

**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, March 15, 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	Assistant Secretary

**Also present were:**

Chuck Adams ( <i>in person &amp; via telephone</i> )	District Manager
Cleo Adams	Assistant Regional Manager
Wes Kayne	District Engineer
Michael Eckert	District Counsel
Michelle Kim ( <i>via telephone</i> )	Hopping Green & Sams, P.A
Walter Keller	Resident
Thomas Burdick	Resident
Michael Wenners	Resident
Peter Bochnovich	Resident
Lynn Endres	Property Manager
Robert Ercole	Resident
Carolyn Shrieber	Resident
Dawn Hughes	Resident
Steve Kolach	Resident
Lance Little	Resident
Chuck Milfran	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 1:03 p.m. All Supervisors were present, in person.

**SECOND ORDER OF BUSINESS**

**Public Comments (*agenda items*)**

Mr. Adams stated those participating should limit their Public Comments to three minutes and address agenda items only. The Board should be addressed, in a civil and professional manner, and not individually. Mr. Adams, Mrs. Adams, Mr. Eckert, Mr. Kayne, Ms. Kim and the Board introduced themselves.

Mr. Thomas Burdick, a resident, voiced his opinion that, since the HOA bylaws only allow one vote per house, two members of the same household should not be on the Board. Mr. Adams stated that the District has met the qualifications of being in existence six years and having 250 qualified electors residing within the boundaries of the District and was now going through the General Election format to elect Supervisors. Every registered voter, residing within the District, would be able to vote for Board Members who, by way of leadership of the Board, would vote as an elected official representing residents and not by any referendum. Mr. Burdick believed a representative of his subdivision should be on the Board. Mr. Adams stated there was no legal record disallowing it, when the appointment was made, but this should be governed closely because, under the Sunshine Law, two Board Members cannot discuss District business outside of a publically advertised meeting. Mr. Eckert stated that it was not legally prohibited but each Board Member is bound by the same ethical laws.

Ms. Mayer asked Mr. Adams to explain the vast differences between the HOA and the CDD. Mr. Adams stated the CDD is a local unit of special purpose government, established by the original Developer, over the boundaries of the Moody River Estates Community. The CDD's primary purpose is to finance certain infrastructure within the CDD, specifically the water and sewer lines, which were conveyed to Lee County Utilities (LCU), the perimeter berms, landscaping around the perimeter and some fencing in certain areas. The District financed, owns and operates its primary infrastructure, the stormwater management system comprised of ponds, interconnecting pipes between the ponds, control structures and the wetlands and preserves, which store stormwater during the rainy season. The Board's primary focus is the management of those facilities. The HOA focuses on the remaining items and, through the Maintenance Facilities Agreement between the HOA and the CDD, the HOA performs landscaping around the ponds, particularly in the Common Areas, such as where adjacent homeowners do not maintain to the water' edge and the primary entrance monuments. Ms. Mayer stated that the HOA is a privately held company and the CDD is a government entity; each is governed by different rules. Mr. Adams stated that CDD Board Members are elected officials in the State of Florida, serve a public entity and are bound to the same rules of operation that other forms of government are

bound to, similar to City, County and other Special Districts. Each Board Member takes an Oath of Office and is bound by the Sunshine Law.

In response to a question of whether the Developer petitioned the County to exercise its authority under Florida State Statute 190, to create a Community Development District, Mr. Adams replied affirmatively and stated that 100% consensus from the Landowner was necessary to establish a CDD. The HOA and CDD are governed by different Florida State Statutes.

Mr. Michael Wenners, a resident and Coach Home II Condominium Association Member, stated there were three units abutting the preserve that had trees overhanging their property and, since workers were not allowed to enter the preserve, he wanted a written record of the proper process to trim or remove overhanging trees coming from the preserve. Mr. Adams would provide a copy of the written opinion created after Hurricane Irma, which was distributed to their Counsel, Castle Management and posted on the CDD website.

Mr. Peter Bochnovich, a resident, requested the CDD remove the dead trees around Pond #15. Mr. Adams explained that the cypress trees were defoliating, this time of the year, and were not dead. They could not be removed since they were intentionally selected as part of the development plan for the pond. Mr. Bochnovich asked for the fountain head to spray water instead of shooting it into the air. Mrs. Adams stated that option was chosen for all the main entrances for traffic noise abatement. Regarding people fishing in certain areas, Mr. Bochnovich was directed to contact the HOA to enforce its no fishing rule. Ms. Keeler commented about the cypress trees being a valuable part of Florida landscaping and serves a great purpose in the upkeep of excessive water, and in cooler weather their leaves change colors.

Ms. Lynn Endres, Property Manager, asked to get a breakdown of the contractual items allocated to the "Water Management, Other Contractual" budget line item. Mr. Adams replied the information is located on Page 4 of the budget, which is posted on the CDD website. Ms. Endres asked why only one bid was obtained for adding a geotube to one lake bank and why coconut mat was not considered, since it does not require a permit and was environmentally friendlier than geotubes. Mr. Adams stated that the coconut mat would not work with what the CDD was trying to achieve by using geotubes. He explained the process and stated that the Land Development Code (LDC), adopted by the County, did not allow lake banks to be hardened more than 20%; therefore, a less expensive geotube would be used, which would eventually be cut open, raked off and covered with floratum turf, instead of using a fixed geotube that remains onsite. Mr. Adams indicated he would look to obtain an additional quote; however, this specific

group of contractors is limited and extremely busy, especially during the dry season. He gave a brief history of the vendors, pricing, etc. Because timing is crucial, it is uncertain whether other quotes can be obtained in time, as the project needs to be completed by early summer, when water levels are low, instead of when they are higher which potentially could cause the new soil to be lost.

Mr. Robert Ercole, a resident, asked why the CDD lakes looked different from the pictures in the handout. Mr. Adams explained that the CDD continues having difficulty in establishing littoral zones because, when the lakes were developed, more bedrock remained than soil, which is necessary to establish aquatic plants. To stay in compliance with the permit, which requires a certain amount of aquatic plants, plants were placed heavily in areas where they thrived; the area having the most difficulty is the South portion. In response to questions from Mr. Ercole, Mr. Adams stated the following:

- The most recent site visit to review the ponds occurred three weeks ago, besides other multiple visits.
- Regarding how much remained in the budget to update the pond littoral zones, there was currently \$237,000 in the operating budget, which included approximately 25% to 30% in reserve; about \$80,000, until the new fiscal year begins and revenues are received. The existing budget was minimal and additional work to the ponds was abandoned so the District could work on lake bank erosion repairs and address other ongoing projects, such as fountain repairs, control panel replacements and aeration, without increasing assessments. With the improving economy, the District needs to increase assessments in the upcoming budget because required lake bank erosion repairs must be completed, as they are deficient, and, once completed aquatic plants would be installed, which will benefit the water quality and prevent further lake bank erosion.
- The District acquired the primary monuments located outside the main gate, through the bond and construction program; they are owned by the District and maintained by the HOA, through the Facilities Maintenance Agreement.

Ms. Mayer clarified that most of the \$1,800 CDD assessment goes to the repayment of the bonds and approximately \$350 is related to the operation and maintenance (O&M). Mr. Adams confirmed the actual amounts on the resident's property tax bill; Operating Assessments were \$307.80 and the remainder, noted as CDD, under the non-ad valorem section, was related to paying down the bonds. The bond debt assessment amount is lower because the bonds were refinanced, resulting in a savings of 10% to 15% per property; depending on the product type.

Ms. Carolyn Shrieber, a resident, asked for the age of the bond and the purpose of the bond. Mr. Adams stated, when the bond was refinanced, the original 30-year term did not change; the bond still matures on May 1, 2036; the bond was originated in 2004, with a two-year capitalized interest period and, in 2006, the CDD started repaying the bond.

Ms. Shrieber asked why the Administration fees were over \$100,000. Mr. Adams stated that only a portion of that figure is Management’s fees. The fee schedule was assumed from the original CDD Management firm, twelve years ago, and it has not increased.

Ms. Dawn Hughes, a resident, asked how to request the CDD to install a fountain for noise abatement in the north portion of the community. Mr. Adams suggested having decibel readings taken, preferably in the evening when there is less background noise, research the fountains already being used for noise abatement, which are typically located at the main entrance of the community, and presenting the information to the District for consideration

**THIRD ORDER OF BUSINESS**

**Discussion:          Potential          Meeting  
Dates/Times**

Mr. Adams stated the District currently meets six times a year, if needed, on the third Thursday of those six months, at 1:00 p.m. He suggested rescheduling the January, March and May meetings in the evening, during season, to potentially have more attendance. Mr. Eckert stated, if the time is changed, he already had a standing evening meeting; however, someone from this office could attend in his absence. Ms. Mayer asked for audience participation on this matter. Mr. Ercole stated others preferred holding meetings at 6:00 p.m., during season, with the remaining meetings at 1:00 p.m. Mr. Teckorius agreed with Mr. Ercole’s suggestion and stated, as a Director of the Moody Central HOA, he thought their members would accept the change. Ms. Mayer agreed to the change. Mr. Adams agreed this change would improve attendance, especially since the proposed budget is on the May agenda. Mr. Teckorius stated that he was informed of the neighborhood newspaper’s reporting that 78% of the Moody River residents are full-time residents.

Discussion ensued regarding changing the day and time of the meetings to the second Thursday of January, March and May at 6:00 p.m. The new date and time of the May meeting, will be advertised for Thursday, May 10, 2018 at 6:00 p.m., at this location.

In response to Mr. Geltner's question, Mr. Eckert stated he would likely attend the January and March meetings via telephone, since the District's agendas are usually light, and someone from his office would attend the May meeting, in person.

**On MOTION by Ms. Mayer and seconded by Mr. Keeler, with all in favor, rescheduling the May meeting to May 10, 2018 at 6:00 p.m., at this location, and, going forward, scheduling the January, March and May meetings, for Fiscal Year 2018/2019, to the second Thursday at 6:00 p.m., in the Clubhouse at Moody River Estates, 3050 Moody River Blvd., North Fort Myers, Florida 33903, was approved.**

Ms. Endres will e-blast the new date and time of the meetings.

#### **FOURTH ORDER OF BUSINESS**

**Notice of General Election: November 6, 2018**

- **Official Candidate Qualifying Period: Noon, June 18, 2018 – Noon, June 22, 2108**
  - **Candidates May Pre-Qualifying Beginning June 4, 2018 at 10:00 A.M.**

Mr. Adams gave an overview of the election process and the pre-qualifying and qualifying periods. Two seats, with four-year terms, would be up for election. Board Members are entitled to receive \$200 per meeting, with a maximum per year amount of \$4,800, which is taxable income. The Supervisor of Elections (SOE) handles qualifying the candidates and conducts the General Election. An incumbent Board Member must run for the seat they are currently holding, if they wish to remain on the Board. Ms. Keeler asked for clarification of the Board Member pay schedule. Mr. Adams explained that each Board Member could receive \$200, per meeting, up to \$4,800 annually, which would equate to two meetings per month. More meetings could be scheduled but Board Members would not receive any fees for extra meetings, once they reach \$4,800, annually. The SOE office has never charged the District for their services. In response to a question from Mr. Steve Kolach, a resident, regarding the pre-qualifying and qualifying dates, Mr. Adams suggested contacting the SOE office to see if they would accept his package before the pre-qualifying date, if he wanted to qualify but had a conflict with the dates.

- **Consideration of Resolution 2018-02, Implementing Section 190.006(3)(A)(2)(C), Florida Statutes, and Instructing the Lee County Supervisor of Elections to Conduct the District’s General Election [Seats 1 & 5]**

Mr. Adams presented Resolution 2018-02.

**On MOTION by Ms. Mayer and seconded by Mr. Geltner, with all in favor, Resolution 2018-02, Implementing Section 190.006(3)(A)(2)(C), Florida Statutes, and Instructing the Lee County Supervisor of Elections to Conduct the District’s General Election, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Discussion/Consideration: Participation in Community Summary Governing Document Prepared by Supervisor Geltner**

Mr. Geltner asked the Board to authorize District Counsel or Staff to research, review, organize and update the documents that he presented so that it contains a list of all the legal documents that are relevant to the governance of the CDD. Mr. Adams suggested the Board consider it and, once completed, it be posted on the CDD website. Discussion ensued regarding the potential of the CDD and HOA information being intermingled and suggestions to reorganize and separate the two. Mr. Geltner discussed this with Baracco & Associates. Mr. Kayne noted the difficulty in separating between the CDD and HOA and that most of the documents pertain to both entities. Discussion ensued regarding adding columns indicating CDD, HOA or both, reorganizing the contents and public records concerns.

**On MOTION by Mr. Geltner and seconded by Ms. Keeler, with all in favor, authorizing District Counsel to review and provide input, as outlined, to the Community Summary Governing Document, prepared by Supervisor Geltner, was approved.**

**SIXTH ORDER OF BUSINESS**

**Update: Preserve Cleanup of Hurricane Generated Vegetative Debris**

Mr. Adams stated he was in constant communications with the SFWMD and the County regarding the preserves and was told that the SFWMD’s position, to date, was that blown down

materials, whether dead or alive, could not be removed or be replaced through a restoration program; if dead material is removed from the ground, the District would be required to develop a restoration program to re-vegetate the ground and monitor the area to ensure the success of the re-vegetation. He suspected that, if there is an active fire season that causes additional debris in the preserves, political pressure might be placed on the SFWMD to eventually soften their stance and provide a temporary exemption from their current position. Mrs. Adams stated that, in the Report she submitted, the cost was \$3,500 to retain an environmentalist, which comprises solely of doing site work and preparing a plan; it does not include costs for restoration or potential ongoing monitoring programs. This amount will be included in the CDD's Fiscal Year 2019 budget deliberations, in May. Discussion ensued regarding whether the current condition of the preserves was adding more fuel to the upcoming fire season, if there was value in the District notifying the SFWMD of its concerns and whether to initiate a public letter writing campaign. Mr. Adams will provide Ms. Endres with contact information for Ms. Melissa Roberts and Mr. Brian Rose and verbiage the residents should use to voice their concerns. Ms. Endres will e-blast the information to residents and inform them that SFWMD and the County have jurisdiction over the conservation area and, in order for the District to be in compliance with its permit, both entities must be notified and confirm whether certain activities are allowed.

Mr. Lance Little, a resident, voiced his opinion that the District would not have to restore anything, if the storm materials were removed in a more timely fashion.

**SEVENTH ORDER OF BUSINESS****Consideration of Proposal from Anchor Marine Environmental Services, Inc., to Restore Eroded Lake Banks on Lakes 10 and 11**

Mr. Adams presented the \$30,600 Anchor Marine proposal and reiterated that few contractors perform this work; he was only able to obtain this proposal because the District was a prior customer. The District needs to restore a 1,530 linear feet of shoreline, comprised 930' on Lake 10 and 600' on Lake 11.

He presented the lists of lakes repaired in the past, including Lakes 1 and 2 in 2013, Lake 5 in 2014, Lake 6 in 2015 and Lake 12 in 2016. Currently \$30,000 is budgeted for lake bank repairs, with approximately \$80,000 in surplus funds; if necessary, some surplus funds could be used. He expects to increase expenditures in the Fiscal Year 2019 budget to repair fountains, aeration systems and for lake bank erosion repairs. When the District transferred from the



construction phase to operations, in 2012, the SFWMD indicated that certain lake beds were not in compliance because of their vertical drop and the District agreed to restore them, over a period of time. There were sufficient funds to complete the project, with a not-to-exceed amount of \$30,600; Staff would try to secure another proposal. He requested approval of this expense today. In response to Mr. Teckorius' question regarding the scope of work and if the grading was in line with the permit specifications, Mr. Adams confirmed the end result would satisfy the SFWMD. In response to a question regarding the site plan, Mr. Adams stated the highlighted yellow items indicate where restoration is needed and that it was prepared by both the District Engineer and in cooperation with the SFWMD. Discussion ensued regarding removing references to unforeseen conditions and interest provisions from the contract; both would be stricken by the District Manager, deciding whether to use a not-to-exceed \$30,600 dollar amount or not-to-exceed price of \$20 per linear feet in the motion due to the possibility of the linear feet being incorrect.

**On MOTION by Ms. Keeler and seconded by Ms. Mayer, with all in favor, restoration of eroded lake banks on Lakes 10 and 11, in a not-to-exceed amount of \$20 per linear feet, subject to Staff obtaining at least one additional proposal prior to entering into a contract, and awarding contract to the lowest bidder, were approved.**

**EIGHTH ORDER OF BUSINESS**

**Discussion: Correspondence from Supervisor Geltner**

Mr. Geltner presented the following questions:

1. Staff Performance: Whether the Board ever performs a performance review on the District's Staff to know whether the best experts were obtained and that pricing was competitive, and, if not, add it as an agenda item for further discussion.

Mr. Adams stated there was never a formal performance review performed but he welcomed it, as a useful communications tool to know whether expectations are being met. He will provide a performance review that was created by one of his clients on SurveyMonkey, consisting of several questions. Board Members, not residents, would complete the survey. Board Members should develop their questions outside of a meeting and it would be added to the next agenda, as a discussion item. Mr. Eckert stated that, because of the Sunshine Law, Board

Members should be cautious about sending any information between each other relating to any survey feedback questions or in discussing District Business outside of a meeting. Staff's sole purpose is providing contractual services that, under Florida Law, do not require a bid, for providing professional services that involve discretion, as opposed to having to obtain landscaping bids and, typically, they serve until the Board decides otherwise, and transitions to a new provider.

2. Remaining Meeting Dates: Mr. Adams stated the District has always held six meetings per year and, if one was not necessary, it would be cancelled. If an additional Special meeting was necessary, it was added. The May and August meetings are required; the May meeting to approve the draft budget and accept the prior year audit and the August meeting to adopt the budget for the following fiscal year.

Ms. Mayer requested that the Community Association link the CDD website to their HOA website.

3. Evening Meetings: This item was discussed during the Third Order of Business.

4. Relocating the District Office to Moody River Clubhouse: Mr. Adams stated meetings are held remotely, which saves time in commuting. If residents have concerns, he typically meets them on site to address them. There typically is little foot traffic.

5. Frequently Asked Questions (FAQs): Mr. Adams stated a generic list of FAQs is posted on the website and, significant items, such as an evaluation of the ponds or preserves, would be posted as well.

6. Fishing: Mr. Eckert provided a copy of Resolution 2015-8. Mr. Geltner requested the Resolution be posted on the CDD website. Mr. Eckert will create a paragraph to post on the website, regarding why certain activities, such as fishing, swimming, etc., are not allowed, per the various authorities.

**\*\*\*\*Mr. Adams left the Meeting at 2:37 p.m. and returned via telephone\*\*\*\***

7. MRE Community Association Contract: Mr. Geltner asked the Chair to appoint a committee to make recommendations whether the Association contract should be renewed or negotiated. Mr. Eckert stated that, from the CDD's perspective, if the Board is not content with the level of service provided, they should revisit the contract and the possibility of taking over those responsibilities. Discussion ensued regarding the monuments not being properly maintained by the HOA. Mr. Eckert stated, instead of appointing a committee, which requires holding a Sunshine Meeting, he would distribute a copy of the Agreement to the Board for their

review and questions should be emailed to both him and the District Manager so they can obtain the answers for the next meeting. Mr. Eckert stated he would bill the District only if the District Manager cannot answer the question. This item will be added to the May agenda.

8. E-mail Policy: Mr. Eckert stated that emails between Board Members should not be sent. Supervisors were provided a notebook during orientation which contains the District Rules of Policy Procedures, which encapsulates Florida Statutes. They should be reviewed and it is also available as public record.

9. Acquisition of Land: Mr. Geltner asked whether District Staff contacted an Officer of the Moody River Community Association or Castle Management Staff to discuss the possibility of acquiring both Mood Development and Dollar General land, currently used as a boat ramp and sailing school. Mr. Geltner prepared a proposed Resolution to authorize the District Manager to arrange, monitor or manage the completion of a feasibility study to acquire those lands. A copy will be sent to Mrs. Adams to distribute to Board Members. This item will be included on the May agenda.

10. Assessment Methodology: Mr. Geltner asked for clarification of the calculations used in determining the assessments for each of the different product types. Mr. Eckert stated that, before the bonds were refinanced, the original Assessment Methodology Reports, prepared by the previous District Manager, contain the tables and narratives. A workshop would be scheduled before the next meeting, with Mr. Eckert, Mr. Geltner and other interested Board Members, to review the Assessment Methodology calculations. This item will be publicized and added to the May agenda.

11 and 12. Annual Budget Process/Reserves: Mrs. Adams stated the District Manager prepares the proposed budget and it is discussed at the May meeting; the Board has a few months to edit it before it is finalized. Mr. Geltner requested that the budget include 1-year, 5-year and 10-year projections for items that need repair. Board Members should send Mr. and Mrs. Adams the items they want in the community as improvements, which are not already in the budget, for inclusion in the proposed Fiscal Year 2019 budget. In response to a question, Mrs. Adams stated the District has never had a reserve study; if a large-scale capital improvement was needed, the District would obtain a bank loan. Mr. Eckert stated stormwater facilities and landscaping typically did not warrant a reserve study; however, it would, if the CDD decided to take over the entry monuments. In response to a question, Mr. Kayne stated studies were shown that the life expectancy for concrete pipes is 30 years and 50<sup>+</sup> years for culverts. Mrs. Adams stated the

reason loans are obtained for repairs, instead of having reserve funds, is so that residents do not pay for something they are not benefiting from, should they sell their home. Mr. Eckert explained the budgeted reserve funds were required to pay off the bonds and cannot be used for O&M items. Mr. Geltner requested renaming the “Reserves” budget line item to “Debt Service Reserves”.

In response to a question, Mr. Eckert stated, if unpaid assessments occurred during the last 14 years, those funds would be collected either through the tax roll or, if they were direct-collected, he would have been notified about a bill and that the property must be foreclosed upon. He confirmed that the 44 lots Mr. Geltner asked about were listed on the property tax bill.

**NINTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of January 31, 2018**

Mrs. Adams presented the Unaudited Financial Statements as of January 31, 2018. Mr. Eckert stated US Bank is the bond “Trustee” and explained their role servicing the bonds.

**TENTH ORDER OF BUSINESS**

**Approval of January 18, 2018 Regular Meeting Minutes**

Mr. Adams presented the January 18, 2018 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

- Line 60: Change “Keller” to “Geltner”
- Line 224: Change “Mayer” to “Keeler”
- Line 322: Change “deferred” to “referred”
- Line 322: Change “Defected” to “Defective”
- Line 361: Change “Erocole” to “Erocole”
- Line 406: Change “Geltner’s” to “Keeler’s”

Regarding the number of lakes Ms. Endres was referring to, on Line 418, Mrs. Adams stated the Board approved, at the last meeting, to install the dump valves on the fountains of Lakes #3, #4 and #8.

**On MOTION by Ms. Keeler and seconded by Ms. Mayer, with all in favor, the January 18, 2018 Regular Meeting Minutes, as amended, were approved.**

- **Action Items**

Mrs. Adams presented the Action Items.

Item 2: The HOA was responsible for repairing the hurricane damaged fence located on Old Banyan. This item is completed.

Item 4: Adding dump valves to the fountain, to prevent overspray on windy days, remains ongoing but is expected to be completed that week.

Item 5: Adding a link to the HOA website for the District remains ongoing and was discussed earlier today; Ms. Endres is expected to complete that this week.

Item 6: Adding valves to fountains located in Lakes 3 and 4, to prevent overspray, remains ongoing but is expected to be completed this week.

Item 7: The maps were sent to Mr. Geltner. This item was completed.

