would inspect the fence; it may have been installed with the intention of keeping the public out of the preserve area. If it is in the preserve, it is probably the CDD's fence.

Mr. Geltner asked if there would be new signs posted and if it was possible to include the CDD website on the sign so people could find a link to documentation that describes the preserve and they could better understand what they are allowed or not allowed to do. Mr. Adams stated it would be best to put the CDD's website information on the sign and add the information to the website. In response to Mr. Teckorius' question, Mr. Adams replied that the website does not have a counter of how many times the site is visited but it could be added.

In response to a Board Member's question, Mrs. Adams replied that fish stocking was completed on November 30; 1,500 Brim were installed.

NINTH ORDER OF BUSINESS**Public Comments (*non-agenda items*)**

Mr. Brian Taylor, a resident, stated that it would be helpful if, at the start of meetings, the Board introduced themselves and stated their positions. Mr. Adams, Mrs. Adams, Mr. Eckert and the Board introduced themselves.

Mrs. Elizabeth Hassen, a resident, stated that there is a huge dead tree in the preserve behind her house; it is not on her property but she believed it is a fire hazard. Mr. Adams reiterated that the District cannot do anything about trees in the preserve areas.

Mr. Ercole asked about changing the meetings from 2:00 p.m., to 6:00 p.m. There were 16 homeowners present but there are 735 residents. He wanted meetings after work hours so others could attend. Mr. Adams stated that it could be changed but, in his experience, the time generally does not matter, since there is not a lot of interest. If the meeting time was changed, the meeting day must also change, as he already has an evening meeting on the same day. In response to a question, Mr. Adams stated that the public could not attend meetings via telephone. A Board Member did not think the time should change, as there were already conflicting schedules; a change could perhaps be considered in the future. Mr. Ercole continued arguing to have the meeting time changed to 6:00 p.m., noting that since there were only 16 residents present today. Ms. Mayer pointed out that 16 was a lot; hardly anyone attends in the summer.

Mr. Ercole voiced his opinion that 1:00 p.m., was not an appropriate meeting time. He put Ms. Mayer, Mr. Keeler and Mrs. Keeler "on notice". He cited his grievances against Ms. Mayer putting notices of the HOA meeting, on Moody River's Next Door website. He asked when the vacancy became available, since the gentleman resigned in November. He would address this matter with the Mayor and announce to the membership that "you people" decided on electing this position. Mr. Geltner did not want to vote on it and was willing to wait until March. He thought the Board was doing an injustice to the community and reiterated that he was putting the Board on notice and guaranteed that, when their seats are up in November, people will run against them, to remove "you people". You are up there representing us and you did not do that today and have not, in the past. He asked how the residents were supposed to know about this meeting since somebody did not put up a notice on the Next Door website, until last night at 8:00 p.m., otherwise, there would be nobody there. "We are not asking for that here; nobody wants to talk. There was no notice, there was no Next Door, and there was no blast put out. You like when things are convenient for you but when it is not convenient.....this should have been open to all the membership in the community and that is all I have to say to you folks, but not you two gentlemen, just you three and you are put on notice for the 25th from me."

Mr. Peter Wachter, a resident, discussed the bond issue and lots in the common area, which he just found out about from reading the document that was posted on the Next Door website. Moody River East is part of the CDD and there is a fee that they are supposed to pay.

He asked if that is in compliance and if they are paying \$188 per unit. He asked if the 44 phantom lots were up-to-date on their bond payments and, if they are not, would the residents of Moody River single-family homes or condominiums eventually have to make this difference up. Mr. Eckert replied no; if your neighbor does not pay their assessment for the bonds, the CDD will not assess you. The bondholders will be told that it is the risk they took when buying the bonds and they may not receive full repayment if someone does not pay; it is not reallocated to others, as with an HOA.

Ms. Tamara Greider, a resident, believed that the Management Company puts out a legal notice about what is going on in the community and there is a list of meetings; this was on the list of meetings. She suggested a link for the website for whenever a meeting is posted so anybody could select the link to see the details. She asked about having two fountains in one pond and both fountains being down. Mr. Adams stated that the two fountains in one pond were not working due to a timer issue. Mrs. Adams stated that the motor is being replaced tomorrow in the one over to the side. Ms. Greider asked about the other fountain in the long lake, which leaves overspray on her driveway and hoped for a solution. Mrs. Adams asked for Ms. Greider's address so she could pinpoint the lake. Ms. Greider stated that the lakes were discussed about a year ago and maps pointed out the areas with downed cypress trees and that have stumps. She thought that, at the last meeting, they talked about reviewing all the trees around the lakes for an evaluation of where the cypress trees were down. Mrs. Adams stated that the CDD did a sweep through all the lakes with the SFWMD, went through them with the District's Environmentalist and corrected whatever errors they cited the CDD.

