

**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, December 3, 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 December 3, 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.

Organizational Matters

A. Designation of Vacancy for Seats 2, 4 and 5 and Appointment of Supervisors

- Mr. Moyer addressed the following:
 - Mr. Sharpe, Mr. Colon and Mr. Rinehart's seats were up for election at the November 6, 2012 General Election;. No one qualified.
 - Pursuant to Chapter 190 of the Florida Statutes, the Board is now required to declare those seats vacant. In the meantime, Mr. Sharpe, Mr. Colon and Mr. Rinehart will continue to serve until their replacements are appointed by the Board.

- Mr. Van Wyk read the following resolution by heading:

“A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE EAST PARK COMMUNITY DEVELOPMENT DISTRICT DECLARING VACANCIES IN CERTAIN SEATS ON THE BOARD OF SUPERVISORS; PURSUANT TO SECTION 190.006(3)(B), FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE”

On MOTION by Ms. Von Blon seconded by Mr. Colon with all in favor, Resolution 2013-01 as stated above was adopted.

- Mr. Van Wyk read the following resolution by heading:

“A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE EAST PARK COMMUNITY DEVELOPMENT DISTRICT APPOINTING QUALIFIED ELECTORS TO FILL VACANCIES IN CERTAIN SEATS ON THE BOARD OF SUPERVISORS PURSUANT TO SECTION 190.006(3)(B), FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE”

- Mr. Van Wyk indicated anyone appointed to those seats must be a resident elector [living in the District and registered to vote] as outlined in Chapter 190.
- The purpose of the resolutions was to have documentation showing who was officially appointed to those seats.
- Mr. Moyer requested nominations from the Board for Seat 4.
- Mr. Colon nominated Mr. Donn Rinehart.
- Hearing no further nominations,

Mr. Colon nominated Mr. Donn Rinehart to fill the vacancy in Seat 4 and Mr. Alexander seconded the nomination. With no further nominations, with all in favor, Mr. Rinehart was appointed to Seat 4.

- Mr. Moyer requested nominations from the Board for Seat 2.
- Mr. Colon nominated Mr. Edwin Sharpe.
- 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.

- Mr. Moyer requested nominations from the Board for Seat 5.
- Mr. Alexander nominated Mr. Angel Colon.
- Hearing no further nominations,

Mr. Alexander nominated Mr. Angel Colon to fill the vacancy in Seat 5 and Mr. Rinehart seconded the nomination. With no further nominations, with all in favor, Mr. Colon was appointed to Seat 5.

B. Oath of Office

Mr. Moyer being a Notary Public of the State of Florida, administered the oath of office to Mr. Sharpe, Mr. Rinehart and Mr. Colon and copies of the signed oaths will be made a part of the public record.

Mr. Moyer provided an authorization form for staff to deduct \$10 from their Supervisor fee for payment of their commission fee.

On MOTION by Ms. Von Blon seconded by Mr. Colon with all in favor, Resolution 2013-02 as stated above was adopted.

- Mr. Sharpe, Mr. Rinehart and Mr. Colon will serve four year terms.

SECOND ORDER OF BUSINESS

Approval of the Minutes of the September 24, 2012 Meeting

- Mr. Moyer stated each Board member received a copy of the minutes of the September 24, 2012 meeting and requested any corrections, additions or deletions.
- Ms. Von Blon pointed out Playhouse Park was maintained by the CDD and not the HOA.

On MOTION by Mr. Colon seconded by Mr. Rinehart with all in favor, the minutes of the September 24, 2012 meeting were approved as amended.

THIRD ORDER OF BUSINESS

District Managers Report

A. Financial Statements

- Mr. Moyer indicated the October financials were not provided to the Board in time for the meeting and would be provided at the next meeting.

FOURTH ORDER OF BUSINESS

Staff Reports

A. Attorney

- Mr. Van Wyk reported the following regarding the Village Center II foreclosure proceeding:
 - There were oral arguments on November 8, 2012 with the District Court of Appeals who ruled almost immediately to deny the appeal by the bank on the judgment issued by the Circuit Court. Therefore, the foreclosure will proceed.
 - There is a proposal from the bank to the bondholders. If accepted, there will be a settlement on the property.
 - He requested the Board ratify the authority of the Chairman to execute any documents necessary to complete the settlement or proceed with the foreclosure.
 - He anticipated a settlement since the bank would receive nothing from the foreclosure. In addition, a settlement would get the District's O&M assessments paid.

<p>On MOTION by Mr. Rinehart seconded by Mr. Sharpe with all in favor, the Chairman was authorized to execute any documents necessary to complete the settlement or proceed with the foreclosure.</p>

- Mr. Moyer questioned whether the bank had to include a bond when they appealed. Mr. Van Wyk confirmed the bank had to submit a \$500,000 bond.
- A part of the settlement process will be determining the damages, which will likely include the additional accrued interest on the bonds from the date of the Circuit Court judgment to the appeal. Attorney's fees will not be included because of being funded by the bondholders. As of this date, Attorney's fees amounted to \$160,000.
- Mr. Moyer complimented Mr. Van Wyk on all of his hard work.
- Mr. Van Wyk admitted he was surprised oral arguments were even being accepted because they believed the Judges could have ruled on the pleadings. The key issue was the reapportionment of the lien for the A and B bonds and whether there were two separate liens. The Judges agreed there was only one lien.

- The Board discussed the interest in the property. Mr. Van Wyk confirmed a number of people were interested in the property, but not while there was a case. However, he believed the bank would purchase the property once there was a settlement.
- 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 and Landscaping Reports, which were included in the agenda package and discussed the following:
 - They started the planting behind the lake.
 - An application was submitted for a reuse and electric meter.
 - The Christmas lights were installed.
 - The City installed sleeves six feet deep on Easterfield Drive.
- Ms. Von Blon addressed the following:
 - Acknowledged the pressure washing and painting look good.
 - Expressed concern about the condition of the landscaping.
 - Mr. Moyer pointed out there was a transition between Girard and Servello.
 - Several doggy stations had missing bags.
- Mr. Colon addressed the following:
 - He provided drawings to Mr. Smith.
 - Questioned whether Applied Aquatic accepted the Board's offer of a two year contract at the current price.
 - Mr. Smith confirmed this was accepted by Applied Aquatic.
 - Questioned whether there would be any landscaping on Easterfield Drive.
 - Mr. Smith indicated they plan to repair the top of the walls, install signage and create some landscaping beds. He recommended removing the bamboo stalks.

FIFTH ORDER OF BUSINESS

Other Business – Update on Easterfield Drive Connection

- Mr. Moyer indicated Mr. Frank Consoli from the City of Orlando reported as of November 30, 2012:
 - The contractor was nearing completion of the curb and gutter.
 - They are adding underdrains next week. This was requested by the City Streets Division due to a high water table.
 - The concrete sidewalk may be poured next week.
 - The limerock base should be placed near the end of the week depending on if the underdrain is completed earlier in the week.
- Mr. Moyer noted this was a good example of a problem needing correction and the City stepping in to assist the District since the developer was no longer involved.

SIXTH ORDER OF BUSINESS

Supervisor’s Requests and Audience Comments

- Mr. Rinehart pointed out everyone was satisfied with the entrance lighting.
- Mr. Sharpe questioned the status of the tot lot upgrades.
 - Mr. Colon indicated the residents were supposed to provide input and questioned whether they should send out a survey or post a notice on the bulletin board.
 - Mr. Shape preferred to remove the existing equipment and install new equipment.
 - Mr. Smith offered to bring prices to the Board at the next meeting.
 - Mr. Rinehart suggested installing the playground equipment on the vacant lot at East Park Lake or the City Park.
 - Mr. Van Wyk will contact the City to see if this park was deeded to the CDD since the CDD maintains it. He advised the Board CDD playgrounds have to meet ADA requirements and have sidewalks. The new rules do not allow pools and parks to be grandfathered in. He suggested the Board consider the configuration of the equipment.
 - Mr. Rinehart questioned the cost for basic playground equipment. Mr. Smith estimated \$5,000 and indicated there were excess funds in the budget from under spent budget items.

- Mr. Sharpe questioned whether they could have rubber mulch. Mr. Smith indicated certain types of rubber mulch were ADA compliant.
- Mr. Moyer indicated they expected to have \$70,000 of excess funds for other projects.
- Mr. Colon reminded the Board they were looking at using those excess funds for annuals, lake erosion repairs and the Easterfield entrance landscaping. They will also receive the O&M assessments from the foreclosure.
- Mr. Moyer offered to prepare a schedule regarding the annual O&M expenses and what would be available for special projects.

SEVENTH ORDER OF BUSINESS

Adjournment

- There being no further business,

On MOTION by Mr. Sharpe seconded by Mr. Alexander with all in favor, the meeting was adjourned.

Gary L. Moyer
Secretary

Angel Colon
Chairman