

**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 June 17, 2021 at 1:00 p.m., at the Clubhouse at Moody River Estates, 3050 Moody River Blvd., North Fort Myers, Florida 33903.

Present were:

John Teckorius	Chair
Robert Geltner	Vice Chair
Chris Jenner	Assistant Secretary
Edward Pike	Assistant Secretary
Julie Canoura	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Shane Willis	Operations Manager
Mike Eckert	District Counsel
Wes Kayne	District Engineer
Neil Mathes	Barraco & Associates
Carl Barraco	Barraco & Associates
Terri Silva	Resident/HOA Vice President Board
Lynn Morris	Resident
Rick Doran	Resident
Susan Garling	HOA President

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Teckorius called the meeting to order at 1:05 p.m. All Supervisors were present, in person.

Mr. Geltner asked to amend the agenda to reflect multiple actions and reminded everyone that Board Meetings or Workshops are the only opportunity for Board Members to discuss District business or interact with each other. He discussed public comments protocol, whereby residents will have two opportunities during the meeting to make comments.

On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, acceptance of the Oath of Office administered to Ms. Canoura outside of a Board meeting and the addition of a "Discussion: Proposed Fiscal Year 2022 Budget" agenda item following the Fifth Order of Business, was approved.

SECOND ORDER OF BUSINESS**Public Comments (*agenda items*)**

Resident and HOA Board Vice President Terri Silva asked when Ms. Canoura was sworn in as she thought it needed to occur in a public meeting. Mr. Adams stated there is no requirement for the Oath of Office to be administered to Board Members during in a public meeting. Mrs. Adams stated that she administered the Oath of Office to Ms. Canoura.

Regarding the Eighth Order of Business, resident Lynn Morris asked that the Board, rather than considering issuing bonds to purchase the property and doing a feasibility study, consider the responses to the Capital Improvement Committee survey presented to the HOA Board in 2018. Approximately 170 to 180 doors responded to the question of "Whether to purchase the east parcel of land, south of the boat launch areas."; the results were that 5% felt that it was extremely important, 5% felt that it was very important and 70% felt that it was not so important.

Resident Rick Doran made comments and posed questions, as follows:

➤ Fourth Order of Business: Regarding the District Engineer performing lake surveys, he asked the Board to include in their discussions whether the District Engineer, Barraco & Associates, followed protocol and disclosed a potential conflict, if any, as they were also engaged by the builder to perform services.

Mr. Doran stated that Lake 2 was remediated in 2013 and photographs were provided to the Chair and others showing the collapse of the geotubes that caused additional erosion of the lake bank. He asked if further remediation would occur. He noted having Environmental Notice of Code Enforcement files from Carol Lis, the County Code Enforcement Officer, whereby a violation notice was issued September 1, 2016, due to the lack of a littoral shelf in Lake 2. He commended the CDD and the facility office in doing a good job in remediating Lake 2; however, he felt that all 21 lakes should receive annual maintenance.

➤ Seventh Order of Business: Regarding conservation area signs, he felt that the current conditions of Lakes 1 and 2 were atrocious enough that it warranted installing "Danger Zone" signage. He recalled a dangerous incident involving a child.

- Ninth Order of Business: Regarding the Gopher Tortoise Plan, he provided information from Lee County Environmental Planner, Ms. Henderson, to Mrs. Adams to distribute and asked the Board to consider that the report indicated there were no reports or evidence of sightings since 2006, before incurring costs. He felt that the CDD was at fault for failed stewardship in maintaining the preserves.
- Tenth Order of Business: Regarding the Non-Compliance Response to South Florida Water Management District (SFWMD), he asked the Board to provide him with the backup material about how the transfer of the Environmental Resource Permit to the Perpetual Operating Entity took place, as he was unable to locate this subject in past CDD minutes. He was instructed to submit his request in writing to District Management and provided the Chair with a copy of the SFWMD's response to Mr. Farrior, of Colonial Homes. He read a portion of the SFWMD response that stated "that until transfer is approved by the District, the Permittee shall be liable for the Compliance of the Permittee. The Permittee transferring the permit shall remain liable for corrective actions....".
- Regarding potentially issuing a bond, he asked how the CDD got to that point and voiced his opinion that it would be burdening the homeowners to take corrective actions on what he believed were construction defects related to the facilities.
- Eleventh Order of Business: Regarding mowing excess grass around the lakes being a product of the SFWMD and Lee County Advisory Bulletin entitled "Low Maintenance Zone", prepared by Ms. Keeler, and, since there is no remediation activity for littoral shelves, as they are difficult to install, he referred to Mr. Adams' recommendation to redirect water coming off the roofs by the CDD installing a pipe to redirect the water into the lake. He believed the CDD will never be in compliance until that action is taken and communication between themselves improves and information is made available to everyone.

THIRD ORDER OF BUSINESS**Staff Report - District Engineer: Barraco & Associates, Inc.**

Mr. Barraco introduced his associates and noted that Mr. Mathes was training and would be assisting the District Engineer with all CDDs and attending all meetings at no charge to the District, while training.

Some of the following bullet items were discussed out of order.

- **Confirm in Writing with Lee County that an LDO is Not Required for Lake Bank Maintenance Unless it Involves Hardened Shoreline**

Mr. Barraco stated that a Limited Review Development Order (LDO) was not obtained for maintenance that is basically maintaining exactly what was constructed and certified initially. An LDO is now required for lake bank restoration projects going forward. In the future, the District Engineer would obtain the LDO, certify the project complete after maintenance, and County Staff would inspect the project. He discussed the difference between a Limited and Full Development Order. In the future, as has been done to date, all maintenance will be consistent with the original approved plans and operational guidelines. Mrs. Adams would send Mr. Barraco a list of current projects to prepare the LDO.

Mr. Teckorius asked for information on specific ratios for each lake bank to be included, if they proceed with surveying all 21 lake banks, to compare against County and State guidelines. Mr. Barraco discussed the process of providing observation of the lake perimeters and noting any deficiencies. It was recommended that the District initiate, as a standard, conducting at least one or two reviews annually, one right after the rainy season and one leading into the rainy season. He explained that the water management system requires maintenance, which is why the SFWMD requires every permitted drainage system to have a legal operation and maintenance (O&M) entity in place.

In response to Mr. Doran's comment regarding a possible conflict of interest, Mr. Barraco, explained that, initially, there were at least two other engineering firms/Engineers of Record engaged for design construction for different parcels and each certified portions of the system to Lee County. He did not believe there is or was a conflict of interest, and noted that he would be obligated to inform the Board if there was. Heidt & Associates prepared the original CDD Engineer's Report upon which the construction bonds relied.

- **Prepare a Proposal for Lake Bank and Boundary Condition Observations and Report**

Mr. Kayne presented three addendums to the Original Contract dated December 16, 2009, which were distributed during the meeting.

➤ Addendum No 2021-01 for Drone Services for \$6,000: He discussed the services of the other provider, behind Tab 13 in the agenda, and stated he did not see any benefit to providing certain services.

➤ Addendum No 2021-02 for Lake Bank Review for \$20,000: Mr. Kayne, a licensed drone pilot, discussed the process involved in using drones to evaluate the lake drop, which may not be appropriate through the use of photogrammetry due to vegetation, and the files may be cumbersome. The addendum considers the use of site observation staff with survey grade GPS units. The Permitting and Bidding Assistance and On-site observation tasks and costs for 21 lakes may fluctuate, as the outcome of the first task depends on whether to perform permitting and maintenance events in phases and the observation frequencies required by Board of Supervisors.

Mr. Barraco stated if the District is consistent with maintaining the lakes, the cost can become much more palatable. Mr. Adams' recommendation was to continue addressing the lakes identified with deficiencies, keep a budget line item and continue scheduling routine regular maintenance; the CDD's system and water quality is one of the best in Southwest Florida. Mr. Adams would email the minutes and Resolution 2008-05 to the Board, which proved, in response to Mr. Doran's concerns, that the Board has taken affirmative action by accepting transfer of the stormwater permit.

Mr. Barraco recommended proceeding with the 21 lake inspections in order to present a cost estimate to the Board, during a workshop, to discuss whether to proceed in full or in phases, based upon budget funds over the years, and recommending lakes with the most severe erosion be done first. He recommended maintaining the lakes exactly the way they were designed and adding additional littorals to protect the lake banks.

➤ Addendum No 2021-03, Perimeter Berm Review for \$12,500: Mr. Kayne discussed the inspection process and stated the action was necessary to comply with the SFWMD permit as it pertains to containing up to the 25-year storm event. Discussion ensued regarding if other various outside sources were affecting a change in the berms. Management is monitoring the berms during its annual review of the lakes. Mr. Kayne was provided with the Transition Study the HOA had done in 2019, which indicated the berms were not built in accordance with the specifications and design.

The remaining bullet items below would be discussed later in the meeting.

- **Plot and Send Latest Overall Ownership and Maintenance Exhibits to Cleo**
- **Research and Compile All Applicable Site Certifications, Including Lakes**
- **Prepare a Proposal for Drone Services to Include Photo and Video Observations of Lakes, Preserves, and Boundary Conditions**

This item was discussed during the second bullet item.

FOURTH ORDER OF BUSINESS

Discussion: District Engineer to Perform Survey of 21 Lake Banks, Swales and Berms that are the Responsibility of the CDD and Report Existing Conditions and Whether Current Conditions Comply with Design Requirements, Ordinances, Permits, Development Orders, and Any Other Requirements Required by Florida Law

This item was presented in conjunction with the Third Order of Business and following the Fifth Order of Business.

FIFTH ORDER OF BUSINESS

Discussion: District Engineer’s Scope of Services and Cost to Perform Actions Stated in Agenda Item 4, Excluding Preserve Areas

This item was presented in conjunction with the Fourth Order of Business.

▪ **Discussion: Proposed Fiscal Year 2022 Budget**

This item was an addition to the agenda.

The following items were discussed;

- Increasing the “Engineering” line item.
- Designation of Feasibility Study.
- Transferring portions of surplus fund balance for lake bank maintenance.
- Mr. Eckert’s recommendation to adopt Resolution 2021-06 to obtain recreational powers from the County that can be used in the future.
- Providing an opinion whether the East property was subject to a cost-share feasibility study expense and sharing legal expenses.
- SFWMD permits inclusion of maintenance provisions connecting the 42” stormwater pipe
- Including language in the Mailed Notice explaining the assessment increase.
- Continuing discussions about whether to proceed with the feasibility study at another meeting.

The following changes would be made to the proposed Fiscal Year 2022 budget:

Page 1, “Legal - general counsel”: Change “12,000” to “17,000”

Page 1, "Engineering": Change "4,000" to "10,000"

Page 1: Add "Feasibility Study-East Property" line item for "15,000"

Page 4, "Pipes/inlets/lake banks": Change "45,000" to "57,000"

Page 4, "Water Management", "Other Contractual": Change "\$110,00" to \$122,000" and include notation that the amount was comprised of using fund balance.

The above changes would cause the General Fund Assessments to increase from \$374.41 to \$399.88, resulting in \$12,000 of additional revenue.

On MOTION by Mr. Teckorius and seconded by Mr. Geltner, with all in favor, a General Fund Assessment amount of \$399.88 for single-family homes and granting the District Manager the flexibility to make adjustments, upon receipt of the legal opinion from District Counsel regarding "Multi-Family East" being part of cost sharing the feasibility study costs, and other Professional Administrative items, were approved.

▪ **Staff Report - District Engineer: Barraco & Associates, Inc.**

This item resumed.

Mr. Barraco clarified certain information on the remaining bullet items:

• **Plot and Send Latest Overall Ownership and Maintenance Exhibits to Cleo**

Mr. Teckorius confirmed that Mrs. Adams received the Exhibits.

• **Research and Compile All Applicable Site Certifications, Including Lakes**

Mr. Barraco reiterated that, initially, there were two engineering firms and two Engineers of Record engaged during construction; each certified portions of the system to Lee County, who accepted the certifications and released the bonds that were in place. Mr. Barraco stated that, based on previous engineers certifications and his own firm's certifications, and Mr. Tim Gavin of Engineer of Barraco & Associates and the SFWMD Representative who inspected and assessed it, he saw no evidence to indicate there was any issue with the drainage system as constructed.

Mr. Teckorius noted that he and others inspected the outflow pipes, which were determined not to be at the same elevation.

Mr. Kayne reviewed the Transition Study, which identified all lakes as having a bull nose at the lake control line; he did not consider that to be a construction defect but common lake bank maintenance.

- **Prepare a Proposal for Drone Services to Include Photo and Video Observations of Lakes, Preserves, and Boundary Conditions**

The Board discussed whether to proceed with services for the berm and lake bank areas and drone use that would require increasing the proposed Fiscal Year 2022 budget resulting in an additional increase to assessments and whether the project would commence in the dry or wet season.

On MOTION by Mr. Teckorius and seconded by Ms. Canoura, with Mr. Teckorius, Ms. Canoura, Mr. Geltner and Mr. Pike in favor and Mr. Jenner dissenting, authorizing Mr. Adams to add “Drone” line item to the proposed Fiscal Year 2022 budget, with a budgeted amount of \$6,000, was approved. [Motion passed 4-1]

- **Prepare a Proposal for Lake Bank and Boundary Condition Observations and Report**

Board Members discussed increasing the “Engineering” budget by reassigning other designated funds to enable the District Engineer to review the 21 lakes. The following change was made to the proposed Fiscal Year 2022 budget:

Page 1, “Engineering”: Change “10,000” to “20,000” and include a footnote to use for lake bank review.

On MOTION by Mr. Teckorius and seconded by Mr. Geltner with all in favor, authorizing the District Engineer to review the District’s 21 lakes and for the District Manager to further revise the proposed Fiscal Year 2022 budget to increase the “Engineering” line item, on Page 1, by an additional \$10,000, bringing the total to \$20,000, to be offset by decreasing the “Pipes/inlets/lake banks” amount, on page 4, from \$57,000 to \$47,000, resulting in the Total \$112,000, was approved.

Staff was directed to use surplus fund balance for additional expenses so the General Fund Assessments remain at \$399.88.

Barraco Addendum No 2021-03, Perimeter Berm Review for \$12,500: Discussion ensued regarding deferring this to Fiscal Year 2023, using drones to identify deficiencies and Mr. Eckert’s opinion that the District could pursue recovering costs from homeowners who either built a pool or had other work done that effected a berm behind their home.

Consideration of Resolution 2021-06, Directing the Chairman and District Staff to Submit a Request to Lee County, Florida, for Consent to Exercise Special Powers for Recreation; Making Findings in Support Thereof; and Providing an Effective Date

Mr. Teckorius presented Resolution 2021-06. Mr. Eckert would revise the Resolution and insert verbiage referencing Lee County Ordinance 04-20, Section Nine and make minor edits to Sections 2 and 3, on Page 2.

On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, Resolution 2021-06, as amended and proposed by Mr. Geltner, Directing the Chairman and District Staff to Submit a Request to Lee County, Florida, for Consent to Exercise Special Powers for Recreation; Making Findings in Support Thereof; and Providing an Effective Date, was adopted.

- **Mowing of Grassy Areas Around Lakes/Compliance with 9” Bullnose Requirement, Cut Grass Back on 20’ Lake Easement Per Letter from SFWMD Engineer to CDD**
This item, previously the Eleventh Order of Business was presented, out of order.

The Board discussed verbiage in the HOA Declarations, the current Facilities Maintenance Agreement and the Florida nuisance clause that does not consider a lake bank an attractive nuisance. Mr. Eckert recommended revisiting this item to determine whether the CDD should take on maintenance of the lake bank.

Mr. Teckorius read his statement that was distributed during the meeting regarding this matter.

“The Community Development District Board of Supervisors is dedicated to ensuring the beauty, safety, and stability of the MREs’ conservation areas and lakes and make possible the most desirable and aesthetically pleasing elements of a master-planned community. The CDD BOS is required to adhere to prudent operating principals in matters affecting the community to assure residents value for years to come for the benefit and enjoyment of all homeowners within it. The CDD BOS endeavors to comply with Florida’s regulatory requirements and the Best Practices.

For the record let it be known that the BOS for the MRE CDD has requested the HOA BOD to cut the lake bank grasses to the same height as the adjoining grasses as recommended by the South Florida Water Management Department. Note: Lake bank grass had been cut to the same height as adjoining grass from the year 2005 through 2018 (13+years) which allowed for better stewardship.

Let it be known that The HOA BOD will not honor the request to cut the grass to match the adjoining properties. Therefore, the CDD cannot continuously monitor the lake banks to ensure that they are in conformance with all the requirements of state and local laws. This jeopardizes the littoral shelves which provides for water filtration entering the ponds and fry habitat which helps create a healthy ecosystem. This further underscores the importance of a well-tended littoral shelf and property grass maintenance.”

Mr. Eckert was asked to draft a letter asking the HOA to honor the requirements of the Declaration, subject to Chair’s review.

SEVENTH ORDER OF BUSINESS

Continued Discussion: Signage for Conservation Areas

Mr. Teckorius read portions of the June 18, 2015 minutes, which discussed CDD signage. Discussion ensued.

Mr. Pike left the meeting at 2:50 p.m.

Mrs. Adams would provide the current inventory, as indicated on the asset map. This item was tabled.

EIGHTH ORDER OF BUSINESS

Continued Discussion: Costs Associated with Purchase of Multi-Family East and Single-Family East, Pursuant to Settlement Agreement/Determination of Amount Owed if 204 Units are Developed

Mr. Eckert presented the East parcel assessment spreadsheet prepared by District Management and distributed during the meeting. These amounts reflected what the Moody River East property owners would owe to the CDD, since 2013, if the CDD lifted its restrictive use covenant identified as two parcels in Moody River East, which was part of the Settlement

Agreement. He noted there is a way the CDD could waive the amount if it becomes owner of the property. The document would be provided to the firm conducting the feasibility study.

NINTH ORDER OF BUSINESS

Discussion: Obligations Under Relevant Development Order, Permits, Gopher Tortoise Plan, etc., With Regard to Maintenance and Fencing Repairs and Landscaping Upkeep.

- A. Responsibility for Maintaining Tortoise Preserve Per Development Order**
- B. Facilities Maintenance Agreement**
- C. District Manager Verification that Limited Development Orders (LDOs) Have Been Secured for All Lake Bank Restoration Work Ordered or Completed by CDD From Inception to Date**

The Board discussed SOLitude reporting no sightings of gopher tortoises but indicating that another variety was sighted. The Board agreed to proceed with repairing the fence and approving a not-to-exceed amount, as Mr. Eckert advised that the CDD is required to comply with the Development Order or request a modification to the changed circumstances. Mrs. Adams noted that another proposal was being obtained.

On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, authorizing District Staff to proceed with fence repairs adjacent to Lake #9, in a not-to-exceed amount of \$650, was approved.

TENTH ORDER OF BUSINESS

Continued Discussion: Non-Compliance Response to South Florida Water Management District

Mrs. Adams stated that the SFWMD letter dated May 1, 2021 was distributed to the Board several times. She noted that the CDD is in compliance and the agenda title “Non-Compliance” was incorrect.

ELEVENTH ORDER OF BUSINESS

Mowing of Grassy Areas Around Lakes/Compliance with 9” Bullnose Requirement, Cut Grass Back on 20’ Lake

Easement Per Letter from SFWMD Engineer to CDD

This item was presented following the Sixth Order of Business.

