

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

The Board of Supervisors of the Edgewater East Community Development District held a Public Hearings and a Regular Meeting on August 3, 2023, at 9:00 a.m., at the offices of Hanson, Walter & Associates, Inc., located at 8 Broadway, Suite 104, Kissimmee, Florida 34741.

Present were:

Kevin Mays	Vice Chair
Kevin Kramer	Assistant Secretary
Robert “Bobby” Wanas	Assistant Secretary

Also present were:

Ernesto Torres	District Manager
Craig Wrathell (via telephone)	Wrathell, Hunt and Associates LLC
Kate John (via telephone)	District Counsel
Shawn Hindle	District Engineer

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Torres called the meeting to order at 9:01 a.m. Supervisors Mays, Kramer and Wanas were present. Supervisors Onorato and Breakstone were not present.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRD ORDER OF BUSINESS

**Public Hearing on Adoption of Fiscal Year
2023/2024 Budget**

- A. **Proof/Affidavit of Publication**
- B. **Consideration of Resolution 2023-09, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date**

Mr. Torres reviewed the Proposed Fiscal Year 2023 budget, including the General fund and the off-roll assessment levy.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, the Public Hearing was opened.

No members of the public spoke.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, the Public Hearing was closed.

Mr. Torres presented Resolution 2023-09 and confirmed that the primary change in the budget is related to the CDD now maintaining the trees and bushes and the irrigation.

On MOTION by Mr. Mays and seconded by Mr. Kramer, with all in favor, Resolution 2023-09, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2023/2024, Pursuant to Florida Law

- A. Proof/Affidavit of Publication**
- B. Mailed Notice(s) to Property Owners**
- C. Consideration of Resolution 2023-10, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2023/2024; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

Mr. Torres presented Resolution 2023-10 and stated this Resolution approves the assessment roll and the collection of the assessment.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, the Public Hearing was opened.

No members of the public spoke.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, the Public Hearing was closed.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, Resolution 2023-10, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2023/2024; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

Asked if Meritage will provide Management with an estoppel, Mr. Torres replied affirmatively.

FIFTH ORDER OF BUSINESS

Consideration of Austin Ecological Consultants, Inc., Environmental Consulting Services Proposal for Compliance with HCP21-0001 – Edgewater ED4

Mr. Torres presented the Austin Ecological Consultants, Inc., Environmental Consulting Services Proposal for Compliance with HCP21-0001 – Edgewater ED4.

Ms. John recommended approval, subject to District Counsel drafting a form of agreement for added protection for the CDD. The Agreement will be presented at the next meeting for ratification.

On MOTION by Mr. Kramer and seconded by Mr. Wanas, with all in favor, the Austin Ecological Consultants, Inc., Environmental Consulting Services Proposal for Compliance with HCP21-0001 – Edgewater ED4, subject to inclusion of District Counsel’s form of Agreement, and authorizing the Chair to executed, was approved.

SIXTH ORDER OF BUSINESS

Consideration of Jr. Davis Construction Company, Change Orders

Mr. Wanas and Mr. Hindle presented the following:

- A. RFCO #04, Drainage from Clay Whaley Rd., North of Pond ED5-7- Swale**
- B. RFCO 03 Bond [ED6 Framework Roadway, Phase 1 Civil Work]**
- C. RFCO #04, Ponds Slope Reconfiguration [ED 6 - Framework Roadway Phase 1 Civil Work]**

On MOTION by Mr. Kramer and seconded by Mr. Wanas, with all in favor, the Jr. Davis Construction Company, Change Orders A, B and C, were approved.

SEVENTH ORDER OF BUSINESS

Consideration of Southern Development & Construction, Inc., Deductive Change Order 2222 RFC 009, Clay Whaley Phase 1

Mr. Hindle presented the Southern Development & Construction, Inc., Deductive Change Order 2222 RFC 009, Clay Whaley Phase 1.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, Southern Development & Construction, Inc., Deductive Change Order 2222 RFC 009 related to Clay Whaley Phase 1, was approved.

EIGHTH ORDER OF BUSINESS

Consideration of Central Florida Underground, Inc, Revised Quotations

Mr. Hindle presented the following:

A. Irrigation and Telecom Sleeves, Clay Whaley Parkway

It was noted that item 8A was approved at a previous meeting.

B. Electrical Duct Bank Extension, Cross Prairie Pkwy

On MOTION by Mr. Kramer and seconded by Mr. Wanas, with all in favor, the Central Florida Underground, Inc, Revised Quotation for Item 8B; the Electrical Duct Bank Extension for Cross Prairie Parkway, was approved.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2023-11, Designating 70.384 Acres of Property as Nondevelopable; Approving an Amendment to the Collateral Assignment Agreement to Exclude 70.384 Acres of Property; Approving an Amendment to the True Up Agreement to Exclude 70.384 Acres of Property; Releasing All Assessment Liens on Such 70.384 Acres of Property; Approving an Amendment to a Temporary Construction Easement to Remove 70.384 Acres of Property; Directing the Recording of an Amendment to the Collateral Assignment, Amendment to the True Up Agreement, Release of Assessment Lien and Partial Release of Construction Easement; Directing that No Operations And Maintenance Assessments Shall Be Levied on Such 70.384 Acres of Property; Authorizing Additional Actions and Documents; Providing for Severability, Conflicts and an Effective Date

Ms. John presented Resolution 2023-11. This is regarding the School District property. Staff is working on addressing issues related to the transfer of the school site from the Developer to the School Board and, to assist with this transaction, the CDD must approve several documents designed to remove encumbrances from the property being conveyed to the School Board. She recommended approval, in substantial form. Mr. Mays stated that there will only be changes in the legal description of the Release of Construction Easement.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, Resolution 2023-11, Designating 70.384 Acres of Property as Nondevelopable; Approving an Amendment to the Collateral Assignment Agreement to Exclude 70.384 Acres of Property; Approving an Amendment to the True Up Agreement to Exclude 70.384 Acres of Property; Releasing All Assessment Liens on Such 70.384 Acres of Property; Approving an Amendment to a Temporary Construction Easement to Remove 70.384 Acres of Property; Directing the Recording of an Amendment to the Collateral Assignment, Amendment to the True Up Agreement, Release of Assessment Lien and Partial Release of Construction Easement; Directing that No Operations And Maintenance Assessments Shall Be Levied on Such 70.384 Acres of Property; Authorizing Additional Actions and Documents; Providing for Severability, Conflicts and an Effective Date, in substantial form, was adopted.

TENTH ORDER OF BUSINESS

Consideration of the Sale of Fill Material

Mr. Hindle stated, when the pond on Clay Whaley Road was constructed, excessive fill material was stockpiled in a location near ED2. Staff is working on avenues to dispose of the material. Part of the material was transferred to the ED5 parcel and a portion will be sold to an adjacent developer, who will pay the CDD for the value of the material.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, authorizing the sale of fill material, in accordance with the terms outlined by Mr. Wanas and an Agreement prepared by District Counsel, was approved.

ELEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2023

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, the Unaudited Financial Statements as of June 30, 2023, were accepted.

TWELFTH ORDER OF BUSINESS

Approval of July 6, 2023 Regular Meeting Minutes

On MOTION by Mr. Kramer and seconded by Mr. Wanas, with all in favor, the July 6, 2023 Regular Meeting Minutes, as presented, were approved.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock, LLP

Ms. John stated Staff met with the City regarding the Boundary Amendment. She believes there is a path forward and anticipates a hearing date of September 14, 2023 at 6:30 p.m.

B. District Engineer: Hanson, Walter & Associates, Inc.

There was no report.

C. District Manager: Wrathell, Hunt and Associates, LLC

- **NEXT MEETING DATE: September 7, 2023 at 9:00 A.M.**
 - **QUORUM CHECK**

The September 7, 2023 meeting will be moved to September 14, 2023 at 4:00 p.m.

FOURTEENTH ORDER OF BUSINESS

Board Members' Comments/Requests

Mr. Wanas stated that the home builder caused damage to CDD property while developing some parcels. CDD Staff recommended adding language to the purchase agreements related to enforcement. A Board Member suggested making County Inspectors aware of this to force homebuilders to make immediate repairs to the property.

FIFTEENTH ORDER OF BUSINESS

Public Comments

There were no public comments.

SIXTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Kramer and seconded by Mr. Wanas, with all in favor, the meeting adjourned at 9:48 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair