

**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, July 25, 2011 at the offices of Leland Management, 6972 Lake Gloria Blvd., Orlando, Florida.

Present and constituting a quorum were:

Angel Colon	Chairman
Donn Rinehart	Vice Chairman
Gracila Von Blon	Assistant Secretary
Thomas Hagood	Assistant Secretary
Joshua Alexander	Assistant Secretary

Also present were:

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

The following is a summary of the minutes and actions taken at the July 25, 2011 East Park Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Moyer called the meeting to order at 5:05 P.M. and stated that all Supervisors were in attendance.

SECOND ORDER OF BUSINESS

Approval of the Minutes of the May 23, 2011 Meeting

Mr. Moyer stated that each Board member received a copy of the minutes of the May 23, 2011 meeting and requested any corrections, additions or deletions.

There not being any,

On MOTION by Mr. Hagood seconded by Mr. Rinehart with all in favor, the minutes of the May 23, 2011 meeting were approved.
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THIRD ORDER OF BUSINESS

Public Hearing to Adopt Fiscal year 2012 Budget

A. Fiscal Year 2012 Budget

Mr. Moyer distributed a copy of the revised Fiscal Year 2012 proposed budget to the Board and noted the following:

- This meeting was noticed as a public hearing for the purpose of adopting the budget.
- There was no increase in assessments.
- There were some changes on the expenditure side and on the administrative side for legal, based upon activity undertaken this year by the Attorney on the District’s behalf.

Mr. Thomas Hagood opened the public hearing.

Not hearing any public comment, the public hearing was closed.

B. Consideration of Resolution 2011-06 Amending Resolution 2011-05 Changing the Location of the Public Hearing

Mr. Moyer read the following resolution into the record:

“A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE EAST PARK COMMUNITY DEVELOPMENT DISTRICT AMENDING RESOLUTION 2011-05 APPROVING THE FISCAL YEAR 2012 PROPOSED BUDGET AND SETTING THE PUBLIC HEARING TO CHANGE THE MEETING LOCATION”

On MOTION by Mr. Hagood seconded by Ms. Von Blon with all in favor Resolution 2011-05 as stated above was adopted.

B. Consideration of Resolution 2011-07 Adopting the Budget

Mr. Moyer read the following resolution into the record:

“RESOLUTION 2011-07: A RESOLUTION OF THE EAST PARK COMMUNITY DEVELOPMENT DISTRICT RELATING TO THE ANNUAL APPROPRIATIONS OF THE DISTRICT AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012, AND REFERENCING THE MAINTENANCE AND BENEFIT SPECIAL ASSESSMENTS TO BE LEVIED BY THE DISTRICT FOR SAID FISCAL YEAR”

On MOTION by Mr. Hagood seconded by Mr. Rinehart with all in favor Resolution 2011-07 as stated above was adopted.

C. Consideration of Resolution 2011-08 Levying the Assessments

- This resolution certifies the Assessment Roll to the Tax Collector for extension of the non ad-valorem taxes.
- Mr. Andrew Eitingon, an Attorney for the property owner in Village Center II, requested a copy of the Assessment Roll. He objects to the re-apportionment of the B Bond assessments to all of the parcels in VCII.
 - Mr. Van Wyk noted that the assessments will be apportioned to the properties according to the Assessment Roll. A public hearing was held on the debt assessments, at which time the assessments were re-apportioned on the VCII parcels based on the acreage for the A and B Bonds.
- Mr. Moyer pointed out that this is the same Assessment Roll as last year.
- Mr. Van Wyk provided an amended resolution to the Board to replace the one included in the agenda package. This resolution does the following:
 - Takes into account the 2008 bonds and allows for the settlement of the VCII parcels with respect to collecting the annual installment of the A/B Bonds, which will be resolved in the next couple of weeks.
 - Allows the District Manager to amend the Assessment Roll to either bring everything current or proceed with the foreclosure, depending on the outcome of the settlement talks.
 - Imposes Special Assessments for operation and maintenance.
 - Takes the budget and apportions it for operation and maintenance across all properties within the District.
 - Levies and imposes operation and maintenance assessments.
 - Authorizes the collection of the previously levied debt service assessments.
 - Delegates to the District Manager the authority to do the above.

Mr. Moyer read the following resolution into the record:

“RESOLUTION 2011-08: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE EAST PARK COMMUNITY DEVELOPMENT DISTRICT IMPOSING SPECIAL ASSESSMENTS AND CERTIFYING AN ASSESSMENT ROLL; PROVIDING FOR THE AMENDMENT OF THE ASSESSMENT ROLL; PROVIDING FOR THE COLLECTION OF ASSESSMENTS; PROVIDING; A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE”

There being no questions or comments,

On MOTION by Mr. Hagood seconded by Mr. Colon with all in favor Resolution 2011-08 as stated above was adopted.

FOURTH ORDER OF BUSINESS

Action Items – Ratification of Agreement between M&I Regional Properties and the District Regarding Indemnification, Release, Hold Harmless and Covenant Not to Sue

- Mr. Van Wyk reported that at the same time they were negotiating the possible foreclosure settlement and lawsuit, M&I Regional Properties had an opportunity to enter into a sales agreement with the potential buyer of the property.
- The CDD Chairman and a number of representatives from M&I Regional Properties signed the agreement, which holds the District harmless for any information provided to a potential buyer that may cause them to back out of the sale. This is for liability purposes only.

On MOTION by Mr. Hagood seconded by Mr. Rinehart with all in favor the agreement between M&I Regional Properties and the District Regarding Indemnification, Release, Hold Harmless and Covenant Not to Sue was ratified.

FIFTH ORDER OF BUSINESS

District Managers Report

A. Financial Statements

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

- Under Special Assessments, the District was \$142,000 under collected. However, on July 18, another \$51,756 was received, leaving \$90,900 outstanding. Hopefully, the money will be raised from tax certificate sales.
- On the expenditure side, the big item under administrative that puts the District significantly over is the foreclosure action.
- On the field side, Mr. Smith and his staff were able to bring in their budget considerably under budget, such that, if you take all of the expenditures in total, it is \$18,000 to the good.

B. Check Register

Mr. Moyer reviewed the check register from May 1, 2011 to June 30, 2011, which was included in the agenda package and will be made a part of the minutes of this meeting.

Mr. Hagood pointed out that Mr. Michael Hagood was not paid for the last meeting he attended. Mr. Moyer will look into this.

There being no questions or comments,

On MOTION by Mr. Hagood seconded by Mr. Alexander with all in favor the financial statements for June and check registers for the period of May 1, 2011 to June 30, 2011 in the amount of \$195,677.53 were approved.

C. Report on the Number of Registered Voters - 942

- Mr. Moyer reported that there are 942 registered voters according to the Orange County Supervisor of Elections as of April 15, 2011.
- This information is necessary because Chapter 190 requires that staff monitor the number of registered voters. It is not relevant when the District has more than 250 registered voters and is in existence for six years as there is a transition process of how Supervisors are elected to the Board. Both criteria have been met and the District is now following the General Election process. Therefore, this information is for informational purposes only.

D. Meeting Schedule for Fiscal Year 2012

Mr. Moyer provided the meeting schedule for next fiscal year to the Board and reported the following:

- Based on last year's meeting schedule, meetings were scheduled for January 23, 2012, March 26, 2012, May 21, 2012, July 30, 2012 and September 24, 2012.
- This schedule will be published in the newspaper.
- If the Board needs to change meetings or have additional meetings, this can be done by simply noticing a meeting as a special meeting.

On MOTION by Mr. Colon seconded by Mr. Alexander with all in favor the meeting schedule for fiscal year 2012 was approved.

SXITH ORDER OF BUSINESS**Staff Reports****A. Attorney**

Mr. Van Wyk reported the following:

- East Park Easterfield Drive Completion: He has been working with the City since the last meeting to get RFP's from their contractors for construction of the roadway. The estimate received in June was \$100,000, which the CDD would pay 50% of. This was forwarded to the District Engineer who offered to review it.
 - Mr. Ray pointed out that the plans the City prepared were conceptual and did not include any permits from the SFWMD. There were numerous construction issues missing from the plans. The City also provided a Geotechnical Report, but it did not include the removal of some unsuitable materials.
 - There was a conference call last week between Mr. Dunn, the Chairman, the Attorney and Mr. Moyer and a decision was made to go back to the City.
 - Mr. Van Wyk reported that Mr. Larry Ray met with the City and they agreed with the problems the Engineer had noted with the plans, which increased the cost to \$150,000. The City acknowledged that they were only going to spend \$50,000.
 - Mr. Colon reported that he met with Commissioner Diamond regarding the original agreement for the City and the CDD to fund \$50,000 towards the project and the increase in costs and was told that they do not have the funds and will not fund it further at this point. Mr. Colon told Mr. Diamond that the \$50,000 the CDD was going to fund was coming off the table and they would wait for the City to build the project on their own.

On MOTION by Mr. Colon seconded by Mr. Rinehart with all in favor the \$50,000 the CDD approved for the Easterfield Drive Completion will be withdrawn and the City will be 100% responsible for Dowden Road.

- Foreclosure: There is a new proposal for M&I Regional Properties to give the CDD lots 9 through 13 and come current on lots 1 through 8. The bondholders will pay the Attorney's fees. They also agreed to not challenge the re-apportionment of

the fees and bring the A and B Bonds current on the front lots. This is a good deal from the Board's perspective.

- Mr. Hagood questioned whether the District would be picking up the assessments for lots 9 through 13 if they went forward with this action, until the property was disposed of.
- Mr. Van Wyk recommended that the Board allow the Trustee to set up a special purpose entity to hold lots 9 through 13 in a separate LLC. In the meantime, the CDD will enter into a Forbearance Agreement to hold the assessments in abeyance until the bondholders market the property for sale and sell it subject to the assessment on the lots. By doing this, the CDD would not see any huge impacts.

On MOTION by Mr. Hagood seconded by Ms. Von Blon with all in favor the proposal for M&I Regional Properties to give the CDD lots 9 through 13 and come current on lots 1 through 8 was approved and the Chairman and District Manager were authorized to execute any necessary documents, subject to approval of the bondholders.

B. Engineer

There not being any, the next item followed.

C. Field Operations

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. He reported the following:

- Questioned whether the Board wanted to consider making the Easterfield connection into a passive park.
 - Mr. Van Wyk pointed out that it was a deeded right-of-way and the CDD does not have control over the area.
 - Mr. Smith noted that it was an eyesore and was being used as a connection to Dowden Road.
 - Mr. Ray pointed that there are two inlets that had plywood over them.
 - Mr. Smith requested a copy of the drawing as he would like to add sod and a viburnum hedge to make the area look presentable.

- Mr. Moyer suggested that the approval from the Board be made contingent upon getting the fees that Mr. Van Wyk incurred on the foreclosure back from the Trustee and receipt of the \$90,000 in uncollected special assessments.

On MOTION by Mr. Hagood seconded by Mr. Colon with all in favor the Field Manager was authorized to proceed with the Easterfield restoration in an amount not to exceed \$2,000, subject to receipt of the fees that Mr. Van Wyk incurred on the foreclosure back from the Trustee and the \$90,000 in uncollected special assessments.

- The fences were installed by D.R. Horton.
- Mr. Smith is working on getting D.R. Horton to remove the curb inlets. If they will not do it, he will wait until they have the equipment to move them.
- The grills were pressure washed. The welder said that he could not weld rust so they ordered new plates to bolt them to the bottom of the grill.
- He plans to paint all of the shade structures and clean up the benches.

The Board addressed the following:

- Ms. Von Blon questioned whether the weed treatment was going to affect the aquatic plans.
 - Mr. Smith pointed out that the company that planted the aquatic plants also do the aquatic weed treatments by replacing the killed ones over time. The installed the Pickeral Weed on back of the City pond as well as some additional Cypress Trees to protect the slope.
- Ms. Von Blon reported that Girard had not been mowing behind the houses.
- Mr. Alexander reported that the men’s bathroom lights were not working on the back side of the lake.
- Ms. Von Blon reported that there was an exposed pipe.
 - Mr. Smith will take care of these issues and pointed out that the Board members can email him on these types of issues.

SEVENTH ORDER OF BUSINESS

Other Business

There not being any, the next item followed.

EIGHTH ORDER OF BUSINESS

Supervisor’s Requests and Audience Comments

- Mr. Hagood resigned from the Board effective immediately as he was being deployed to Afghanistan.
- Mr. Moyer thanked Mr. Hagood for serving the Country and this CDD.
- The Board wished him well.

On MOTION by Mr. Colon seconded by Mr. Rinehart with all in favor the resignation of Mr. Hagood was accepted.

- Mr. Moyer pointed out that under Chapter 190 for establishing CDD’s, this Board has the obligation to fill Mr. Hagood’s unexpired term by appointment. This item will be placed on the next agenda.

NINTH ORDER OF BUSINESS

Adjournment

There being no further business,

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

Gary L. Moyer
Secretary

Angel Colon
Chairman