

**MINUTES OF MEETING
DEERING PARK STEWARDSHIP DISTRICT**

The Board of Supervisors of the Deering Park Stewardship District held a Regular Meeting on March 12, 2024 at 2:00 p.m., in-person at Storch Law Firm, located at 420 S. Nova Road, Daytona Beach, Florida 32114 and via Teams Meeting ID: 283 787 630 919 Passcode: ZXHeDk.

Present were:

Robbie Lee	Vice Chair
Earl Underhill (via telephone)	Assistant Secretary
James (Jim) Boyd	Assistant Secretary
Joey Posey	Assistant Secretary

Also present:

Cindy Cerbone	District Manager
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC (WHA)
Jonathan Johnson (via telephone)	District Counsel
Chris Warshaw	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 2:01 p.m. She stated that the Oath of Office was administered to Mr. Posey prior to the meeting.

Supervisors Posey, Boyd and Lee were present. Supervisor Underhill attended via telephone. Supervisor Storch was not present.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

**Administration of Oath of Office to
Appointed Supervisor Joey Posey [Seat 5];
Term Expires November 2026**

The Oath of Office was administered to Mr. Posey prior to the meeting.

FOURTH ORDER OF BUSINESS**Consideration of Resolution 2024-01,
Designating Certain Officers of the District,
and Providing for an Effective Date**

Ms. Cerbone presented Resolution 2024-01. The slate was as follows:

Chair	Glen Storch
Vice Chair	Robbie Lee
Assistant Secretary	Earl M Underhill
Assistant Secretary	James Boyd
Assistant Secretary	Joey Posey
Assistant Secretary	Cindy Cerbone
Assistant Secretary	Andrew Kantarzhi

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. Lee and seconded by Mr. Boyd, with all in favor, Resolution 2024-01, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.
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FIFTH ORDER OF BUSINESS**Update: Required Ethics Training**

Ms. Cerbone discussed the new requirement for Supervisors to complete four hours of ethics continuing education every year. The agenda includes information and links to free online trainings will be provided. Supervisors are advised to keep a log of courses taken, including the name of the course, course provider, date and time and number of hours because some course providers do not offer documentation of completion. The Florida Association of Special Districts (FASD) has courses, most of which charge a fee.

Mr. Johnson stated the electronic version of the information in the agenda will be emailed to Supervisors. It includes links to the Florida Commission on Ethics (FCOE) and Office of the Attorney General courses, which do not charge a fee.

Ms. Cerbone stated the completed coursework for 2024 will be reported when filing Form 1 in mid-2025. Form 1 will now be filed electronically directly with the FCOE, rather than the Supervisor of Elections. Each Supervisor's information was provided to the FCOE. Supervisors should receive an email by April 2024 asking them to complete a short registration process. If an email is not received, Supervisors can register directly on the FCOE website and complete the electronic Form 1 in advance of the July 1, 2024 deadline.

It was noted that registration on the FCOE website is separate from the filing Form 1.

This item will remain on the agenda, under the District Manager's report.

SIXTH ORDER OF BUSINESS

Update: Bond Validation

Ms. Cerbone stated the bond validation hearing went well.

Mr. Johnson stated the Certificate of No Appeal from the Court Clerk indicates that the bond validation is final.

SEVENTH ORDER OF BUSINESS

Discussion: Action Items for Wetland Park Project

A. Consideration of Work Authorization #4: Wetland Park - Design Build Coordination

Mr. Warshaw presented England-Thims & Miller, Inc., (ETM) Work Authorization #4 related to the Wetland Park Design Build Coordination and noted the following:

- The District received a \$7,143,500 grant from the State to construct and design a wetland park west of the initial development phase, in the upland area.
- The wetland park will accept reclaim water from the City of Edgewater. Rather than discharging to the Indian River Lagoon, the water will be discharged into the wetland park, where it will be filtered before discharging back into the aquifer or elsewhere.
- The scope of work is the first step; the project will be executed via a Design Build Contract. ETM will not prepare the design, ETM will partner with Wetland Solutions, Inc., (WSI),

who will advise as ETM publishes a Design Build solicitation and contract to engage a Design Build firm. Working with WSI, ETM will oversee the process and construction activities.

Mr. Boyd noted several discrepancies between the budget totals shown on Schedule A, the Scope of Services, and the Task Summary table, as follows:

- Schedule A, Item B1, lists the “Design Build Phase, D/B Solicitation” with a Budget Estimate of \$9,600; however, the same item is \$10,000 on the Task Summary Table.
- Schedule A, Item B7, lists the “Design Phase Project Coordination” with a Budget Estimate of \$25,000; however, the same item is \$20,000 on the Task Summary Table.
- Schedule A, Item B8, lists the “Limited Construction Administration” with a Budget Estimate of \$35,000; however, the same item is \$45,000 on the Task Summary Table.

Discussion ensued regarding which amounts are correct.

Mr. Warshaw stated the correct total for Item B1 is \$9,600, the correct total for Item B7 is \$20,000 and the correct total for Item B8 is \$45,000.

Mr. Boyd asked if the expenses, such as telephone and travel, are included in the not-to-exceed budget. Mr. Warshaw stated they are not, those are extra costs. He suggested a not-to-exceed amount of \$10,000 would be appropriate for a two-year project.

Mr. Boyd expressed concern that the WSI proposal is not signed. Mr. Warshaw stated it is provided for reference; WSI will be contracted directly by ETM as a subconsultant. Mr. Boyd asked why the District is required to sign the WSI proposal. Mr. Warshaw stated that will be revised to reflect that WSI is subcontracted with ETM; the District will not be required to sign.

Discussion ensued regarding developing a schedule for the project and for the Request for Qualifications (RFQ).

Ms. Cerbone asked when the RFQ might be ready to be published. She noted that the Ranking Criteria will need to be presented to the Board. Mr. Warshaw estimated that the RFQ might not be published for a few months.

Ms. Cerbone suggested adding recurring agenda item “Update: RFQ Design Build Process” until further notice.

Ms. Hutchens stated the grant has a timeline so the project must stay within the time allocation for the grant to pay for the project. She suggested segregating the wetland park project from the IMR in the agenda.

Ms. Cerbone noted that the Work Authorization itself is signed by the District. Realizing that any work done by WSI will be subcontracted to ETM, she asked who should receive funding requests, as invoices related to this Work Authorization are received. Ms. Hutchens believes that the funding requests for Work Authorization #4 should be directed to the Landowner, not the Development Company.

Discussion ensued regarding Landowner and Development entity Funding Agreements.

Ms. Hutchens stated that the District has one Funding Agreement with the Landowner, for operating activities, and another for bonding authorizations. Asked if the Landowner will want to recoup the funds from capital later, Ms. Hutchens stated the grants should reimburse all parties.

Mr. Johnson stated he will review the Bond Agreement to see if a simple amendment will suffice.

Ms. Cerbone stated that most grants she has worked with do not reimburse as the project progresses; rather, they reimburse at the end. She asked if the Landowner will want access to bond funds if the bonds are issued in advance, and want the grant money to go to the Construction Account. Ms. Hutchens stated that is a logistical matter to be considered.

Ms. Cerbone discussed the need to develop procedures for construction funding and, at each meeting, advise if any different avenues are being taken so that Accounting can plan accordingly and ensure that bills are paid on time.

Ms. Cerbone stated, after documents are approved, in substantial form or as amended, she would like to discuss the next steps involved with getting fully executed documents so that it can be reflected in the minutes. Any parties to making the “substantially approved” documents “finally approved and fully executed” will receive emails after the meeting, including Ms. Gillyard, in the Management Office, who retains all the records related to who will do what, and in what order.

On MOTION by Mr. Lee and seconded by Mr. Posey, with all in favor, England-Thims & Miller, Inc., Work Authorization #4 for the Wetland Park Design Build Coordination, in substantial form and/or as amended as discussed, was approved.

Ms. Cerbone stated Mr. Warshaw will make the updates and forward the documents to District Management's office. She noted that the Vice Chair is present and the Lead Sheet to Work Authorization #4 does not contain any of the numbers requiring updating. She recommended that District Management's office hold the Lead Sheet until the updated documents are received, at which time both parties will have what they need and a copy can be sent to Ms. Hutchens. Ms. Hutchens agreed.

EIGHTH ORDER OF BUSINESS

Project Updates:

A. Edgewater Wetland Park

This item was discussed during the Seventh Order of Business.

B. SR 442/I-95

Mr. Warshaw stated good progress is being made. Conceptual design is currently under review by the Florida Department of Transportation (FDOT); there has been a lot of back and forth to date but no surprises are expected. Traffic modeling is underway. Good discussions have occurred regarding managing interchange drainage within District property to eliminate the need to acquire any additional right-of-way (ROW).

Ms. Hutchens stated that a Federal RAISE Grant application was submitted to help offset the cost of the interchange construction and implementation. An FDOT Trails Grant application was submitted, which would help fund and construct the bike trail underneath the interstate at that location. Both applications were deemed complete and decisions are pending.

C. Deering Trail

Mr. Warshaw stated the request for Deering Trail was submitted to FDOT. The trails would most likely be done via Design Build. The Development Team discussed timelines but no schedule or dates have been set. The District will pursue trail money to the extent that it can, to help augment the other work to be done at the interchange. A trail will be brought through the

interchange as part of the interchange improvements. Additional grants will reduce the burden on funding entities for other requests.

Mr. Boyd asked if the focus on grant funding is emphasizing existing conditions requiring improvement, separate from the development impacts. Mr. Warshaw replied affirmatively. The work that LTG is doing from a traffic perspective is proving that the interchange is not working, which improves the chances that FDOT or the Legislature will offer funding. It is believed that the traffic supports the need for grant funding.

Ms. Cerbone stated, regarding Item 8B, SR 442/I-95, a fully executed Work Authorization and a Construction Funding Agreement are in effect between the District and the Kolter entity. So, the funding requests for Edgewater Wetland Park currently go to Ms. Hutchens' office, not to Kolter. Ms. Hutchens concurred.

Ms. Cerbone asked where funding requests for Deering Trail should be sent. Ms. Hutchens stated, from the perspective of the trail that is integrated into IMR's design, funding requests should be sent to the Kolter entity, as the Developer. She will research and advise regarding funding requests outside the envelope of the IMR.

Mr. Warshaw stated that no Work Authorizations have been submitted for Deering Trail. While grants were applied for, on behalf of the District, the trail is a future project. Staff is not in a position to submit for any kind of work-related project at this time.

Ms. Cerbone stated that standalone agenda items will be included on the next agenda for Edgewater Wetland Park and SR 442/I-95, in case bullet points are added related to these projects.

NINTH ORDER OF BUSINESS**Acceptance of Unaudited Financial
Statements as of January 31, 2024**

Ms. Cerbone presented the Unaudited Financial Statements as of January 31, 2024. She stated the ending fund balance of -\$10,808 represents expenditures that could be reimbursed out of the costs of issuance, versus the bond Construction Account.

Ms. Hutchens stated the majority of that amount represents legal fees associated with the bond issuance that will be reimbursed from the bond proceeds.

On MOTION by Mr. Boyd and seconded by Mr. Lee, with all in favor, the Unaudited Financial Statements as of January 31, 2024, were accepted.

TENTH ORDER OF BUSINESS**Approval of January 9, 2024 Regular Meeting Minutes**

Ms. Cerbone presented the January 9, 2024 Regular Meeting Minutes.

On MOTION by Mr. Lee and seconded by Mr. Posey, with all in favor, the January 9, 2024 Regular Meeting Minutes, as presented, were approved.

ELEVENTH ORDER OF BUSINESS**Staff Reports****A. District Counsel: Kutak Rock LLP**

There was no report.

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

There was no report.

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

Ms. Cerbone stated she will email Ms. Hutchens regarding the need for an estimated time frame for the bond issuance, for budgeting purposes. Mr. Kessler, of FMSbonds, Inc., will contact Ms. Hutchens regarding software that will help with compliance; if the Board and the Developer agree, that cost will be included in the budget.

Discussion ensued regarding the need to include Field Operations in the Fiscal Year 2025 budget. Ms. Cerbone will speak with Mr. Warshaw in this regard.

Ms. Hutchens stated the Operation & Maintenance (O&M) entity for the wetland park will be the City of Edgewater. The only components that might be turned over to the District will be infrastructure components that are not going to be turned over to the City of Edgewater. She noted that the interconnecting piping is Edgewater's responsibility.

Mr. Warshaw stated that part of the grant will be to further extend the reclaim water to the Wetland Park. Ms. Hutchens stated that she and Mr. Warshaw and the Development Team

will specifically outline the intended O&M entities for each component. Mr. Warshaw stated it will be necessary to determine which improvements will be managed by the HOA and which will be managed by the District.

Mr. Boyd asked if wetland monitoring reports and/or wells will be required. Mr. Warshaw stated his understanding that the wetland park will be the City's responsibility and the District might be a joint partner in the future.

Ms. Cerbone stated she will present a draft Fiscal Year 2025 budget in April; further revisions can be made in May. A Landowner-contribution budget offers flexibility, as expenses are funded as they are incurred.

- **NEXT MEETING DATE: April 9, 2024 at 2:00 PM**
 - **QUORUM CHECK**

The next meeting will be held on April 9, 2024, unless canceled.

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

There were no Board Members' comments or requests.

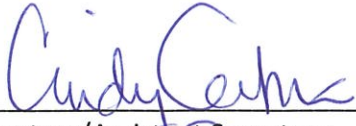
THIRTEENTH ORDER OF BUSINESS**Public Comments**

There were no public comments.

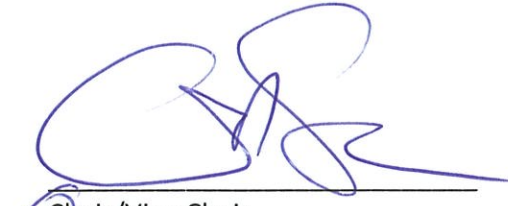
FOURTEENTH ORDER OF BUSINESS**Adjournment**

On MOTION by Mr. Posey and seconded by Mr. Boyd, with all in favor, the meeting adjourned at 2:57 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair