

**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 10, 2019 at 6:00 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
William Keeler	Assistant Secretary
Chris Jenner	Assistant Secretary
Robert Geltner	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Sarah Sandy (via telephone)	District Counsel
Wes Kayne	District Engineer
Bill Kurth	SOLitude Lake Management
Jim Dougherty.	SOLitude Lake Management
John Teckorius	Resident
Norm Hefty	Resident
Teresa Silva	Resident and HOA Preident
Residents	

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mrs. Adams called the meeting to order at 6:00 p.m. All Supervisors were present, in person.

**SECOND ORDER OF BUSINESS**

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

Mr. Norm Hefty, a resident, presented photographs of the area behind his residence and asked the CDD to cut down the unsightly tree branch and pick up the dead branches, as he felt that they were a potential fire hazard. Mr. Adams stated he would coordinate removal of the dead branches and the ground covering in the preserve area by the end of the month, subject to remaining within the provisions of the permit.

**THIRD ORDER OF BUSINESS**

**Administration of Oath of Office to Newly Elected Supervisors, Chris Jenner [SEAT 1] and Ilsa Mayer [SEAT 5] (*the following to be distributed in a separate package!*)**

Mrs. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Jenner and Ms. Mayer. Mrs. Adams provided and she, Mr. Adams and Ms. Sandy 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**

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2019-01, Electing the Officers of the Moody River Estates Community Development District, Lee County, Florida; and Providing for an Effective Date**

Mrs. Adams presented Resolution 2019-01.

Ms. Mayer nominated Mr. Keeler for Chair.

Mr. Geltner referenced the Sunshine Law and stated that it would be of great concern to him if other Board Members discussed the officer positions, prior to this meeting. He wanted assurance that everyone understood the Sunshine Law. Mr. Adams stated that he had not heard of any discussions. Mrs. Adams added that she had not heard of any either.

Mr. Geltner nominated Mr. Jenner for Chair.

Mr. Keeler declined the nomination for Chair.

No other nominations were made for Chair.

**On MOTION by Mr. Geltner and seconded by Mr. Keeler, with all in favor, appointment of Mr. Jenner as Chair, was approved.**

Mr. Geltner nominated Mrs. Keeler for Vice Chair. No other nominations were made.

**On MOTION by Mr. Geltner and seconded by Mr. Keeler, with all in favor, appointment of Mrs. Keeler as Vice Chair, was approved.**

Mrs. Adams stated the remainder of the slate of officers would remain unchanged. The slate of officers, as nominated and stated by Mr. Adams, was as follows:

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

**On MOTION by Ms. Mayer and seconded by Mr. Geltner, with all in favor, Resolution 2019-01, Electing the Officers of the Moody River Estates Community Development District, Lee County, Florida, as nominated and stated; and Providing for an Effective Date, was adopted.**

▪ **SOLitude Lake Management Presentation**

**This item was an addition to the agenda.**

Mr. Kurth stated that SOLitude Lake Management (SOLitude) has worked for the District for many years. After thoroughly researching options for addressing the District’s lake bank erosion issues, he recommended the Shoresox® Erosion Control system, which has proven results. He discussed the advantages of the Shoresox®, which is very durable, coexists with littoral plantings and is considered by Lee County as softscape, meaning, there were no limitations to its use along the shoreline.

Mr. Kurth discussed the following

- The cost would be \$70 to \$90 per foot. SOLitude would install a 100’ section, at no cost to the District.

- Mr. Adams selected Lake 15 as the installation area; installation should be in two weeks.
- The Board has the option to lock in the prices today so that the expense can be included expense in the annual budget discussions.
- His September 2018 PowerPoint presentation would be forwarded to Mrs. Adams for dissemination to the Board.
- Regard to spraying high Mrs. Adams would inform the lake technician and fountain staff to keep away from the eagle’s nesting area, at Lake #9, during the specified time frame.

In response to a question, Ms. Keeler stated she was tracking when fertilization occurs and when algae blooms are reported so that samples can be taken. Mr. Kurth discussed a pilot study using a nano-bubbler aeration system.

Mr. Geltner asked about the possibility of installing rain barrels and if roof runoff could be contaminating the lakes. Mr. Kurth stated that occurs mostly in northern states. Mr. Kurth directed Board Members to submit their questions to Mr. or Mrs. Adams and he would respond to them. He would also notify Mr. Adams when they will be on site to begin work.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2019-02, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2017 and Ending September 30, 2018; and Providing for an Effective Date**

Mr. Adams presented Resolution 2019-02. Because the Fiscal Year 2018 expenses exceeded revenues the budget amendment was necessary to avoid a finding in the annual audit.

**On MOTION by Ms. Mayer and seconded by Ms. Keeler, with all in favor, Resolution 2019-02, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2017 and Ending September 30, 2018; and Providing for an Effective Date, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Consideration of Perpetual Easement Request from Lee County Department of County Lands**

Mrs. Adams stated that the package from the Lee County Department of County Lands (DCL) was distributed before the meeting.

Mr. Adams stated DCL requested, on behalf of the Public Utilities Department, a public utilities easement, in favor of the County, to install an additional underground sewer line system within a section of Hancock Bridge Parkway. He discussed the materials being used and the end results. County-wide improvements were underway.

Ms. Sandy discussed District Counsel's comments concerns and questions about the County's Standard Agreement and the easement request, which were contained in the email to Management on January 7, 2019.

Mr. Geltner discussed his concerns and questions about the County's request, which he set forth in a January 7, 2019 letter. He asked to table this to the next meeting so his questions and concerns and those of other Board Members and District Counsel can be addressed and answered.

Mr. Adams stated that the consideration is whether to grant a perpetual easement, in favor of Lee County Utilities (LCU), for the sole purpose of installation, operation and maintenance (O&M) of a sewer line that will be below ground, other than the two above ground features. As the owner of the facility, LCU would be responsible for any issues. This was no different than for all the sewer lines currently running under the CDD. Mr. Geltner reiterated that he felt the Board should not vote on this until the questions and concerns are addressed. Mr. Adams noted that, if the District is not agreeable, the County could exercise eminent domain and use the property anyway; in this type of situation, the preference was for the District to grant the perpetual easement, especially since the sewer line would be a regional benefit to everyone and the current sewer line is old and failing, which has led to interruptions in service. Discussion continued.

Ms. Teresa Silva, a resident and HOA President, stated that the HOA already executed this and sent it to the County.

**On MOTION by Mr. Geltner and seconded by Mr. Jenner, with Mr. Geltner and Mr. Jenner in favor and Ms. Keeler, Mr. Keeler and Ms. Mayer dissenting, tabling the Perpetual Easement Request from Lee County Department of County Lands to the next meeting until Mr. Geltner, other Board Members and District Counsel's questions and concerns are answered, was not approved. [Motion failed 2-3]**

On MOTION by Ms. Keeler and seconded by Ms. Mayer, with Ms. Keeler, Ms. Mayer, Mr. Keeler and Mr. Jenner in favor and Mr. Geltner dissenting, authorizing Staff to proceed with the Perpetual Easement Request from Lee County Department of County Lands and granting Lee County the requested easement, subject to District Staff working with County Staff in preparing the easement and other documents to address the concerns outlined in Ms. Sandy's and Mr. Geltner's email, and including any from the District Engineer, subject to the District incurring zero costs, was approved. [Motion passed 4-1]

**SEVENTH ORDER OF BUSINESS****Acceptance of Unaudited Financial Statements as of November 30, 2018**

Mrs. Adams presented the Unaudited Financial Statements as of November 30, 2018. The Unaudited Financial Statements were accepted.

**EIGHTH ORDER OF BUSINESS****Approval of October 18, 2018 Regular Meeting Minutes**

Mrs. Adams presented the October 18, 2018 Regular Meeting Minutes and confirmed that District Counsel's corrections were received.

Mr. Geltner's request for an addition on Line 32 was not possible since it did not reflect what was said at the meeting; however it would be reflected in today's minutes that Mr. Geltner was not present at the last meeting due to a long-planned vacation with his wife, so that it did not appear he was neglecting his duty as a Supervisor.

The following changes were made:

Line 50: Change "arbitrarily request" to "require"

Line 26: Add "Chris Jenner, Resident"

Although Mr. Geltner did not attend the last meeting, he wanted it known that he requested that his January 7, 2019 comments, which address some of the comments that were made in the last meeting, be attached to the minutes from today's meeting. Mrs. Adams stated that Mr. Geltner's comments were distributed today and this matter is to be brought up under the Supervisor's Requests agenda item.

Line 75: Change "deferring" to "tabling"

Regarding Line 84 and Mr. Jenner's request, Mrs. Adams would send him the Fountain Summary and Replacement Schedule.

Line 101: Change "HOA" to "CDD"

Line 183: Mr. Eckert's request to delete "Mr. Eckert," was without merit; the line would remain the same.

Line 202: Insert "individual" after "year" and "conversations" after "Supervisors"

Line 204: Delete "the" after "reeducation"

Line 250: Change "Kayne" to "Eckert"

**On MOTION by Ms. Mayer and seconded by Mr. Jenner, with Ms. Mayer, Mr. Jenner, Ms. Keeler and Mr. Keeler in favor, and Mr. Geltner dissenting, the October 18, 2018 Regular Meeting Minutes, as amended, were approved. [Motion passed 4-1]**

- **Action Items**

Items 7, 4, 11, 6, 5 and 8 were completed.

Item 4: Ms. Silva confirmed the District would be included in the HOA's permit closeout checklist process so that the District can review completed work and confirm that berms were still intact, since Bill was no longer there.

Item 2: Ms. Sandy discussed the results of the performance test project in a CDD in Polk County using solar energy; so far the results were not what they hoped for. They would continue to monitor project.

Item 11: Ms. Sandy stated this item should be removed.

Item 6: Today, Mr. Geltner provided Mrs. Adams with his research on manufacturers of fountain pumps and motors.

Item 10: Plantings would occur during the rainy season.

Item 12: The Key Activity Report indicated the Board's consensus regarding the wetland signs. Mrs. Adams would provide Mr. Teckorius the audio of those minutes and a copy of the Operations Report.

Mr. Jenner requested that Action Items keep the same number when transferred to the Completed List. Mr. Adams suggested initiating a policy for removing items from the Completed List. Mr. Jenner suggested keeping the initial date and inserting the date completed behind the word Completed, when it is transferred to the Completed List section.

On MOTION by Mr. Jenner and seconded by Ms. Keeler, with all in favor, authorizing Staff to modify the Action and Completed Items List numbering system to keep the same Action Item number when the Item is transferred to the Completed Items section of the list, insert the date completed behind the word Completed, when it is transferred to Completed and remove items from the Completed List that are older than six month into the prior fiscal year, was approved.

**NINTH ORDER OF BUSINESS****Staff Reports****A. District Counsel: *Hopping Green & Sams, P.A.***

There being no report, the next item followed.

**B. District Engineer: *Barraco & Associates, Inc.***

Mr. Kayne stated he spoke with the South Florida Water Management District (SFWMD) and resolved the berm compliance issues; however, the SFWMD requested the District take a more proactive approach to its inspection and maintenance program for the water management system. He recommended the District consider an annual inspection and maintenance interval. Mr. Adams agreed that this would be beneficial; Management would inspect annually and share the findings with the SFWMD, the District and the HOA. In response to a request, Mr. Adams stated everyone would be notified when installation of the 100' section commences.

**C. District Manager: *Wrathell, Hunt & Associates, LLC***

- **NEXT MEETING DATE: March 14, 2019 at 6:00 P.M.**

The next meeting will be held on March 14, 2019 at 6:00 p.m.

**D. Operations Manager: *Wrathell, Hunt & Associates, LLC***

- **Monthly Status Report**

Mrs. Adams distributed the January 2019 Monthly Status Report and reported the following:

- The HOA declined the District's request to post the Best Management Practices (BMPs) on the HOA website.
- The draft Newsletter was being finalized and a copy would be forwarded to Ms. Mayer and Ms. Keeler for comment on the articles, prior to sending it to the HOA for distribution to residents via email.

- **Administrative Regulatory Due Dates**

This item was provided for information purposes.

**TENTH ORDER OF BUSINESS**

**Public Comments (*non-agenda items*)**

Ms. Silva asked who the HOA should contact during its permit closeout process. Mrs. Adams stated the HOA should contact Management.

Mr. Teckorius, a resident, referred to the discussions about the conservation signs and stated the designs were based off the Army Corps of Engineer's original permit, which the community was built from.

**ELEVENTH ORDER OF BUSINESS**

**Supervisor's Requests**

Mr. Geltner stated he received the agenda package on January 5<sup>th</sup> and his letter was sent on January 7, 2019. He referred #47 on the Completed Items List referencing Survey Monkey and the proposal that he submitted and requested this be added to the next agenda, as he believed it was the Supervisors' fiduciary duty, as a non-profit, to periodically review Management's performance.

Ms. Keeler responded that the CDD is not considered a non-profit organization and stated that all Supervisors are aware of their fiduciary duty to the District.

Ms. Mayer stated the lakes are being contaminated due to virus-carrying Muscovy ducks killing off domestic ducks. She would provide Mrs. Adams with an article for the Newsletter regarding this issue and advising residents not to feed wildlife.

Mr. Keeler stated he took personal exception to Mr. Geltner's implications noted in Item #1 of his memorandum, as he is familiar with the rules of the Sunshine Law.

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

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

**On MOTION by Mr. William Keeler and seconded by Ms. Mayer, with all in favor, the meeting adjourned at 8:06 p.m.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair