

**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 |
| Patti Walker | Resident |

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 the feasibility of 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.

EIGHTH ORDER OF BUSINESS

Continued Discussion: Preserve Management Plan

- **Invitation to Fort Myers Fire Chief to Attend a Future Workshop**

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

NINTH ORDER OF BUSINESS

Continued Discussion: Signage for Conservation Areas

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

TENTH ORDER OF BUSINESS

Continued Discussion: Moody River Estates CDD Revised Newsletter

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

The following changes would be made:

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

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

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

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

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, 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 mowing.

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 1st through September 30th. 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"

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.

- **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.

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.

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

TWENTY-SEVENTH ORDER OF BUSINESS

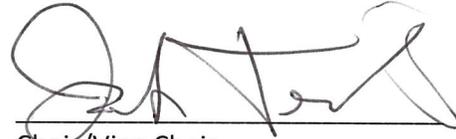
Adjournment

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

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair