

# **MOODY RIVER ESTATES**

**COMMUNITY DEVELOPMENT  
DISTRICT**

**June 17, 2021**

**BOARD OF SUPERVISORS  
REGULAR MEETING  
AGENDA**

# Moody River Estates Community Development District

## OFFICE OF THE DISTRICT MANAGER

2300 Glades Road, Suite 410W • Boca Raton, Florida 33431

Phone (561) 571-0010 • Fax (561) 571-0013 • Toll-free: (877) 276-0889

June 10, 2021

Board of Supervisors  
Moody River Estates Community Development District

Dear Board Members:

### ATTENDEES:

Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.

**NOTE: MEETING LOCATION**

The Board of Supervisors of the Moody River Estates Community Development District will hold 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.

1. Call to Order/Roll Call
2. Public Comments (*agenda items*)
3. Staff Report - District Engineer: *Barraco & Associates, Inc.*
  - Confirm in Writing with Lee County that an LDO is Not Required for Lake Bank Maintenance Unless it Involves Hardened Shoreline
  - Prepare a Proposal for Lake Bank and Boundary Condition Observations and Report
  - 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
4. 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
5. Discussion: District Engineer's Scope of Services and Cost to Perform Actions Stated in Agenda Item 4, Excluding Preserve Areas
6. 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

7. Continued Discussion: Signage for Conservation Areas
8. Continued Discussion: Costs Associated with Purchase of Multi-Family East and Single-Family East, Pursuant to Settlement Agreement/Determination of Amount Owed if 204 Unites are Developed
9. 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 (U4/CE-5) 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
10. Continued Discussion: Non-Compliance Response to South Florida Water Management District
11. Discussion: 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
12. Discussion: Board Member Continuity Plan for Incorporation into New Board Member Orientation Package
13. Discussion: Drone Assistance for Waterways – Bill Holderby, Professional Drone Pilot
14. Discussion/Consideration: Carter Fence Estimate # 33200 - Fence Repair Around Lake #9
15. Discussion: Saving Audio of CDD Meetings for Future Reference
16. Continued Discussion: Procedure for Logging of Phone Calls/Emails From/To Members or HOA of Compliments, Recommendations and/or Complaints
17. Acceptance of Unaudited Financial Statements as of April 30, 2021
18. Approval of May 20, 2021 Regular Meeting Minutes
  - Action Items
19. Staff Reports

- A. District Counsel: *Hopping Green & Sams, P.A.*
- Consideration of Rate Increase
- B. District Manager: *Wrathell, Hunt & Associates, LLC*
- NEXT MEETING DATE: August 19, 2021 at 1:00 P.M.
  - QUORUM CHECK

<b>SEAT 1</b>	Chris Jenner	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
<b>SEAT 2</b>	Edward Pike	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
<b>SEAT 3</b>	Robert Geltner	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
<b>SEAT 4</b>	John Teckorius	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
<b>SEAT 5</b>	Julie Canoura	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO

- C. Operations Manager: *Wrathell, Hunt & Associates, LLC*
- Monthly Status Report- Field Operations
    - Key Activity Dates
20. Public Comments (*non-agenda items*)
21. Supervisors' Requests
22. Adjournment

Should you have any questions and/or concerns, please contact me directly at 239-464-7114.

Sincerely,



Chesley E. Adams, Jr.  
District Manager

**FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE**

**CALL IN NUMBER: 1-888-354-0094**

**CONFERENCE ID: 8593810**

**MOODY RIVER ESTATES**  
**COMMUNITY DEVELOPMENT DISTRICT**

**6**

## **RESOLUTION 2021-06**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT 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.**

### **RECITALS**

**WHEREAS**, the Moody River Estates Community Development District (the “District”) is a local unit of special-purpose government established pursuant to the Uniform Community Development District Act of 1980, as codified in Chapter 190, *Florida Statutes* (the “Uniform Act”), by Ordinance No. 04-20, adopted by the Board of County Commissioners of Lee County, effective November 9, 2004; and

**WHEREAS**, the District is located within the jurisdiction of Lee County, Florida (the “County”); and all land uses and services planned within the District are not inconsistent with applicable elements or portions of the effective Lee County Comprehensive Plan; and

**WHEREAS**, all of the County’s applicable land use, zoning and permitting requirements govern the development of land within the District, including all activities of the District in the provision of its services and facilities; and

**WHEREAS**, the District is authorized to exercise general powers pursuant to section 190.011, *Florida Statutes*; and

**WHEREAS**, the District is required to obtain the consent of the local general-purpose government prior to the exercise of powers related to Section 190.012(2), *Florida Statutes*; and

**WHEREAS**, the District has identified the need for certain recreation-related improvements and/or services within the boundaries of the District that it wishes to provide; and

**WHEREAS**, the Board of Supervisors of the District (the “Board”) desires to submit a request to the Board of County Commissioners of Lee County, Florida, for consent to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for parks and facilities for indoor and outdoor recreation, cultural and educational uses as contained in section 190.012(2)(a), *Florida Statutes* (“Recreation Powers”).

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1.** The representations, findings and determinations contained in the above Recitals are recognized as true and accurate and are expressly incorporated herein as a material part of this Resolution.

**SECTION 2.** The District respectfully requests that the Board of County Commissioners of Lee County, Florida, grant the District the consent required to exercise Recreation Powers under the authority provided in Sections 190.012(2)(a), *Florida Statutes*, to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses.

**SECTION 3.** The Board hereby directs the Chairman and District staff to proceed in an expeditious manner to transmit this Resolution requesting consent to exercise Recreation Powers authorized in Sections 190.012(2)(a), *Florida Statutes*, to the Board of County Commissioners of Lee County. The Board further authorizes the Chairman and District staff to take all actions necessary to obtain the authority requested.

**SECTION 4.** This resolution shall become effective immediately upon its adoption.

**DULY ADOPTED** by the Board of Supervisors of the Moody River Estates Community Development District on this 17th day of June, 2021.

ATTEST:

**MOODY RIVER ESTATES COMMUNITY  
DEVELOPMENT DISTRICT**

---

Secretary/Assistant Secretary

---

Chair/Vice Chair, Board of Supervisors

**MOODY RIVER ESTATES**  
**COMMUNITY DEVELOPMENT DISTRICT**

**11**



**From:** [John Teckorius](#)  
**To:** [Daphne Gillyard](#)  
**Subject:** Fwd: Note  
**Date:** Friday, June 11, 2021 9:47:16 AM

---

John

Begin forwarded message:

**From:** John Teckorius <jteckorius@comcast.net>  
**Date:** June 11, 2021 at 8:58:05 AM EDT  
**To:** Daphne Gillyard <gillyardd@whhassociates.com>  
**Subject:** Note

**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 and that have been cut to the adjoining grass Heights from 2005 thru 2018 (13+years).**

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 The state and local laws. Our littoral shelves provide for water filtration entering the ponds as well as habitat for the fry.

John

**MOODY RIVER ESTATES**  
**COMMUNITY DEVELOPMENT DISTRICT**

**13**

**From:** Bill Holderby <[bill@eagleeyesuas.com](mailto:bill@eagleeyesuas.com)>

Good morning John, my name is Bill Holderby and I was contacted by a member regarding the Moody River Subdivision.

I am a professional drone pilot who has been working here in SWFL for over 4 years.

I have worked with a variety of applications and services and am not a real estate drone pilot as that is something anyone with a drone could do.

I use more advanced software and applications.

I could possibly be of assistance for the managing of the water ways within MRE.

I do what is called "Orthomosaic mapping" Think Google Earth on Steroids.

There is a variety of data that be obtained and then compared year over year side by side and more.

If you and your committee are open, I would be happy to come out and discuss and show you what is possible to help you in the managing of these water ways.

The technology is there, it is just a matter of applying it to whatever need exists.

Please feel free to call me to discuss more and answer questions you may have.

Thank you.

**Bill Holderby**

**Drone Technology Solutions Provider**

**SWFL No. 1 Drone Service Provider**

**Using drones, software, & the cloud...**

**More than just a pretty image & video!**

**239-776-0001 - Cell**

**239-331-4831 - Office**

**You really should check out my Website & YouTube Channel**

**WebSite:** <https://www.eagleeyesuas.com/>

**Facebook:** <https://www.facebook.com/EagleEyesUAS/>

**YouTube:** <https://bit.ly/2RPsrQD>

**LinkedIn:** <https://www.linkedin.com/in/billholderby/>



**MOODY RIVER ESTATES**  
**COMMUNITY DEVELOPMENT DISTRICT**

**14**

www.carter-fence.com  
 3490 Shearwater St  
 Naples, FL 34117  
 (239) 353-4102  
 frank@carter-fence.com



**For ALL Your Fencing Needs**

**Estimate #33200**  
 Date Created: Thu Jun 3, 2021

Customer	Point of Contact
Wrathell, Hunt, and Associates, LLC	Cleo Adams
3050 Moody River Blvd	crismond@whhassociates.com
North Fort Myers, FL 33903-6926	239-989-2939
239-989-2939	

Service Location	Billing Address
3050 Moody River Blvd	Billing Address:
North Fort Myers, FL 33903-6926	9220 Bonita Beach Rd.
	Bonita Springs, FL 34135

Item(s)		
Qty	Name	Description
1	Region: Ft Myers	
1	Industry Pricing	Due to COVID-19, industry pricing is fluctuating rapidly. Therefore, this estimate is only good for (2) weeks after it has been issued to customer. Please allow time for estimator to review pricing again if the estimate is older than (2) weeks. Thank you for your patience.
1	Estimate and Layout Approval	Please review attached layout. After customer's approval, customer must sign both the layout and estimate forms to proceed with project, thus agreeing to all terms and conditions.
1	Chain Link Fence Repair	Chain Link Fence Repair: Type: Vinyl coated: Black Height: 6' Replace (1) 2-1/2" X PP 40 Wall Black end post X 9' long for 6' high chain link fence, at the edge of the lake. Also replace 10' of 6' high black vinyl 9 gauge wire with 2" mesh, and all fittings. There was no site visit, and the estimate was generated through picture sent by Email. When scheduled, let Cleo know repair day so the guard house can be notified Carter Fence will be coming through.
1	Spoils	Damaged material to be disposed of.

IF THERE IS AN OPTION LISTED ON THE PROPOSAL, PLEASE SIGN YOUR INITIALS NEXT TO THE LINE ITEM TO CONFIRM YOU WOULD LIKE TO PROCEED WITH THIS OPTION

**Total** \$650.00

#### Estimate Notes

Repair damaged black chain link fence

Signature

Date

Print Name:

For all customers we require a 50% deposit from you before any installation date can be given. If a Contract or Purchase Order is provided then a 50% deposit is not required. Payment Methods Accepted: Cash, Check or Credit Card. If you would like to make a payment on our website using a



credit card, please go to the following link: <https://carter-fence.com/transaction-form/> (Please note: A 3% convenience fee will apply)

**Introducing to you our new FIVE YEAR WARRANTY! We stand behind our workmanship by offering this to you.**



***Thank you for your business. We look forward to working with you!***

#### **TERMS AND CONDITIONS**

BY SIGNING OR GIVING WRITTEN CONSENT TO MOVE FORWARD WITH THIS CONTRACT, WE (I) AGREE TO PAY FOR THE SERVICES NOTED ABOVE AND ALL THE SERVICES HERETOFORE OR HEREAFTER PURCHASED OR ORDERED FROM YOU TOGETHER. CARTER FENCE CO. INC. WARRANTS THE FENCE AGAINST DEFECTS IN MATERIALS FOR A PERIOD OF ONE YEAR AND WORKMANSHIP FOR A PERIOD OF FIVE YEARS FROM THE DATE OF COMPLETED INSTALLATION. IF ANY DEFECT EXISTS AND IS REPORTED TO CARTER FENCE CO. INC. WITHIN ONE YEAR, CARTER FENCE WILL REPAIR OR REPLACE ANY DEFECT WITHOUT CHARGE DURING NORMAL WORKING HOURS. IF ANY DEFECT EXISTS AND IS REPORTED ON POOR WORKMANSHIP, CARTER FENCE WILL REPAIR AND REPLACE ANY DEFECT WITHOUT CHARGE DURING NORMAL WORKING HOURS. BUYER AUTHORIZES WORK TO COMMENCE AND AGREES TO PAY PRICE DESCRIBED. IF ADDITIONAL MATERIALS OR LABOR IS PERFORMED THERE WILL BE ADDITIONAL CHARGES ON FINAL INVOICE. IF WE QUOTED YOU MORE MATERIAL THAN NEEDED, WE WILL DEDUCT THIS ON YOUR FINAL INVOICE. PAYMENT IS DUE UPON COMPLETION OF WORK. IF PAYMENT IS DELINQUENT AFTER 10 DAYS, A 1.5% MONTHLY FINANCE CHARGE WILL BE BILLED ON THE BALANCE DUE. ALL COSTS INCURRED TO COLLECT A DELINQUENT ACCOUNT WILL BE ADDED TO THE BALANCE DUE AND ARE THE RESPONSIBILITY OF THE OWNER. CUSTOMER HEREBY ASSUMES FULL RESPONSIBILITY FOR LOCATING FENCES LINES AND ALL UNDERGROUND CABLES, LINES, AND PIPES. CARTER FENCE CO. INC. IS NOT RESPONSIBLE FOR DAMAGES TO UNDERGROUND UTILITIES NOT IDENTIFIED BY OWNER. ESTIMATES ARE ONLY VALID FOR 10 DAYS AFTER THE DATE THEY ARE CREATED. CARTER FENCE CO. INC. REQUIRES 48 HOURS FOR ANY CANCELLATION OR RESCHEDULING PRIOR TO THE INSTALLATION DATE THAT IS GIVEN VIA EMAIL. PLEASE NOTE A \$500 FEE WILL BE ADDED TO THE FINAL INVOICE IF THESE TERMS ARE NOT MET.

**MOODY RIVER ESTATES**  
**COMMUNITY DEVELOPMENT DISTRICT**

**17**



**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
FINANCIAL STATEMENTS  
UNAUDITED  
APRIL 30, 2021**

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
BALANCE SHEET  
APRIL 30, 2021**

	Major Funds		Total Governmental Funds
	General	Debt Service Series 2017 A1 & A2	
<b>ASSETS</b>			
Cash - SunTrust	\$ 261,379	\$ -	\$ 261,379
Investments			
Revenue 2017A1 & A2	-	668,500	668,500
Reserve 2017A1*	-	271,936	271,936
Reserve 2017A2*	-	82,805	82,805
Reserve sub 2017A1 & A2*	-	103,733	103,733
COI	-	4,825	4,825
Prepayment 2017A2	-	676	676
Due from other funds			
General	-	5,704	5,704
Total assets	<u>\$ 261,379</u>	<u>\$ 1,138,179</u>	<u>\$ 1,399,558</u>
<b>LIABILITIES AND FUND BALANCES</b>			
<b>Liabilities:</b>			
Accounts payable	\$ 1,000	\$ -	\$ 1,000
Due to other funds			
Debt service	5,704	-	5,704
Total liabilities	<u>6,704</u>	<u>-</u>	<u>6,704</u>
<b>Fund Balances:</b>			
Restricted for:			
Debt service	-	1,138,179	1,138,179
Unassigned	254,675	-	254,675
Total fund balances	<u>254,675</u>	<u>1,138,179</u>	<u>1,392,854</u>
Total liabilities and fund balances	<u>\$ 261,379</u>	<u>\$ 1,138,179</u>	<u>\$ 1,399,558</u>

\*These Reserve Accounts are specifically for the noted Debt Service Funds and may not be used for any other purpose."

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
GENERAL FUND  
FOR THE PERIOD ENDED APRIL 30, 2021**

	Current Month	Year to Date	Budget	% of Budget
<b>REVENUES</b>				
Assessment levy	\$ 2,739	\$ 269,361	\$ 289,252	93%
Interest and miscellaneous	2	19	-	N/A
Total revenues	<u>2,741</u>	<u>269,380</u>	<u>289,252</u>	93%
<b>EXPENDITURES</b>				
<b>Professional &amp; admin</b>				
Supervisor	431	431	6,459	7%
Management	3,733	26,134	44,802	58%
Accounting services	728	5,100	8,742	58%
Audit	-	2,000	5,800	34%
Assessment roll services	1,073	7,510	12,875	58%
Arbitrage rebate calculations	-	-	1,200	0%
Dissemination agent	83	583	1,000	58%
Trustee	-	3,709	3,709	100%
Legal - general counsel	3,209	4,616	12,000	38%
Engineering	-	146	4,000	4%
Postage	494	1,040	1,250	83%
Telephone	42	292	500	58%
Insurance	-	6,503	6,500	100%
Printing & binding	92	642	1,100	58%
Legal advertising	231	1,063	1,200	89%
Other current charges	186	642	750	86%
Website	-	-	750	0%
ADA website compliance	-	-	210	0%
Annual district filing fee	-	175	175	100%
Total professional & admin	<u>10,302</u>	<u>60,586</u>	<u>113,022</u>	54%
<b>Water management</b>				
Other contractual	2,971	22,392	110,000	20%
Utilities	3,813	23,037	39,500	58%
Aquascaping	-	-	5,000	0%
Total water management	<u>6,784</u>	<u>45,429</u>	<u>154,500</u>	29%
<b>Other fees and charges</b>				
Property appraiser	-	777	844	92%
Tax collector	-	1,127	1,266	89%
Total other fees and charges	<u>-</u>	<u>1,904</u>	<u>2,110</u>	90%
Total expenditures	<u>17,086</u>	<u>107,919</u>	<u>269,632</u>	40%
Excess/(deficiency) of revenues over/(under) expenditures	(14,345)	161,461	19,620	
Fund balance - beginning	<u>269,020</u>	<u>93,214</u>	<u>86,355</u>	
Fund balance - ending	<u>\$ 254,675</u>	<u>\$ 254,675</u>	<u>\$ 105,975</u>	

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
DEBT SERVICE FUND SERIES 2017A-1 and 2017A-2  
FOR THE PERIOD ENDED APRIL 30, 2021**

	Current Month	Year to Date	Budget	% of Budget
<b>REVENUES</b>				
Assessment levy	\$ 5,704	\$ 558,628	\$ 603,651	93%
Interest	8	28	-	N/A
Total revenues	<u>5,712</u>	<u>558,656</u>	<u>603,651</u>	93%
<b>EXPENDITURES</b>				
Principal	-	-	330,000	0%
Principal prepayment	-	5,000	-	N/A
Interest	-	139,150	278,300	50%
Total expenditures	<u>-</u>	<u>144,150</u>	<u>608,300</u>	N/A
Excess/(deficiency) of revenues over/(under) expenditures	5,712	414,506	(4,649)	
Fund balance - beginning	<u>1,132,467</u>	<u>723,673</u>	<u>720,250</u>	
Fund balance - ending	<u><u>\$ 1,138,179</u></u>	<u><u>\$ 1,138,179</u></u>	<u><u>\$ 715,601</u></u>	

**MOODY RIVER ESTATES**  
**COMMUNITY DEVELOPMENT DISTRICT**

**18**

**DRAFT**

**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 May 20, 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

**Also present were:**

Chuck Adams (via telephone)	District Manager
Cleo Adams	Assistant District Manager
Wes Kayne	District Engineer
Neil Mattes	Barraco & Associates
Mike Eckert	District Counsel
Terri Silva	Resident/HOA Vice President Board
Caroline Schreiber	Resident
Edward Pike	Resident
Julie Canoura (via telephone)	Resident
William Krukowski	Resident
Susan Garling	HOA President
Zulema Mendoza	HOA District Manager

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mrs. Adams called the meeting to order at 1:00 p.m. Supervisors Jenner, Geltner and Teckorius were present, in person. Two seats were vacant.

**SECOND ORDER OF BUSINESS**

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

Resident and HOA Board Vice President Board Terri Silva voiced her concerns about the Fifteenth, Sixteenth and Twenty-First Orders of Business and asked what the cost benefit would be and how much the CDD fees would increase if the CDD proceeded with these actions. Mr. Teckorius knew of no additional costs associated with these items and noted that the Sixteenth

and Seventeenth Orders of Business were discussion items and the Sixteenth Order of Business is already part of Management's responsibilities and is required by law.

**THIRD ORDER OF BUSINESS**

**Discussion/Consideration: Qualified Elector Candidates to Fill Vacancies in Seats 2 [*term expires November 2024*] and 5 [*Term expires November 2022*]**

**A. Julie Canoura**

**B. William Krukowski**

**C. Edward Pike**

**D. Carolyn Schreiber**

Mr. Eckert recalled discussion in a prior meeting in which the Board agreed to give candidates who did not attend that meeting the opportunity to make a statement.

Resident Carolyn Schreiber stated her reason for wanting to be part of the Board was in line with what Ms. Silva addressed. She wants to keep CDD costs, which keep increasing, down, while efficiently maintaining the CDD's assets for the benefit of the community.

Resident Julie Canoura was inadvertently disconnected from the meeting.

Mr. Teckorius nominated Mr. Edward Pike to fill Seat 2. No other nominations were made.

**On MOTION by Mr. Teckorius and seconded by Mr. Geltner, with all in favor, the appointment of Mr. Edward Pike to fill Seat 2, was approved.**

**FOURTH ORDER OF BUSINESS**

**Administration of Oath of Office for Newly Appointed Supervisors (*the following to 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. Edward Pike. Mrs. Adams provided and briefly explained 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 I: 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 8D – Memorandum of Voting Conflict

Mr. Pike accepted the Supervisor stipend and would submit a W-4 to Management.

Ms. Canoura declined the opportunity to make a statement regarding why she wanted to be appointed to the Board, as her desire for the position was stated in her letter of intent.

Mr. Geltner nominated Ms. Julie Canoura to fill Seat 5. No other nominations were made.

Mr. Jenner commented on an earlier statement about assessments increasing and noted that, for the past two years, CDD assessments remained flat, as opposed to the HOA budget, which increased slightly each year.

**On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, the appointment of Ms. Julie Canoura to fill Seat 5, was approved.**

Ms. Canoura would coordinate with Staff to have the Oath of Office administered before the next meeting. She was advised she could not vote on agenda items until she is sworn in.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2021-03, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Moody River Estates Community Development District, and Providing for an Effective Date**

Mr. Teckorius presented Resolution 2021-03. Mr. Geltner nominated Mr. Teckorius for Chair. No other nominations were made for Chair.

**On MOTION by Mr. Geltner and seconded by Mr. Jenner, with all in favor, appointing Mr. Teckorius as Chair, was approved.**



Mr. Teckorius nominated Mr. Geltner for Vice Chair and the remaining Board Members as Assistant Secretaries. No other nominations were made. The remaining slate of officers would remain unchanged. The slate of officers was as follows:

John Teckorius	Chair
Robert Geltner	Vice Chair
Secretary	Chesley (Chuck) E. Adams, Jr.
Assistant Secretary	Chris Jenner
Assistant Secretary	Edward Pike
Assistant Secretary	Julie Canoura
Assistant Secretary	Craig Wrathell
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder

**On MOTION by Mr. Teckorius and seconded by Mr. Jenner, with all in favor, Resolution 2021-03, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Moody River Estates Community Development District, as nominated, and Providing for an Effective Date, was adopted.**

#### **SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2021-04, Approving a Proposed Budget for Fiscal Year 2021/222 and Setting a Public Hearing Date Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date**

Mr. Teckorius presented Resolution 2021-04. Mr. Adams stated that the Resolution approves the proposed Fiscal Year 2022 budget and sets a public hearing to adopt the budget. There will be several opportunities to modify the budget but, if assessments increase, a mailed notice must be sent to the property owners 28 days prior to the August 19, 2021 Public Hearing. A Special Meeting in July might be needed if the budget is not finalized by the June meeting.

Mr. Adams noted that certain costs in the proposed Fiscal Year 2022 budget increased slightly; however, assessment levels would remain essentially the same as in prior years. The following items were discussed and clarified:

➤ Mr. Adams acknowledged receipt of Mr. Geltner's letter requesting changes to Page 8 and specified below.

➤ As the Multifamily-East and Single Family-East assessments were lower than others, a question was raised as to when the deal for the 190 units occurred. Mr. Eckert explained the litigation settlement in which they entered into a deed covenant and determining that residents received \$200,000 in benefits to the bond issuance and an equal benefit of the District's administrative budget. Language in the Settlement Agreement included that, if the Developer decided to change the Development Plan to build more than what was approved, the Developer would be required to pay assessments back to the District.

Discussion ensued regarding the following:

✓ Difficulties selling the land as potential Developers purchasing the property would have to pay all back assessments owed to the CDD.

✓ Having Mr. Eckert review the Settlement Agreement and determine the amount due.

✓ Whether the District would be exempt from those terms, if it purchased the property, and how much the District would be required to pay.

✓ Current legislative changes to publish notices.

The Board would discuss considering purchasing the property at a workshop and provide Staff with a scope of services in order to budget funds to perform a feasibility study.

Mr. Eckert, having reviewed the Settlement Agreement, stated a purchaser would have to pay from 2012/2013 forward and would be able to request a release of the restriction on usage; however, part of the CDD granting that would be that the purchaser must pay the operations and maintenance (O&M) assessments that they would have paid, based on the amounts then, for 2012/2013 until the restrictions are actually lifted. Mr. Adams and Mr. Eckert would work together to obtain the costs.

➤ Lake #5: Mr. Geltner voiced his opinion that the geotubes are unsightly and asked for the project to be moved up from the 2023 schedule. Mrs. Adams stated that Staff continues

working with the South Florida Water Management District (SFWMD) to complete the projects; this work was scheduled to be addressed last because it was not out of compliance.

Mr. Teckorius stated that the Board reviewed the Transition Study the HOA had done in 2019, which indicated 95% of the lakes were not in compliance, due to various factors. They originally suggested having the Engineer inspect each lake; however, he suggested providing the Study to the Engineer to review instead. Jurisdictional authorities cautioned him that a Limited Development Order (LDO) is required for any bank restoration project. Mr. Adams clarified that a LDO is required when the District is installing geotube for hardening and leaving it in place; if geotube is installed to collect samples and then split open, it is considered maintenance and does not require a LDO. The SFWMD was under the impression that the District was hardening and needed an LDO; therefore the District was not in compliance at the time of installation.

Mr. Kayne was asked to obtain written verification from the County that the District is relieved of the responsibility of an LDO. Moving the Lake #5 project to Fiscal Year 2022 and including the costs in the Fiscal Year 2022 budget was discussed, as it is a focal point to prospective buyers. Discussion ensued regarding using fund balance to offset the Feasibility Study cost, moving the Lake #5 project up since it would not increase assessments and addressing the invasives causing erosion issues in the ponds. Staff would provide a proposal to remove tilapia from the ponds.

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

Page 8: Add a column showing total revenue by product type and accumulation of discounts taken and include a summary of historical assessments.

Page 1 – Header: Add fiscal year date range to the budget.

Designate funds for a Feasibility Study.

**On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, Resolution 2021-04, Approving a Proposed Budget for Fiscal Year 2021/22, amended as discussed, and Setting a Public Hearing Date Thereon Pursuant to Florida Law for August 19, 2021 at 1:00 pm., at the Clubhouse at Moody River Estates, 3050 Moody River Blvd., North Fort Myers, Florida 33903; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.**

Mr. Teckorius asked if CDD funds can be used to have a community barbeque. Mr. Eckert stated CDDs with recreation powers can have funded events; however, he would confirm if the CDD has recreation powers, as the HOA was designed to be the recreation entity.

**SEVENTH ORDER OF BUSINESS****Consideration of Resolution 2021-05, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2021/2022 and Providing for an Effective Date**

Mr. Teckorius presented Resolution 2021-05. The Board discussed dates for workshops, to be held on Thursdays at 11:00 a.m., two weeks prior to each meeting. Mr. Eckert stated that a generic agenda must be posted on the CDD website seven days before each workshop.

▪ **Discussion: Review of Record of Proceedings Pursuant to F.S. 190.006(7)**

- **Scheduling Workshop at Office of District Manager to Allow Supervisors and Public in Attendance to View District Book of Records and Ask Questions**

**This item, previously the Fifteenth Order of Business, was presented out of order.**

Mr. Teckorius wanted a workshop at District Management's Office to review District records. Mr. Adams stated that was not necessary as the District is implementing a new process of creating a "cloud share" file and posting a link to the CDD website so anyone can review the Record of Proceedings. Mr. Eckert would confirm whether this complies with Florida Statutes.

The workshop agendas would include a Call to Order, Public Comments on Agenda Items, Discussion of CDD Matters of Urgency, Public Comments on Non-agenda Items and Adjournment.

**On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, Resolution 2021-05, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2021/2022, as amended to include Workshops on Thursdays at 11:00, two weeks prior to each meeting date, and authorizing Staff to advertise the Workshops, and Providing for an Effective Date, was adopted.**

241 **EIGHTH ORDER OF BUSINESS** **Continued Discussion: Preserve**  
242 **Management Plan**

243  
244 • **Invitation to Fort Myers Fire Chief to Attend a Future Workshop**

245 This item was tabled. Mr. Geltner would advise Mrs. Adams when to put it on the  
246 agenda.

247

248 **NINTH ORDER OF BUSINESS** **Continued Discussion: Signage for**  
249 **Conservation Areas**

250

251 Mr. Geltner stated that, at the workshop, in order to have inventory for five to ten years  
252 the Board decided have Staff obtain three quotes to bulk purchase aluminum or non-porous  
253 materials for signs, similar to what was purchased in prior years and ensure the same material  
254 is used to purchase posts and fasteners. The District would ask the HOA to store the signs.  
255 Determining verbiage was deferred to the next meeting to allow the new Board Members time  
256 to review the March agenda materials posted on the District website.

257

258 **TENTH ORDER OF BUSINESS** **Continued Discussion: Moody River Estates**  
259 **CDD Revised Newsletter**

260

261 Mr. Teckorius and Mrs. Adams presented changes to the newsletter.

262 The following changes would be made:

263 Page 1, Meet Your Board of Supervisors: Change "Vacant positions" to "Edward Pike and  
264 Julie Canoura"

265 Page 3, Your CDD Staff: Replace "Tammie Smith" with her replacement's name and  
266 information and remove the telephone numbers for District Counsel and the District Engineer.

267 Page 4, Your HOA: Delete "Information associated with the Community Association  
268 Manager and Administrative Assistant"

269 Mr. Kayne would send revised maps that include references to Moody East to Mrs.  
270 Adams to insert in the newsletter.

271 Page 3, Paragraph before CDD Organization: Delete "exercising"

Mr. Teckorius asked if the CDD is fulfilling its obligation to residents by allowing the HOA to send an e-blast. Mr. Eckert replied affirmatively and noted that the CDD is not obligated to provide a newsletter or this document.

**On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, the 2021 Moody River Estates Community Development District Newsletter, as amended, and authorizing the HOA to e-blast the newsletter to residents, was approved.**

#### **ELEVENTH 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**

This item was deferred to the next meeting.

#### **TWELFTH 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, Etc.**

Mr. Teckorius asked to change the agenda title. The following change would be made:

Change "Etc." to "and Any Other Requirements Required by Florida Law"

As discussed earlier, Mr. Kayne would review the Transition Study that the HOA had done in 2019 and determine if any physical inspections are necessary.

Mr. Teckorius stated he understood that the reason the lakes were left out of the "558" to go after the Developer for construction defects was because they are CDD property, not HOA

lakes. He stated his intention is to take action against the Developer or the Certifying Engineer to obtain funding for those lakes identified as having construction defects and to get them back into compliance with the Florida Statutes. Mr. Teckorius clarified that in using the term “558”, he meant Chapter 558, Florida Statutes, and conversation Mr. Eckert had with Mr. Adamczyk.

Mr. Eckert discussed his conversation with Mr. Adamczyk, which he conveyed at the last meeting. If the Board wants to pursue claims independently from the HOA, he recommended engaging an independent Engineer to perform the analysis to determine if there are construction defects and engaging a local Construction Law Litigation Attorney to determine if a case exists. He discussed a statute of limitations, having the Attorney review whether the District can recover legal fees and the possibility that the District may have to pay the Developer’s legal fees.

Mr. Geltner wanted to review past minutes for discussion about proceeding with potential litigation against the Developer and District Counsel’s recommendations. Mr. Eckert discussed his conversations and District Counsel’s responsibility to the CDD and CDD contracts differing from HOA contracts. He encouraged Board Members to contact him about what transpired and the conversations he had with the former CDD Chair. Discussion ensued regarding the costs to pursue action, various government entities having reviewed and approved the lake construction before it was acquisitioned to the CDD and the cost presented to repair lake bank erosion was typical. This item was deferred to the next meeting.

Mr. Kayne was asked to provide a scope of services and the cost to perform the actions stated in the revised title of this Order of Business, excluding the preserve areas. Mr. Eckert would also produce documents.

### **THIRTEENTH ORDER OF BUSINESS**

#### **Discussion: Identification of CDD Owned Assets and Use of Asset Tags**

Mr. Kayne would send full size copies of a map to Mrs. Adams for her to mail to the Board Members and the HOA President.

### **FOURTEENTH ORDER OF BUSINESS**

#### **Discussion: Location of all “As Built” Documentation Related to CDD/Copies of Certifications**

Mr. Kayne was asked to provide the cost to pull documentation certifying CDD as-builts from County records, excluding record drawings, to present at the next meeting. Discussion ensued regarding the budget and imploring the Board to look to the Management Company to review the Book of Records instead of paying the District Engineer to pull documentation. It was clarified that the Record of Proceedings requires keeping only a limited number of documents and a cloud-based program will be implemented this calendar year. District Staff would bring certification documentations to the next meeting.

**FIFTEENTH ORDER OF BUSINESS****Discussion: Review of Record of Proceedings Pursuant to F.S. 190.006(7)**

- **Scheduling Workshop at Office of District Manager to Allow Supervisors and Public in Attendance to View District Book of Records and Ask Questions**

This item was discussed during the Seventh Order of Business.

**SIXTEENTH ORDER OF BUSINESS****Discussion: District Manager to Maintain Log of Substance of Phone Calls, Letters, E-mails and Live Contacts with Management, Staff or Assigns Related to CDD Matters**

Mr. Geltner stated that, at the workshop, the Board decided to require notification of any correspondence from governmental entities and resident complaints received by the District Manager's office. Mr. Adams stated that, going forward, the Board would be copied on letters or issues received and how the issue was resolved; however, phone logs are not maintained.

**SEVENTEENTH ORDER OF BUSINESS****Discussion: Non-Compliance Response to South Florida Water Management District**

Mr. Teckorius referred to the SFWMD letter and directed Staff to ask the HOA to continue mowing turf to the lake edge, at 14", the same way it was cut in 2004, to stay in compliance with the SFWMD recommendation and permit. Discussion ensued regarding enforcing CDD easements, growing grasses higher than required preventing spotting alligators, incurring additional budget costs and the Facilities Maintenance Agreement.



Resident and HOA President Susan Garling stated that, for the HOA come to an agreement with the CDD, it would be helpful to know the definition of the easement and ownership and what the permit states about moving.

This item was deferred to the next meeting.

**EIGHTEENTH 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 discussed in conjunction with the Seventeenth Order of Business.

**NINETEENTH ORDER OF BUSINESS**

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

This item was tabled. The Board would discuss it at a workshop.

**TWENTIETH ORDER OF BUSINESS**

**Discussion: Review and Identify Actual Costs for Professional Staff to Attend Regular Meetings and Fiscal Impact of Alternative Means of Performing Board Functions with Adequate Professional Input**

Mr. Geltner stated this matter was discussed at the Workshop to address resident complaints about assessments increasing. He asked Staff to provide recommendations, if any, to help reduce costs for professional Staffs' services and still meet CDD obligations. Mr. Eckert stated he uses his best judgment to reserve costs and recommended that, going forward, District Counsel and the District Engineer could discuss future agenda items with the Chair to determine if it is necessary for them to attend meetings. He believed he could attend meetings telephonically 60% of the time and 40% in person, which would be a cost savings of 50%. Staff was directed to move the Engineer's Report to the beginning of each agenda. Mrs. Adams would research whether CDD meetings can be held via Zoom.

**TWENTY-FIRST ORDER OF BUSINESS****Discussion: Use of Drones in Other  
Communities and Consideration of  
Additional Proposal for Drone Purchase**

Mr. Kayne stated he is licensed to use drones and noted that the cost to use drones in other communities of similar size is about \$3,000 to \$4,000, which included roadways that the CDD does not have. Mr. Kayne was directed to include cost proposals for drone use for the 21 lake bank scope of services costs, in conjunction with producing the items requested in the new title for the Twelfth Order of Business. Mr. Kayne discussed the drone process. Mr. Geltner stated, if the CDD decides to proceed with drones, he recommended scheduling it in the dry season, when water levels are at their lowest.

**TWENTY-SECOND ORDER OF BUSINESS****Acceptance of Unaudited Financial  
Statements as of March 31, 2021**

Mr. Teckorius presented the Unaudited Financial Statements as of March 31, 2021. Staff answered questions about the Financial Highlights Report regarding the amount of outstanding General and Debt Service Fund revenue and clarifying the Arbitrage rebate calculation charges. Mrs. Adams would update the Financial Highlights Report and the Unaudited Financial Statements' title page, to include the fiscal year dates, October 1<sup>st</sup> through September 30<sup>th</sup>. She would also email the Arbitrage Agreement to the Board. The Financials were accepted.

**TWENTY-THIRD ORDER OF BUSINESS****Approval of March 11, 2021 Regular  
Meeting Minutes**

Mr. Teckorius presented the March 11, 2021 Regular Meeting Minutes. Mrs. Adams would confirm if Ms. Smith attended the meeting and the minutes would be revised, if she did.

The following changes were made:

Line 298: Change "Mr. Garnet Dasher" to "Ms. Garnet Dasher"

<b>On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, the March 11, 2021 Regular Meeting Minutes, as amended, were approved.</b>
--

- Action Items**

Action Items 49 and 65 through 69 were completed.

Items 63, 64 and 70 were updated with further direction to Staff and to clarify the tasks.

## **TWENTY-FOURTH ORDER OF BUSINESS**

### **Staff Reports**

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

Mr. Eckert provided updates on the following legislative bills that were approved by the legislature and were waiting for the Governor to sign.

➤ Audit Report: Changes will require the CDD to include additional information in terms of employees and employee compensation, subcontractors and subcontractor compensation and, if submitting a budget amendment, provide a budget variance and a list of projects that exceed \$65,000; encumbering the District Manager to provide the required information to the Auditor each year.

➤ Publishing Notices: CDDs would be allowed to publish notices on the website, instead of the newspaper; however, it still requires posting a notice in the newspaper that a notice was posted on the website. District Counsel was researching which is the best, most cost-effective option for posting notices.

➤ Veterans: CDDs are required to waive post secondary educational requirements for veterans. The CDD has to develop a Veterans Preference Recruiting Plan.

➤ Public Record Requests: Local governments are prohibited from filing a public declaratory judgment against a resident who makes a public records request. The District can no longer go to court to ask a judge to determine if a document is exempt or confidential; they must either provide the document or withhold it and proceed to litigating the case.

➤ Contractor Services: Increased the late penalty fee for not paying a contractor on time from 1% to 2% per month.

➤ Approved a bill that makes it easier for a county or a city to abandon road rights-of-ways (ROWs) between CDDs for the CDD to maintain them in perpetuity. The Statute was changed because residents wanted more control of access to those roads; however, it must be with the CDD's consent.

➤ COVID Liability Bill: Provides a one-year statute of limitations and requires the burden of proof to prove that somebody was negligent in exposing you to COVID. He anticipates that this

will be challenged in court. One of the defenses would be that the CDD complied with some recommendations of some entities.

➤ Drones: Allows political subdivisions to use drones to assess damages due to flood, wild fire or other natural disaster.

Mr. Eckert identified the following tasks assigned today:

➤ Research the ability of the CDD using CDD funds for recreation: He reviewed the Ordinance during the meeting, which stated it did not give the District recreational powers from the County but it did state the CDD can go back and ask for those powers it. He would research records to determine if a request was made; a Resolution from the County granting the District that power would have been issued.

➤ Review having Records of Proceedings online versus having them within the County and work with Mr. Adams and the Chair on that issue.

➤ Prepare Supervisor notebooks for the two newly appointed Supervisors and review responsibilities with them individually, via telephone.

➤ Work with Mr. Adams to determine how much is owed, if the 204 units in the east are developed and if deed restriction is the same as the original unit count. Research all acquisitions, conveyance and bond records and corresponding back up materials to provide to the Board.

➤ Discuss the Arbitrage Rebate Agreement with Mr. Adams and send the Agreement to the Board.

➤ Contact the Chair to discuss the history of a potential law suit and claims.

Mr. Eckert discussed the Hopping Green & Sams rate increase request that is consistent with the market; the last request was made 2019. This item will be placed on the next agenda.

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

Mr. Kayne identified the following tasks assigned today:

➤ Obtain written confirmation from Lee County that a Land Development Order (LDO) was not required for lake bank maintenance.

➤ Prepare a proposal for lake bank inspection and drone boundary condition observations.

➤ Prepare seven maps, etc., and send the latest CDD overall maintenance exhibits to Mrs. Adams to distribute to the Board.

➤ Prepare a proposal to obtain the certifications of the lake banks or see if the certifications can be easily accessed.

➤ Proposal for drone usage for lake boundaries, etc.

Mr. Kayne introduced his Associate, Mr. Neil Mattes, who will be working as an Assistant to the District Engineer; he would attend meetings, at no charge to the District.

Mr. Eckert and Mr. Kayne were asked to draft and email their task list to Mrs. Adams to distribute to the Board.

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

**I. 1,137 Registered Voters in District as of April 15, 2021**

There were 1,137 registered voters residing within the District as of April 15, 2021.

**II. NEXT MEETING DATE: June 17, 2021 at 1:00 P.M.**

○ **QUORUM CHECK**

All Supervisors confirmed their attendance at the June 17, 2021 meeting.

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

• **Monthly Status Report – Field Operations**

The Report was included for informational purposes.

As to the meeting regarding Banyan Hollow Loop, Mrs. Adams stated that it went well; she would be notified when the pool installation is completed, so they can inspect the area.

○ **Key Activity Dates**

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

Mrs. Adams reported the following:

➤ The Bi-Annual Inspection Wetland Maintenance project commenced today. The Forman would notify Mrs. Adams of any tortoise or den sightings.

Discussion ensued regarding identifying the entity responsible for repairing the fence around Lake #9. Mrs. Adams would obtain a proposal. She was asked to update the Report to include the actual date of when the Financial Disclosure Statements are due and relevant deadline dates to file for candidacy for Supervisor position.

**TWENTY-FIFTH ORDER OF BUSINESS**

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

Ms. Silva noted receiving several requests to turn down the fountains, considering that the water levels were low. Mrs. Adams stated that one area was already shut down, due to drought conditions, and she would contact SOLitude to see if the other three were shut down. Discussion ensued regarding determining at what water level the pumps start working, dry season and wind causing the fountains to shut down and the wells feeding the lake and running 24-hours per day, seven days a week, which is controlled by the HOA.

Resident William Krukowski asked if the underbrush of palm fronds and debris built up around the perimeter of the preserve areas is ever cleaned out as, in his opinion, it is a fire hazard. Mrs. Adams stated that a proposal to prepare a Preserve Fire Management Plan was presented at the last meeting; the Plan must be submitted to various governmental entities for approval before work can commence. Mr. Teckorius stated he met with the North Fort Myers Fire District (NFMFD) Chief at one of the preserves and the Chief commented that he was not that concerned about the fire load, which is why the agenda item would be deferred to the next dry season.

Mr. Krukowski asked why the old, unused deteriorating irrigation lines at the corner of Midship Drive and Skyline Drive and Moody River Boulevard and around other preserve areas were not removed to prevent chemicals from leaching into the soil. Mr. Teckorius mentioned other areas with lines. He believed the HOA is responsible for removal, per the LDO, and stated he was unaware of irrigation pipes on CDD property.

## **TWENTY-SIXTH ORDER OF BUSINESS**

### **Supervisor's Requests**

Mr. Teckorius asked about obtaining information on CDD rates and costs. Mrs. Adams stated that Mr. Adams would provide that information.

Mr. Geltner recalled a question at the Workshop regarding who is the official CDD contact person with regard to the SFWMD and Army Corp of Engineers. Mrs. Adams stated it is Mr. Adams but notifications are sent to her and Mr. Adams individually or to both.

Mr. Geltner questioned the monthly SunTrust service fee and asked Staff to find a new bank that would reduce or eliminate this cost.

Mr. Teckorius asked if the next workshop date was established. As it was not, Staff was asked to publish notice for Workshops in June and August.

568 Mr. Jenner stated he did not receive his Supervisor stipend for the February and March  
569 2021 meetings. Mrs. Adams would confirm the payments with the Accounting Department. Mr.  
570 Geltner believed that he was not paid for one meeting.

571

572 **TWENTY-SEVENTH ORDER OF BUSINESS** **Adjournment**

573

574 There being no further business to discuss, the meeting adjourned at 4:04 p.m.

575

576

577

578

579 [SIGNATURES APPEAR ON THE FOLLOWING PAGE]

580  
581  
582  
583  
584  
585  
586  
587

---

Secretary/Assistant Secretary

---

Chair/Vice Chair



**MOODY RIVER ESTATES CDD**  
**May 20, 2021 Meeting for June 17, 2021 Meeting**

**ACTION ITEMS**

<b>DATE ADDED</b>		
<b>1.</b>	<b>01.18.18</b>	Moving forward, any additional signs added to the conservation areas. It was requested to add the District's website address to those signs. <b>03.11.21</b> Mr. Kayne would send a CDD map in digital file indicating the total number of signs posted in the community to Mrs. Adams who in turn would send to the Board along with the total cost spent to date. <b>STATUS: ONGOING</b>
<b>53.</b>	<b>2.11.21</b>	Per Mr. Teckorius, Management to forward an invoice to the HOA for reimbursement of venue rental costs incurred by the CDD for its meetings. <b>03.11.21</b> Mrs. Adams would notify board once payment is received. <b>STATUS: ONGOING</b>
<b>57.</b>	<b>03.11.21</b>	Staff to email the four candidates requesting they reaffirm in writing their interest to hold a position on the Board and instruct them to attend the May meeting. <b>STATUS: ONGOING</b>
<b>58.</b>	<b>03.11.21</b>	Mr. Kayne to update the map in the CDD Newsletter to include references to Moody East. <b>05.20.21</b> and Send map to Mrs. Adams to include in the newsletter for the HOA to e-blast to residents and send 7 plot maps and latest exhibits to send to the Board. <b>STATUS: ONGOING</b>
<b>59.</b>	<b>03.11.21</b>	Mr. Adams to email a sample copy of the Preserve Fire Management Report to the Board. <b>STATUS: ONGOING</b>
<b>60.</b>	<b>03.11.21</b>	Staff to include as a discussion item on the next agenda, inviting the Fort Myers Fire Chief to a future Workshop. <b>05.20.21 Item Tabled. STATUS: ONGOING</b>
<b>61.</b>	<b>03.11.21</b>	Mr. Adams to revise and email the Board the latest version of the Facilities Maintenance Agreement, including Exhibit A. Mr. Kayne and Staff working together to update the map to include all CDD assets. <b>05.20.21</b> Mr. Kayne to send Mrs. Adams full size copies of map to mail to the Board and HOA President. <b>STATUS: ONGOING</b>
<b>62.</b>	<b>03.11.21</b>	Mr. Kayne to obtain proposals for drone usage to provide aerials of the lakes to send to the Board. <b>05.20.21</b> include proposal with Task #83, cost to review 2019 HOA Transition Study. <b>STATUS: ONGOING</b>

**MOODY RIVER ESTATES CDD**  
**May 20, 2021 Meeting for June 17, 2021 Meeting**

**ACTION ITEMS**

<b>DATE ADDED</b>		
<b>63.</b>	<b>03.11.21</b>	Mrs. Adams would coordinate Management adding the Fiscal Year Date Range to the Unaudited Financial Statements. <b>05.20.21</b> , Also add FY date range to the proposed budgets and the Financial Highlights Report. Mrs. Adams to email the Arbitrage Agreement to the Board. Mr. Eckert to discuss the Agreement with Mr. Adams. <b>STATUS: ONGOING</b>
<b>64.</b>	<b>03.11.21</b>	Mr. Eckert offered to discuss individually with Board Members, the matter of the CDD reconsidering a lawsuit against the Developer, outside of a meeting. <b>05.20.21</b> Mr. Eckert, Mr. Kayne and Mr. Adams to provide CDD related certification documents to the next meeting. Mr. Eckert to research if statute of limitations expired and contact the Chair to discuss history of a potential law suit and claims. <b>STATUS: ONGOING</b>
<b>70.</b>	<b>03.11.21</b>	Staff to include as discussion item on a Future Workshop agenda, the pros and cons of purchasing property for accessing the Boat Launch at Waterfront Park. Future agenda. <b>STATUS: ONGOING</b>
<b>71.</b>	<b>05.20.21</b>	Ms. Canoura to coordinate with Mrs. Adams administering the Oath of Office before the next meeting. <b>STATUS: ONGOING</b>
<b>72.</b>	<b>05.20.21</b>	Mr. Eckert to review Multifamily-East and Single Family-East Settlement Agreement. Board to provide Staff scope of services to include costs in proposed budget Mr. Eckert to work with Mr. Adams to determine how much is owed if the 204 Units were developed. <b>STATUS: ONGOING</b>
<b>73.</b>	<b>05.20.21</b>	Mr. Kayne to review HOA 2019 Transition Study of the lakes and obtain from County, in writing, that a LDO was not required for lake bank maintenance projects. <b>STATUS: ONGOING</b>
<b>74.</b>	<b>05.20.21</b>	Mr. Adams to obtain proposal to remove tilapia from CDD lakes. <b>STATUS: ONGOING</b>
<b>75.</b>	<b>05.20.21</b>	Mr. Eckert to confirm Management's implementation of a Cloud-based file share program complies with County and Florida Statutes. <b>STATUS: ONGOING</b>
<b>76.</b>	<b>05.20.21</b>	Mrs. Adams to have Workshop dates added to the FY 2021/2022 Meeting Schedule and advertise accordingly and schedule Workshops in June and August 2021. <b>STATUS: ONGOING</b>

**MOODY RIVER ESTATES CDD**  
**May 20, 2021 Meeting for June 17, 2021 Meeting**

**ACTION ITEMS**

<b>DATE ADDED</b>		
<b>77.</b>	<b>05.20.21</b>	Mrs. Adams to obtain three quotes for bulk purchase of conservation area signs made of certain materials and to ask the HOA to store them; verbiage would be determined at the next meeting. <b>STATUS: ONGOING</b>
<b>78.</b>	<b>05.20.21</b>	Mr. Adams to make sure the Board receives copies of all letters and issues received and how issues are resolved. <b>STATUS: ONGOING</b>
<b>79.</b>	<b>05.20.21</b>	Mrs. Adams to coordinate moving the Engineer's Report to the beginning of every agenda and determine whether CDD meetings can be held via Zoom. <b>STATUS: ONGOING</b>
<b>80.</b>	<b>05.20.21</b>	Mrs. Adams to confirm if Ms. Smith attended the last meeting and, if she did, updated the final version of the minutes. <b>STATUS: ONGOING</b>
<b>81.</b>	<b>05.20.21</b>	Mr. Eckert to research if a Resolution from the County exists granting the District the power to use CDD funds for recreation use. <b>STATUS: ONGOING</b>
<b>82.</b>	<b>05.20.21</b>	Mr. Eckert to prepare Supervisor notebooks for newly appointed Supervisors and contact them individually. <b>STATUS: ONGOING</b>
<b>83.</b>	<b>05.20.21</b>	Mr. Eckert and Mr. Kayne to email their list of assigned tasks to Mrs. Adams for her to email to the Board. <b>STATUS: ONGOING</b>
<b>84.</b>	<b>05.20.21</b>	Mrs. Adams to obtain a proposal to repair fence around Lake #9. <b>STATUS: ONGOING</b>
<b>85.</b>	<b>05.20.21</b>	Mrs. Adams to update the Key Activities Report to include the actual date of when the Financial Disclosure Statements are due and include deadline dates to file for candidacy for Supervisor position. <b>STATUS: ONGOING</b>
<b>86.</b>	<b>05.20.21</b>	Mrs. Adams to contact SOLitude to see if the other three fountains were shut down. <b>STATUS: ONGOING</b>
<b>87.</b>	<b>05.20.21</b>	Mr. Adams to find banks, other than SunTrust, that will reduce or eliminate the monthly service fees. <b>STATUS: ONGOING</b>
<b>88.</b>	<b>05.20.21</b>	Mrs. Adams to confirm Accounting Department processed all Supervisor stipends for February and March 2021 meetings, as some Supervisors stated they did not received it. <b>STATUS: ONGOING</b>

**MOODY RIVER ESTATES CDD**  
**May 20, 2021 Meeting for June 17, 2021 Meeting**

**ONGOING ACTION ITEMS**

**DATE ADDED**

- |           |                 |  |
|-----------|-----------------|--|
| <b>9.</b> | <b>10.10.18</b> | Mrs. Adams tentatively scheduling littoral plantings at WL2-A for the end of November. <b>TRANSFERRED TO ONGOING LIST 05.21.20</b> |
|-----------|-----------------|--|

**MOODY RIVER ESTATES CDD**  
**May 20, 2021 Meeting for June 17, 2021 Meeting**

**COMPLETED ITEMS**  
**In Order of Date Moved to Completed**

<b>DATE ADDED</b>		
<b>2.</b>	<b>05.10.18</b>	Per Mr. Geltner, District Counsel to research the feasibility of using solar energy to augment or replace electrical usage. <b>As Of 01.10.19</b> District Counsel will continue to monitor/study. <b>As Of 03.14.19</b> Now looking into including the use of batteries. <b>STATUS: COMPLETED 02.11.21</b>
<b>45.</b>	<b>05.21.20</b>	Management to include on the next in person agenda for discussion Mr. Geltner's proposed Resolution to add Staff Performance Review Policy to the Internal Controls Policy, <b>STATUS: COMPLETED 02.11.21</b>
<b>48.</b>	<b>05.21.20</b>	Management to include in the agenda at the next available in person meeting; discussing Mr. Geltner's Issues List e-mailed to Management and deferred at the last meeting. <b>STATUS: COMPLETED 02.11.21</b>
<b>50.</b>	<b>08.20.20</b>	Mrs. Adams to confirm the fountain lights at Lake #15 were repaired. <b>STATUS: COMPLETED 02.11.21</b>
<b>51.</b>	<b>02.11.21</b>	Mrs. Adams to forward eblast regarding the two CDD Board vacancies and include a submittal deadline to Ms. Silva. <b>STATUS: COMPLETED 03.11.21</b>
<b>52.</b>	<b>02.11.21</b>	Per Mr. Geltner, Staff to include adding workshops to the meeting schedule on the next agenda for Board consideration. <b>STATUS: COMPLETED 03.11.21</b>
<b>54.</b>	<b>02.11.21</b>	Mr. Adams to obtain a quote from an environmental Engineer for fuel load management in the conservation area and include fuel load debris as a discussion item on the next agenda. <b>STATUS: COMPLETED 03.11.21</b>
<b>55.</b>	<b>02.11.21</b>	Staff to include the need for new conservation area and wildlife signage on the next agenda. <b>STATUS: COMPLETED 03.11.21</b>
<b>56.</b>	<b>02.11.21</b>	Per Mr. Geltner, Staff to include the need to obtain a drone as a discussion item on the next agenda. <b>STATUS: COMPLETED 03.11.21</b>
<b>5.</b>	<b>08.16.18</b>	Board to monitor all project schedules provided by Mrs. Adams, such as the lake bank restoration 2019/2020 project schedule, fountain pumps and motor replacement schedule and aerator schedule. <b>TRANSFERRED TO ONGOING LIST 05.09.19 STATUS: COMPLETED 03.11.21</b>
<b>65.</b>	<b>03.11.21</b>	Mr. Kayne to inspect area of Turtle Cove Trail to confirm there is not berm breach. <b>05.20.21</b> Engineer confirmed there was no breach. <b>STATUS: COMPLETED 05.20.21</b>

**MOODY RIVER ESTATES CDD**  
**May 20, 2021 Meeting for June 17, 2021 Meeting**

**COMPLETED ITEMS**  
**In Order of Date Moved to Completed**

<b>DATE ADDED</b>		
<b>66.</b>	<b>03.11.21</b>	Mrs. Adams waiting on response from homeowner to address removal of palm fronds from Wetland #3 before billing homeowner for expense. <b>05.20.21</b> Contractor to inspect area for confirmation. <b>STATUS: COMPLETED 05.20.21</b>
<b>67.</b>	<b>03.11.21</b>	Mrs. Adams waiting on response from homeowners on Sandy Key Bend to address removal of crinum lily before billing homeowner for expense. <b>05.20.21</b> Contractor instructed to spray area to kill plant material. <b>STATUS: COMPLETED 05.20.21</b>
<b>68.</b>	<b>03.11.21</b>	Mrs. Adams to email Mr. Geltner the latest version of the Operations Report for him to review against his District Assets spreadsheet. <b>STATUS: COMPLETED 05.20.21</b>
<b>69.</b>	<b>03.11.21</b>	Ms. Smith to email the encroachment letters sent to the homeowners on Sandy Key Bend to Ms. Garnet Dasher, HOA <b>STATUS: COMPLETED 05.20.21</b>
<b>49.</b>	<b>08.20.20</b>	Mrs. Adams to coordinate SOLitude contacting Mr. Geltner regarding the dates when aeration and fountain technicians will be onsite to perform any type of repairs or inspections. <b>TRANSFERRED TO ONGOING 02.11.21 COMPLETED 05.20.21</b>

**MOODY RIVER ESTATES**  
**COMMUNITY DEVELOPMENT DISTRICT**

**19A**

# Hopping Green & Sams

Attorneys and Counselors

March 3, 2021

Moody River Estates Community Development District  
c/o Chuck Adams, District Manager  
Wrathell, Hunt & Associates, LLC  
9220 Bonita Beach Road, Suite 214  
Bonita Springs, Florida 34135

Re: Moody River Estates Community Development District

Dear Chuck:

The fee agreement in place between our firm and the District contemplates adjustments to the hourly rates from time to time after an annual evaluation by our firm. Our firm has not increased the hourly rates charged to the District since 2019. Our firm is respectfully submitting this notification to increase our standard hourly rates well in advance of the budget creation for the next fiscal year. My hourly rate is proposed to adjust from \$325 to \$350, which is an increase of \$25 per hour. The hourly rate for associates most likely to provide services to the District is proposed to range from \$265 to \$285. The hourly rates for all other attorneys will adjust to their standard hourly rates. The rate for paralegal services will increase from \$135 to \$150. The new hourly rates are proposed to take effect on October 1, 2021. I would ask that this letter be added to the next agenda for Board discussion.

As always, we will continue to implement cost-effective strategies to minimize legal expenses for the District while at the same time providing thoughtful and comprehensive services.

If you have any questions, please feel free to call. We thank you for the opportunity to be of service.

Sincerely,

/s/ Michael C. Eckert

Michael C. Eckert

MCE/lk

cc: John Teckorius, Chairman



**MOODY RIVER ESTATES**  
**COMMUNITY DEVELOPMENT DISTRICT**

**19B**

MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT		
BOARD OF SUPERVISORS FISCAL YEAR 2020/2021 MEETING SCHEDULE		
LOCATION		
<i>Clubhouse at Moody River Estates, 3050 Moody River Blvd., North Fort Myers, Florida 33903</i>		
DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 15, 2020 <b>CANCELED</b>	Regular Meeting	1:00 PM
January 14, 2021 <b>CANCELED</b>	Regular Meeting	6:00 PM
February 11, 2021	Regular Meeting	6:00 PM
<i>The Best Western, 13021 N. Cleveland Avenue, Fort Myers, FL 33903</i>		
March 11, 2021	Regular Meeting	6:00 PM
<i>The Best Western, 13021 N. Cleveland Avenue, Fort Myers, FL 33903</i>		
March 24, 2021	Workshop	11:00 AM
April 7, 2021	Workshop	11:00 AM
April 21, 2021	Workshop	11:00 AM
May 5, 2021	Workshop	11:00 AM
May 19, 2021	Workshop	11:00 AM
May 20, 2021	Regular Meeting	1:00 PM
June 17, 2021	Regular Meeting	1:00 PM
August 19, 2021	Public Hearing & Regular Meeting	1:00 PM

**MOODY RIVER ESTATES**  
**COMMUNITY DEVELOPMENT DISTRICT**

**19C**

# MOODY RIVER ESTATES CDD

## Key Activity Dates

Jun-21

Description	Reference	Submit To	Due Date	Date
Pond Maintenance	SOP	N/A	Conducted every other week, at minimum to the site to insure the success of the Aquatic Weed Control Program.	2 visits per month subject to change due to weather
Aeration & Fountain Inspection Review and Reporting	SOP	N/A	Bi-Annual Inspection completed in November, with next review to be scheduled during the month of May.	November/May
Wetland Maintenance	SOP	N/A	Bi-Annual Inspection and treatment schedule March/September yearly - U-4 (treated in May) Avoided during nesting season of the Bald Eagle (October/November thru April/May; depending on nest activity). May commenced on May 20th.	March/May/September
Proposed Budget	189.016, 189.418 & 200.065	Due to local governing authority (county or municipality)	Due to local governing authority (county or municipality) by June 15th each year.	6/15/2021
Annual Financial Audit	190.008/218.32 & 39	Florida Department of Financial Services	45 days after the completion of the Annual Financial Audit but no more than 9 months after end of Fiscal Year	6/30/2021
Assessment Roll Certification	Local County requirement.	Local County Tax Collector	For most counties, submission and certification of the annual assessment roll is due by September 15th each year.	9/15/2021
Adopted Budget	189.016, 189.418 & 200.065	Due to local governing authority (county or municipality)	Due to local governing authority (county or municipality) by October 1st each year.	9/15/2021
Insurance Renewal	SOP	N/A	Bind Insurance for upcoming Fiscal Year with an effective of October 1st thru September 30th	10/1/2021

Qualified Public Depositor Annual Report to CFO	280.17	Department of Financial Services- Division of Treasury - Collateral Management.	By November 30 of each year, file annual report for the period ending September 30th.	11/30/2021
Fiscal Year Annual District Filing Fee and Update Form	190, 189.064 & 189.018 & Chapter 73C-24, F.A.C.	Florida department of Economic Opportunity (Special District Accountability Program)	Annual filing fee of \$175 is paid to the Florida department of Economic Opportunity. The filing of the Update Form is required to verify the status of the Special District and to update any changes (including changes to the registered agent). Filing Fee invoice and Update Form is mailed out by the State on October 1st of each year. The fee and form are due and must be postmarked by the following December 3rd.	12/3/2021
Berm Compliance	SOP	N/A	District Manager to conduct an annual inspection in the winter to review the District owned perimeter berm to ensure compliance on a yearly basis. To include a designated Board member.	3/1/2022
Certification of District Registered Voters	190(3)(a)(2)(d)	District receives annually from the local Supervisor of Elections	Due April 15th of each year and must be read into the record at a regularly scheduled meeting (no additional filing is required)	4/15/2022
Project Schedules	SOP	N/A	District Manager to provide all project schedules, such as Lake Bank Restoration 2021/2022 Project, the Fountain Pumps, Motor Replacement and Aerator schedules. Board to monitor all project schedules that are provided.	on-going
Qualified Elector	190.003	N/A	Any person at least 18 years of age who is a citizen of the United States, a legal resident of Florida and of the District, and who registers to vote with the Supervisor of Elections in the County in which the District land is located.	
Form 1F - Final Statement of Financial Interest	112.3145	Supervisor of Election in the County where the official permanently resides.	Form 1F should be filed within 60 days of leaving office or employment. File with the Supervisor of Elections of the County in which local officer permanently reside in Florida.	
Form 1X - Amendment to Statement of Financial Interest	112.3145	Supervisor of Election in the County where the official permanently resides.	File with the Supervisor of Elections of the County in which local officer permanently reside in Florida.	
Form 1F - Final Statement of Financial Interest	112.3145	Supervisor of Election in the County where the official permanently resides.	Form 1F should be filed within 60 days of leaving office or employment. File with the Supervisor of Elections of the County in which local officer permanently reside in Florida.	