Item 8: Installing an additional fountain in Lake 9 and a fountain in Lake 5 remains ongoing, and is being considered for the Fiscal Year 2019 budget.

Item 9: The newsletter was distributed. This item was completed.

**ELEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

Mr. Eckert introduced Ms. Michelle Kim, a colleague, who is working behind the scenes on District matters and, although the District has two attorneys in attendance, it was not being charged for two. The Florida Legislative Session ended and the Ethics Bill requiring mandatory ethics training did not pass; passed bills related to the tax collection process, tax certificates, etc., had no negative impact to the District.

**B. District Engineer**

Mrs. Adams reviewed the handout related to the continued berm breaches that still require repairs. The SFWMD informed her they were contacted by the County, who noticed, a breach in the berm, while conducting a new pool inspection of a resident's new pool construction. The breach violated the District's permit and caused the project to be shut down. When SFWMD was on site, they noticed repairs related to other April 11, 2017 violation notices had not been completed. Mrs. Adams stated that some of the repairs were completed and she was assured by the HOA that all violations had been resolved. SFWMD indicated that they will

be sending another noncompliance notice to the District. Mrs. Adams contacted the District Engineer and Ms. Carol Lis, from the County, asking her help in resolving these issues.

Mr. Kayne visited the sites and confirmed the work that needs to be completed through the HOA. A few of the violations were from back when the original Developer graded the lots differently from what was indicated in the section; however, the Developer fixed it when they installed the rear yard drainage to collect the water and move it to the lake. The HOA and CDD need to work together to resolve these issues, since the CDD is the permittee assigned to operate and maintain the sites. In response to whether the District was obligated to pay for the repairs, Mrs. Adams replied no and stated she would let Ms. Endres know that the landscape contractors are scalping the berms and they must repair them as well.

**C. District Manager**

- **NEXT MEETING DATE: May 17, 2018 at 1:00 P.M.**

The next meeting will be held on May 10, 2018 at 6:00 p.m., at this location, instead of the previously one scheduled for May 17, 2018 at 1:00 p.m.

**D. Operations Manager**

Mrs. Adams provided her Monthly Status Report. The items with the costs associated next to them, unless they were already approved by the Board, would be placed on hold until the Fiscal Year 2019 proposed budget is approved.

**\*\*\*Mr. Adams and Mr. Eckert left the meeting at 3:25 p.m.\*\*\***

Regarding a resident's complaint of weeds growing around the Preserve, Mrs. Adams stated she informed the resident that they were not considered invasive plants and would not be removed.

In response to a request, Mrs. Adams will remove "45 day" and assign a specific date to the Annual Financial Report's due date, noted in Moody River's Key Activity Dates Mar-18 Report.

Discussion ensued regarding the planting of Mexican petunias all over the community, since some are considered an invasive species. Depending on what species was used, it would become either an HOA or a CDD issue.

Mr. Chuck Milfran, a resident, asked if the CDD ever prepared a remediation plan for all the code violations with the County. Mrs. Adams stated the CDD received a close out of their violations, except one, which is the pond remediation projects, which the Board just approved, to address Lakes 10 and 11, in this years budget, along with revising the proposed Fiscal Year 2019 budget to allow for the District to continue pond remedation on other outstanding violations.

Ms. Endres stated that, because of the lack of littorals on the lakes, she was informed by Ms. Lis, Lee County Code Violation Officer, that the HOA could potentially receive a Notice of Non-compliance. Discussion ensued regarding whether catfish could be eradicated from the lakes, as they siphon the eggs of the tilapia, sunfish and brim, which are necessary because they feed off the positive algae on the lakes and ponds and aid water quality. Ms. Endres will research this further.

**THIRTEENTH ORDER OF BUSINESS**

**Supervisor's Requests**

There being no Supervisors' requests, the next item followed.

**FOURTEENTH ORDER OF BUSINESS**

**Adjournment**

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

**On MOTION by Mr. Teckorius and seconded by Ms. Mayer,  
with all in favor, the meeting adjourned at 3:40 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

C. P. S. A. L. i.  
Secretary/Assistant Secretary

J. Se. Mayer  
Chair/Vice Chair