TWELFTH ORDER OF BUSINESS

Discussion: Board Member Continuity Plan for Incorporation into New Board Member Orientation Package

In response to a request, Mr. Eckert would email a copy of his firm’s “Introduction to CDDs” to the two newly appointed Supervisors, along with physical copies of the Supervisor’s package that was emailed. Mr. Teckorius encouraged Supervisors to review the “CDD Supervisor Orientation Slide Deck Package” posted on Premier District Management LTDs’ website.

Ms. Canoura asked if a certain action violated Sunshine Law, in which Mr. Eckert stated that, although it would not be considered a violation, he strongly discouraged Board Members from sending one-sided communications to other Board Members outside of a publicly noticed meeting. He recommended scheduling workshops or Board meetings instead.

THIRTEENTH ORDER OF BUSINESS

Discussion: Drone Assistance for Waterways – Bill Holderby, Professional Drone Pilot

Ms. Canoura was asked to obtain a proposal from Mr. Holderby containing the same scope of services as the Barraco & Associates proposal.

FOURTEENTH ORDER OF BUSINESS

Discussion/Consideration: Carter Fence Estimate # 33200 – Fence Repair Around Lake #9

This item was presented in conjunction with the Ninth Order of Business.

FIFTEENTH ORDER OF BUSINESS

Discussion: Saving Audio of CDD Meetings for Future Reference

Mrs. Adams confirmed that audios of the CDD meetings are retained indefinitely.

MOODY RIVER ESTATES CDD
SIXTEENTH ORDER OF BUSINESS

June 17, 2021

Continued Discussion: Procedure for Logging of Phone Calls/E-mails From/To Members or HOA of Compliments, Recommendations and/or Complaints

The Board discussed implementing a tracking system. As it was not feasible for Staff to maintain a log of incoming matters, Mr. Geltner asked if Management could ask callers to submit their request to Management in writing so Management can forward them to a Board Member assigned to keep track of all requests. Mrs. Adams noted that issues are included in the Operations Manager's Report; the issues are typically related to the fountains or aeration. Mr. Eckert cautioned the Board about this type of matter, as independent Contractors are engaged for various reasons. He noted that Board Members are responsible for making policy and the Florida Statutes state that the District Manager is responsible for managing the day-to-day operations of the CDD.

SEVENTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of April 30, 2021

Mr. Teckorius presented the Unaudited Financial Statements as of April 30, 2021. Mrs. Adams indicated that the Financial Highlight report was distributed earlier in the meeting. The financials were accepted.

EIGHTEENTH ORDER OF BUSINESS

Approval of May 20, 2021 Regular Meeting Minutes

Mr. Teckorius presented the May 20, 2021 Regular Meeting Minutes.

The following changes were made:

Line 27: Replace "Zulema Mendoza" and "HOA District Manager" with "Patti Wachter" and "Resident"

Line 371: Delete "at 14" after "edge,"

Line 165: Insert "the feasibility of" after "considering"

Line 377: Change "moving" to "mowing"

On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, the May 20, 2021 Regular Meeting Minutes, as amended, were approved.

• **Action Items**

Items 57, 58, 59, 61, 62, 63, 71, 72, 73, 76, 77, 79, 80, 82,83, 84, 85, 86, 87 and 88, were completed.

Item 76: An August Workshop was scheduled and would be advertised accordingly. Workshops for Fiscal Year 2022 were adopted at the last meeting.

On MOTION by Mr. Teckorius and seconded by Mr. Pike, with all in favor, authorizing Mrs. Adams to schedule a Workshop on August 5, 2021 at 11:00 a.m., at the Clubhouse, 3050 Moody River Boulevard, North Fort Myers, Florida 33903 and to advertise accordingly, was approved.

NINETEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Hopping Green & Sams, P.A.*

Mr. Eckert stated he may have to leave the meeting early, as he has a standing meeting at 6:00 p.m.

• **Consideration of Rate Increase**

Mr. Eckert presented the Hopping Green & Sams, P.A. rate increase letter.

