

University Park Recreation District

Consideration of Minutes Of the April 23, 2019 Board of Supervisors' Special Meeting

MINUTES OF MEETING

**UNIVERSITY PARK RECREATION DISTRICT
BOARD OF SUPERVISORS SPECIAL MEETING**

Tuesday, April 23, 2019 at 10:45 a.m.

**University Park Country Club, Card Room,
7671 The Park Blvd.,
University Park, Florida 34201**

Board Members present at roll call:

Lisabeth Bertsch	Board Member	
Steve Ludmerer	Board Member	
Mike Smith	Board Member	
Bob Wood	Board Member	(via phone)

Also, Present:

Carol Harris	PFM	
Mathew LaPointe	Blalock Walters Law Firm	
Laurie Evans	Country Club	
Curtis Nickerson	County Club	
Hank Fishkind	PFM	(via phone)
Jenny Alexander	Blalock Walters Law Firm	(via phone)
Various Members of the General Public – See Attached		

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

The meeting was called to order at 10:49 a.m. Those in attendance are outlined above.

SECOND ORDER OF BUSINESS

Consideration of Minutes

- a) **Consideration of the Minutes from the Board of Supervisors; Meeting March 8, 2019**
- b) **Consideration of Minutes from the Board of Supervisors Special Meeting, March 28, 2019**

Ms. Harris noted that there was an amendment requested by one of the residents and that amendment has since been made to the minutes.

On MOTION by Ms. Bertsch, seconded by Mr. Ludmerer, with all in favor, the Board approved the Minutes from the Board of Supervisors; Meeting March 8, 2019.

The Board discussed the minutes from the Board of Supervisors' Special Meeting dated March 28, 2019.

On MOTION by Mr. Wood, seconded by Mr. Ludmerer, with all in favor, the Board approved the Minutes from the Board of Supervisors; Meeting March 28, 2019.

THIRD ORDER OF BUSINESS

Discussion of Special Assessments.

a) Special Assessments for Operations & Maintenance Memo

Mr. Smith stated that there are some questions to be discussed. Those questions are as follows.

1. Does the District need a special assessment?
2. What is the amount that should be assessed and the allocation process?
3. What is the process or methodology for collecting the assessments?

Mr. Smith stated that the District can either direct bill or assess on roll. Ms. Bertsch explained why in her opinion the District should direct bill assessments. Mr. Wood agreed with the direct bill process. Mr. Ludmerer previously had concerns with the direct bill process and had an extended conversation with Ms. Harris yesterday that put a number of those concerns at bay and he now supports the direct bill of assessments. He expressed that the \$1,000.00 per home of each of the 1202 homes is appropriate. He suggested payment plan of three payments with a \$20 fee per payment. Dr. Fishkind stated that can be accomplished as Mr. Ludmerer described.

The board discussed the timing. Dr. Fishkind made out a time table for the Supervisors noting that the District is bound by the provisions of Chapter 170. The District must send everyone a mailed notice and invite them to a meeting. He thinks it will be sometime in July. Ms. Bertsch stated that on Dr. Fishkind's chart it has May 10, 2019 as the initial assessment resolution. She asked of the Board could make it today and adopt a resolution. Dr. Fishkind stated that the Board can come up

with those words and District staff will craft a resolution accordingly and delegate to the Chairman the ability to sign off on the completed resolution.

The Board discussed that an equal amount to every homeowner is a fair and equitable way to move forward. Mr.

On MOTION by Mr. Wood seconded by Mr. Ludmerer, with all in favor, the Board approved the Resolution to proceed with a \$1,000.00 assessment per home based upon the schedule and process outlined by Dr. Fishkind in the Memo to the Board and that it would be a Direct Bill from the District to the Homeowners, as amended the initial date to As Soon As Possible no later than the dates on the schedule, and the mobile payment process as outlined by Mr. Ludmerer.

Dr. Fishkind signed off the call.

FOURTH ORDER OF BUSINESS

Ratification of Second Amendment to the Purchase and Sale Agreement

Ms. Harris noted at a previous meeting the Board gave the Chair the authorization to sign and District staff received this document yesterday.

Mr. La Pointe stated that this was the 10 day extension that the District received at the last meeting which go the Board to April 25, 2019 on the due diligence and discussed already, the District has now received a verbal approval for another extension for an additional 45 days. He has not yet drafted that amendment but there will be another amendment to be signed by Mr. Wood. He requested ratification by the Board for today's amendment and then entertain a motion to authorize Mr. Wood to enter into another extension for the new 45 day.

On MOTION by Ms. Bertsch, seconded by Mr. Ludmerer, with all in favor, the Board authorized Mr. Wood to execute a Third Amendment to the Purchase and Sale Agreement to increase the deadline for the Due diligence with respect to water issues for an additional 45 days passed the existing April 25, 2019 date.

Ms. Harris requested a motion to ratify the Second Amendment.

On MOTION by Ms. Bertsch, seconded by Mr. Ludmerer, with all in favor, the Board ratified Second Amendment to the Purchase and Sale Agreement.

FIFTH ORDER OF BUSINESS

Discussion of Due Diligence

Ms. Harris thinks this conversation is no longer necessary. Mr. Smith stated that the District needs to work diligently at identifying potential financial institutions including the seller in terms of short term financing to do the acquisition. Keep the goal in mind that the Board would like to consummate and complete this transaction by the June deadline.

Mr. Ludmerer asked District Management to expand the list of organizations they had discussions with previously. He also had some that might supplement it. Mr. Smith stated that the Board needs to revisit the terms and costs associated with pursuing this including Dr. Fishkind's cost, legal costs etc.

Mr. Smith stated that the last thing to be done is to set a date for the shade session.

Ms. Harris stated that Ms. Alexander from Blalock Walters just joined the line.

Ms. Harris explained that District staff could not hold a shade meeting today because the Counsels that were needed were not available. The dates that staff is looking at to hold the shade session are May 2, 2019 or May 3, 2019. On May 3, 2019 there is currently a workshop at 1:00 p.m. and she asked the Board if they would be open to moving that workshop to earlier in the morning and having the shade meeting from 10:45 a.m.-12:00 p.m. The Board discussed the times for the shade meeting. The May 3, 2019 workshop will take place from 9:00 a.m. – 10:00 a.m. The shade meeting will take place from 10:00 a.m. – 12:00 p.m.

Mr. LaPointe made a verbal public notice for the record regarding the shade meeting. He stated that the meeting will be held under the Attorney/Client Session provisions available under Florida Sunshine Law Section 286.011(8) Florida Statutes on May 3, 2019 and beginning at 10:00 a.m. and lasting approximately 2 hours at the request of District Counsel. This meeting shall be held in the "Card Room" at the University Park Country Club, 7671 The Park Blvd. University Park, FL 34201. This meeting shall commence at an open meeting and then will move into an Attorney/Client Session limited in attendance to the University Park Recreation District Counsel Mark Barnebey, Mathew LaPointe, and Charles Johnson who will meet in private with the District Board of Supervisors Robert Wood, Beth Bertsch, Steve Ludmerer, Michaels Smith, Nancy Kopnisky, The District Manager Dr. Hank Fishkind, and a Court Reporter who will transcribe the full proceedings to be made part of the public record for release at the conclusion of the litigation for the purpose of discussing litigation matters including strategy related to litigation, litigation expenses, answers to the complaint in the following court case; Richard Holocomn Garrett individually and as Trustee of the Richard Holocomn Garrett Revocable Trust dated June 5, 2017 vs. University Park Recreation District and the Manatee County Case No. 2019-CA-512. Pursuant to Section 286.0105 Florida

Statutes, if an individual decides to appeal any decision made by the Board of Trustees with respect to any matter considered at this meeting a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made which recording includes the testimony and evidence upon which the appeal is based. Pursuant to Section 286.26 Florida Statutes in accordance with the American's with Disabilities Act and Florida State Statutes persons with disabilities needing special assistance to participate in the proceeding to contact the District Manager for assistance at least three business days prior to the meeting at 407-723-5900. If they are hearing or speech impaired they must contact Florida Relay Service by dialing 711 or 1-800-955-8711 TTY 1-800-955-8770 for Voice for aide in contacting the District office.

SIXTH ORDER OF BUSINESS

Adjournment

There were no other questions or comments. Mr. Smith requested a motion to adjourn the meeting.

ON MOTION by Mr. Ludmerer, seconded by Ms. Bertsch, with all in favor, the Friday, April 23, 2019 Board of Supervisors' Special Meeting for University Park was adjourned.


Secretary / Assistant Secretary


Chairman / Vice Chairman