

**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 24, 2011 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 L. Moyer	Manager - Moyer Management Group
Roy Van Wyk	Attorney: Hopping Green & Sams
Richard Dunn	Engineer: Engineering & Environmental
Design Brian Smith	Severn Trent Services

The following is a summary of the minutes and actions taken at the January 24, 2010 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. Thomas Hagood.

SECOND ORDER OF BUSINESS

Organizational Matters

A. Appointment of Supervisor to Fill Vacancy in Seat 3

Mr. Moyer reported the following:

- There is a vacancy in Seat 3, which was previously held by Mr. Michael Hagood.
- 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.
- Mr. Moyer requested nominations from the Board for Seat 3.
- Mr. Colon nominated Mr. Joshua Alexander.

Hearing no further nominations,

Mr. Colon nominated Mr. Joshua Alexander to fill the vacancy in Seat 3 and Mr. Rinehart seconded the nomination. With no further nominations, with all in favor, Mr. Alexander was appointed to Seat 3.

B. Oath of Office

- Mr. Moyer being a Notary Public of the State of Florida, administered the oath of office to Mr. Alexander and a copy of the signed oath will be made a part of the public record.
- Mr. Van Wyk questioned whether Mr. Alexander resided in the District and was registered to vote. Mr. Alexander answered yes to both questions and submitted his Driver's License as proof of residency.
- Mr. Moyer noted that Seat 3 expires in November of 2014.
- Mr. Moyer congratulated Mr. Alexander and welcomed him to the Board. He explained that the District was governed under the Florida Sunshine Law and the Florida Commission on Ethics. The following documents were provided to Mr. Alexander:
 - *Form 1 – Statement of Financial Interests*, which is the financial disclosure form asking for a source of income. The form needs to be sent to the Supervisor of Elections in Orange County within 30 days.
 - *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*.
- Mr. Moyer requested that Mr. Alexander address any questions to the District Attorney, Mr. Van Wyk.
- Mr. Moyer further explained to Mr. Alexander that since he was now a government official, he was required to follow the *Sunshine Law*, where no two elected officials serving on the same Board could meet outside of a noticed meeting to discuss District business matters of the Board. In addition, under the *Public Records Law*, materials such as email, written correspondence and the agenda packages were a public record and could be requested at any time by any member of the public. It was suggested that these materials be filed separately.
- Mr. Van Wyk clarified the following:

- Mr. Alexander was allowed to speak to other people about District business, but not another Supervisor.
- Mr. Moyer's office has all of the public records.
- Warned about emails, especially about replying to all, although Mr. Moyer should be copied on all emails. They can be saved, but not deleted.
- Form 1 should be filed within 30 days with the Supervisor of Elections in Orange County. The Commission on Ethics will send reminders to fill out new ones each year. When a Supervisor leaves the Board, they require Form 1F. The fine is \$1,500 for not completing these forms.
- He will provide New Supervisor binders to Ms. Von Blon and Mr. Alexander.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the November 29, 2010 Meeting

Mr. Moyer stated that each Board member received a copy of the minutes of the November 29, 2010 meeting and requested any corrections, additions or deletions.

- Mr. Colon pointed out that the third motion box should be amended to reflect that Mr. Rinehart was elected Vice Chairman and not Mr. Hagood
- Mr. Dunn provided the following corrections:
 - On Page 3, Mr. Smith said there were bent pickets on the black aluminum rail and that he would have them repaired as noted on Page 4.
 - On Page 5, "SWFWMD" should be "SFWMD".
 - On Page 7 in regards to the tree estimates, he said that he would provide the Board with a design built number and not three separate estimates.

On MOTION by Mr. Colon seconded by Mr. Rinehart with all in favor the minutes of the November 29, 2010 meeting were approved as amended.
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FOURTH ORDER OF BUSINESS

Action Items

To be discussed under Mr. Van Wyk and Mr. Smith's reports.

FIFTH ORDER OF BUSINESS

District Managers Report

A. Financial Statements

Mr. Moyer reviewed the financial statements through the end of December, which were included in the agenda package and will be made a part of the minutes of this meeting. He noted the following:

- The District levied an assessment that appears on the tax bill in the amount of \$506,000. Through December 31, the District collected \$240,000, representing 47.5% of the annual assessment. This percentage was not unusual as assessments were collected from December 1 through March 31. It was anticipated that the balance would be received during the due period.
- He was not concerned about where the District was in terms of collecting these assessments as the residents have been paying their assessments on time.
- The administrative expenditures were high for legal services due to foreclosures and various agreements that Mr. Van Wyk has been preparing with the City of Orlando.
- The field expenditures were \$20,000 under budget.

B. Check Register

Mr. Moyer reviewed the check register from November 1, 2010 to December 31, 2010, which was included in the agenda package and will be made a part of the minutes of this meeting.

There not being any questions or comments,

On MOTION by Mr. Colon seconded by Ms. Von Blon with all in favor the financial statements for December 31, 2010 and check registers for the period of November 1, 2010 to December 31, 2010 in the amount of \$90,687.82 were approved.
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C. Consideration of Resolution 2011-03 Amending the Budget for Fiscal Year 2011

Mr. Moyer read Resolution 2011-03 by title into the record and noted that the purpose of this resolution was to reduce *Miscellaneous Revenues* from \$45,000 to \$36,000 due to a notice sent by the City of Orlando indicating that they were only going to pay the CDD \$36,000 rather than \$46,000.

On MOTION by Mr. Colon seconded by Mr. Rinehart with all in favor Resolution 2011-03 Amending the Budget for Fiscal Year 2011 was adopted.

D Acceptance of AMTEC Arbitrage Rebate Report for Series 2002 Special Assessment Revenue Bonds

Mr. Moyer reviewed the AMTEC Arbitrage Rebate Report for the Series 2002 Special Assessment Revenue Bonds, which was included in the agenda package and will be made a part of the minutes of this meeting. He noted the following:

- When a government issued the Series 2002 tax free municipal bonds, an agreement was signed with the Bond Trustee indicating that if the CDD earned more interest on the bond funds than through the sale of the bonds, the bondholders were to be paid.
- If there is positive arbitrage on the transaction, there needs to be a separate account called an “Arbitrage Rebate Account” with the Trustee and every five years, this amount of money is sent to the Federal Government.
- The CDD does not receive any benefit of investing the money wisely.
- This is all driven by the interest rates on investments with the Trustee.
- The bond yield rate is 6.85% and the CDD is currently earning 1.4%.
- This is a requirement of law.

On MOTION by Mr. Rinehart seconded by Mr. Colon with all in favor the Arbitrage Rebate Report from AMTEC for the Series 2002 Special Assessment Revenue Bonds was accepted.

E. Discussion of March Meeting Location

Mr. Moyer addressed the following:

- The next regularly scheduled meeting is March 28, 2011, however the YMCA will be closed due to Spring Break.
- The Recording Secretary has discussed alternate meeting locations with the Chairman.
- One possible location is the meeting room at the Publix on Narcoossee.
- *There was consensus from the Board to hold the March 28 meeting at the Publix Meeting Room.*

SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Van Wyk reported the following:

- There is a commercial parcel in the corner of East Park by Moss Park Road and U.S. 417 where the District issued a series of bonds. All of the assessments are on those parcels, but the developer has not paid their assessments and was currently in default.
- At the last meeting, the Board authorized Mr. Van Wyk to commence foreclosure proceedings as required under the Bond Indenture.
- The bondholders were informed about this and they agreed with the foreclosure proceedings.
- A complaint of foreclosure was filed and served to the developer. The bank should receive it this week. The HOA also received a copy of the summons.
- The bank has now foreclosed on the property, set up a special purpose entity to hold the land, assigned their award and the special purpose entity now owns the lots.
- He anticipates having a great deal of communication with the bank in the next month as they try to work something out.
- The value of the land was more than the debt of the land.
- The filing of the foreclosure forces the parties to the table and sets the court date. Once the summons is served, the parties have 20 days to answer. If there is no answer, there is a default and a Motion for Summary Judgment is filed.

Easterfield Drive Connection

- There have been several communications back and forth with the City Attorney.
- At the last meeting, the CDD Board proposed bringing the cost of the roadway under \$100,000 and getting the City of Orlando to commit to \$50,000. The City Attorney accepted this, to the extent that the roadway cost did not come in at \$30,000.
- The CDD Board also discussed getting the City of Orlando to pay any costs over \$100,000, but the City Attorney wanted to split the roadway costs 50/50.

- Mr. Dunn has been working on some estimates and can report on where he is and what he recommends.
- Once the CDD Board has some hard numbers, he will prepare an Interlocal Agreement with the City of Orlando whereby the CDD will construct the road and the City of Orlando will pay cash to the CDD to cover the construction costs.

Mr. Dunn reported the following:

- This will be a design built contract where the Engineering Environmental Design will prepare the design and a cost estimate.
- He hopes to have this submitted shortly as he received the numbers from the contractor today.
- He has a meeting tomorrow with members of his company to finalize the design. The final design and proposal will be provided to Mr. Moyer and Mr. Van Wyk.
- They will have the geotechnical and surveying portion of the work done through a sub-contractor.
- He estimates \$2,400 for this work.

Mr. Van Wyk recommended that the CDD Board authorize the District Engineer to perform the survey and geotechnical work for \$2,400.

<p>On MOTION by Mr. Colon seconded by Ms. Von Blon with all in favor, the District Engineer was authorized to perform the survey and geotechnical work on the Easterfield Drive connection project in an amount not to exceed \$2,400.</p>
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- Once Mr. Dunn provides the numbers, which is expected in the next couple of days, he will meet with the City Attorney and negotiate paying anything over \$100,000. In the worst case, there will be a 50/50 split of the design costs.
- He and Mr. Moyer discussed continuing this meeting until two weeks in order to approve a form of an Interlocal Agreement with the City of Orlando, approve the numbers from the District Engineer and authorize construction of the roadway.

Mr. Colon addressed the following:

- He recalled reviewing a form of an Interlocal Agreement.
 - Mr. Moyer read a motion made by the Board at the last meeting to authorize the District Attorney to inform the City of Orlando that the CDD requests that

they pay \$50,000 plus split a portion of any overages equal with the CDD and upon their approval, the Chairman was authorized to enter into an Interlocal Agreement with the City of Orlando and staff was authorized to go out for RFP with contractors to design and build Easterfield Drive.

- Mr. Van Wyk pointed out all they need are the numbers from the Engineer and he will provide a form of the Interlocal Agreement at the next meeting.
- *After further discussion, there was consensus from the Board to continue the meeting to February 21, 2011 at 5:00 p.m.*
- He questioned whether the City of Orlando was going to assume maintenance of the road.
 - Mr. Dunn confirmed that the City of Orlando would assume maintenance of the road with the exception of the landscaping.
- He questioned whether the proposal would include landscaping.
 - Mr. Dunn confirmed that the proposal would include landscaping and sod.
- He questioned whether there would be signage for the entrance into East Park.
 - Mr. Dunn confirmed that there would be regulatory signs such as stop signs, but the East Park logo signage was not part of the proposal.
 - Mr. Smith pointed out that the signage would be installed after the road was completed.
 - Mr. Van Wyk questioned whether there was an easement that they can put entry features on.
 - Mr. Dunn confirmed that there was an easement on both sides of the wall coming off of Dowden Road.
 - Mr. Dunn indicated that the ends of each side of the wall would have to be modified in the current easement because nothing could be placed in the right-of-way.
 - Mr. Smith questioned whether the CDD owned the right-of-way where the trees are planted between their road and the CDD's wall. Mr. Colon confirmed that the landscaping was owned by the property owners.

- Mr. Van Wyk noted if there was going to be plantings or entry feature beside the wall, there has to be an easement or they would have to reserve some easements.
- Mr. Smith suggested placing the logo on the walls and creating some small planting beds in the right-of-way, which should be included in the design so area could be reserved and be approved by the City of Orlando.
- Mr. Dunn believed that there was a five foot wall behind two properties on either side of Easterfield Drive and the easement curved towards Easterfield Drive. He will check on this.
- Mr. Smith noted that power and irrigation should also be included in the design.

B. Engineer

There not being any, the next item followed.

C. Field Operations – Maintenance Highlight Report

Mr. Smith presented the Monthly Highlight Report, which was included in the agenda package and available for public review in the District Office during normal business hours.

Mr. Smith reported the following:

- In December and January, staff spent most of their time putting up and taking down the Christmas decorations.
- In regards to the fountain, they learned that the warranty from Lake Fountains who repaired the pump in June was no longer in effect because this was an old pump. At the last meeting, the Board approved \$3,000 for another company to perform the repair. He hopes to receive the repaired pump this week or next week and staff will re-install the pump and try to get the fountain working.
- They are getting more vandalism than in the past. Some kids kicked out the new lights that were installed on Savannah Park Drive and the spindles on the fishing pier were damaged. As a result, they will install in-ground lights.
- Staff is currently installing the cattle fence and performing other fence repairs as well as replacing the aluminum railing in the Lakes of East Park. He would like to start work on the washout with the pond.

- Mr. Colon questioned whether the cattle fence was being installed by the park.
- Mr. Smith confirmed that the fence was being installed on the back side of the park between CDD property and the park.
- He contacted DR Horton about installing a fence across the end of Lake District Lane.
 - Mr. Colon noticed that four truckloads of dirt were dumped on the property.
 - Mr. Smith believed that the City of Orlando dumped the dirt in order to build a wall. He will check on this.
 - Mr. Colon expressed concern about this area becoming a dumping ground and requested that the area be barricaded off by the City.
 - Mr. Smith noted that this property belonged to DR Horton and they are sending someone out there to see what DR Horton can do to secure the property.
 - Mr. Colon requested that a letter be sent to DR Horton. Mr. Van Wyk will send the letter.
 - Mr. Smith believes that the cattle fence will help.
- A resident questioned what happened with the lake.
 - Mr. Smith confirmed that they are digging out a section of the lake between the big lake and 417 that has a sandbar. He looked at the lake today and it is flowing. The level was sufficient at four inches.
 - Mr. Dunn confirmed that he looked at the lake and the water level at the top of the bleed was four to six inches.
 - Mr. Smith pointed out that the lake is cleaned every year or every other year. The Aquatics Company was also spraying that lake regularly.
 - Once the digging is completed, the lake level will go down and they can start working on repairing the erosion around the lake.

SEVENTH ORDER OF BUSINESS

Other Business

There not being any, the next item followed.

EIGHTH ORDER OF BUSINESS

**Supervisor's Requests and Audience
Comments**

There not being any, the next item followed.

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 recessed at 5:47 P.M. and continued to February 21, 2011 at 5:00 P.M. at the YMCA, 9055 Northlake Parkway, Orlando, Florida 32801.

Gary L. Moyer
Secretary

Angel Colon
Chairman