On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, the Hopping Green & Sams, P.A., rate increase, was approved.

Mr. Eckert encouraged the Board Members to contact him with questions, with the understanding there are time parameters and any project would require Board approval.

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

• **NEXT MEETING DATE: August 19, 2021 at 1:00 P.M.**

○ **QUORUM CHECK**

The next meeting will be held August 19, 2021. Mr. Jenner indicated he may participate by telephone.

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

• **Monthly Status Report - Field Operations**

The Report was distributed during the meeting.

The Board agreed with Mrs. Adams' recommendation to proceed with the Lake #5 remediation project and defer Lake #7 until Fiscal Year 2022, due to the LDO change for Lakes #8 and #18, material costs increasing and budget constraints.

On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, proceeding with the Lake #5 lake bank remediation project and the Anchor Marine proposal, in a not-to-exceed amount of \$6,120, and deferring the Lake #7 project until Fiscal Year 2022, was approved.

- **Key Activity Dates**

The June 2021 Key Activity Dates Report was included for informational purposes.

As assessment revenues were 93% as of April 30, 2021, tax certificate sales were discussed. As to why the historical assessment information was from 2008 to present, Mr. Adams reminded the Board that the CDD was Developer funded for the first few years and assessments were not on the County tax bill during those years. It was noted that, from 2008 to the present, assessments only increased a total of \$125 and the assessment rate remained the same over the last three years.

TWENTIETH ORDER OF BUSINESS

Public Comments (*non-agenda items*)

Mr. Doran asked the Board to correct the minutes to reflect two entities at East Moody, Mood Development and Meritage Homes. He discussed his concerns that there were no O&M Agreements between them and the CDD for the sewer water system, in the case of a potential leak. He also discussed the permittee being designated with the O&M responsibilities, information being public record, the design flow of the control structure, the CDD only being responsible for its 42" pipe installed during inception and whether any property owner can tie into the pipe as water flows downhill. Mr. Doran would forward further questions to Mr. Adam, Mrs. Adams and the Board.

HOA President Susan Garling was concerned about violating Sunshine Law, if Board Members reply to homeowner emails. It was noted that there is no violation if individual Board Members reply only to the homeowner.

Supervisor's Requests

Mr. Geltner asked if the broken pipe in one of the lakes, was repaired. Ms. Garling stated the pipe was repaired. Mrs. Adams was obtaining a proposal to remediate the Lake #4 lake bank and noted that the HOA is responsible for repairing anything above the highwater mark. Mr. Teckorius identified an open flush valve in Lake 4 and was concerned because, in other lakes the hoses from the homeowner's property had blown away. He would email photographs to Mrs. Adams to determine what type of repairs are needed and the entity responsible for making the repairs.

Mr. Geltner prepared and distributed a spreadsheet to the Board and Mrs. Adams containing CDD information taken from the State website, resulting from workshop discussions about finding out what CDDs in Lee, Charlotte and Collier Counties exist. The document was emailed to Ms. Canoura.

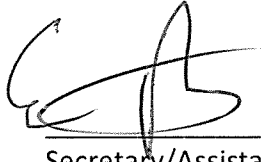
Mr. Teckorius voiced his opinion that it was time to inspect the monuments in the community and encouraged others to do so while walking. He was concerned about structural damage to the one near Publix and identified other areas with missing top caps. Ms. Garling stated the HOA was obtaining a proposal for repairs and schedules for overall inspections of the monuments. Since a Facilities Maintenance Agreement is in place with the CDD, she could proceed with the repairs but was asked to provide copies to Mrs. Adams.

TWENTY-SECOND ORDER OF BUSINESS

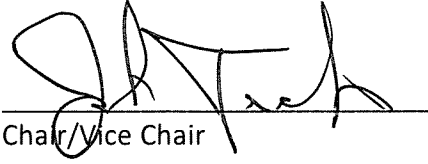
Adjournment

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

On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, the meeting adjourned at 4:15 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair