MINUTES OF MEETING
DEERING PARK STEWARDSHIP DISTRICT

The Board of Supervisors of the Deering Park Stewardship District held a Regular Meeting on April 9, 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: 280 567 498 56 Passcode: ALDDcS.

Present were:

Glenn Storch	Chair
Robbie Lee	Vice Chair
James (Jim) Boyd	Assistant Secretary
Joey Posey	Assistant Secretary

Also present:

Cindy Cerbone	District Manager
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC (WHA)
Antonio Shaw	Wrathell, Hunt and Associates, LLC (WHA)
Jonathan Johnson (via telephone)	District Counsel
Chris Warshaw	District Engineer
Helen Hutchens	Miami Corporation Management, LLC
Sean Stefan	Kolter Group
Bill Fife	Supervisor (Appointed at meeting)

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

Ms. Cerbone called the meeting to order at 2:02 p.m. Supervisors Storch, Posey, Boyd and Lee were present. Supervisor Underhill was not present.

SECOND ORDER OF BUSINESS **Public Comments**

No members of the public spoke.

THIRD ORDER OF BUSINESS **Acceptance of Resignation of Earl Underhill [Seat 2]**

Ms. Cerbone presented Mr. Underhill's resignation letter. Mr. Storch stated, with a heavy heart and in recognition of Mr. Underhill's contributions, he will motion to accept the resignation.

> **On MOTION by Mr. Storch and seconded by Mr. Boyd, with all in favor, the resignation of Mr. Underhill, from Seat 2, was accepted.**

FOURTH ORDER OF BUSINESS **Consider Appointment to Fill Unexpired Term of Seat 2; Term Expires November 17, 2024**

Mr. Storch nominated Mr. Bill Fife to fill Seat 2. No other nominations were made.

> **On MOTION by Mr. Lee and seconded by Mr. Posey, with all in favor, the appointment of Mr. Bill Fife to Seat 1, was approved.**

Ms. Cerbone stated that, as an experienced Board Member on multiple Districts, Mr. Fife is familiar with the Sunshine Law requirements and the accompanying Supervisor requirements, forms and paperwork, which are included in the separate package.

- **Administration of Oath of Office (the following will also be provided in a separate package)**

Mr. Kantarzhi, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Fife.

Ms. Cerbone provided the paperwork to initiate Supervisor compensation. She advised Board Members that their January and March compensation is in processing and should be received by the end of April.

Ms. Cerbone stated the Florida Commission on Ethics (FCOE) will email Supervisors information to register; Mr. Kantarzhi will forward the FCOE email because the email from FCOE could mistakenly go into the Supervisors' spam folders. Supervisors must file Form 1 electronically with the FCOE no later than July 1, 2024, rather than via the Supervisor of Elections.

Mr. Storch asked if the new filing requirement is based on the new Statute. Mr. Johnson stated no; the District is not subject to the Statute regarding Form 6 that has gained so much attention at the municipal level. Ms. Cerbone stated that Stewardship District Board Members are not required to file Form 6.

A. Required Ethics Training and Disclosure Filing

- **Sample Form 1 2023/Instructions**

Ms. Cerbone presented the Kutak Rock Memorandum and responded to questions. She noted that her office contacted the State numerous times to determine the processes, as this process is new for the State, and for District Management, District Counsel and Board Members. She discussed the new requirement for Supervisors to complete four hours of ethics continuing education by December 31st every year, beginning with 2024, and stated that links to available courses and recommendations will be provided.

Mr. Storch asked if his ethics continuing education completed as a lawyer can be used to meet the requirement. Mr. Johnson stated, at the present time, the COE has not adopted those courses as being in compliance; however, it is possible that they will be approved later in the year. He recommended Mr. Storch check later to verify.

Ms. Cerbone discussed the free course offerings, which will be emailed to the Board. The first course offering is a YouTube video. The next three courses are on the COE website and the last course offered is an audio-only course that includes both Sunshine Law and Public Records training. The email will indicate that courses taken in 2024 will not be reported when filing Form 1 in July 2024; rather, completion of the requirement will be reported when filing Form 1 in 2025. She recommends keeping and retaining a list of courses taken, including the date of completion, the name of the course, the website or location of the course and the duration.

B. Membership, Obligations and Responsibilities

C. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees

D. Form 8B: Memorandum of Voting Conflict for County, Municipal and other Local Public Officers

FIFTH ORDER OF BUSINESS **Consideration of Resolution 2024-04, Appointing and Removing Officers of the District and Providing for an Effective Date**

Ms. Cerbone presented Resolution 2024-04. Mr. Storch nominated the following slate:

Chair	Glen Storch
Vice Chair	Robbie Lee
Assistant Secretary	Bill Fife

Assistant Secretary	James Boyd
Assistant Secretary	Joey Posey

No other nominations were made. This Resolution removes Earl Underhill from the Board. Prior appointments by the Board for Secretary, Treasurer, Assistant Treasurer, and Assistant Secretaries Cindy Cerbone and Andrew Kantarzhi, remain unaffected by this Resolution.

On MOTION by Mr. Storch and seconded by Mr. Posey, with all in favor, Resolution 2024-04, Appointing, as nominated, and Removing Officers of the District and Providing for an Effective Date, was adopted.

The Board, Staff and attendees agreed to modifications to the agenda.

SIXTH ORDER OF BUSINESS **Discussion: Fiscal Year 2024/2025 Proposed Budget**

This item was presented following the Eleventh Order of Business.

SEVENTH ORDER OF BUSINESS **Consideration of Florida Department of Environmental Protection Standard Grant Agreement [Edgewater Wetland Park Project]**

Ms. Cerbone presented the Florida Department of Environmental Protection (FDEP) Standard Grant Agreement, which was signed by the FDEP and by her office. District Management will be the administrator of the Agreement, with guidance and input from the Board, Staff and other parties. Mr. Storch asked if the Agreement requires ratification. Ms. Cerbone replied affirmatively.

Mr. Boyd suggested voiced his opinion that the Board Members should have an opportunity to review Agreements before they are executed, moving forward.

Ms. Hutchens stated the Agreement was provided to the FDEP in draft form, assuming there would be edits; however, the FDEP signed and returned the Agreement.

Ms. Cerbone believes that a deadline applies to returning the Agreement to the FDEP and highly recommended the Agreement be ratified today.

Mr. Storch stated that the Agreement needs to be ratified and recommended the Board discuss any questions at this time.

Mr. Boyd stated, if he had the opportunity to review the Agreement prior to execution, he would have objected to the project description's statement that "The grantee will improve water quality in the lagoon, meet the City's Senate Bill 64 goals" and voiced his opinion that the District cannot guarantee that it will meet the Senate Bill 64 goals. He noted that he does not know what those goals are.

Ms. Hutchens stated that Senate Bill 64 is the water quality improvement bill approved by the 2023 Legislature. The Bill's intent is to improve water quality in the Indian River Lagoon and remove effluent discharge from wastewater plants. This is redirecting the effluent from the Lagoon in total; all the effluent water that would have gone into the Lagoon is going into the wetland park for treatment and recharge. The goal is to stop putting discharge into the Lagoon and, by completing this project, the District is meeting that goal.

Mr. Storch stated, as a lawyer, he does not see the project description as a mandate, but the goal of removing the effluent from the Lagoon is meeting the goals.

Mr. Johnson stated he is in agreement.

With regard to the Project Timeline and Budget Detail for the Grant Agreement, Mr. Boyd noted that four different tasks are listed. He asked if the grant amounts shown can be adjusted. Ms. Hutchens stated that, within line items, the amounts can be adjusted to a certain point and amounts not spent on one line item can be relocated, with approval.

Mr. Boyd stated that he supports the project and reiterated his preference for the Board to review Agreements in advance.

Mr. Storch was in agreement and noted that this is an unusual situation.

On MOTION by Mr. Lee and seconded by Mr. Fife, with all in favor, the Florida Department of Environmental Protection Standard Grant Agreement for the Edgewater Wetland Park Project, was ratified.

EIGHTH ORDER OF BUSINESS **Project Updates:**

A. Edgewater Wetland Park

- **RFQ Status**

- **Funding Source(s)**

Ms. Hutchens displayed and presented a visual aid depicting the Edgewater Wetland Park that provides a sense of the location of the park and the distance from the highway to the Wetland Park. Discussions are ongoing with the City of Edgewater, as it will take over the Operations and Maintenance (O&M) of the facility, which will contribute toward the effluent goals, once it is fully constructed and operational. Discussions are ongoing regarding the interchange and the bike trail. The first segment from Indian River Boulevard, the light green dash line coming under the Interstate, along Indian River Boulevard, through the development and through the wetland park. The trail system runs the length of the wetland park up north and will work itself around development areas before connecting to the Regional Rail Trail on the east side of the Interstate. The exhibit gives an idea of the first segments of where these go and what is proposed to be funded for public trails along the future Williamson alignment.

Ms. Hutchens stated the District applied for funding through the FDEP Trails Grant program, which would fund a portion of the trail segment that will attach to the Regional Rail Trail, part of the Shared Use Non-motorized (SUN) trails.

Mr. Warshaw noted that the SUN Trail is funded by the Florida Department of Transportation (FDOT).

Mr. Warshaw stated a design build Request for Qualifications (RFQ) will likely be presented at the May meeting.

Ms. Hutchens stated that the Board will be asked to approve the format for the RFQ and the structure of the design build contract award.

Discussion ensued regarding the design build and the development program.

Mr. Warshaw stated the reclaim system will be extended from the City of Edgewater's current termination point at the end of Indian River Boulevard. Funds for extension of the reclaim system are included in the grant funds.

It was noted that the grant totals approximately $7 million.

Asked if the RFQ will be presented to the Board, Ms. Cerbone believes the May agenda will include a request for Board approval to go to RFQ for the design build. The recommended Evaluation Criteria will be presented for Board review, discussion and approval.

Mr. Warshaw stated the Project Manual was not presented today, as Staff wants to present a complete RFQ package prior to sending it out to bid. If approval is received at the

May meeting, it will be advertised the same or the next day, provided no major changes are needed.

Ms. Cerbone stated that, depending on timing, it might be possible to award the contract at the June meeting. Responses will be sent to the Board no later than the day after opening of the responses, via a link, so that the Board Members can review the responses in advance of the June meeting. At the June meeting, the responses can be discussed and the contract can potentially be awarded. If not, options can be discussed with Mr. Johnson.

The Board and Staff discussed review committee processes.

Ms. Cerbone stated an Evaluation Review Committee can be established today or at the May meeting. The Committee can only include one Board Member, along with the District Engineer and individuals from Family Lands Remembered and other knowledgeable parties. The Committee would meet at a publicly noticed meeting to review and rank the responses; the Committee's recommendation would then be presented to the Board at the District meeting. The Board can discuss and consider the Committee's ranking and recommendation but it can also do its own evaluation and ranking. The Evaluation Criteria will be presented for approval at the May meeting; it must be part of the Project Manual that is distributed to any bidder interested in providing a response. Back-to-back meetings are typically held, with an Evaluation Committee meeting in the morning and the District meeting in the afternoon.

Mr. Kantarzhi stated, when dates were initially discussed, awarding of the contract was planned for July. The dates discussed were as follows:

- Mandatory pre-bid meeting: Between May 27, 2024 and May 31, 2024
- Cutoff for questions: June 14, 2024
- Final answers due: June 18, 2024
- Bids due: June 25, 2024
- Evaluation Committee meeting: July 9, 2024 at 11:00 a.m.

Ms. Cerbone stated the dates will be formally presented in the May meeting agenda. The Board Members were in agreement with the planned dates.

Ms. Cerbone asked if the grant money is anticipated to fund all costs for design build of Edgewater Wetland Park. Ms. Hutchens replied affirmatively. Ms. Cerbone asked if a Deficit Funding Agreement will be needed. Ms. Hutchens replied affirmatively and noted that the Deficit Funding Agreement will be between the District and the Landowner.

Mr. Storch voiced his belief that the Landowner must pay in advance. Ms. Hutchens stated that reimbursement from the District can be requested regularly but there will be a window where costs will be incurred before reimbursements can be made.

Ms. Cerbone stated that, if for some reason the costs for the design build exceed the grand funding, the Deficit Funding Agreement will be in place. She asked if the District Engineer's Report noted an opportunity to use bond funds for the Wetland Park, if needed, based on the District's improvements, since they will be conveyed to another governmental entity. Mr. Warshaw believes that is correct and any and all is included in the bond validation report so that it can be eligible. Ms. Hutchens noted the need to confirm if that is true.

Ms. Cerbone stated, in the next three to four months or sooner, the financials will include a "Capital Projects Fund" that will include expenditures for the Wetland Park. Occasionally, revenues will be reflected, along with payables to the Developer when grant money is received. The revenue stream will be segregated between "Wetland Park Developer" "Wetland Park FDEP" and "Wetland Park Bond Money" categories. Expenditures will be listed accordingly. Staff will confirm if bond funds can be utilized to offset expenses.

Discussion ensued regarding the goal of ensuring that the grant is sufficient to cover all construction costs and interest payments associated with any bond funds utilized.

Ms. Cerbone noted that, in any year when grant funds received exceed $750,000 or more, a single audit will be triggered. If $750,000 or more is received in Fiscal Year 2025 for this project, a single audit will be triggered in Fiscal Year 2026. She will not budget for a single audit for the Wetland Park in 2025, as it will not be required until 2026. When necessary, a proposal will be requested from the external audit firm for completion of the single audit. Ms. Cerbone stated she anticipates that multiple single audits will be necessary given the size of the project.

B. SR 442/I-95

- **Funding Source(s)**

Mr. Warshaw recalled prior discussion about establishing a schedule. He stated that approval for advertisement will be sought in May 2024, with the award occurring in July 2024. Conceptual design will begin in September 2024 and the design will be complete in November 2025. The design timing includes the necessary permitting, as well; the intent is to begin construction in November 2025 and to complete construction in November 2026.

Mr. Storch noted that, when the design is complete, payments will be received.

Ms. Hutchens stated that the District applied for construction funds in the 2024 Legislative session for Fiscal Year 2024/2025 but no appropriations for the interchange were received. The District submitted a Federal RAISE Grant application to help offset the cost of the interchange construction and implementation.

Mr. Storch noted that the District has incurred expenses related to the IMR, permitting and signs. Ms. Hutchens stated that a Funding Agreement is in place with the Developer to fund those items. It was noted that the Developer, Deering Park Development Company (DPDC), is an entity for which Kolter is a member.

Ms. Hutchens stated that the District is the applicant for the IMR and, as it is adjacent to the future Deering Park development, the DPDC is funding the IMR. It was noted that the District will construct off-site improvements, directly adjacent to the District, and continue seeking funding for construction. The interchange is in such a state that it needs to be funded and fixed; preventative maintenance is needed.

Mr. Warshaw stated that the interchange is an identified existing deficiency that will not stop development; however, the interchange is important for the success of the development. Even though funding has been held up, the current task work order is not being stopped to complete the PD&E Study, complete the IMR and take the steps necessary to issue it as a Design Build contract and to proceed quickly upon approval.

Mr. Storch asked if funding for permitting and design is included in the bond availability.

Ms. Cerbone stated the District has a Construction Funding Agreement for the interchange with the entity of which Kolter is a member. As far as she is aware, it is not exclusive of any activities or expenses related to the interchange. Work has been done by ETM and the subcontractor, under the terms of the Construction Funding Agreement; funding requests were submitted to a Kolter employee because Kolter is a member of the group for reimbursement to the District so the District can pay ETM. For Mr. Johnson's benefit, she stated she is looking to Ms. Hutchens for confirmation for the series of events and accuracy thereof.

Ms. Hutchens replied affirmatively. The joint venture entity is the one receiving the funding requests for the work done under the Task Order ETM has with the District to complete the IMR.

Mr. Storch asked if the joint venture is advancing the money for the District for which the District will ultimately be responsible. Mr. Johnson stated the Agreement allows for the funds advanced by the joint venture to be included in the future bond issue, if all the parties agree to do that. Mr. Storch stated that was his belief and he wants everyone to understand, from a transparency perspective, that this is a Stewardship District project.

It was noted that funding is currently very limited.

Ms. Cerbone stated that requests were sent to Ms. Candice Smith and to Bryon and Land Services; her office will follow up. Generally, funds are provided within 30 days.

Mr. Warshaw noted that his Accounting team was mistakenly sending invoices to Kolter; the error was corrected and a large funding request was submitted.

C. Deering Trail

- **Funding Source(s)**

Ms. Hutchens stated the trail was added to the SUN Trail network in advance of the grant request; it has a high probability of approval. She identified the Florida Wildlife Corridor on the map and stated the belief that there is a strong argument for that trail to be funded from that specific funding source.

The grant funds, the map and extension of the trail were discussed.

Mr. Warshaw stated there are currently no trails in the Florida Wildlife Corridor, so this project has a favorable outlook. The trail system is important to the development but it is not a critical piece of infrastructure needed for the project to move forward.

Mr. Boyd asked if the assumption is that the trail will be there as they are designing the Indian River Boulevard extension, given that it runs along the edge of the trail. Mr. Warshaw stated that is correct; there is a 12' mixed use path along Indian River Boulevard that will be part of the trail. The intent is that this trail will be in the location of the old Possum Camp Road. Where it crosses, trail crossings will be included with the roadway improvements with development; however, connecting points might not exist until a funding source becomes available, whether it is through grant funding or an alternative source.

It was noted that all the trails are included in the bonds.

Asked about the funding source for the trails, Ms. Hutchens stated the FDOT grant will fund the SUN Trail. The funding entity for the Deficit Funding Agreement is to be determined. Ms. Cerbone stated, before any expenditures are embarked upon, the funding source will need to be determined and a fully executed Agreement will be necessary.

The consensus was that these items will remain on the agenda for updates.

Ms. Hutchens left the meeting briefly at 3:02 p.m.

NINTH ORDER OF BUSINESS **Acceptance of Unaudited Financial Statements as of February 29, 2024**

On MOTION by Mr. Lee and seconded by Mr. Posey, with all in favor, the Unaudited Financial Statements as of February 29, 2024, were accepted.

TENTH ORDER OF BUSINESS **Approval of March 12, 2024 Regular Meeting Minutes**

On MOTION by Mr. Boyd and seconded by Mr. Lee, with all in favor, the March 12, 2024 Regular Meeting Minutes, as presented, were approved.

ELEVENTH ORDER OF BUSINESS **Staff Reports**

A. District Counsel: Kutak Rock LLP

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

There were no District Counsel or District Engineer reports.

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

- **NEXT MEETING DATE: May 14, 2024 at 2:00 PM**
  - **QUORUM CHECK**

Supervisor Boyd stated he will not attend the May 14, 2024 meeting. Supervisor Fife stated he is unable to confirm at this time.

Ms. Hutchens rejoined the meeting at 3:04 p.m.

Ms. Cerbone stated three Board Members must attend in person to establish a quorum. Given the importance of May’s agenda items and, if the Board Members agree to it, the meeting materials could be sent to Mr. Boyd in advance of the meeting and Staff can respond to Mr. Boyd’s questions and present his feedback at the meeting. The Board Members were in agreement. Mr. Fife stated, if he is unable to attend in person, he will attend via telephone. Ms. Hutchens stated she will not attend in person unless necessary.

- **Discussion: Fiscal Year 2024/2025 Proposed Budget**

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

Ms. Cerbone reviewed the proposed Fiscal Year 2025 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal Year 2024 budget, and explained the reasons for any changes. This is a Landowner-funded budget with expenses funded as they are incurred.

Ms. Cerbone discussed the EMMA software service, which helps Developers and Landowners remain in compliance with the Continuing Disclosure Agreement (CDA) and noted that estimated fee will be adjusted as necessary.

Regarding insurance, Ms. Cerbone noted that an updated estimate is expected in April. Mr. Boyd asked if the insurance has been determined to be adequate for the grant agreement. Ms. Cerbone stated the grant will be sent to carrier to make a determination.

Ms. Cerbone stated that the District might want to enter into an Agreement with a potential consultant, Family Lands Remembered; updates will be added in advance of the May meeting if necessary. Ms. Hutchens discussed the need for contractual relationships with project-specific consultants on District matters. She will review the Agreements and advise. Ms. Cerbone noted that this is for the protection of both the District and District Management, whose name appears on grant-related documents. District Management is acting as the administration arm only; she wants to ensure that all knowledgeable and participating parties are included.

The Board and Staff discussed Field Operations.

Ms. Cerbone stated the District needs to begin entering into agreements and paying for maintenance of District improvements. She noted the need to discuss any expenses related to Edgewater Wetland Park, the interchange and Deering Trail that are not design build related.

Ms. Hutchens stated the potential infrastructure items to be funded by the District using the bonds that would become District assets are known; others will be turned over to a different municipal entity, such as the water line that will be turned over to the City. Some roadways might be turned over to the City or the County. The goal is to determine the difference between what will be turned over to another maintenance entity and what will be retained for maintenance by the District. The understanding is that Edgewater Wetlands Park will become the City of Edgewater's operations and maintenance responsibility. There will be a point where construction will be completed and it will be turned over to the City.

Mr. Warshaw noted that these are long-term projects; he does not expect any of those projects to require maintenance during Fiscal Year 2025, which runs from October 1, 2024 through September 31, 2025. If it becomes too difficult to deal with the DOT for stormwater pond maintenance, a stormwater pond, outlet and easement might be conveyed to the DOT, unless the District wants to control the aesthetics. The budgeted amounts for Field Operations represent estimated expenses for the remainder of Fiscal Year 2025 based upon projected turnover dates.

In response to Mr. Storch's question, Ms. Cerbone stated there will be no deficit, because the Landowner contribution will be equal to whatever the expenses are. To date, the Kolter entity has funded all expenses in the General Fund; she wondered if that will continue in Fiscal Year 2025 and noted that, if cost sharing will occur, Staff will need to route funding requests accordingly. Ms. Hutchens stated she will provide an answer in advance of adoption of the Fiscal Year 2025 budget; the Funding Agreement that accompanies the budget will be the important consideration.

Ms. Cerbone stated the public hearing and date to adopt the Fiscal Year 2025 budget will be set at the May meeting; she estimated that the budget will be adopted in August. She recalled that one Board Member is also an employee of the Landowner and reminded all parties to keep the Sunshine Laws in mind when in meetings or during activities that occur outside of District meetings. Ms. Hutchens stated that all parties are diligent in this regard.

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. Lee, with all in favor, the meeting adjourned at 3:26 p.m.

Secretary/Assistant Secretary

Chair/Vice Chair