MINUTES OF MEETING
DEERING PARK STEWARDSHIP DISTRICT

The Board of Supervisors of the Deering Park Stewardship District held a Regular Meeting on January 9, 2024 at 2:00 p.m., at Storch Law Firm, 420 S. Nova Road, Daytona Beach, Florida 32114.

Present were:

Glenn Storch	Chair
Robbie Lee	Vice Chair
Earl Underhill (via telephone)	Assistant Secretary
James (Jim) Boyd	Assistant Secretary

Also present:

Cindy Cerbone	District Manager
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC (WHA)
Jonathan Johnson (via telephone)	District Counsel
Chris Warshaw (via telephone)	District Engineer
Helen Hutchens (via telephone)	Miami Corporation Management, LLC

FIRST ORDER OF BUSINESS — **Call to Order/Roll Call**

Ms. Cerbone called the meeting to order at 2:03 p.m.

Supervisors Storch, Boyd and Lee were present. Supervisor Underhill attended via telephone. One seat was vacant.

SECOND ORDER OF BUSINESS — **Public Comments**

No members of the public spoke.

THIRD ORDER OF BUSINESS — **Consider Appointment to Fill Unexpired Term of Seat 5; Term Expires November 2026**

- **Administration of Oath of Office to Appointed Supervisor**

This item was presented following the Eleventh Order of Business.

FOURTH ORDER OF BUSINESS **Consideration of Resolution 2023-05, Designating Certain Officers of the District, and Providing for an Effective Date**

This item was deferred.

FIFTH ORDER OF BUSINESS **Consideration of Resolution 2024-03, Ratifying the Revision of Certain Documents Approved in Substantial Form at the Duly Advertised Meeting of the Board of Supervisors Held August 29, 2023; Addressing Severability; and Providing an Effective Date**

Ms. Cerbone presented Resolution 2024-03, which provides for ratifying the revision of the Capital Improvement Plan (CIP), Master Validation Report and Master Bond Resolution 2023-07, together known as the "Prior Meeting Documents". These documents were provided to Supervisor Boyd and hard copies are available for reference today.

Mr. Johnson stated the Bond Validation Hearing will occur next week. Some questions about the changes that were made were discussed on the record. This Resolution will provide additional evidence that the Board approves the actions of the Chair in affirming those documents and authorizing Staff to make the filings that have led to the Bond Validation.

Mr. Boyd stated he reviewed the revised documents, which seem to reflect the change that was made; an item that was double-counted was deleted from the revised documents. He noted that the first "WHEREAS" paragraph of Resolution 2024-03 should be corrected to reflect that the "Prior Meeting" date is August 29, 2023.

On MOTION by Mr. Boyd and seconded by Mr. Lee, with all in favor, Resolution 2024-03, as amended, Ratifying the Revision of Certain Documents Approved in Substantial Form at the Duly Advertised Meeting of the Board of Supervisors Held August 29, 2023; Addressing Severability; and Providing an Effective Date, was adopted.

Ms. Cerbone asked if the signature page of the hard copy of Resolution 2024-03 to be signed today will suffice. Mr. Johnson replied affirmatively; his office will make the change.

SIXTH ORDER OF BUSINESS **Consideration of England-Thims & Miller, Inc., Work Authorization #3 for Capital Improvement Plan/Engineers Report**

Ms. Cerbone presented England-Thims & Miller, Inc., Work (ETM) Authorization #3 related to the CIP and the Engineer's Report.

Ms. Hutchens confirmed that the Work Authorization was reviewed by the Landowner.

Mr. Boyd recalled that Work Authorization #1 was approved at the last meeting and asked what Work Authorization #2 consists of. Mr. Warshaw believes Work Authorization #2 relates to the general agreement for the year, at a not-to-exceed amount of $5,000. Ms. Cerbone stated that is in the budget so, while it did not require Board approval, the Work Authorization provides necessary documentation.

Mr. Boyd requested a brief explanation of the need for the Supplemental Report.

Mr. Warshaw stated this Work Authorization will cover the District Engineer's time and efforts related to the Bond Validation. Prior to bond issuance, the Supplemental Engineer's Report will dial in the requested bond amount for the additional bond issuance. While the initial CIP is very high level and conceptual in nature, the Supplemental Engineer's Report will provide a finer level of detail.

Ms. Cerbone stated the Supplemental Engineer's Report will narrow down the area over which bonds will be levied. She expects multiple bond issuances, given that the District will validate approximately $24 billion. A series of bond issuances will occur over a series of years.

On MOTION by Mr. Storch and seconded by Mr. Lee, with all in favor, England-Thims & Miller, Inc., Work Authorization #3 for the Capital Improvement Plan and Engineer's Report, was approved.

SEVENTH ORDER OF BUSINESS **Discussion/ Presentation: Grant for Edgewater Wetlands Park**

Ms. Hutchens delivered an electronic presentation related to the grant for the Edgewater Wetlands Park. She referred to maps and slides, responded to questions and noted the following:

- A series of grant applications and appropriations requests were submitted to fund some of the larger public projects for the Deering Park development area within the bounds of the

Stewardship District. The public-private partnership is working in tandem with the development company.

- The purpose of the first major project, the Edgewater Wetlands Park, is to redirect up to three million gallons per day of reuse water away from the Indian River Lagoon, which is a high priority subject for the State due to the state of the conditions in the Indian River.
- The park will create approximately 50 acres of upland wetland systems approximately five miles to the west of the existing City of Edgewater wastewater treatment facility, where reclaimed water is created.
- The project aims to prevent reclaimed water from entering the Indian River Lagoon and to provide an opportunity for aquifer recharge but more research is needed in this area.
- Wetland habitat and passive recreational opportunities, such as birdwatching, bicycling and hiking, will also be created.

Discussion ensued regarding increasing the capacity for future water usage, public access to reclaimed water and being cognizant of setbacks to the potable wells from any reclaimed water application area or transmission lines.

- Lines for reclaimed wastewater and raw and potable water will be run on opposite sides of the road to ensure sufficient distance apart and distance from the wells. There are only crossovers where necessary for the lift station.
- The Florida Department of Environmental Protection (FDEP) had an Indian River Lagoon Water Quality Improvement Grant Program. In December, the District applied for design and construction funding for the project and, in December, the District was awarded the full design and engineering construction amount.
- The future development footprint includes permanent conservation areas and a mitigation plan for existing wetlands.
- A second FDEP grant was applied for relating to the existing East Coast Rail Trail, which runs through Farmton and up north to Edgewater and down south to Titusville. This trail network will complement the wetland park's passive recreation capabilities and create non-motorized vehicle opportunities. The project is near the Florida Wildlife Corridor, which aims to provide a means for wildlife to move from north to south within the State and offers education about the nature of the wildlife in the area.

Referring to the map and pictures, Ms. Hutchens and the Board discussed the existing trail, proposed trail from SR-44 to I-95 and connectivity to lead to the trail SR-44.

- The project was placed on the River to Sea Transportation Planning Organization (TPO) priority list and the Shared-Use Nonmotorized (SUN) Trail and Greenways and Trails System Florida Greenways and Trails System (FGTS) priority lists; these allowed the District to apply for the funding for the construction of the trail. Another $6.5 million grant request utilizes the State's priorities regarding passive recreation and public use of natural areas.

Discussion ensued regarding the timing and approval processes for funding requests, whether the project will proceed if the grant is not approved or is only partially funded, additional sources of financing and the possibility of entering into a Completion Agreement.

Mr. Boyd asked if the grant is intended to cover 100% of the costs based on current estimates. Ms. Hutchens stated the intent is for there to be no additional cost to the District beyond the grant amount; efforts will be taken to come in under budget.

- The District is working as the sponsor for the Interchange Modification Report (IMR) for the intersection of SR-442 and I-95, which is being funded through the Developer, Deering Park Development Company.

Ms. Hutchens presented an appropriations request made in the name of the District for the construction of what is being designed in the IMR. She presented the conceptual layout of the future interchange, indicating the future lane alignments, and noted that the existing interchange has a deficiency. The District is proposing the remedy for the interchange, which will give reconfigured lanes and a protected path underneath the interchange for the bicycle path and will create resiliency to mitigate against flooding that sometimes occurs in that area during heavy rainfall events, like hurricanes.

Mr. Storch asked if the multi-use path for bicycles and pedestrians that will link the BPM trail would be part of this grant request, and not the previously discussed trail. Ms. Hutchens replied affirmatively.

- For the 2024-2025 Legislative Period, the District requested $15 million for the construction of the interchange improvements. Because the total costs are expected to be closer to $30 million, a second request will be made during the 2025-2026 Legislative Session to ensure that funds received can be spent in a timely fashion.

Ms. Hutchens presented a summary of the submission dates, amounts requested and award status. She noted that the SUN Trail funding was requested in December 2023; she will find out the timeline and report her findings. The Legislative Session will resume soon and it is hoped that an answer will be received by the end of March 2024 as to whether the bill as made it to fruition.

Mr. Storch noted that the report indicates the District's plans.

Mr. Boyd stated his belief that these improvements are part of the bond issue and the CIP. Ms. Hutchens stated it could be but, if funds can be obtained in a different manner and alleviate the need to issue bonds, that is even better. They are trying to ensure that improvements are funded appropriately; if the development does not necessitate the improvements, the development company and the District should not have to pay for it. Legislative funding is being sought for the existing deficiency under I-95 to ensure that it is brought into compliance and, from there forward, if additional improvements are needed the CDD can look to the bond issuances or the development to be able to help the public-private partnership components, which will always be needed. That is why the relationship with the Landowner, the Development company and the District is so important. The lines of communication must be kept open to ensure that all are aware of the status.

Ms. Cerbone asked what is next, now that the request for $7,143,500 was granted. Ms. Hutchens stated she hopes to provide the "What's Next" information at the next meeting.

Ms. Cerbone noted her and Management's work with the FDEP and other agencies. She explained the process whereby the Developer spends the money appropriately through the District, which secures the contracts, the Developer funds the payment of such, and the District Engineer is involved because the District must submit pay requisitions to FDEP to get reimbursed. The District does not receive the funds and then spend them; instead, it spends the funds and, after FDEP approval, the District receives reimbursement. She discussed the audit period related to the grant money, which is separate and distinct from the District's annual audit and Management's familiarity with the accounting and setup of a separate fund. She noted that District Counsel also has extensive experience working with these processes and with Management, from an accounting and management perspective.

Mr. Storch stated the wetland park will be phased, based on the public-private partnership with Edgewater. They must work together regarding when it goes into effect; the Development partnership will meet next week. He does not believe it is a cost partnership, as the amount granted is believed to be sufficient for construction. Ms. Cerbone discussed ongoing public-public partnerships, in addition to public-private cost share projects.

Mr. Storch noted that land ownership issues and some potential contributions must be accounted for. Ms. Hutchens stated the Landowner will match some of the FDEP funding for the wetland park in the form of a land contribution. The Landowner will not retain title to that property but the title likely will not pass until construction is in process or complete; that might also be a phased process.

Ms. Cerbone noted that monthly meetings are scheduled; the February meeting can be canceled if not needed and she can blind-copy information to Board Members as necessary.

Mr. Storch voiced his opinion that it is important to inform the Board Members of the decision following the bond validation hearing. Ms. Cerbone will email the Board after the hearing and will email another update after the 30-day appeal period.

EIGHTH ORDER OF BUSINESS **Consideration of Resolution 2024-02, Designating a Date, Time, and Location for a Landowners' Meeting and Election; Providing for Publication; Establishing Forms for the Landowner Election; and Providing for Severability and an Effective Date**

Ms. Cerbone presented Resolution 2024-02.

On MOTION by Mr. Lee and seconded by Mr. Boyd, with all in favor, Resolution 2024-02, Designating a Date, Time, and Location of November 12, 2024 at 2:00 p.m., at Storch Law Firm, 420 S. Nova Road, Daytona Beach, Florida 32114 for a Landowners' Meeting and Election; Providing for Publication; Establishing Forms for the Landowner Election; and Providing for Severability and an Effective Date, was adopted.

NINTH ORDER OF BUSINESS **Acceptance of Unaudited Financial Statements as of November 30, 2023**

Ms. Cerbone presented the Unaudited Financial Statements as of November 30, 2023. She believes that the amount shown in "Undeposited funds" might be due to a check that arrived during the Thanksgiving holiday; Staff will check with Accounting and advise accordingly.

On MOTION by Mr. Storch and seconded by Mr. Lee, with all in favor, the Unaudited Financial Statements as of November 30, 2023, were accepted.

TENTH ORDER OF BUSINESS **Approval of August 29, 2023 Public Hearing and Regular Meeting Minutes**

Ms. Cerbone presented the August 29, 2023 Public Hearing and Regular Meeting Minutes. The following change was made:

Line 20 and throughout: Change “Washaw” to “Warshaw”

On MOTION by Mr. Lee and seconded by Mr. Underhill, with all in favor, the August 29, 2023 Public Hearing and Regular Meeting Minutes, as amended, were approved.

ELEVENTH ORDER OF BUSINESS **Staff Reports**

A. District Counsel: Kutak Rock LLP

Mr. Johnson stated the bond validation hearing will be held next Wednesday morning. No Board Members or Staff are required to attend; a report will be provided afterwards. The District’s property lies within the Judicial Circuits of Volusia and Brevard Counties so both State Attorney’s offices have been participating in the process. A Joint Stipulation was prepared between District Counsel and the State Attorneys’ offices; this agreement lays out all relevant law and agrees that all the documents the District would like to have admitted to the proceeding are admissible and relevant. At the request of the Volusia County State Attorney’s Office, Mr. Craig Wrathell and Mr. Chris Warshaw will attend as witnesses to support the detail behind the Engineer’s Report and the Validation Report. He expects the final judgment to be entered on Wednesday or shortly thereafter.

Mr. Johnson asked for the minutes with Mr. Warshaw’s name corrected to be emailed to him.

Ms. Cerbone stated a bullet will be added to the next agenda for the required ethics training during calendar year 2024. Mr. Johnson asked for the Memorandum to be included.

B. District Engineer: England-Thims & Miller, Inc.

There was no report.

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

- **NEXT MEETING DATE: February 13, 2024 at 2:00 PM**
  - **QUORUM CHECK**

The next meeting will be held on February 13, 2024, unless canceled.

▪ **Consider Appointment to Fill Unexpired Term of Seat 5; Term Expires November 2026**

This item, previously the Third Order of Business, was presented out of order.

Mr. Storch nominated Mr. Joey Posey to fill Seat 5.

No other nominations were made.

On MOTION by Mr. Storch and seconded by Mr. Boyd, with all in favor, the appointment of Mr. Joey Posey to Seat 5, was approved.

Ms. Cerbone stated the next meeting will be advertised with a Teams link, including a dial-in number. Each month she will confirm if an advertisement for a Teams meeting is needed for the next meeting, in the event that Ms. Hutchens has more information. The website and the agenda were updated to provide a link, making the meeting available to all. There were no dial-in or Teams participants at today's meeting.

TWELFTH ORDER OF BUSINESS **Board Members' Comments/Requests**

There were no Board Members' comments or requests.

THIRTEENTH ORDER OF BUSINESS **Public Comments**

There were no public comments.

FOURTEENTH ORDER OF BUSINESS **Adjournment**

On MOTION by Mr. Lee and seconded by Mr. Boyd, with all in favor, the meeting adjourned at 2:59 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

____
Secretary/Assistant Secretary

____
Chair/Vice Chair