

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

The Board of Supervisors of the Kelly Park Community Development District held a Regular Meeting on May 23, 2023 at 8:00 a.m., at the offices of Poulos & Bennett, LLC, 2602 E Livingston Street, Orlando, Florida 32803.

Present at the meeting were:

Seth Bennett	Chair
Quint “Robert” Noordstar	Vice Chair
Lou Avelli	Assistant Secretary

Also present were:

Ernesto Torres	District Manager
Jere Earlywine (via telephone)	District Counsel
Marc Stehli (via telephone)	District Engineer
Alex Gross	Supervisor-Appointee

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Torres called the meeting to order at 8:23 a.m. Supervisors Bennett, Noordstar and Avelli, were present. Supervisors Galvin and Edwards were not present.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Supervisors, Taryn Galvin [SEAT 3] and Lou Avelli [SEAT 4] (the following will be provided in a separate package)

Mr. Torres stated that the Oath of Office was administered to Mr. Avelli before the meeting. The Oath of Office will be administered to Mr. Galvin at or before the next meeting.

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Chapter 190, Florida Statutes**
- D. Financial Disclosure Forms**

- I. **Form 1: Statement of Financial Interests**
- II. **Form 1X: Amendment to Form 1, Statement of Financial Interests**
- III. **Form 1F: Final Statement of Financial Interests**
- E. **Form 8B: Memorandum of Voting Conflict**

FOURTH ORDER OF BUSINESS

**Acceptance of Resignation of Dan Edwards
[SEAT 5]**

Mr. Torres presented the resignation of Mr. Dan Edwards.

On MOTION by Mr. Noordstar and seconded by Mr. Bennett, with all in favor, the resignation of Mr. Dan Edwards, was accepted.

FIFTH ORDER OF BUSINESS

**Consider Appointment of Alex Gross to Fill
Unexpired Term of Seat 5; Term Expires
November 2024**

Mr. Bennett nominated Mr. Alex Gross to fill Seat 5. No other nominations were made.

On MOTION by Mr. Bennett and seconded by Mr. Noordstar, with all in favor, the appointment of Mr. Alex Gross to fill Seat 5, was approved.

• **Administration of Oath of Office to Alex Gross**

Mr. Torres, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Alex Gross. Mr. Gross is already familiar with the items in the Supervisor package.

SIXTH ORDER OF BUSINESS

**Consideration of Resolution 2023-02,
Designating Certain Officers of the District,
and Providing for an Effective Date**

Mr. Torres presented Resolution 2023-02. Mr. Bennett nominated the following slate of officers:

- | | |
|---------------------|-----------------|
| Chair | Seth Bennett |
| Vice Chair | Quint Noordstar |
| Assistant Secretary | Taryn Galvin |

Assistant Secretary

Lou Avelli

Assistant Secretary

Alex Gross

Assistant Secretary

Ernesto Torres

No other nominations were made. Prior appointments by the Board for Secretary, Treasurer and Assistant Treasurer remain unaffected by this Resolution

On MOTION by Mr. Bennett and seconded by Mr. Noordstar, with all in favor, Resolution 2023-02, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2023-03, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing for an Effective Date

Mr. Torres presented Resolution 2023-03. He reviewed the proposed Fiscal Year 2024 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal Year 2023 budget, and explained the reasons for any changes. This is a Landowner-funded budget, with expenses being paid as they are incurred. The following changes were made to the proposed Fiscal Year 2024 budget:

Page 1, "Legal" line item: Decrease to \$20,000

Page 1, "Engineering" line item: Increase to \$15,000

On MOTION by Mr. Bennett and seconded by Mr. Noordstar, with all in favor, Resolution 2023-03, Approving a Proposed Budget for Fiscal Year 2023/2024, as amended, and Setting a Public Hearing Thereon Pursuant to Florida Law for July 25, 2023 at 10:00 a.m., at the offices of Poulos & Bennett, LLC 2602 E Livingston Street, Orlando, Florida 32803; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing for an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Ratification of Engagement with Jere Earlywine at Kutak Rock LLP

- **Consideration of Retention and Fee Agreement**

On MOTION by Mr. Noordstar and seconded by Mr. Bennett, with all in favor, engagement of Jere Earlywine/Kutak Rock for District Counsel Services, was ratified, and the Retention and Fee Agreement, was approved.

NINTH ORDER OF BUSINESS

Consideration of Response(s) to Request for Qualifications (RFQ) for Engineering Services

- A. Affidavit of Publication**
- B. RFQ Package**
- C. Respondent: Poulos & Bennett, LLC**

Mr. Torres noted that Poulos & Bennett, LLC was the only respondent to the RFQ for Engineering Services.

- D. Competitive Selection Criteria/Ranking**

Mr. Earlywine stated, as Poulos & Bennet, LLC is the only respondent, it is not necessary to complete the Selection Criteria form. The Board can declare the Poulos & Bennett, LLC response sufficient and that they are a qualified respondent.

- E. Award of Contract**

It was noted that Mr. Bennett will abstain from voting on this matter due to a possible conflict of interest based on his relationship with Poulos & Bennett, LLC. Mr. Bennett will complete a new Form 8B, Conflict of Interest, disclosing his relationship to Poulos & Bennett, LLC, which will be attached to the meeting minutes. This is different from the Form 8B he completed in relation to the Landowner.

On MOTION by Mr. Noordstar and seconded by Mr. Gross, with Mr. Noordstar, Mr. Gross and Mr. Avelli all in favor and Mr. Bennett abstaining due to a possible conflict of interest based on to his relationship with Poulos & Bennett, LLC, deeming the sole respondent, Poulos & Bennett, LLC, as a qualified respondent to the RFQ for Engineering Services and authorizing Staff to negotiate the form of the Agreement with Poulos & Bennett, LLC for final approval at the next meeting, was approved.

TENTH ORDER OF BUSINESS

Consideration of Poulos & Bennett, LLC, Amendment 2 to Agreement for Engineering Services

Mr. Torres presented the Poulos & Bennett, LLC, Amendment 2 to Agreement for Engineering Services. It was noted that Mr. Bennett will also abstain from voting on this item for the same reasons discussed above, with Form 8B being attached to cover this item, as well.

On MOTION by Mr. Noordstar and seconded by Mr. Gross, with Mr. Noordstar, Mr. Gross and Mr. Avelli all in favor and Mr. Bennett abstaining due to a possible conflict of interest based on to his relationship with Poulos & Bennett, LLC, the Poulos & Bennett, LLC, Amendment 2 to Agreement for Engineering Services, was approved.

ELEVENTH ORDER OF BUSINESS

Consideration of Resolution 2023-04, Directing the Chairman and District Staff to Request the Passage of an Ordinance by the City Council of the City of Apopka, Florida, Amending the District's Boundaries, and Authorizing Such Other Actions as are Necessary in Furtherance of That Process; and Providing an Effective Date

Mr. Torres presented Resolution 2023-04. Mr. Earlywine stated that he reviewed the Petition and it should be ready for filing within a few days.

Discussion ensued regarding the Boundary Amendment for Kelly Park.

On MOTION by Mr. Bennett and seconded by Mr. Noordstar, with all in favor, Resolution 2023-04, Directing the Chairman and District Staff to Request the Passage of an Ordinance by the City Council of the City of Apopka, Florida, Amending the District's Boundaries, and Authorizing Such Other Actions as are Necessary in Furtherance of That Process; and Providing an Effective Date, was adopted.

TWELFTH ORDER OF BUSINESS

Consideration of Boundary Amendment Funding Agreement

Mr. Torres presented the Boundary Amendment Funding Agreement.

On MOTION by Mr. Bennett and seconded by Mr. Noordstar, with all in favor, the Boundary Amendment Funding Agreement, was approved.

THIRTEENTH ORDER OF BUSINESS

Consideration of Resolution 2023-05, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date

This item was deferred.

FOURTEENTH ORDER OF BUSINESS

Consideration of Resolution 2023-01, Designating the Primary Administrative Office and Principal Headquarters of the District and Providing an Effective Date

This item was deferred.

FIFTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of April 30, 2023

Mr. Torres presented the Unaudited Financial Statements as of April 30, 2023.

On MOTION by Mr. Bennett and seconded by Mr. Noordstar, with all in favor, the Unaudited Financial Statements as of April 30, 2023, were approved.

SIXTEENTH ORDER OF BUSINESS

Approval of September 14, 2022 Public Hearings and Regular Meeting Minutes

On MOTION by Mr. Bennett Noordstar and seconded by Mr. Noordstar, with all in favor, the September 14, 2022 Public Hearings and Regular Meeting Minutes, as presented, were approved.

SEVENTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: KE Law Group, PLLC

Mr. Earlywine asked how the project is progressing. He noted that bonds are anticipated for later in the year. Mr. Bennett stated that the current plan is to have the bonds

issued around September or October so the bond process will likely commence at the July meeting.

B. District Engineer: Poulos & Bennett, LLC

There was no report.

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

- **___ Registered voters in District as of April 15, 2023**
- **NEXT MEETING DATE: June 14, 2023 at 11:00 AM**
 - **QUORUM CHECK**

The June 14, 2023 and July 12, 2023 meetings will be cancelled. The next meeting will be held on July 25, 2023.

EIGHTEENTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

NINETEENTH ORDER OF BUSINESS

Public Comments

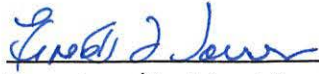
No members of the public spoke.

TWENTIETH ORDER OF BUSINESS

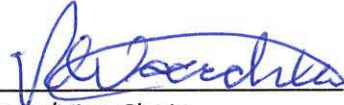
Adjournment

On MOTION by Mr. Bennett and seconded by Mr. Noordstar, with all in favor, the meeting adjourned at 8:46 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair