

**MYRTLE CREEK IMPROVEMENT DISTRICT
BOARD OF SUPERVISORS' MEETING MINUTES**

FIRST ORDER OF BUSINESS

The Board of Supervisors' Meeting for the Myrtle Creek Improvement District was called to order on Tuesday, October 17, 2017 at 4:40 p.m. at 6900 Tavistock Lakes Blvd., Suite 200, Orlando, FL 32827. Board Members listed below constituted a quorum.

Bob Da Silva	Board Member
Donald Tubbs	Board Member
Kyle Scholl	Board Member
Jeff Macre	Chair (via phone)

Also present were:

Tucker Mackie	Hopping Green & Sams
Larry Kaufmann	District Construction Supervisor
Joe MacLaren	Fishkind & Associates
Jennifer Walden	Fishkind & Associates
Patrice Ragusa	Construction Committee
Jeff Newton	Donald W. McIntosh Associates
John Florio	Donald W. McIntosh Associates (via phone)

SECOND ORDER OF BUSINESS

Public Comment Period

Mr. MacLaren noted that there were no public comments at this time.

THIRD ORDER OF BUSINESS

**Consideration of the
Minutes of the September
25, 2017 Board of
Supervisors' Meeting**

Board Members reviewed the minutes from the September 25, 2017 Board of Supervisors' Meeting.

On Motion by Mr. Scholl, second by Mr. D. Tubbs, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Minutes of the September 25, 2017 Board of Supervisors' Meeting, as presented.

FOURTH ORDER OF BUSINESS

**Consideration of Resolution
2018-01, Election of Officers**

Mr. MacLaren explained that the District does not have the position of Vice Chair filled out and noted that the Board can appoint someone to the position of Vice Chair if they want or the decision can be delayed. He listed the current officers and recommended adding Mr. Shenai as an Assistant Secretary if he is not appointed to Vice Chair.

On Motion by Mr. Scholl, second by Mr. Da Silva, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District nominated Mr. Bob Da Silva as Vice Chair.

Mr. MacLaren recommended that the Board nominate Mr. Shenai as Assistant Secretary.

On Motion by Mr. Scholl, second by Mr. Da Silva, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District nominated Mr. Kam Shenai as Assistant Secretary.

Ms. Mackie requested a motion adopting Resolution 2018-01. Mr. MacLaren explained that the resolution will be updated to list Mr. Da Silva as Vice-Chair and Mr. Shenai as Assistant Secretary.

On Motion by Mr. Scholl, second by Mr. Da Silva, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District adopted Resolution 2018-01, Election of Officers with reappointing Mr. Jeff Macre as Chair, Mr. Joe MacLaren as Secretary, Ms. Jennifer Walden, Mr. Donald Tubbs, and Mr. Kyle Scholl as Assistant Secretaries, Mr. Hank Fishkind as Treasurer, Ms. Jill Burns as Assistant Treasurer and appointing Mr. Bob Da Silva as Vice Chair and Mr. Kam Shenai as Assistant Secretary.

FIFTH ORDER OF BUSINESS

**Ratification of Requisition
Nos. 471 Approved in
September 2017 in an
amount totaling \$1,316.25**

Board Members reviewed Requisition Nos. 471 Approved in September 2017 in an amount totaling \$1,316.25.

On Motion by Mr. D. Tubbs, second by Mr. Scholl, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District ratified Requisition Nos. 471 Approved in September 2017 in an amount totaling \$1,316.25.

SIXTH ORDER OF BUSINESS

**Ratification of Operation
and Maintenance
Expenditures Paid in
September 2017 in an
amount totaling \$64,625.60**

Board Members reviewed the Operation and Maintenance Expenditures paid in September 2017 in an amount totaling \$64,625.60.

On Motion by Mr. Scholl, second by Mr. Da Silva, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District ratified the Operation and Maintenance Expenditures Paid in September 2017 totaling \$64,625.60.

SEVENTH ORDER OF BUSINESS

**Recommended Work
Authorization/Proposed
Services**

Mr. Kaufmann passed out a Work Authorization (Minutes Exhibit A) and explained that this a requirement of the District every seven years. It is an update of the Public Facilities Report and this is a proposal from Donald W. McIntosh Associates in the amount of \$7,500.00 to provide that report. The other sister Districts reviewed and approved similar proposals and each District must do it separately. Ms. Mackie explained that the last time the District did this was seven years ago

and this report is required under Chapter 189 which governs Special Districts. The District is required to prepare the Public Facilities Report in accordance with the items listed and provide updates every seven years. This is one of the items that is also required to be posted on the District's website and the State is looking at it to investigate deficiencies so it's something the District wants to stay on top of. Mr. Scholl asked if it is in the budget. Mr. MacLaren said that it would be in the Engineer's expenses. Ms. Walden noted that the District only budgeted \$5,000.00 for the Engineer's expenses. Mr. Scholl asked about the procedure to put a line item in the budget so that seven years from now the District has it resolved. Ms. Mackie stated that in seven years the District might have less to update at that point in time but as a solution there are some carry forward surplus that the District could draw down from. Mr. MacLaren stated that he will include it for next year's budget as a line item and a date next to it and if the District does not need to spend the money they will keep it as a zero amount. The Board discussed incurring the cost over a seven-year period vs. incurring the year before.

On Motion by Mr. Scholl, second by Mr. D. Tubbs, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Work Authorization proposed by Mr. Kaufmann in the amount of \$7,500.00 for Donald W. McIntosh Associates, Inc.

EIGHTH ORDER OF BUSINESS

Review of District's Financial Position and Budget to Actual YTD

Board Members reviewed the Statement of Financial Position and Budget to Actual through today's date. Mr. MacLaren stated that through the end of the fiscal year the District had incurred \$570,000.00 in actual expenses vs. a budget of \$725,000.00. The District ended its fiscal year under budget. There was no action required.

NINTH ORDER OF BUSINESS

Staff Reports

District Counsel –

Ms. Mackie said that there have been instances that individual Board Members may be aware of relating to certain damage to roadway surfaces within the District. She noted that one occurred behind a gate and there might be interest from Board Members to know what is going on. Ms. Mackie stated that staff is monitoring the situation and it is probably too soon to have a discussion on record at a meeting at this point in time given the limited information that she

has. Ms. Mackie noted that Ms. Ragusa will be talking about landscaping and things that are in the District's purview related to the recent storm because they are District owned, operated, and maintained improvements. Ms. Mackie said that if there is information to discuss about the roadway in the future, it will be brought to the Board's attention.

District Manager – No Report

District Engineer – No Report

Construction Supervisor – No Report

TENTH ORDER OF BUSINESS

Supervisor Requests, Audience Comments & Adjournment

Ms. Ragusa indicated that Hurricane Irma came through the area in mid-September and there were a few trees that went down in Myrtle Creek, mostly in the Lake Nona Boulevard section. There are also some trees on Loop Road that are leaning and hazardous. Ms. Ragusa stated that the first quote she received is defined by work tickets produced and invoices related to the Hurricane. She stated that there was one day of picking up debris and some hauling off and cutting of some trees. She said that the District had about five trees that had to be cut and removed and pictures have been taken of a number of trees. She noted that she has done a landscape plan and marked the trees. She received two quotes to come and prune particular trees marked in yellow that have some severe damage and need some surgery to fix their canopies. She thinks that since the District pruned the trees this year it saved some from falling over. Ms. Ragusa explained that the first quote is very high because it included a lot of MOT and the second quote is significantly lower at \$6,200.00. Ms. Ragusa listed the second quote at \$8,800.00 because she believes that there will be more trees that need attention. She mentioned that debris was taken over to Greenway and behind the sports village that will need to be removed by a grappler truck and she listed that cost as \$5,800.00 but it will probably be less than that. Ms. Ragusa stated that FEMA will help the District with some of the cleanup costs but probably not on the replacements. There are five trees down with two in the median islands and Ms. Ragusa suggested cutting those trees out and not replacing them but the three trees in the parkway will be replaced. She noted that because they are big trees there is a price associated with pulling the stumps and putting the new trees in and caring for them for 2-3 weeks to make sure they have extra water and bubblers to replace those. Ms. Ragusa noted that Greenway had the most damage but Myrtle and Boggy are similar in respect to replacements. She said that the two that the District chooses not to replace in the median is not going to be a loss

but the sides would be noticeable. Mr. Da Silva said that there is a tree that went over near the Enclave Village Walk entrance on the Village Walk side. It was propped up and went over again and he asked if that would be missed if it was not replaced. Ms. Ragusa said that she thinks the District would miss it because of the order of how the trees are planted. Mr. Da Silva asked if there was any hope of salvaging the tree that fell over a second time and Ms. Ragusa said no. Ms. Ragusa recommended that the District do the cleanup and tree surgery and hold on the tree replacement. She also recommended that the Board authorize \$8,800.00 for Enviro Tree to get the hanging branches cut.

On Motion by Mr. Da Silva, second by Mr. Scholl, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the amount of \$2,886.74 for BrightView Lands, the \$8,800.00 from Enviro Tree for the tree surgery, the \$2,287.00 for Alan Smith to haul the cut trees, and the \$5,800.00 if necessary for the grappler truck.

There was discussion about the meaning between the yellow flagged trees and double yellow flagged trees. Ms. Ragusa will provide a map with the different flagged trees and send them to Mr. MacLaren so he can distribute them accordingly. Ms. Mackie requested that the Board not talk about this outside of the meeting. There was no further business to discuss.

On Motion by Mr. Scholl, second by Mr. D. Tubbs, with all in favor, the October 17, 2017 Meeting of the Board of Supervisors for the Myrtle Creek Improvement District was adjourned.


Secretary/Assistant Secretary


Chair/Vice Chair

**MYRTLE CREEK IMPROVEMENT DISTRICT Recommendation
for Work Authorization / Proposed Services**

Project Name: Myrtle Creek Improvement District

Brief Description: Donald W. McIntosh Associates to provide engineering services for the
Myrtle Creek Improvement District

Name of Consultant / Vendor: Donald W. McIntosh Associates, Inc.

Is this work pursuant to an existing Agreement? Yes No

If so, name and date of Agreement: _____

Is this project included in the District Capital Improvement Plan? Yes No

Are the services required contemplated in the Capital Improvement Plan? Yes No

Is this a continuation of previously authorized work? Yes No

Proposal attached: Yes No

Form of Agreement Utilized: _____

Amount of Services: \$ 7,500.00

Recommendation: Approve Deny

By: 
Larry Kaufmann, Chairman
Boggy Creek Improvement District Construction Committee

- c: Joe MacLaren
- Jennifer Walden
- Tucker Mackie
- John Florio



**DONALD W. McINTOSH
ASSOCIATES, INC.**

**Exhibit A
Work Authorization**

October 10, 2017

Mr. Jeff Macre, Chairman
Myrtle Creek Improvement District
12051 Corporate Boulevard
Orlando, Florida 32817

Subject: Work Authorization Number 3
Myrtle Creek Improvement District
DWMA Job No. 23217.005

CIVIL ENGINEERS

LAND PLANNERS

SURVEYORS

Donald W. McIntosh Associates, Inc. is pleased to submit this work authorization to provide engineering services for the Myrtle Creek Improvement District. We will provide these services pursuant to our current agreement dated September 8, 2003 ("Engineering Agreement") as follows:

I. Scope of Work

Engineer will assist District with the preparation of the Public Facilities Report. Pursuant to Section 189.415, Florida Statutes, the Districts are each required to submit a public facilities report and annual notice of any changes to the local-general purpose government in which they are located. In an effort to ensure the Districts' compliance with the law, Section 189.415 mandates that a report and annual notice for each District contain the following information:

- (a) A description of existing public facilities owned or operated by the District, and each public facility that is operated by another entity, except a local general purpose government, through a lease or other agreement with the District. This description shall include the current capacity of the facility, the current demands placed on the facility, and its location. [This information shall be required in the initial report and shall be updated every five (5) years at least 12 months prior to the submission date of the evaluation and appraisal report of the appropriate local government required by Section 163.3191, Florida Statutes.]
- (b) A description of each public facility the District is building, improving, or expanding, or is currently proposing to build, improve, or expand within at least the next five (5) years, including any facilities that the District is assisting another entity to build, improve, or expand through a lease or some other agreement with the District. For each facility identified, the report shall describe how the District currently proposes to finance the facility.

2200 Park Ave. North

Winter Park, FL

32789-2355

Fax 407-644-8318

407-644-4068

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- (c) If the District currently proposes to replace any facilities identified above within the next 10 years, the date when such facility will be replaced.
- (d) The anticipated time the construction, improvement, or expansion of a public facility will be completed.
- (e) The anticipated capacity of and demands on each public facility when completed. In the case of an improvement or expansion of a public facility, both existing and anticipated capacity must be listed.

II. Compensation

Engineer will be compensated for this work at the hourly rates established pursuant to the Engineering Agreement. (Not to exceed without prior Client authorization.)

005 \$7,500.00

III. Other Direct Costs

Other direct costs include items such as printing, drawings, travel, deliveries, et cetera, pursuant to the Agreement.

This proposal, together with the Engineering Agreement, represents the entire understanding between the Myrtle Creek Improvement District and Donald W. McIntosh Associates, Inc. (Engineer) with regard to the referenced work authorization. If you wish to accept this work authorization, please sign both copies where indicated and return one complete copy to our office. Upon receipt, we will promptly schedule our services.

Thank you for considering Donald W. McIntosh Associates, Inc.

Sincerely,
DONALD W. MCINTOSH ASSOCIATES, INC.


John M. Florio, P.E.
Executive Vice President

APPROVED AND ACCEPTED

By: _____
Authorized Representative of
Myrtle Creek Improvement District

Date: _____