

**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, September 24, 2012 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
Joshua Alexander	Assistant Secretary
Edwin Sharpe	Assistant Secretary

Also present were:

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

The following is a summary of the minutes and actions taken at the September 24, 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 all Supervisors were in attendance.

SECOND ORDER OF BUSINESS

Organizational Matters

A. Appointment of Supervisor to Fill Vacancy in Seat 2

Mr. Moyer addressed the following:

- There is a vacancy in Seat 2, which was previously held by Mr. Johnson. It is up to the Board to fill this vacancy by nomination.
- Mr. Colon nominated Mr. Edwin Sharpe.
- Mr. Sharpe introduced himself to the Board. He lives in East Park and works as an Engineer. He is also a licensed Association Manager, a US citizen and registered to vote.
- Hearing no further nominations,

Mr. Colon nominated Mr. Edwin Sharpe to fill the vacancy in Seat 2 and Mr. Rinehart seconded the nomination. With no further nominations, with all in favor, Mr. Sharpe was appointed to Seat 2.

B. Oath of Office

- Mr. Moyer being a Notary Public of the State of Florida, administered the oath of office to Mr. Sharpe and a copy of the signed oath will be made a part of the public record.
- Mr. Moyer congratulated Mr. Sharpe and welcomed him to the Board.
- Mr. Van Wyk explained to Mr. Sharpe 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. He was also required to follow the *Public Records Law*, whereby materials such as email, written correspondence and agenda packages were considered a public record and could be requested at any time by any member of the public. It was suggested these materials be filed separately.

C. Election of Officers – Resolution 2012-10

Mr. Moyer addressed the following:

- Any time a new Board member is appointed to the Board; there was an opportunity to reconstitute the officer structure.
- Mr. Colon currently serves as Chairman, Mr. Rinehart serves as Vice Chairman, Mr. Moyer serves as Secretary, Mr. Bob Koncar and Mr. Stephen Bloom from STS serve as Treasurer and Assistant Treasurer in order to execute checks and warrants. Traditionally, the remaining Board members serve as Assistant Secretaries.

Ms. Von Blon nominated Mr. Sharpe as Assistant Secretary and Mr. Alexander seconded the nomination. There being no further nominations, with all in favor, Mr. Sharpe was elected Assistant Secretary. The remaining officer structure will remain the same as evidenced by Resolution 2012-10.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the July 30, 2012 Meeting

- Mr. Moyer stated each Board member received a copy of the minutes of the July 30, 2012 meeting and requested any corrections, additions or deletions. There not being any,

On MOTION by Mr. Rinehart seconded by Ms. Von Blon with all in favor, the minutes of the July 30, 2012 meeting were approved.

FOURTH ORDER OF BUSINESS

District Managers Report

A. Financial Statements

- Mr. Moyer reviewed the financial statements through August 31, 2012, which were included in the agenda package and noted the following:
 - The Tax Collector is not collecting monies for the Village Center properties. However, in addition to the monies being collected from the City, the District receives payment from the Trustee as part of the foreclosure.
 - From a financial standpoint, in terms of having money available, the District is in good shape.
 - The District was under budget for administrative and field operation expenditures. In total, the expenses are \$100,000 less than the revenue amounts collected. As a result, at the end of the year they will be able to add money to the Fund Balance.
- Mr. Colon questioned whether they received funds from the City for Easterfield Drive.
 - Mr. Van Wyk confirmed they received two payments from the Trustee amounting to \$50,000 for legal expenses due to the Village Center II foreclosure. They were currently executing requisitions for the final release of payment from the Trust Account.

B. Check Register

- Mr. Moyer reviewed the check register from July 1, 2012 through August 31, 2012, which was included in the agenda package. There being no questions or comments,

On MOTION by Mr. Colon seconded by Mr. Rinehart with all in favor the August financial statements and check registers for the period July 1, 2012 through August 31, 2012 in the amount of \$144,668.35 were approved.

C. Consideration of Renewal Agreement with Applied Aquatic

- Mr. Moyer discussed the renewal of the Applied Aquatic contract, which was provided to the Board.
- Mr. Smith pointed out the contract in the agenda package for five ponds did not increase. He provided a separate contract for an additional four ponds, which included the City pond and the ditch in back of 417. This contract had an increase from \$4,900 to \$7,800 due to the amount of chemicals required for the City pond.
- Ms. Von Blon indicated the City pond uses more chemicals due to the littoral plantings.
- Mr. Van Wyk questioned whether Applied Aquatic dredges the ditch. Mr. Smith indicated they only spray in the ditch as there was no need for dredging.
- Mr. Colon pointed out Applied Aquatic has a good response time when called. He requested they hold their price for two years without an increase.
- Mr. Moyer indicated the contract for the five ponds provided for a three percent increase on the maturity date of the contract, which they waived.

On MOTION by Mr. Colon seconded by Ms. Von Blon with all in favor the Applied Aquatic Renewal Agreements were approved, subject to their agreement of a two year period at the current price.

- Mr. Moyer reported the Severn Trent Insurance Department had an issue with renewal of the current insurance policy due to the foreclosure.
- There is reluctance for Insurance Companies to renew policies due to some bad claims history with other CDD's in the State of Florida.
- There are two types of insurance; public officials liability insurance, which protects the Board and public liability insurance for CDD employees. The CDD does not have any employees. However, the IRS considers the Board employees as they are elected officials, but are covered under the public official's liability insurance.

- Mr. Moyer recommended the Board save \$2,500 by not purchasing public liability insurance for employees. Mr. Van Wyk concurred, but offered to do further research to prevent exposure. He will bring anything relevant before the Chairman.

FIFTH ORDER OF BUSINESS

Staff Reports

A. Attorney

- Mr. Van Wyk reported the following regarding the foreclosure proceeding:
 - They were able to get a judgment of foreclosure from Circuit Court. The bank owning the property appealed to the District Court of Appeals. Briefs were filed with the court. The bank requested an oral argument from the Attorneys. The Judges accepted and the oral argument will commence on November 8, 2012 at 9:00 A.M.
 - The worse case scenario is the Judge granting the spreading of the B-Bonds across the rear parcels instead of all the parcels.
- Mr. Van Wyk reported the following regarding the Easterfield Drive construction project:
 - The anticipated start of construction is the week of October 1. It is expected to take 75 to 90 days to complete.
 - All checks were received and cashed.
 - The County Commission is going to consider a budget approval at their Monday meeting. The Interlocal Agreement was already approved.
- Mr. Van Wyk reported the following regarding landscape contract:
 - The current landscaper received their notice of termination and the new landscape contract was executed.
 - The new landscaper will start on Monday.
- Mr. Van Wyk reported the following regarding construction of the front parcel:
 - At the last meeting, Mr. Ray presented plans from DR Horton.
 - They are in the permitting and approval phase with the City. The product type was recently changed to townhomes.
 - Mr. Dunn indicated an appeal was filed by a homeowner and being handled by the Attorney.

- Mr. Colon questioned whether this issue has to go before the Municipal Planning Board. Mr. Dunn believed the issue was between the City and DR Horton. There was a low chance of this being reversed.

B. Engineer

- There not being any, the next item followed.

C. Field Operations

i. Field Maintenance Report

ii. Landscaping Report

iii. Aquatic Weed Control Report

- Mr. Smith presented the monthly Field Maintenance, Landscaping and Aquatic Maintenance Reports, which were included in the agenda package and discussed the following:
 - The columns were straightened on Dowden Road.
 - He is currently obtaining painting and pressure washing proposals and should have them on Monday. These are budgeted items.
- The following was addressed:
 - Mr. Colon suggested doing some landscaping, lighting and signage after the Easterfield Drive construction was completed. He questioned whether there would be irrigation.
 - Mr. Smith indicated the plans showed utilities.
 - Mr. Dunn pointed out there were drainage structures with stub-outs.
 - Mr. Smith indicated if there were stub-outs, all they needed to do was to contact the City for meters. For the lighting, they can get power from OUC and CDD staff can install the lighting. However, there would need to be a sleeve across the road.
 - Mr. Alexander suggested replacing the top bricks on the entrance walls.
 - Mr. Sharpe reported two boards were missing from the shade structure on the fishing pier.
 - Mr. Smith pointed out they constantly replace those.

SIXTH ORDER OF BUSINESS

Other Business – Update on Easterfield Drive Connection

- The update on Easterfield Drive was discussed earlier in the meeting.

SEVENTH ORDER OF BUSINESS

Supervisor’s Requests and Audience Comments

- Mr. Alexander addressed the following:
 - There were two donation boxes on Dowden Road at the DR Horton property, which should be removed. Mr. Smith will handle this.
 - They need new flags as the ones they have are faded. Mr. Smith indicated the flags were the responsibility of the HOA, but they can turn over responsibility to the CDD. Once it is turned over, they can clean the existing flags and make a one time order for replacement flags. Over time they will maintain the flags at no charge to the CDD, except for the labor.
 - Questioned the boundaries of the CDD. Mr. Smith indicated the CDD maintains all of the common areas, front entrance, City Park and all of the ponds. The N-3 pond is not maintained by the CDD. The HOA maintains Holiday Park on Lake District Lane, Playhouse Park, Park Road Park and Caroline Park.
- Mr. Sharpe questioned whether they could make upgrades to the park on Lake District Lane next to the tennis courts.
 - Mr. Colon confirmed they could make an upgrade because the CDD owned the park. He requested this item be placed on the agenda for the next meeting for further discussion.
- Mr. Alexander requested something be done about the parking on Moss Road Circle.
 - Mr. Colon indicated this was a public road and it was legal to park with the flow of the traffic. People can call the non-emergency number if cars are on the sidewalk. The CDD cannot enforce this. He offered to bring this matter up to the City Commission when they meet tomorrow.

EIGHTH 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