

**MINUTES OF MEETING
EDGEWATER EAST
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Edgewater East Community Development District held Multiple Public Hearings and a Regular Meeting on August 10, 2022 at 9:00 a.m., at the offices of Hanson, Walter & Associates, Inc., located at 8 Broadway, Suite 104, Kissimmee, Florida 34741.

Present were:

Kevin Mays	Vice Chair
Kevin Kramer	Assistant Secretary
Robert Wanas	Assistant Secretary

Also present were:

Ernesto Torres	District Manager
Craig Wrathell	Wrathell, Hunt and Associates, LLC (WHA)
Mike Eckert (via telephone)	District Counsel
Shawn Hindle	District Engineer

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Torres called the meeting to order at 9:06 a.m. Supervisors Mays, Kramer and Wanas were present. Supervisors Onorato and Breakstone were not present.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRD ORDER OF BUSINESS

**Public Hearing on Adoption of Fiscal Year
2022/2023 Budget**

A. Affidavit of Publication

The affidavits of publication were included for informational purposes.

B. Consideration of Resolution 2022-18, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2022, and Ending

September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date

Mr. Torres presented Resolution 2022-18 and the proposed Fiscal Year 2023 budget.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, the Public Hearing was opened.

No members of the public spoke.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, the Public Hearing was closed.

A Board Member asked if there were any changes to the proposed budget since it was last presented. Mr. Torres replied no and noted that there were no adjustments at the time it was presented either.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, Resolution 2022-18, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2022/2023, Pursuant to Florida Law

- A. Proof/Affidavit of Publication**
- B. Mailed Notice(s) to Property Owners**

These items were included for informational purposes.

- C. Consideration of Resolution 2022-19, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and**

Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

Mr. Torres presented Resolution 2022-19.

On MOTION by Mr. Mays and seconded by Mr. Kramer, with all in favor, the Public Hearing was opened.

Mr. Wrathell stated that, in the Mailed Notice and the advertisement, the Equivalent Assessment Unit (EAU) factor is different for each of the listed owners of the properties. This is because they are technically being assessed on a per acre basis but, even if the property is unplatted, the number of units are allocated to each of the different owners. Essentially, the assessments are being applied across the number of units per owner and the number of units, divided by the acreage, is how the equivalent assessment per unit was calculated. A Board Member asked if that means the dollar amount was calculated based on units and then converted to an acreage factor. Mr. Wrathell replied affirmatively.

No members of the public spoke.

On MOTION by Mr. Mays and seconded by Mr. Kramer, with all in favor, the Public Hearing was closed.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, Resolution 2022-19, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Disclosure of Public Financing and Maintenance of Improvements to Real Property

Mr. Eckert stated that, once bonds are issued, the Disclosure is recorded in the property records so that it shows up on title searches. It must be amended each time a new series of

bonds is issued. He responded to questions and noted that this is the first time the Disclosure is being filed; there are no time requirements for filing the Disclosure.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, the Disclosure of Public Financing and Maintenance of Improvements to Real Property, was approved.

SIXTH ORDER OF BUSINESS

Consideration of Acceptance of Deed for Tracts in Edgewater ED-4 Plat

Mr. Eckert presented the Special Warranty Deed for Tracts in the Edgewater Ed-4 Plat.

On MOTION by Mr. Kramer and seconded by Mr. Wanas, with all in favor, acceptance of the Special Warranty Deed for Tracts of the Edgewater ED-4 Plat, was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Irrigation, Landscape, Signage and Hardscape Easement Agreement with JCH CP, LLC for Tracts D and E, Plat ED-4

Mr. Eckert presented the Irrigation, Landscape, Signage and Hardscape Easement Agreement.

On MOTION by Mr. Kramer and seconded by Mr. Wanas, with all in favor, the Irrigation, Landscape, Signage and Hardscape Easement Agreement with JCH CP, LLC for Tracts D and E, Plat ED-4, was approved.

EIGHTH ORDER OF BUSINESS

Update: Executed Agreements with Property Owners for the Clay Whaley Road Expansion

Mr. Hindle recalled that the County wanted the CDD to front and build all the roadway, which differs from the CDD’s original understanding. But, the County’s own Land Development Code sets forth that the Developer has to build the road adjacent to the CDD, along with any improvements, as an interim, and an available right-of-way (ROW); not the entire roadway.

Mr. Hindle reported the following:

- The plans were redesigned using the existing ROW and are under review by the City and the County for final approval.
- The redesigned plans consist of the CDD constructing a two-lane, undivided roadway that, in the future, will be a two-lane divided section and a two-lane divided roadway adjacent to the CDD.
- Regarding the ROW parcels, the CDD is not required to make those improvements. In the future, the County will be responsible for securing the additional ROW to the north of Clay Whaley Road.
- Upcoming projects include submitting plans for required improvements adjacent to the property.
- The CDD will not pursue any more ROWs from any owners at this time. If the County wants to pursue ROWs, he will provide the information to them.
- The CDD has only one parcel of about 100+ acres left to secure, which, as of last week, the project is no longer being considered.

Mr. Hindle was recognized for his efforts in finally resolving the issue with the County.

Mr. Hindle discussed Lennar’s leverage if this issue arises again.

NINTH ORDER OF BUSINESS

Consideration of Work Authorization #2 for ED5 and ED6 North Construction Management

Mr. Torres presented Work Authorization #2 for ED5 and ED6 North Construction Management.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, Hanson, Walter & Associations, Inc., Work Authorization #2 for ED5 and ED6 North Construction Management, was approved.

TENTH ORDER OF BUSINESS

Consideration of Work Authorization #3 for Clay Whaley Road Expansion

Mr. Torres presented Work Authorization #3 for Clay Whaley Road Expansion.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, Hanson, Walter & Associates, Inc., Work Authorization #3 for Clay Whaley Road Expansion, was approved.

ELEVENTH ORDER OF BUSINESS

Consideration of Purchase of Maintenance Bond

It was noted that the Bond Representative is securing this item and that two maintenance bonds are needed; one to the City and to the County. Mr. Hindle stated that he finalized the values of the maintenance bonds and has the certifications.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, authorizing the Chair to proceed with the purchase of maintenance bonds to the City and the County and to requisition and pay the cost of the one-year maintenance bonds out of the bond proceeds, was approved.

TWELFTH ORDER OF BUSINESS

Consideration of GAI Consultants, Inc., Proposal for Construction Administration Services for ED-5 Phase 1 Roadway Project

Mr. Hindle presented the GAI Consultants, Inc., proposal. GAI Consultants was designated as the Engineer of Record for the ED-5 and ED-6 North projects. He provided the scope of work for the ED-5 project and noted the Request for Proposals (RFP) was advertised.

Mr. Eckert asked about the form of contract. It was decided that Mr. Hindle will submit a Work Authorization for these services.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, the GAI Consultants, Inc. Proposal, for Construction Administration Services for the ED-5 Phase 1 Roadway Project, subject to Mr. Hindle submitting a Work Authorization form for the services, and authorizing the Chair or Vice Chair to execute, was approved.

THIRTEENTH ORDER OF BUSINESS

Ratification of Partial Termination and Release of Temporary Construction Easement

Mr. Eckert stated that the Developer sold a portion of land under the CDD’s Temporary Construction Easement the CDD does not need.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, the Partial Termination and Release of Temporary Construction Easement, was approved and/or ratified.

FOURTEENTH ORDER OF BUSINESS

Consideration of Responses to RFP for ED5 Framework Roadway, Phase 1 Civil Site Work

Mr. Hughes distributed the RFP bid package and discussed the bid submittal process. He provided his scoring for each respondent by category, his rankings and his recommendations.

At Mr. Eckert’s recommendation, the Board discussed each respondent and reviewed the proposals. It was noted that all three respondents are well qualified.

Mr. Hughes responded to questions and noted a few corrections were made in the RFP.

The Board collectively scored each respondent in each category, discussed their reasoning for the scores, ranked the respondents and used Mr. Hughes’ rankings for mathematically calculated items. Some scores differed slightly from Mr. Hughes. The results were as follows:

#1	Jr. Davis Construction	\$ 8,604,921.13/330 Days	99 points
#2	Swell Construction	\$ 8,846,539.13/350 Days	96 points
#3	SDC	\$10,047,740.00/309 Days	88 points

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, acceptance of the scoring and rankings, ranking Jr. Davis Construction, as the #1 ranked respondent to the ED-5 Framework Roadway, Phase 1 Civil Site Work Request for Proposals and authorizing Staff to negotiate an agreement with Jr. Davis Construction, the #1 ranked respondent, and authorizing the Chair to execute, was approved.

Mr. Eckert stated that the Notice of Award will be mailed and, upon conclusion of the protest period, if there is no protest, the contract will be executed.

FIFTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2022

Mr. Torres presented the Unaudited Financial Statements as of June 30, 2022. A Board Member asked for copies of the Construction Accounts payout.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, the Unaudited Financial Statements as of June 30, 2022, were accepted.

SIXTEENTH ORDER OF BUSINESS

Approval of July 7, 2022 Regular Meeting Minutes

Mr. Torres presented the July 7, 2022 Regular Meeting Minutes.

On MOTION by Mr. Mays and seconded by Mr. Kramer, with all in favor, the July 7, 2022 Regular Meeting Minutes, as presented, were approved.

SEVENTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Kutak Rock, LLP*

Mr. Eckert stated he is working on the Boundary Amendment Resolution to present at the next meeting. Originally, the Boundary Amendment was to be a little less than five acres but that amount was reduced another 1.5 acres. Once the Boundary Amendment Resolution is approved, he will start on the paperwork with Osceola County.

Discussion ensued regarding the location in ED-5 and District Management revising the unit count and Methodology.

B. District Engineer: *Hanson, Walter & Associates, Inc.*

Mr. Hindle discussed the potential RFP notice and opening dates for the Clay Whaley Road Phase 1 and Phase 2 Construction, sending invitations to bid to contactors, the project timeline and other upcoming RFPs, such as the force main and 86 North. He reported the following:

- All Phase 1 permits were received.
- Reviews from the City of St. Cloud Utilities were received; the utilities were included in Phase 1.

➤ Review of the Phase 2 permit with the County will occur while out to bid and any changes to the plans can be handled through a change order or addendums during the bid process. The pipe sizes were changed for the eastern portion of the roadway, which could necessitate a change.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, the Requests for Proposals for the ED-6N, Clay Whaley Road and the Off-Site Force Main Projects, were ratified.

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

- **NEXT MEETING DATE: September 1, 2022 at 9:00 A.M.**

- **QUORUM CHECK**

The next meeting would be held on September 7, 2022, instead of September 1, 2022.

EIGHTEENTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

NINETEENTH ORDER OF BUSINESS

Public Comments

This item was skipped.

TWENTIETH ORDER OF BUSINESS

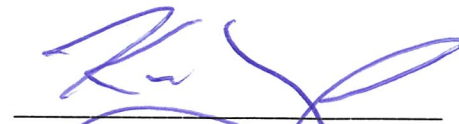
Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Kramer and seconded by Mr. Mays, with all in favor, the meeting adjourned at 9:55 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair