

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

The regular meeting of the East Park Community Development District was held at 10:00 A.M. on Wednesday, October 6, 2010 at the Orange County Library, 101 East Central Boulevard Orlando, Florida 32801.

Present and constituting a quorum were:

Angel Colon	Chairman
Thomas Hagood, Jr.	Vice Chairman
Donn Rinehart	Assistant Secretary
Gracila Von Blon	Assistant Secretary

Also present were:

Gary L. Moyer	Manager - Moyer Management Group
Roy Van Wyk	Attorney: Hopping Green & Sams
Brian Smith	Severn Trent Services

The following is a summary of the minutes and actions taken at the October 6, 2010 East Park Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Moyer called the meeting to order at 10:00 A.M. and stated that all Supervisors were present with the exception of Mr. Michael Hagood.

SECOND ORDER OF BUSINESS

Organizational Matters

A. Acceptance of Resignation of Supervisor Gray

- Mr. Moyer received a resignation from Mr. John Gray and noted that it was appropriate for the Board to accept this resignation.

On MOTION by Mr. Tom Hagood seconded by Mr. Rinehart with all in favor, the resignation of Mr. John Gray was accepted.
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B. Appointment of Supervisor to Fill the Unexpired Term

- Mr. Moyer explained that pursuant to the provisions of Chapter 190 of the Florida Statutes the remaining Board members have the opportunity to fill a vacancy on the Board caused by a resignation.

- Mr. Colon nominated Ms. Gracila Von Blon.
- Hearing no further nominations,

On MOTION by Mr. Tom Hagood seconded by Mr. Rinehart with all in favor the nominations were closed and Ms. Gracila Von Blon was appointed to fill the unexpired term of Mr. John Gray.

C. Oath of Office

- Mr. Moyer being a Notary Public of the State of Florida, administered the oath of office to Ms. Gracila Von Blon and a copy of the signed oath will be made a part of the public record.
- Mr. Moyer congratulated Ms. Von Blon and welcomed her to the Board. It was explained to her that the District was governed under the Florida Sunshine Law and the Florida Commission on Ethics and was provided with *Form 1 – Statement of Financial Interests* and the *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*.
- It was explained to Ms. Von Blon that since she was now a government official, 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.
- Mr. Moyer requested that Ms. Von Blon address any questions to the District Attorney, Mr. Van Wyk.

Election of Officers

- Mr. Moyer explained that any time a new Board member was appointed to the Board; there was an opportunity to reconstitute the officer structure. The current officer structure is Mr. Gray who served as Chairman, Mr. Tom Hagood served as Vice Chairman and the remaining Board members served as Assistant Secretaries.
- Mr. Tom Hagood nominated Mr. Colon as Chairman.

Mr. Tom Hagood nominated Mr. Colon as Chairman and Mr. Rinehart seconded the nomination; there being no further nominations, with all in favor, Mr. Colon was elected Chairman.

On MOTION by Mr. Tom Hagood seconded by Mr. Rinehart with all in favor, the remaining officer structure will remain as noted above with Mr. Tom Hagood as Vice Chairman and the remaining Board members as Assistant Secretaries.

- Mr. Tom Hagood questioned when his term and Mr. Michael Hagood’s term expires. Mr. Moyer confirmed that Mr. Tom Hagood’s term expires in November of 2012. Mr. Gray’s seat now filled by Ms. Von Blon expires in November of 2010. Mr. Rinehart and Mr. Colon serve through November of 2012.
- Mr. Moyer noted that at the November meeting, the Board will have to go through the process of declaring a vacancy for Mr. Gray and Mr. Michael Hagood’s seats since no one qualified through the General Election process.
- Mr. Tom Hagood requested that the Board members find candidates to fill Mr. Michael Hagood’s seat and provide letters of interest to Mr. Moyer.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the August 10, 2010 Meeting

- Mr. Moyer stated that each Board member received a copy of the minutes of the August 10, 2010 meeting and requested any corrections, additions or deletions.
- There not being any corrections,

On MOTION by Mr. Thomas Hagood seconded by Mr. Rinehart with all in favor the minutes of the August 10, 2010 meeting were approved.

FOURTH ORDER OF BUSINESS

Public Hearing to Re-Allocate a Portion of the Series 2008B Bond Special Assessments (Resolution 2011-01)

- Mr. Moyer provided a Third Supplemental Assessment Report to the Board members, which will be attached to Resolution 2011-01 and highlighted the following:
 - When the 2008B Bonds were issued, the debt service and principal amount of bonds were only allocated to Parcels L, M, N, O and P for Village Center 2.

- At that time, it was anticipated that Parcels A through K would not be assessed. However, in lieu of the assessment, the Developer would contribute certain improvements that would represent the pro-rata share of the assessment for the parcels that were not levied.
- According to District records, this has not taken place and as a result, the May payment that was due to the Developer was not paid.
- Mr. Moyer and Mr. Van Wyk met with the bondholders soon after and it is the desire of the bondholders to go through the process of re-allocating the assessment on those parcels benefited by the improvements of the District, but were excluded from the assessment, on the assumption that there would be a contribution.
- In order to accomplish this, the Board will adopt Resolution 2011-01.
- Mr. Van Wyk explained the following:
 - Confirmed that Mr. Moyer's description of what was to be accomplished was accurate except for when the Series 2008 bonds were issued, they were issued as long-term bonds (Series 2008A) and short-term bonds (Series 2008B) to fund infrastructure for Village Center 2 [Commercial parcel on the SE corner].
 - The Series 2008A bonds were levied across all parcels equally because each parcel benefited equally from the improvements.
 - The Series 2008B bonds were placed on Parcels L, M, N, O and P and no levy was placed on Parcels A through K; based on the developer choosing not to have any assessments on these parcels. Instead they chose to contribute an equal amount to the infrastructure value. However, this did not occur.
 - The District Engineer verified that no improvements were provided to satisfy those contributions for those parcels.
 - During the conversation that he and Mr. Moyer had with the bondholders, it was discussed that the B debt should be re-allocated to all parcels in Village Center 2 as the B debt was used to fund the same improvements as the A debt and should be handled equally.

- There was another issue where there were some estimates on the amount of vertical improvements to be built on each of the parcels when the bonds were issued. However, until those plans are approved and the exact square footage of the improvements for each lot is known, the parcels will be treated on an acreage basis. This is the way the 2002 debt was handled until the land was developed.
- Until the developer provides a plan showing the number of units assigned to a parcel, the parcel will be considered vacant and the full amount of the assessment would be divided by the number of buildable acres to come up with the cost per acre.
- Since all parcels are undeveloped and no units were assigned or plans approved for the Series 2008B bonds, the assessment for the Series B bonds will be treated as undeveloped and as acreage and apportion the Series B debt to all parcels equally based on their acreage. This is shown in the Assessment Methodology Report.
- Mr. Van Wyk explained the following in terms of the Revised Supplemental Assessment Report, which was prepared by Severn Trent Services:
 - A paragraph was added on Page 4 beginning with “At the time of issuance of the 2008 Bonds” to reflect what occurred to result in the same apportionment as the Series A Bonds.
 - The prior paragraph shows where all of the debt was assigned to Parcels L, M, N, O and P and the 17 assessable units or 336,018 assessable square feet was divided into the units to allocate the assessments.
 - References to the contributions were deleted or changed as appropriate.
 - Table 4 was explained to the Board. The column entitled “Units” refers to the number of units estimated to be placed on the parcels listed in the first column. The total number of units to be assigned within Village Center II is 3,356,018.
 - The Improvement Plan calls for \$9 million worth of bonds, but only \$5 million in bonds were issued. The remaining improvements to be constructed

were contemplated to be built and contributed to the District at no charge by the developer through a Completion Agreement.

- The data in the report was provided by the developer and references the units to be assigned to those parcels.
 - Any questions regarding the Supplemental Assessment Report can be answered by the Financial Advisor at STS.
 - Mr. Moyer confirmed that the analysis and benefit and apportionment determination is the same as when the bonds were issued, other than the additional language as stated above.
- Mr. Colon understood that the developer did not meet their financial responsibility and as a result, the debt was now being spread through all parcels. He questioned what the guarantee was that the developer was going to make the payment once the debt was spread over all parcels.
 - Mr. Van Wyk confirmed that there was no guarantee as the intent of spreading the assessments onto all parcels was to create equity among the parcels when the District moves towards foreclosure to show the way the assessment would be allocated towards the parcels had the developer not requested placing them on Parcels A through K and L through P.
 - Table 5 shows how the total debt for the Series 2008A bonds was spread over the parcels.
 - Table 6 shows how the total debt for the Series 2008B bonds was spread over the parcels. This table was based on a plat.
 - Table 7 shows the annual assessments and debt for the Series 2008A bonds for Village Center 2 and the commercial land.
 - Table 8 is the Final Assessment Roll, which allocates the Series 2008A and 2008B debt to all developable parcels. Some parcels may be combined in the parcel ID numbers. The total gross acreage is 23.19. The acres identified in zero have been deeded and are not assessable acreages.
 - Mr. Moyer confirmed that the report was reviewed and the numbers were accurate and finds the apportionment to be fair and reasonable among the tracks and the benefit was not exceeded by the assessment amount.

- It was noted in the record that this is a public hearing and appropriate notice by publication and by letter to the landowner was provided as required in Chapters 170, 190 and 197 of the Florida Statutes for the imposition of special assessments. Copies of the proof of publication and the letter to the landowner will be attached to the minutes of this meeting.

On MOTION by Mr. Colon seconded by Mr. Tom Hagood with all in favor, the public hearing to re-allocate a portion of the Series 2008B Bond Special Assessments was opened.

- Mr. Moyer questioned whether anyone from the public had any comments.
- Mr. Andrew Eitingon, an Attorney with Shutts & Bowen representing M&I Bank, the lender for the developer and landowner was authorized on behalf of the landowner to share the following concerns:
 - Shutts & Bowen sent a letter to the District dated June 30, 2010 regarding the methodology for the Series 2008A Bonds in terms of their interpretation of the bond documents, which was that the proposed square footage units were the proper allocation for the bonds as opposed to the acreage methodology.
 - Their understanding of the assessment for the Series 2008B Bonds was that the developer contribution did in fact occur and a Bill of Sale for significant infrastructure was provided to the District by the developer at bond closing. In addition, there are deeds where roads and other parcels were conveyed from the developer to the CDD and significant sums of money were spent by the developer on the infrastructure, which is now complete and was far in excess of the monies spent by the CDD.
 - Their request is for the CDD to exhaust all remedies available rather than increasing the value of the collateral and re-allocating the assessments as this was not bargained for with the issuance of the Series B Bonds.
 - Copies of the Bill of Sale and deeds will be provided to Mr. Moyer.
 - Mr. Tom Hagood requested copies of the above and information regarding any and all remedies.

- Mr. Van Wyk asked Mr. Dunn whether he was aware of any improvements that were conveyed to the District that the District did not pay for and were free contributions from the developer as opposed to being paid for by the District through bond proceeds and receiving a Bill a Sale. Mr. Dunn confirmed that he was not aware of any improvements as he believed that all infrastructure the CDD paid for was completed and fully documented.
- Mr. Tom Hagood questioned the following:
 - Whether some improvements and parcels would have been conveyed to the District through a Quit Claim Deed at no cost as opposed to improvements that the District paid for with bond funds.
 - Mr. Van Wyk confirmed that whatever infrastructure was given to the District without payment by the District would be considered a developer contribution.
 - Whether or not the developer's contribution towards those improvements occurred.
 - Mr. Moyer confirmed that it appears it did not occur, as shown in Table 4 under developer contributions. Some of the \$3,687,205 was to be contributed and there is no evidence of this occurring.
 - What tracts the deeds were for.
 - Mr. Eitingon explained that one deed was for Tracts A through E of East Park Village Center II.
 - Mr. Tom Hagood suspected that these were Parcels 1 through 5 as identified by the City as interior roads.
 - Mr. Eitingon confirmed that these were District roads.
 - Mr. Tom Hagood pointed out that no assessments were allocated towards these parcels.
 - Mr. Van Wyk believes that the deeds refer to the transfer of property, but they would have to review the Acquisition Agreement to see if compensation was given for the roads or parcels. He did not see an appraisal for the value of the land, which they could assign a dollar value to.

