

**MINUTES OF MEETING
EAST PARK COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the East Park Community Development District was held at 5:00 P.M. on Monday, January 23, 2012 at the YMCA, 9055 Northlake Parkway, Orlando, Florida 32801.

Present and constituting a quorum were:

Angel Colon	Chairman
Donn Rinehart	Vice Chairman
Gracila Von Blon	Assistant Secretary

Also present were:

Gary Moyer	Manager: Moyer Management Group
Roy Van Wyk	Attorney: Hopping Green & Sams
Larry Ray	Engineer
Brian Smith	Severn Trent Services

The following is a summary of the minutes and actions taken at the January 23, 2012 East Park Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Moyer called the meeting to order at 5:00 P.M. and stated that all Supervisors were in attendance with the exception of Mr. Alexander and one vacant seat.

SECOND ORDER OF BUSINESS

Organizational Matters

A. Appointment of Resignation of Supervisor Johnson and Appointment of Supervisor to Fill Unexpired Term

Mr. Moyer addressed the following:

- There is a vacancy in Seat 3, which was previously held by Mr. Johnson who did not wish to fill out a Financial Disclosure Form and submitted his resignation. It is not unusual for someone to object to filling out a Financial Disclosure Form.

On MOTION by Mr. Colon seconded by Ms. Von Blon with all in favor, the resignation submitted by Mr. Kelly Johnson was accepted and a vacancy was declared in Seat 3.
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B. Oath of Office

C. Election of Officers – Resolution 2012-02

- Pursuant to Chapter 190 of the Florida Statutes, when a vacancy occurs, the remaining Board members fill the remainder of the term of office by appointment.
- There being no nominations, this item will be placed on the next agenda.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the December 12, 2011 Meeting

- Mr. Moyer stated that each Board member received a copy of the minutes of the December 12, 2011 meeting and requested any corrections, additions or deletions.
- A Board member made one change, which will be reflected in the amended minutes.

On MOTION by Mr. Rinehart seconded by Ms. Von Blon with all in favor, the minutes of the December 12, 2011 meeting were approved as amended.

FOURTH ORDER OF BUSINESS

Action Items

- Mr. Moyer pointed out there was not much business on this agenda to warrant a meeting, but he wanted to give Mr. Colon the opportunity to update the Board on the meeting with the City on Easterfield Drive.
- This item will be discussed further under *Other Business*.

FIFTH ORDER OF BUSINESS

District Managers Report

A. Financial Statements

- Mr. Moyer reviewed the financial statements through December 31, 2011, which were included in the agenda package and noted the following:
 - Through December 31st, the District collected \$213,000 of its assessments against a total levy \$506,000 or 42%. Last time this year the District was at 47% collected.
 - The District was under budget for administrative and field operation expenditures for the month of December.
 - The District is in good shape through the first three months of this fiscal year.

- Mr. Colon questioned where the assessments were reflected in the financials. Mr. Moyer indicated the assessments were calculated on Page 2 under *Special Assessments-Tax Collector*.
- Mr. Colon questioned what the \$36,000 under *Other Miscellaneous Revenue* was for. Mr. Moyer explained this was the contribution from the City of Orlando.
- Mr. Van Wyk questioned whether Mr. Moyer received a response from the Trustee on replacing the funds the CDD spent on the foreclosure. *Mr. Moyer acknowledged he had not heard from the Trustee, but will follow-up. Mr. Van Wyk will also follow-up.*

B. Check Register

- Mr. Moyer reviewed the check register from November 1, 2011 to December 31, 2011, which was included in the agenda package.
- There being no questions or comments,

On MOTION by Mr. Rinehart seconded by Ms. Von Blon with all in favor the December financial statements and check registers for the period November 1, 2011 to December 31, 2011 in the amount of \$381,668.47 were approved.

C. Revised Engagement Letter with Grau & Associates to Perform the Audit for Fiscal Year Ended September 30, 2011

- Mr. Moyer presented a revised standard form Engagement Letter from Grau & Associates to undertake the Audit for fiscal year 2011.
- A paragraph was added to the last page of the Engagement Letter indicating Severn Trent employees would provide information needed to perform the Audit on a timely basis and a draft of the report would be provided to the District Manager no later than March 31, 2012.
- This paragraph was added based upon a State law moving the date for the completion of the Audit from twelve months to nine months. This means the Board needs to start looking at the final drafts of the Audit in April or May for approval by the end of June.
- Mr. Van Wyk pointed out this Engagement Letter complies with all requirements of law.

On MOTION by Mr. Colon seconded by Mr. Rinehart with all in favor the revised Engagement Letter with Grau & Associates to perform the Audit for Fiscal Year Ended September 30, 2011 was approved.

SXITH ORDER OF BUSINESS

Staff Reports

A. Attorney

- Mr. Van Wyk reported the following regarding the Village Center II foreclosure:
 - The CDD prevailed in court by receiving a final judgment of foreclosure on all of the Village Center II parcels.
 - They are still working with the landowner, Trustee and bondholders to resolve the foreclosure issue.
 - There is a soft offer on the table from the landowner to settle the foreclosure and comply with all requirements for either extending out the bonds or working off of a payoff quote.
 - He expects to receive a written offer from a potential buyer for the sale of the property at or around \$4 million. At that time, the bondholders will negotiate whether to accept smaller amounts in order to write off the remaining \$8 million in bonds.
 - He requested the Board authorize the Chairman to continue to work with the bondholders and Trustee and execute the necessary documentation in order to finalize the foreclosure.

On MOTION by Ms. Von Blon seconded by Mr. Rinehart with all in favor the Chairman was authorized to continue working with the bondholders and Trustee and execute the necessary documentation in order to finalize the foreclosure on the Village Center II parcels.

- Mr. Van Wyk indicated the foreclosure sale date was set by the court.

B. Engineer

- Mr. Ray reported the following:
 - He looked at the Tract L Lake with Mr. Dunn and believes most of the erosion was confined to six lots. The erosion was caused by the wave action of the lake. The erosion on the other side of the lake was repaired.

- They can develop a solution to the water, but there was no guarantee it would work.
- The subdivision has been in existence for seven years and the lake has stabilized.
- They can make some repairs, but in seven years, they will have to make the same repairs again. In order to make these repairs, they will tear up the backyard of some lots.
- This is a man-made lake. It was originally a 20 year old borrow pit.
- The best solution is to install plants along the lake.
- Mr. Van Wyk questioned whether there was a maintenance area for the CDD. Mr. Ray indicated there was no maintenance easement in this area because the lake runs right up to lot lines.
- Mr. Rinehart questioned whether there were any complaints from the residents. Ms. Von Blon indicated she received a complaint from one owner. Mr. Smith will investigate.
- Mr. Colon supported planting vegetation along the lake. Mr. Smith recommended re-sodding the lots and planting Pickerel Weed or Bald Cypress along the lake edge. Mr. Ray recommended adding crushed stone over the dirt before the plants are installed in order to stabilize the bank.
- Mr. Rinehart questioned the depth of the water where the erosion occurred. Mr. Ray indicated the water goes from two feet to ten feet fairly quickly.
- *Mr. Smith and his staff will handle the planting and obtain written permission from the affected owners prior to commencing this work.*
 - Mr. Ray provided the information the City requested. The Board received a copy of the email he sent to the City.

C. Field Operations

i. Field Maintenance Report

ii. Landscaping Report

- Mr. Smith presented the monthly Field Maintenance and Landscaping Reports, which were included in the agenda package and available for public review in the District Office during normal business hours.

- Mr. Colon questioned the status of Playhouse Park. Mr. Smith indicated they planned to remove the playhouse and replace it with a swing set. He estimated a swing set with six swings would cost \$2,000. They will make sure the swing set was ADA compliant and the area was mulched.

On MOTION by Mr. Colon seconded by Ms. Von Blon with all in favor Mr. Smith was authorized to spend an amount not to exceed \$2,250 to remove the playhouse in Playhouse Park, add mulch from the common areas and install a swing set.

SEVENTH ORDER OF BUSINESS

Other Business – Report on Meeting with the City on Easterfield Drive

- Mr. Van Wyk addressed the following regarding Easterfield Drive:
 - He and Mr. Colon met with the City Commission and the District Engineer regarding the Easterfield Drive connection. The City pushed hard for the CDD to commit more funds. There was a lengthy discussion regarding what was necessary for engineering, design and de-mucking of the unsuitable material.
 - The City wants to help, but they do not want to commit to spending more than half of the price or set a precedent by completing roadways that should have been completed by the developer.
 - Mr. Colon pointed out the reason the CDD was involved was because the City let the bond expire and did not build the road when they could have. He also pointed out it was clear the Board authorized him to commit up to \$50,000.
 - The City Engineer requested a copy of the estimate Mr. Roy prepared on the construction costs, which he estimated at \$165,000. The City believes they can complete the project for \$100,000. The City Engineer was currently reviewing those documents.
 - After the meeting, he and Mr. Colon met with the City Commissioner regarding the City’s main concern about setting a precedent by completing roadways. The CDD does not have a problem building the roadway, so long as the price was right. They also wanted to see what the City could do as far

as mitigating the additional costs above the \$100,000 the City would not commit to spend.

- They are going to be meeting with the City tomorrow morning to discuss the City Engineer's findings regarding the construction costs and the opinion of City Council.
- The bottom line is they are trying to come up with some true numbers both sides are comfortable with in terms of construction funds and to see what the City can do at no cost or a reduced cost for the CDD and what dollars the City Commission was willing to commit to facilitate construction of the roadway.
- The CDD has not committed any additional funds over the original \$50,000.
 - Mr. Colon questioned the difference between the hard and soft costs and why there was a discrepancy.
 - Mr. Van Wyk explained the \$100,000 was the hard cost or the actual cost of the contractor to perform the work, with the exception of the unsuitable material, which they will not know the actual amount of until the actual digging. They would also need a full set of construction plans as the City's plans were not complete.
 - The soft costs are the management fees, engineering fees and permitting fees.
 - A water management permit was necessary.
 - Mr. Colon indicated the \$50,000 would be left on the table, but requested authorization from the Board to commit to an additional \$5,000. Mr. Van Wyk questioned the additional \$5,000 was to cover construction costs.
 - Mr. Ray explained the \$5,000 would cover completion of the construction plans as the City provided scope drawings and any unforeseen site conditions.
 - Mr. Moyer questioned why the CDD could not provide the City with scope drawings and tell them to design it, build it and give a price. Mr. Ray indicated the City wanted the CDD to design, permit it, manage the construction, certify completion of the roadway and

bond it. Mr. Van Wyk questioned whether the City would waive the bond and permit fees. Mr. Smith understood the CDD would be responsible for the water management permit.

- Mr. Van Wyk pointed out the City Engineer offered to prepare the construction drawings, but the ones Mr. Ray has seen so far were not “drawings”.

On MOTION by Ms. Von Blon seconded by Mr. Rinehart with all in favor an additional \$5,000 was approved for the Easterfield Drive Completion, to be spent at the Chairman’s discretion.

EIGHTH ORDER OF BUSINESS

Supervisor’s Requests and Audience Comments

- Ms. Von Blon requested a sign in the park telling owners to have their dog on a leash and clean up after their dog.
 - Mr. Smith suggested installing two doggie pots.
 - Mr. Colon suggested installing the sign on the pole where the ordinance sign was situated.
 - Mr. Smith will bring a proposal for the doggie pots and sign to the next meeting.
- Mr. Van Wyk questioned whether the fence between the entrance of VCII and Ladybird on Moss Park Drive belonged to the CDD.
 - Mr. Smith will investigate.

NINTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Mr. Colon seconded by Mr. Rinehart with all in favor, the meeting was adjourned.

Gary L. Moyer
Secretary

Angel Colon
Chairman