

**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 March 11, 2021 at 6:00 p.m., at The Best Western, 13021 N. Cleveland Avenue, North Fort Myers, Florida 33903.

**Present were:**

John Teckorius	Chair
Robert Geltner	Vice Chair
Chris Jenner	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Tammie Smith	Operations Manager
Wes Kayne	District Engineer
Mike Eckert	District Counsel
Terri Silva	HOA President
William Krukowski	Resident
Edward Pike	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mrs. Adams called the meeting to order at 6:00 p.m. Supervisors Jenner, Geltner and Teckorius were present, in person. Two seats were vacant.

**SECOND ORDER OF BUSINESS**

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

There being no public comments, the next item followed.

**THIRD ORDER OF BUSINESS**

**Discussion/Consideration:      Qualified  
Elector Candidates to Fill Vacancies in  
Seats 2 and 5**

- A.     William Krukowski
- B.     Edward Pike
- C.     Carolyn Schreiber

Mr. Teckorius stated that the terms of Seats 2 and 5 expire in 2024 and 2022, respectively. Mr. Geltner stated that Ms. Julie Canoura reconsidered her withdrawal and was informed she could not reapply for consideration, as the submittal deadline date expired. Although the Board agreed to the deadline specified in the prior minutes, since the Board has 90 days from the November election date to appoint candidates and Ms. Schreiber was not in attendance, the Board agreed to extend the final submittal date for consideration.

**On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, extending the date for final consideration to appoint new Board Members. from the four individuals who previously declared a willingness to serve on the Board, was approved.**

This item was deferred to the next meeting. Mrs. Adams noted that candidates may attend via telephone but an outside Notary would need to administer the Oath of Office.

**On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, delaying final consideration to appoint candidates and limiting the candidates under consideration to Mr. Krukowski, Mr. Pike, Ms. Schreiber and Ms. Canoura, and directing Staff to instruct the candidates to reaffirm their interest in applying for a Seat to Mr. Adams, in writing, by April 30, 2021, at 5:00 p.m., and to instruct the candidates to attend the May, 20, 2021 meeting in person or by phone, was approved.**

**FOURTH ORDER OF BUSINESS**

**Administration of Oath of Office for Newly Appointed Supervisors *(the following to be provided in a separate Package)***

- 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**

This item was deferred to the next meeting.

**MOODY RIVER ESTATES CDD  
FIFTH ORDER OF BUSINESS**

**March 11, 2021**

**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**

This item was deferred to the next meeting.

**SIXTH ORDER OF BUSINESS**

**Discussion/Consideration: Proposed Amendment to Resolution 2020-05, Adopting an Internal Controls Policy Consistent with Section 218.33, Florida Statutes; Providing an Effective Date (Supervisor Geltner)**

Mr. Teckorius presented Resolution 2020-05. Mr. Geltner presented his proposed changes to the policy. Discussion ensued regarding certain verbiage in the document.

**On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, Resolution 2020-05 and Exhibit A, as amended, Adopting an Internal Controls Policy Consistent with Section 218.33, Florida Statutes; Providing an Effective Date, was adopted.**

**SEVENTH ORDER OF BUSINESS**

**Discussion: Board Member Responsibilities**

- A. Sample CEO Self-Evaluation**
- B. Management Evaluation**
- C. Evaluating the Executive Director – Your Role as a Board Member**

This item was deferred to the workshop.

**EIGHTH ORDER OF BUSINESS**

**Discussion: Adding Workshops to the Annual Meeting Schedule**

Mr. Teckorius requested that workshops be held every other week at the Clubhouse beginning Wednesday March 24, 2021 at 11:00 a.m. Mr. Eckert explained advertising requirements and protocol for conducting workshops.

**On MOTION by Mr. Teckorius and seconded by Mr. Geltner, with all in favor, conducting workshops every other week at the Clubhouse, beginning Wednesday, March 24, 2021 at 11:00 a.m., and authorizing Staff to advertise the workshops accordingly, up to the May 20, 2021 meeting date, was approved.**

**NINTH ORDER OF BUSINESS****Continued Discussion: CDD Newsletter**

Mrs. Adams distributed Mr. Geltner's redline version of the CDD Newsletter.

The following changes would be made:

Page 1: Change "Dear Resident" to "Dear Property owner"

Page 2, Lake Bank Restoration Program, Paragraph 2: Insert "for Lakes 8 and 18" after "projects"

Page 3, Your CDD Staff/District Engineer: Change "Carl Barraco" to "Wes Kayne"

Page 4, Clubhouse At Moody River Estates: Delete "239 498 5455"

Mr. Kayne would revise the map to include references to Moody East.

**On MOTION by Mr. Teckorius and seconded by Mr. Geltner, with all in favor, the 2021 Moody River Estates Community Development District Newsletter, as amended, was approved.**

Mr. Geltner presented materials from the Fort Myers Fire Department (FMFD) Chief.

**TENTH ORDER OF BUSINESS****Consideration of Anchor Marine Environmental Services, Inc., Quotations for Installation of Geo-Filter Tube Erosion Barrier****A. Lake #8****B. Lake #18**

Mrs. Adams presented proposals as part of the annual Bank Stabilization Project for 2021 and stated that costs fell within the amount budgeted for Fiscal Year 2021. In response to deciphering the invoice Mr. Adams clarified that Mr. Eckert would incorporate the scope of work into the CDD's standard contract agreement and include the new requirement of January 1<sup>st</sup>. In response to questions posed, Mr. Adams noted that the proposals included a provision on sod, as 30 days, and Mr. Eckert noted, with regard to project completion insurance, there

would not be a payment performance bond unless the District requires one, which would increase the cost; a performance bond is not required by law for this dollar amount.

Mrs. Adams stated that the District would need to revisit Lake #7 for sod, under a different contractor, which was budgeted. Discussion ensued about requiring a standard 4:1 slope and immediate repair of any lake over a 9" bull nose, such as at Lake #5. Mrs. Adams noted that Lake #5 would be addressed last, as it was not out of compliance.

**On MOTION by Mr. Teckorius and seconded by Mr. Geltner, with all in favor, the Anchor Marine Environmental Services, Inc., Proposal #2120, for installation of geo-filter tube erosion barriers at Lakes #8 and #18, in a not-to-exceed amount of \$43,625, was approved.**

**ELEVENTH ORDER OF BUSINESS****Consideration of Preserve Management Plan**

Mrs. Adams distributed a proposed Preserve Fire Management Plan from Johnson Engineering. Mr. Adams would email a sample report for review, as one must be submitted to various governmental entities for approval before fire load reduction work can commence. Discussion ensued regarding cost, limited effect of the preventative measures on homeowner insurance premiums, the FireWise USA volunteer program, informing the community and establishing a Committee. This item was deferred to the workshop. Inviting the Fort Myers Fire Department Chief to a future workshop would be included on the next meeting agenda.

**TWELFTH ORDER OF BUSINESS****Consideration of EarthBalance Price Quote for Littoral Planting in Lakes 8, 9, 13 and 18**

Staff recommended Option 1 for single row plantings, as they would multiply over time, the cost was within budget and they were within various governmental guidelines. Plantings would be clustered in the areas where the lake bank erosion repair project occurred.

**On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, EarthBalance Price Quote, Option 1, for littoral planting in Lakes 8, 9, 13 and 18, in a not-to-exceed amount of \$3,591, subject to cluster and made to look aesthetically pleasing, was approved.**

**MOODY RIVER ESTATES CDD**  
**THIRTEENTH ORDER OF BUSINESS**

**March 11, 2021**

**Discussion: Review of Community  
Development District Facilities  
Maintenance Agreement**

This item was deferred to the next workshop. Mr. Adams would email the version that included Exhibit A to the Board. Mr. Kayne and Staff were updating the map to include all CDD assets.

**FOURTEENTH ORDER OF BUSINESS**

**Discussion: Conservation Area and Wildlife  
Signage**

Mrs. Adams distributed another option, which was to install posts similar to what was done in a prior year, in addition to what was included in the agenda package. This item was deferred for discussion at the workshop.

**FIFTEENTH ORDER OF BUSINESS**

**Discussion: Obtaining Drone for CDD Usage**

Mr. Geltner expressed concern about the cost versus benefit of using drones. Mr. Eckert noted the use of drones by governmental entities is limited. Proposals would be provided to the Board for aeriels of the lakes and perimeters, at certain times of the year, to obtain a baseline of the community, for maintenance purposes. This item was deferred to the workshop.

**SIXTEENTH ORDER OF BUSINESS**

**Consideration of Hopping Green & Sams,  
P.A. Rate Adjustment Effective October 1,  
2021**

This item was deferred to the workshop.

1.

**SEVENTEENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial  
Statements as of January 31, 2021**

Mr. Geltner presented the Unaudited Financial Statements as of January 31, 2021. The Fiscal Year would be added to the Statements.

<p><b>On MOTION by Mr. Teckorius and seconded by Mr. Geltner, with all in favor, the Unaudited Financial Statements as of January 31, 2021, were accepted.</b></p>
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Mr. Teckorius presented the February 11, 2021 Regular Meeting Minutes.

The following change was made:

Line 29: Change "1:00 p.m." to "6:00 p.m."

Mr. Teckorius asked if Action Item 53 was completed. Mrs. Adams replied affirmatively, the request was submitted. She would notify the Board upon receipt of payment from the HOA.

**On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, the February 11, 2021 Regular Meeting Minutes, as amended, were approved.**

- **Action Items**

Action Items 51, 52, 54, 55 and 56 were completed.

Action Items 1 and 53 were updated to include further direction to Staff.

A Board Member referred to Completed Action Item 43 in which Mr. Eckert clarified that the HOA withdrew its request for the District to join in the HOA lawsuit with the Developer, as any claims the CDD had would have been under the CDD Agreements with the Developer, which is a separate issue from the construction defect statute the HOA is pursuing. If the District wants to reconsider a lawsuit, whether the statute of limitations ran its course must be investigated and, if not, the next step would be to engage an Engineer to confirm that the ponds were not constructed properly and reporting that, mostly likely, there is a lake defect that was not visible. Mr. Eckert offered to discuss the matter with each Board Member individually outside of a meeting.

**NINETEENTH ORDER OF BUSINESS**

**Staff Reports**

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

Mr. Eckert was monitoring several legislative bills related to the following:

- Raising sovereign immunity limits, currently \$200,000 per person, to \$500,000, and \$300,000 per incident, to \$1 million, which would impact the District's insurance premium.
- Provide reform in dealing with COVID-19 cases that have a one-year statute of limitations with a retroactive application. There are no known claims against the District.

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

Mr. Kayne reported that the barbeque grills recently relocated behind the Amenity Center were not within the conservation easement.

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

- **NEXT MEETING DATE: May 20, 2021 at 1:00 P.M.**
  - **QUORUM CHECK**

All Supervisors confirmed their attendance at the May 20, 2021 meeting. Ms. Silva would notify Mrs. Adams about meeting room availability, as this item is on the March 23<sup>rd</sup> HOA agenda.

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

- **Monthly Status Report – Field Operations**

The Report was included for informational purposes.

**I. Key Activity Dates**

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

Mrs. Adams reported the following:

- Staff and key participants conducted the annual berm compliance inspection on February 26, 2021.
- Mr. Kayne would inspect an area of Turtle Cove Trail to confirm there is no berm breach, as trees were installed between the homes.
- A response was pending from the homeowner who was advised to remove the palm fronds they dumped in Wetland #3 or the CDD would bill the homeowner for the expense.
- A response was pending from the homeowners on Sandy Key Bend who were advised to remove the Crinum Lilly encroaching into the conservation easement or the CDD would bill the homeowners for this expense.

**II. Draft Maintenance Spreadsheet**

As requested, Mrs. Adams updated Mr. Geltner's spreadsheet listing the District's assets. She would transmit the latest version of her Operation's Report to him.

**TWENTIETH ORDER OF BUSINESS**

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

Resident and HOA Board President Terri Silva asked if the HOA should advise the landscapers to mow the barrier around the lake, during the lake renovations. Mrs. Adams



replied no. Ms. Smith would email the letters sent to homeowners on Sandy Key Bend to Ms Garnet Dasher.

Resident William Krukowski stated that Board Members try to do everything appropriately, but felt that accepting Ms. Canoura back into consideration, after she dropped out, and not complying with the March 1<sup>st</sup> deadline to apply was a little backhanded.

**TWENTY-FIRST ORDER OF BUSINESS****Supervisor's Requests**

- **Supervisor Geltner – Discussion: Email to Management on 05.20.20**

Mr. Geltner made the following statements, requests and suggestions:

- Residents should be aware that these meetings are the only opportunity Supervisors can discuss CDD business with each other.
- This meeting was the first opportunity to notify Board Members of Ms. Canoura withdrawing from consideration for a Seat on the Board. She was misinformed that she could not reapply because of the March 1<sup>st</sup> deadline, which he believed was not discussed at the last meeting; however, Mr. Adams noted the submittal deadline date was approved at the last meeting and was appropriate and as close to agenda preparations as possible.
- He suggested discussing reconfiguring Board Member seating; however, once the meetings are held in the HOA main room, this would no longer be an issue, as the tables are round. Mr. Adams noted this setup was standard practice in council and commission meetings.
- February 11, 2021 Meeting Minutes, Line 193: Asked for the status. Mr. Adams stated that the taxes on the 44 lots were unpaid.
- Requested for workshop agenda and the Board agreed to have Staff include discussion to evaluate options and perform a feasibility study, with involvement from certain entities, to weigh the pros and cons of purchasing property, instead of the easement to access the boat launch at Waterfront Park and then take affirmative action. A list of options was distributed during the meeting. A Board Member felt that the CDD should just proceed with purchasing the property.

**TWENTY-SECOND ORDER OF BUSINESS****Adjournment**

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

On MOTION by Mr. Teckorius and seconded by Mr. Geltner, with all in favor,  
the meeting adjourned at 7:38 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair

as presented