- How much money was expended for the infrastructure currently out there, how much the District and the developer separately paid and what was conveyed to the District for ownership.
 - Mr. Moyer acknowledged that in review of all documentation, it appears that all infrastructure conveyed was paid for by the District from bond proceeds.
 - Mr. Tom Hagood noted that with the \$2.3 million in the Series 2008B Bonds and the \$3 million from the Series 2008B Bonds, the District would have had to pay \$5.3 million.
- How much money was left in the construction account.
 - Mr. Van Wyk confirmed there was \$1 million left, meaning that \$4 million was spent.
- The total cost spent for site development for all of the improvements and the condition.
 - Mr. Dunn confirmed that the majority of the infrastructure was in place, but some asphalt has left to be done as they only did the base coat.
 - Mr. Van Wyk acknowledged that they have the funds for the final lift in an escrow account.
- Whether they have roads, parking lots and the sewer and water.
 - Mr. Dunn was not sure whether the parking lots were completed, but confirmed that the sewer and water system was installed.
 - Mr. Van Wyk noted that the District would not have paid for the asphalt for the parking lots as they did not own them but has an easement over the parking lot as they own the underground pipes as part of the master drainage system.
 - Mr. Dunn believed all they needed was the final lift of asphalt in some locations.
- Whether the retention ponds were built and the conveyance to the ponds was provided to the District.
 - Mr. Dunn confirmed that this was all done.

- Mr. Eitingon noted that the Bill of Sale was for stormwater, sanitary sewer, retention pond and potable water components including fire hydrants and manhole covers.
 - Mr. Van Wyk confirmed that he has Bills of Sale for specific improvements that were paid by the District from the bond proceeds. The District paid some cash at closing towards the improvements and future acquisitions.
 - Mr. Eitingon confirmed that there were some easements in the April 15, 2008 closing documents.
 - Mr. Van Wyk noted that future easements were granted to the District because of the acquisition of improvements within the easements.
- Mr. Colon questioned why this matter was coming up now rather than a year ago.
 - Mr. Van Wyk confirmed that this was due to the missed payment.
 - Mr. Van Wyk pointed out that all improvements referenced in the Improvement Plan was paid for by the District, but the question was what other improvements within the Improvement Plan were completed and deeded to the District. Mr. Eitingon provided a Quit Claim and Warranty Deed and Bill of Sale showing lands conveyed to the District, but he was not convinced that the District paid for those lands during the first acquisition or at closing.
 - Mr. Tom Hagood believed that if the District took possession of the stormwater, sanitary sewer, retention pond and potable water components including fire hydrants and manhole covers, a value would have been assessed or there would have been a document from the developer conveying these improvements as part of their contribution. Mr. Van Wyk was not aware of any such documentation because the District paid for them.
 - Mr. Moyer acknowledged that the original estimate in the Engineer's Report for the developer improvements was approximately \$3.7 million. When added to the 2008A and B Bonds, equates to the \$9,029,497 total project cost.
 - Mr. Eitingon questioned whether it was logical to assume that if it was done, there would be funds that the CDD did not have and it must have come from somewhere. Mr. Moyer agreed and noted that the Engineer can review the requisitions to

determine what infrastructure that the District took ownership of and see who paid and determine whether there has been any contribution by the developer.

- Mr. Tom Hagood expressed concern about whether or not the infrastructure was completed since they could not see it and was more comfortable with the District Engineer confirming that the work was done. Mr. Dunn acknowledged that all work that the District paid for has been completed and they have certificates of completion on the water and sewer, stormwater and sanitary sewer systems which were accepted by the City. However, he did not believe that the final certification was provided to the District for the stormwater system, but the work was completed.
- There being no further questions or comments,

On MOTION by Mr. Tom Hagood seconded by Mr. Colon with all in favor, the public hearing to re-allocate a portion of the Series 2008B Bond Special Assessments was closed.

- Mr. Van Wyk requested that the Board reapportion the Series 2008B Bonds based on the following:
 - There may be infrastructure required as a contribution that may fall under the Completion Agreement as opposed to a contribution for specific parcels.
 - The developer is delinquent in their assessments.
 - If there is a developer contribution, which would be required under the Completion Agreement, they can show proof.
 - It is more fair and appropriate to do the re-allocation prior to foreclosure as the District allowed the debt to be increased on certain parcels at the request of the developer as long as it was below the benefit level of the improvements and an in-kind contribution was made for the other parcels, which was not done. Even if it had occurred, there is such a huge gap between the \$9 million funded and the \$5 million to be funded by the developer.
 - He recommended doing this prior to proceeding towards foreclosure because they would have to determine an assessment amount and the landowner

would be allowed to provide evidence of the contribution, which would be taken into account in court.

- Mr. Moyer read a letter from Mr. John Gray into the record, which will be made a part of the minutes of this meeting.
- Mr. Tom Hagood believes that Mr. Gray assumes that they completed the infrastructure. He raised concern with the fact that the Engineer confirmed that the infrastructure was in place and the last lift of asphalt was escrowed.
- Mr. Van Wyk understood the District Engineer to imply that there were other improvements identified in the Engineer's Report that were not constructed such as the landscaping and fountains, which could be the gap between the \$9 million and the \$4 million.
- Mr. Dunn confirmed that the underground for the street lights, stormwater, sanitary sewer, retention pond and potable water components and roadways were completed, but the entry features, recreation facilities were not completed.
- Mr. Tom Hagood questioned whether the engineering fees were paid. Mr. Van Wyk confirmed that all engineering costs associated with the improvements completed were paid for by the District.
- Mr. Colon requested that the developer provide proof of what they paid for and the burden should be placed upon the developer and not the District.
- Mr. Van Wyk explained the purpose of Resolution 2011-01:
 - Finds that the improvements identified in the Improvement Plan benefit all property within Village Center II equally and it is reasonable and appropriate to reapportion the Series 2008B Bond special assessments equally across all parcels to be consistent with the Series 2008A Bonds as reflected in Exhibit B, which is the Final Assessment Roll
 - The amended Supplemental Assessment Report takes the terms of the bonds and apportions them across the lands described in Exhibit B.
 - The amended Second Supplemental Assessment Report is now known as the Third Supplemental Assessment Report.

- Certifies that the special assessments as identified in Exhibit B for collection and makes those assessments due and payable within 10 days of receipt of an invoice from the District.
- Directs the District Manager enter those liens in the Improvement Lien Book as updated in the Third Supplemental Assessment Report and the adopted Assessment Roll.
- All of the provisions of Resolution 2008-05 would remain in effect.
- Provides for the recording of an amended assessment notice regarding the reapportionment.
- Provides for an effective date.
- Mr. Tom Hagood noted that the District Engineer confirming that the landscape entry features or the recreation improvements did not exist and amounted to more than the developer contribution of \$9 million, gives him the confidence that the developer contribution did not occur.

On MOTION by Mr. Colon seconded by Mr. Tom Hagood with all in favor, Resolution 2011-01 Approving the Supplemental Allocation of Special Assessments Pursuant to Resolution 2008-05; Adopting an Amended Supplemental Assessment Roll; Amending the Second Supplemental Assessment Methodology Report; Providing for the Recording of an Amended Supplemental Notice of the Series 2008 Assessment; Providing for Severability and Providing an Effective Date was adopted.

FIFTH ORDER OF BUSINESS

Acceptance of Audit for the Fiscal Year Ended September 30, 2009

- Mr. Moyer provided a copy of the Audit prepared by Grau & Associates.
- In the Independent Auditor's Report, the Auditor states in the third paragraph, "*In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the government activities, each major fund and the remaining non-major funds of the District as of September 30, 2009 and the respective changes in financial position thereof for the fiscal year that ended in conformity with the Accounting principles generally accepted in the United States*". This is referred to as a clean audit opinion, meaning that the

records staff provided to the Auditor fairly represented the District’s financial position.

- In the Report on Internal Control over Financial Reporting on Page 23, the Auditor pointed out “*We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above*”.
- Under Compliance and Other Matters, the Auditor stated “*The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards*”.
- On Page 25, is the Management Letter where the Auditor did not indicate any findings or recommendations in this fiscal year nor in the prior fiscal year.
- On Page 27, the Auditor found that the District has not met one or more of the financial emergency conditions described under Section 218.503(1) and as of September 30, 2009, the District was not in a state of financial emergency. That may change this year because one of the defined triggers of a financial emergency is the non-payment of the principal and interest on the bonds, which occurred in May.

On MOTION by Mr. Thomas Hagood seconded by Mr. Colon with all in favor, the Audit for the Fiscal Year Ended September 30, 2009 as prepared by Grau & Associates was accepted and staff was authorized to file the same with the appropriate State agencies.

SIXTH ORDER OF BUSINESS

Consideration of Agreements

A. Engagement Letter with Grau & Associates to Perform the Audit for Fiscal Year Ended September 20, 2010

- Mr. Moyer presented a standard form Engagement Letter from Grau & Associates authorizing Grau & Associates to undertake the Audit for fiscal year 2010.
- The fee for this work will not exceed \$6,000, which is consistent with past audits.
- Grau & Associates has done a good job and staff is satisfied with their work product.

On MOTION by Mr. Tom Hagood seconded by Mr. Colon with all in favor the Engagement Letter with Grau & Associates to perform the Audit for Fiscal Year Ended September 30, 2010 in an amount not to exceed \$6,000 was approved.

B. Engagement Letter from American Municipal Tax-Exempt Compliance Corporation to Perform the Arbitrage Rebate Services for Series 2002 Bonds

- Mr. Moyer presented an engagement Letter AMTEC for the Series 2002 Bonds and explained that when the government issued the Series 2002 and Series 2008 bonds, the District agreed to have arbitrage rebate calculations done. The purpose is to the degree the District earns more money on the investment of the bond proceeds, positive arbitrage is being paid to the bondholders.
- Under the 1986 Tax Reform Act, the money has to be rebated to the Federal Treasury every five years. This entails an analysis of all investments and calculating the earnings based upon what is paid for in bond interest.
- Their fee of \$2,000 for three months or \$650 per year to perform these calculations on the Series 2002 Bonds is reasonable.

On MOTION by Mr. Tom Hagood seconded by Mr. Colon with all in favor the Engagement Letter with American Municipal Tax-Exempt Compliance Corporation to Perform the Arbitrage Rebate Services for Series 2002 Bonds in an amount not to exceed \$2,000 for three years was approved.

SEVENTH ORDER OF BUSINESS

Action Items

There not being any, the next item followed.

EIGHTH ORDER OF BUSINESS

District Managers Report

A. Financial Statements

- Mr. Moyer reviewed the financial statements, which were included in the agenda package and will be made a part of the minutes of this meeting.
- The District collected 99.7% of the assessments.
- Expenditures were well under budget and the District was in a strong financial position through August 31, 2010.

B. Check Register

- Mr. Moyer reviewed the check register, which was included in the agenda package and will be made a part of the minutes of this meeting.

On MOTION by Mr. Colon seconded by Mr. Thomas Hagood with all in favor the financial statements for August 31, 2010 and check registers for the period of July 1, 2010 to August 31, 2010 in the amount of \$79,559.08 were approved.

C. Acceptance of AMTEC Arbitrage Rebate Report for Series 2008A and 2008B Special Assessment Revenue Bonds

- Mr. Moyer reviewed the Arbitrage Rebate Report from AMTEC for the Series 2008A and 2008B Special Assessment Revenue Bonds and noted that the District has no arbitrage rebate exposure on the Series 2008B Bonds.
- This is good information for the Board to have.

On MOTION by Mr. Tom Hagood seconded by Mr. Rinehart with all in favor the Arbitrage Rebate Report for the Series 2008A and 2008B Special Assessment Revenue Bonds as prepared by American Municipal Tax-Exempt Compliance Corporation was approved.

- Mr. Colon requested that cancelled meetings due to lack of a quorum be re-scheduled within two weeks.
- Mr. Tom Hagood requested a change in the meeting location closer to the location of the District. He suggested the YMCA. It was noted that Publix has a community office, which they loan out. Mr. Moyer will look into this.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

- Mr. Van Wyk reported on the Easterfield Drive connection and the District’s assistance with the funding. He sent an email to Mr. Roy Payne at the City requesting an update, but there was no response.
 - Mr. Tom Hagood questioned whether there was a way for the District to go back to the original bond, which was issued by the City to get the City to take action.
 - Mr. Dunn recalled the Board discussing at the last meeting sending a letter to the City informing them that they allowed the bond to expire and they should take responsibility.

- Mr. Van Wyk acknowledged that he sent the letter to Mr. Payne at the City, but there was no response.
- Mr. Tom Hagood suggested sending a letter to the Mayor.
- Mr. Van Wyk noted that this issue was complicated by a Completion Agreement on these bonds. According to the District Engineer, the Easterfield Drive connection was within the scope of the first Engineer's Report for the Series 2002 Bonds. Their recourse is to go after the developer for breach of the Completion Agreement because Easterfield Drive was not completed. However, he believes that the developer will say that he turned the road over to the City and posted a bond to cover the amount of the completion and the City breached the contract.
- One possibility was to send a letter to all parties involved and see what happens.
- *After further discussion, there was consensus from the Board for Mr. Van Wyk to send a letter to the Mayor, City Manager and City Commissioners.*
- The Landscape Interlocal Agreement for maintenance of the landscape improvements along Dowden Road, which was approved by the Board at the last meeting was approved by the City Commission and he has an executed copy. After execution by the Chairman, it will be recorded.
 - Mr. Colon noted that they should go back to the City for the \$30,000 that was approved for the project.
 - Mr. Smith questioned whether they provided a final landscaping plan because they planted bamboo trees. Bamboo is good screening material, but it does not provide the same look of what is currently in the community. His Irrigation Supervisor spoke with the City and told them there was no need for irrigation because it is a wet area. If they require this, they can install irrigation.
 - Mr. Colon confirmed that he requested one and is continuing to work with the City.
- Mr. Van Wyk is in the process of commencing enforcement proceedings for the foreclosure on the delinquent parcels. As stated in the earlier discussion regarding

these parcels, there is a 10 day period for the owners to make payments because the assessment amounts were changed. If they do not make restitution after 10 days of receipt of the notice, he will commence foreclosure proceedings.

B. Engineer

- Mr. Dunn reported that Mr. Smith reported at the last meeting that the outfall structure was cleaned out, but there was no improvement. They wrote a letter to the City requesting that the entire ditch be cleaned out all the way down to S.R. 17.
- Mr. Smith confirmed that they cleaned the ditch all the way to S.R. 17. One location had a sand buildup, but the water was still flowing. However, now it is dry. He walked the entire structure and does not think anything can be done because once the water gets to S.R. 17, it flows into a wetland where the water level is the same as a canal.
- Mr. Tom Hagood believes that when the 417 ramps were completed, the City installed the pipes too high.
- Mr. Dunn acknowledged that the Expressway Authority sent him a drawing of the pipe inverts, which were at elevation 80.0. The pipes underneath 417 were at elevation 79.
- Mr. Smith noted that the water was not even flowing through the pipes underneath 417. On one side of 417, the water was a foot deep, but there was no water coming out of the pipe at all on the other side and was flowing into the wetland. He suspected there was a blockage and suggested that DOT clear the pipes. In the meantime, he will remove the accumulation of sand and send someone on his staff to go into the pipe to see how far it goes.
- Mr. Dunn indicated that the Expressway Authority admitted that they left a sandbag in one pipe.
- Mr. Smith will contact Mr. Don Burkhart at the Expressway Authority.

C. Field Operations - Monthly Highlight Report

- Mr. Smith reviewed the Monthly Highlight Report, which was included in the agenda package and will be made a part of the minutes for this meeting.

- They are working on establishing the slopes at the City pond. Once they get through some of these issues, they will backfill the pond and add riff raff and some rocks.
- He is in the process of getting a dumpster to remove a buildup of trash and debris where TMC was building townhomes by the lake. They placed some “No Trespassing” signs, but did not remove the trash. People are accessing the area from Dowden Road where there are some turn outs leading to a dirt road. He suggested that the Board look into putting a fence with a gate down to the shrub. In the meantime, he will install a barb wire fence with a gate.
- Mr. Tom Hagood suggested placing some posts with a chain across to block access.
- Mr. Colon questioned whether this was CDD property.
- Mr. Van Wyk confirmed that the area has not been dedicated and was still owned by the parcel owner, which is the developer.
- Mr. Smith addressed a letter he received from the City of Orlando saying that they were going to reduce the amount of funding of the parks from \$45,000 to \$36,000. The District is currently paying \$30,000 to Girard so this should not impact the District. They also discussed the daily opening and closing of the bathroom facilities, which the CDD does not monitor. The CDD does not have the staff or the money to have someone open them and lock them at night. They are currently leaving them open 24 hours and clean them three times a week, which seems to be working.
- Mr. Tom Hagood did not see this as an issue.
- Mr. Smith commented that everything looks good as Girard is doing a good job on the landscaping. They painted the railings and did sod replacements on the culverts going from village to village.
- Mr. Dunn noted that they were doing sod replacements in the parks today.

TENTH ORDER OF BUSINESS**Other Business**

There not being any, the next item followed.

ELEVENTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

- Mr. Colon requested that the time of the next meeting be changed to 5:00 P.M.
- Mr. Moyer confirmed that he would look into renting a room at the YMCA.

TWELFTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Mr. Tom Hagood seconded by Mr. Rinehart with all in favor the meeting was adjourned.

Gary L. Moyer
Secretary

Thomas Hagood, Jr.
Vice Chairman