A resident complained that the last newsletter was in March, 2015 and asked if there was an annual newsletter. She stated that the District's website needed to be updated. Mrs. Adams replied that she thought an annual newsletter was provided last year.

Ms. Endres, the new Property Manager, stated that she could put the link on the District's website, as discussed today.

Regarding Mr. Keller's concerns about the chain-link fence on Old Banyan, Ms. Endres asked if someone could check it out, since trees fell against the fence and crushed it; she had to obtain quotes to repair it. Ms. Adams would be in touch. Ms. Endres asked if there was anything the CDD could do about the trees that the County trimmed, which Mr. Adams said were most likely done by the FEMA Contractors, and asked if they were CDD trees. Mr. Adams replied that he believed those trees were in the conservation area and those trees would not be

trimmed. Ms. Endres stated that LakeMasters merged with SOLitude. She noted the wind spray from a fountain, at the Moody Central entrance, on the right side, and asked if the height could be adjusted. Mrs. Adams stated that fountain is for noise abatement; she could have it adjusted but, if the residents hear the cars and complain, she will adjust it back to its original settings. Mr. Adams stated that the only way to adjust the fountain, during a wind event, is through a wind sensor, which costs \$4,000 to \$5,000; adjusting the valve only costs about \$500. Ms. Adams asked Ms. Endres to provide the number of the lake she was referring to.

Ms. Sue Warren, a resident, wanted a clarification that concerns about irrigation should go to Mr. or Ms. Adams. Mr. Adams replied, no, those go to Ms. Endres, with the HOA.

TENTH ORDER OF BUSINESS**Supervisor's Requests**

Mr. Geltner referred to Page 6, of the Disclosure, where it shows the product type and assessment. He stated his understanding that, as a result of the new bond issue, the assessments are actually lower than in the past and he thought it would be nice if the public saw that the assessments are actually going down. Mr. Adams stated that the Disclosure could be confusing and it is best to use the budget, since it shows the comparison, particularly this year, compared to last year's assessments. The O&M remained exactly the same so the difference is the reduction in the debt service assessment. Mr. Geltner stated that the third full paragraph, on Page 7 of the Disclosure, indicates "A copy of the District's Assessment Methodology and Assessment Roll are available for review in the District's public records. A detailed description of all costs and allocations which resulted in the formulation of assessments, fees and charges is available for public inspection". He asked if he could receive a copy or if he must actually go to the District Office to get it. Mr. Adams stated that he would email it. Mr. Geltner stated that the bottom of Page 5 makes reference to the waste collection transmission system and that it is funded by the District and owned and maintained by Lee County Utilities (LCU). He asked if the CDD monitors what LCU does, with respect to their obligation to maintain the system and, if not, why.

Mr. Adams replied that they own it. Concurrent with the District's acceptance of it and, in reimbursing the Developer for that asset, with a conveyance of it to LCU, who is the franchise utility provider in the area. It became their property immediately upon the CDD's acceptance; it transferred to them and is not part of their system. Mr. Geltner stated it says that the District funds it. Mr. Adams replied that the District funded it through the bond issue.

Mr. Eckert stated that, by law, local governments can fund the service and dedicate them to other local governments, which is what occurred. The alternative would have been for the CDD to be in the wastewater/public water business, which for a community of this size was not feasible.

Mr. Geltner stated that on Page 6, under “Landscaping and Signage”, it says, “Signage and entry monuments are funded by the District”. He asked if that includes the monument signs. Mr. Adams replied for outside the gates. Mr. Geltner asked if those were CDD property. Mr. Adams replied that they were acquired by the District and operated by the HOA through the Facilities Maintenance Assignment Agreement. Mr. Geltner asked if the District owns them and if the HOA is currently paying to maintain them. Mr. Adams replied affirmatively.

Mr. Geltner asked about the trees along Moody Road that were lost, due to Hurricane Irma and asked if that was the CDD’s responsibility and if the CDD owned the berm along there. He inquired because it appeared that an excessive amount of trees were lost. Mr. Adams replied that it was identified by the District’s ownership map as being owned by the HOA. He would send a copy to Mr. Geltner.

Discussion ensued regarding Moody Road and the ownership thereof.

Ms. Endres stated that there is trash in the preserve. Mrs. Adams replied that Ms. Endres should let her know whenever she sees trash and she would take care of it.

ELEVENTH ORDER OF BUSINESS

Adjournment

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

On MOTION by Ms. Keeler and seconded by Ms. Mayer, with all in favor, the meeting adjourned at 2:20 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

C. E. Ali
Secretary/Assistant Secretary

S. G. Meyer
Chair/Vice Chair