# MINUTES OF MEETING KEPLER ROAD COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Kepler Road Community Development District was held Monday, **July 8, 2024** at 11:00 a.m. at the Gateway Center for the Arts, 880 Highway 17, DeBary, Florida.

Present and constituting a quorum:

Tony Iorio Chairman

Duane "Rocky" Owen Assistant Secretary
Tom Franklin Assistant Secretary

Also present were:

George Flint District Manager, GMS
Michelle Rigoni District Counsel by phone

Sean Fortier District Engineer, Kelly, Collins & Gentry, Inc.

Scott Stuart

#### FIRST ORDER OF BUSINESS

#### Roll Call

Mr. Iorio called the meeting to order and called the roll. Three Board members were present constituting a quorum.

#### SECOND ORDER OF BUSINESS

#### **Public Comment Period**

Mr. Flint stated that there were only Board members and staff present today.

#### THIRD ORDER OF BUSINESS

### Approval of Minutes of the April 8, 2024 Board of Supervisors Meeting

Mr. Flint presented the minutes from the April 8, 2024, Board of Supervisors meeting and asked for any comments or corrections to the minutes. There were no comments or corrections to the minutes. The Board approved the minutes.

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On MOTION by Mr. Iorio, seconded by Mr. Franklin, with all in favor, the Minutes of the April 8, 2024, Board of Supervisors Meeting, were approved subject to changes from counsel.

#### FOURTH ORDER OF BUSINESS

#### **Public Hearing**

Mr. Flint asked for a motion to open the public hearing.

On MOTION by Mr. Franklin, seconded by Mr. Owen, with all in favor, Opening the Public Hearing, was approved.

Mr. Flint noted that there were no members of the public present to provide comment and asked for a motion to close the public hearing.

On MOTION by Mr. Franklin, seconded by Mr. Owen, with all in favor, Closing the Public Hearing, was approved.

# A. Consideration of Resolution 2024-36 Adopting the Fiscal Year 2025 Proposed Budget and Appropriating Funds

Mr. Flint presented the Fiscal Year 2025 proposed budget and noted that the actuals had been updated through the end of May. He stated that this budget would be developer funded in lieu of assessments. The developer would only be responsible for the actual expenses up to the budgeted amount.

On MOTION by Mr. Franklin, seconded by Mr. Owen, with all in favor, Resolution 2024-36 Adopting the Fiscal Year 2025 Proposed Budget and Appropriating Funds, was approved.

#### FIFTH ORDER OF BUSINESS

## Consideration of Fiscal Year 2024/2025 Developer Funding Agreement

Mr. Flint presented the Developer Funding Agreement and stated it was between the CDD and TLC Trinity Gardens LLC. He asked Ms. Rigoni if there was anything she would like to add on the Funding Agreement. Ms. Rigoni stated the substance and the terms of the agreement have stayed the same as prior years, however the structure has been updated. She asked their counsel to review the agreement. Board consensus was to bring back another agreement with LandSea who

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will be acquiring Phase 1. Mr. Flint asked for a motion to approve the budget Funding Agreement for Fiscal Year 2025 in substantial form.

On MOTION by Mr. Franklin, seconded by Mr. Iorio, with all in favor, the Fiscal Year 2024/2025 Developer Funding Agreement and Authorizing the Chairman or Vice Chairman to Execute the Final Agreement, was approved in substantial form.

#### SIXTH ORDER OF BUSINESS

#### **Staff Reports**

#### A. Attorney

Ms. Rigoni stated that they have filed a validation complaint and warned the Board they will see some requests for documentation. There were no further questions for Ms. Rigoni.

#### B. Engineer

Mr. Fortier gave an update on the general construction overview and noted that Phase One is still ongoing. Utility testing will start in the next few weeks. Other phases have not started, however will be getting new drone photography this week. Mr. Iorio asked if the schedule is still set for the end of the year, as discussed. Mr. Fortier believed it is, however, he needs a full update. Any builds or turnovers will be coordinated with Kutak Rock. There was no action required.

#### C. District Manager's Report

#### i. Balance Sheet & Income Statement

Mr. Flint stated the balance and income statements are through the end of May and were unaudited. He noted no action is required.

#### ii. Ratification of Funding Requests No. 3-8

Mr. Flint stated that funding request #3-8 were transmitted to the developer under the funding agreement. There were no questions, Mr. Flint asks for a motion to ratify funding requests 3-8.

On MOTION by Mr. Franklin, seconded by Mr. Owen, with all in favor, Funding Requests #3-8, were ratified.

#### iii. Adoption of District Goals and Objectives

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Mr. Flint stated the legislature implemented a new law that requires Special Districts to adopt goals and objectives by October 1<sup>st</sup>, and annually after that. There needs to be a report by December 2025 on how the District has performed against those adopted goals and objectives. Mr. Flint asked the Board to approve this to meet the October 1<sup>st</sup> deadline.

Mr. Iorio asked if this was something that came from the legislators or if this was something the Board drafted. Mr. Flint stated this was something the Board put together. There were no further questions, and Mr. Flint asked for a motion of approval.

On MOTION by Mr. Franklin, seconded by Mr. Owen, with all in favor, the Adoption of District Goals and Objectives, was approved.

#### iv. Approval of Fiscal Year 2025 Meeting Schedule

Mr. Flint stated the Board is required to adopt an annual meeting schedule. The schedule will follow meeting on the second Monday of each month at 11 am. They asked for a motion of approval.

On MOTION by Mr. Iorio seconded by Mr. Franklin, with all in favor, the Fiscal Year 2025 Meeting Schedule, was approved.

#### SEVENTH ORDER OF BUSINESS Other Business

There being no comments, the next item followed.

#### EIGHTH ORDER OF BUSINESS

**Supervisors Requests** 

There being no comments, the next item followed.

NINTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Owen seconded by Mr. Franklin with all in favor, the meeting was adjourned.

George Flint

Secretary Secretary

Docusigned by:

Toky lovio

Chairman