

**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 October 17, 2019 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:

Chris Jenner	Chair
Elizabeth Keeler	Vice Chair
Robert Geltner	Assistant Secretary
William Keeler	Assistant Secretary
Paul Hoffman	Supervisor-elect

Also present were:

Chuck Adams (via telephone)	District Manager
Cleo Adams	Assistant Regional Manager
Sarah Sandy (via telephone)	District Counsel
Wes Kayne	District Engineer
Lynn Miles	Resident
John Teckorius	Resident
Pete Wachter	Resident
Allison Hunches	Resident
William Bond	Resident
Patti Wachter	Resident
Teresa S	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. 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

Consider Appointment of Qualified Elector Candidate to Fill the Unexpired Term of Vacant Seat 5 (*Term Expires November 2022*)

A. Qualified Elector Candidates

- I. Lynn M. Miles**
- II. Paul R. Hoffman**

Ms. Miles and Mr. Hoffman responded to questions regarding their knowledge of CDDs.

On MOTION by Ms. Keeler and seconded by Mr. Geltner, with all in favor, appointing Mr. Paul Hoffman to fill Seat 5, term expires November 2020, was approved.

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

Mrs. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Hoffman. She provided and 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 Forms**
 - 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**

Mr. Hoffman waived the Board Member compensation.

C. Consideration of Resolution 2020-01, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the District, and Providing for an Effective Date

Mr. Jenner presented Resolution 2020-01. The consensus was to retain the current slate of officers, with the addition of Mr. Hoffman as an Assistant Secretary. The slate of officers was as follows:

Chair	Chris Jenner
Vice Chair	Elizabeth Keeler
Secretary	Craig Wrathell
Assistant Secretary	William Keeler
Assistant Secretary	Robert Geltner
Assistant Secretary	Paul Hoffman
Assistant Secretary	Craig Wrathell
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder

No other nominations were made.

On MOTION by Mr. Keeler and seconded by Ms. Keeler, with all in favor, Resolution 2020-01, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the District, as stated, and Providing for an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Discussion: Updated Provisions of District’s Rules of Procedure

Ms. Sandy reviewed the updated version of the Rules of Procedure and noted a few changes in the costs associated with public requests, financial disclosure coordination, agenda and specific meeting materials, etc. The document must next be presented for adoption at a public hearing. She recommended scheduling it for January 9, 2020 at 6:00 p.m. Mr. Geltner commented that Board Members did not have an opportunity to study the document and discuss the changes beforehand, which he found stifling.

On MOTION by Mr. Geltner and seconded by Mr. Keeler, with all in favor, setting the public hearing to adopt the District’s Amended and Restated Rules of Procedure for January 9, 2020 at 6:00 p.m., was approved.

Ms. Sandy responded to questions regarding internal controls to prevent fraud, waste and abuse, establishing subcommittees, auditor selection, notice of competitive solicitation, contract periods and requiring a Request for Proposals (RFP) from District Managers.

FIFTH ORDER OF BUSINESS

Discussion: Inquiries, Request for Agenda Items

This item was not addressed.

SIXTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of August 31, 2019

Mr. Jenner presented the Unaudited Financial Statements as of August 31, 2019. Mrs. Adams clarified a discrepancy in the "Computer services" line item on Page 2. A timing in the monthly billing caused the item to appear twice instead of once.

On MOTION by Ms. Keeler and seconded by Mr. Keeler, with all in favor, the Unaudited Financial Statements as of August 31, 2019, were accepted.

SEVENTH ORDER OF BUSINESS

Approval of August 15, 2019 Public Hearing and Regular Meeting Minutes

Mrs. Adams presented the August 15, 2019 Public Hearing and Regular Meeting Minutes. The following changes were made:

Lines 252 and 253: Insert "offer to review in order to" after "would"

On MOTION by Mr. William Keeler and seconded by Ms. Keeler, with all in favor, the August 15, 2019 Public Hearing and Regular Meeting Minutes, as amended, were approved.

- **Action Items**

Items 25, 26, 27, 28, 31, 32, 33, 34, 36, 37 and 38 were completed.

Item 26: Ms. Sandy would email the requested bond indenture document to Mr. Geltner.

Item 28: Mr. Adams stated that the funds are posted in the current month's revenue in the financials; this item is completed.

Mr. Geltner asked if the District recovered the costs from the County that it expended on legal fees relating to the Hancock Bridge Easement Agreement. Mr. Adams replied affirmatively.

Item 38: Mr. and Mrs. Adams visited the property; there were no issues with erosion repairs.

EIGHTH 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 reported the following:

- Regarding access rights to the conservation area, the underlying lands are owned by the Association and are technically privately-owned property.
- Constructing a trail in the preserve would require permission from the property owner and any allowances by the conservation easement.
- Mr. Kayne, District Counsel, should review the documents and any others relating to the conservation easement and advise the Board.

Discussion ensued regarding accessing the preserves/conservation area, the zoning document, the County, the Army Corps of Engineers (ACOE) permit, obtaining a permit modification and CDD liability due to fire tinder in the preserves.

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

- **NEXT MEETING DATE: January 9, 2020 at 6:00 P.M.**
 - **QUORUM CHECK**

Supervisors Jenner, Hoffman, William J. Keeler and Elizabeth Keeler confirmed their attendance at the next meeting.

D. Operations Manager: *Wrathell, Hunt & Associates, LLC***• Monthly Status Report – Field Operations**

Mrs. Adams presented the October 17, 2019 Monthly Status Report.

○ Key Activity Dates

Mrs. Adams presented the October 17, 2019 Key Activity Dates and responded to questions regarding lake maintenance, the budget and the assessment roll. She reviewed a handout from Mr. Bill Kurth regarding the herbicides that SOLitude Lake Management (SOLitude) uses in the lakes that are harmful. Discussion ensued.

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

Mr. John Teckorius, a resident, asked about the water quality report and voiced his opinion that the gopher tortoise preserve should be restored and reestablished in the peninsula, as stated in the Development Order and all other necessary documents. He requested assistance from SOLitude in that regard. A Board Member read the following related to the Lee County gopher tortoise requirement:

“Gopher tortoises must be protected on site. The gopher tortoise preserve must be provided in the CO tract with the bald eagle nest on the Master Concept Plan stamped received February 25, 2005. The development plans must include the location and details sanding earthen berms be created within a gopher tortoise preserve to provide a high, dry area for burrowing and a vegetative barrier or permanent fencing must be delineated along any roadway abutting a gopher tortoise preserve. The berms within the preserve must be planted with a mixture of the higher grass, other broad-leaf vegetation and scattered native shrubs prior to moving tortoises to the preserve. Supplemental feeding, such as alfalfa hay may be necessary until the berm planting is established.”

Mrs. Adams stated that this item was previously addressed and the answer remained the same; there are no changes in the Pictometry of the wetland, which is in compliance; contractors only treat for invasives when maintaining the area. Discussion ensued regarding the bald eagle nest and gopher tortoise preserve.

Mr. Pete Wachter, a resident, commented that, a few years ago, over-spraying killed all the vegetation along the preserve and, although the area is dry, native vegetation does not need water to grow. He walks the Skyline sidewalk daily and some areas are accessible and other areas marked "Preserve area; keep out", contain perimeter bushes 3' to the fence. In response to Mr. Wachter's question regarding who is responsible for pruning the palms in the area, Mrs. Adams stated that the CDD does not trim trees in the conservation area; anything outside the conservation area would be the responsibility of the HOA. In response to a question regarding overhanging tree limbs, Mrs. Adams stated that the adjacent homeowner should trim them.

Mr. William Bond, a resident, stated that he participated in a walk-through of the area with a landscaper and debris removal was underway in the Skyline area.

In response to a question regarding what projects the CDD scheduled and completed, Mrs. Adams stated two ponds were recently restored and two more would be scheduled in the next year fiscal year. As to how residents could request a discussion item on an upcoming agenda, Mrs. Adams stated that an email should be sent to District Staff and Management would then clear it with the Chair. The Board, meeting attendees and Staff discussed lake restoration, auditors, internal controls and forensic accountants.

TENTH ORDER OF BUSINESS

Supervisor's Requests

There being no Supervisor's requests, the next item followed.

ELEVENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned at 2:41 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair