

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

The Board of Supervisors of the Edgewater East Community Development District held a Regular Meeting on October 5, 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
Mike Eckert (via telephone)	District Counsel
Kate John (via telephone)	Kutak Rock, LLP
Shawn Hindle	District Engineer
Michael Osborn	BTI

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Torres called the meeting to order at 9:03 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

**Consider Authorization of Staff to Execute
Havenfield at Cross Prairie - Phase 2 Plat
Mylar**

Mr. Eckert stated that, on behalf of the CDD, he has been working with the Developer of this parcel. He noted that the plat was submitted for advance review and it was very productive process that he encourages using in the future. He worked with Mr. Wanas to develop some

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plat notes that they would like included on all plats pertaining to notifications to the District Manager when work on land platted or owned by the CDD will be performed by others; those notes are included on the plat. Some dedications to the CDD are on the plat for the property and a request was made to include a “Dedication Acceptance” block in the plat. He thanked all who worked on improving the plat and noted that it is consistent with the Resolution authorizing the Chair and Vice Chair to authorize plats.

On MOTION by Mr. Kramer and seconded by Mr. Wanas, with all in favor, authorizing Staff to execute Havenfield at Cross Prairie - Phase 2 Plat Mylar, was approved.

Mr. Wanas stated, per the agreement with the City Council, the local neighborhood roads will be dedicated to the CDD.

Asked if the roads already platted and dedicated to the City in ED4 will remain with the City or be conveyed to the CDD, Mr. Eckert stated, right now, the ownership stays with the County and the City but the CDD is responsible for maintenance of those roads. He anticipates the City or the County might issue a deed to the CDD for those roads. Going forward, the maintenance of those roads will remain with the CDD.

FOURTH ORDER OF BUSINESS

Ratification of Change Orders

The following were presented and discussed:

- A. Jr. Davis Construction Company Change Order No. 001 ED6 Framework Roadway, Phase 1, Civil Site Work**
- B. Jr. Davis Construction Company Change Order No. 004 Phase 1 Civil Work ED-5**

On MOTION by Mr. Wanas and seconded by Mr. Mays, with all in favor, Jr. Davis Construction Company Change Orders No. 001 and 004, were ratified.

FIFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of August 31, 2023

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Mr. Torres presented the Unaudited Financial Statements as of August 31, 2023. He noted that expenditures are at 95% of budget and expenses will likely be slightly over budget due to some expenditures previously discussed.

Discussion ensued regarding irrigation invoices erroneously paid by the CDD following an irrigation meter transfer.

A Board Member stated that Toho Water Authority (Toho) billed the MI Homes HOA and, when payment is received, Toho will reimburse the CDD for those expenses.

Discussion ensued regarding Developer funding until assessment revenues are collected.

Mr. Eckert discussed the need to establish a Funding Agreement and a carry forward surplus during the next budget cycle so that funds are advanced until revenues are collected, whether it be as a credit against the Developer's invoice or a reimbursement. The Board can approve the preparation of an Advance Funding Agreement today and, upon completion, it can be approved retroactive to October 1, 2023.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, the Unaudited Financial Statements as of August 31, 2023, were accepted.

On MOTION by Mr. Kramer and seconded by Mr. Mays, the Advance Funding Agreement, as discussed and subject to Developer Counsel review, was approved.

SIXTH ORDER OF BUSINESS

Approval of September 14, 2023 Regular Meeting Minutes

On MOTION by Mr. Mays and seconded by Mr. Kramer, with all in favor, the September 14, 2023 Regular Meeting Minutes, as presented, were approved.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock, LLP

Mr. Eckert reported the following:

- The CDD provided all documents necessary for the Phase 5 high school closing.

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- A productive call was held with Counsel for Osceola County regarding the Clay Whaley Road bonding issue. The County agreed not to require the Performance and Completion Bond on the County form because the project is an extension of the Clay Whaley Phase I Project, where it is not required.
- The Boundary Amendment was approved by the City. Staff is continually attempting to schedule a hearing with the County regarding the Boundary Amendment and another pending petition.

A Board Member thanked Mr. Eckert for his assistance and noted that the school district closing occurred on Monday.

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

Mr. Hindle discussed recurring flooding on Cross Prairie Parkway south of Kissimmee Park Road. Mr. Wanas did a good job informing about the actual cause. It was discovered that significant amounts of trash and debris enters the bio swale that conveys water to the ponds and blocks the ability for water to flow into the pond. He stated Mr. Ray Stengle met with him to survey the area. He would like the CDD to implement an Index 425-052, which involves excavating one side down the inlet, cutting a slot and building a pad out from the inlet. Mr. Stengle would rather the trash be in the pond and in the pipes rather than blocking the flow, as the trash cannot effectively be policed at the construction site. Mr. Stengle is not directing that right now; the inquiry was transmitted to Public Works and an update will be provided.

Discussion ensued regarding the proposed solution, waterflow, the condition of the pipes and the need for a long-term measure, including the best plants for weed control.

Mr. Wanas stated he worked with District Counsel on a letter to be sent to the adjacent builder, Meritage Homes, to inform them of the problems they have been causing. The consensus was that Meritage Homes is causing most of the damage to CDD property.

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

- **JR Davis Construction Company ED6 Request for Change Order #05, RM: Upsize**
This item was an addition to the agenda.

Mr. Wanas presented JR Davis ED6 Request for Change Order # 05 RM. This is a Change Order to the original contract for the ED6 roadway construction related to upsizing some piping

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in coordination with Hanson, Walter & Associates, Inc., at the intersection of Cross Prairie Parkway and Kissimmee Park Road for a total of \$43,743.96.

A Board Member stated the work must be done now as the pipes will be under the road.

On MOTION by Mr. Kramer and seconded by Mr. Wanas, with all in favor, JR Davis Company ED6 Request for Change Order #05 RM related to upsizing piping, adding \$43,743.96 to the original contract, was approved.

Mr. Hindle stated the Utility Plans for Kissimmee Park Road will be submitted on Monday. He provided a brief update and responded to questions.

- **NEXT MEETING DATE: November 2, 2023 at 9:00 A.M.**
 - **QUORUM CHECK**

The next meeting will be held on November 2, 2023, unless canceled.

EIGHTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

NINTH ORDER OF BUSINESS

Public Comments

There were no public comments.

TENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Kramer and seconded by Mr. Wanas, with all in favor, the meeting adjourned at 9:31 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Ernesto Torres
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Secretary/Assistant Secretary
11/2/2023

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Chair/Vice Chair
11/2/2023