

**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 Thursday, August 23, 2018 at 3:02 p.m. at Lake Nona Lakehouse, 13623 Sachs Ave, Orlando, FL 32827. Board Members listed below constituted a quorum.

Jeff Macre	Chair
Bob Da Silva	Vice-Chair
Kyle Scholl	Assistant Secretary

Also present were:

Jeff Newton	Donald W. McIntosh Associates
Larry Kaufmann	Construction Supervisor
Tucker Mackie	Hopping Green & Sams
Jennifer Walden	Fishkind & Associates
Lynne Mullins	Fishkind & Associates
Scott Thacker	Construction Committee

SECOND ORDER OF BUSINESS

Public Comment Period

There were no public comments at this time.

THIRD ORDER OF BUSINESS

**Consideration of the
Minutes of the July 17, 2018
Board of Supervisors'
Meeting**

Board Members reviewed the minutes from the July 17, 2018 Board of Supervisors' Meeting.

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 Minutes of the July 17, 2018 Board of Supervisors' Meeting, as presented.

FOURTH ORDER OF BUSINESS

Public Hearing on the Adoption of the District's Annual Budget

- a) Public Comments and Testimony**
- b) Board Comments**
- c) Consideration of Resolution 2018-09, Adopting the Fiscal Year 2019 Budget and Appropriating Funds**

Ms. Walden noted that the Budget was sent to the City and the County at least 60 days prior to today's public hearing and the public hearing has been advertised in the newspaper as required by Florida Statute. Ms. Walden requested a motion to open the public hearing.

On Motion by Mr. Macre, second by Mr. Scholl, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District opened the Public Hearing.

Ms. Walden stated that the Budget is an exhibit to the resolution behind Tab 2 of the agenda package and it is the same budget that the District saw and approved back in May of \$753,073.60. She asked for any comments or questions from the audience or the Board. Hearing none, she requested a motion to close the public hearing.

On Motion by Mr. Da Silva, second by Mr. Scholl, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District closed the Public Hearing.

Ms. Walden requested a motion to approve Resolution 2018-09.

On Motion by Mr. Macre, second by Mr. Scholl, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved Resolution 2018-09, Adopting the Fiscal Year 2019 Budget and Appropriating Funds.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2018-10, Adopting an Assessment Roll for Fiscal Year 2019 and Certifying Special Assessments for Collection

Ms. Walden explained that this is to impose the Special Assessments for Fiscal Year 2019 based on the budgets that were just adopted. She requested a motion to approve Resolution 2018-10.

On Motion by Mr. Scholl, second by Mr. Da Silva, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved Resolution 2018-10, Adopting an Assessment Roll for Fiscal Year 2019 and Certifying Special Assessments for Collection.

SIXTH ORDER OF BUSINESS

Ratification of Requisition Nos. 507 – 510 Approved in July 2018 in an amount totaling \$55,848.75

Board Members reviewed Requisition Nos. 507 – 510 Approved in July 2018 in an amount totaling \$55,848.75. Ms. Walden stated that these have been approved and paid and need to be ratified by the Board.

Ms. Mackie stated that Performance Drive and Wellspring Drive is a District approved construction project but the Developer is funding those costs until such time as the District issues Bonds. Staff is getting some invoices confused and submitting them for requisition to the Trustee of the 2016 Bonds which is incorrect. Ms. Walden asked if the Board was comfortable with ratifying Requisition No. 510 in the amount of \$611.00. Ms. Mackie stated that the others can be approved subject to reimbursement by the Developer.

On Motion by Mr. Da Silva, second by Mr. Scholl, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District ratified Requisition No. 510 approved in July 2018 in an amount totaling \$611.00.

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 payment of Requisition Nos. 507-509, subject to Developer Reimbursement.

Ms. Mackie stated that the District traditionally enters into Construction Funding Agreements with the Developer that provides for the process by which invoices are going to be submitted to them for payment, so that the District can receive prompt payments in order to pay the various consultants and contractors. She stated that she believes that District staff submitted that to the Board and is requesting a motion from the Board to authorize the Chair to execute a Construction Funding Agreement. It will be brought back before the Board for ratification or not depending upon whether the Board previously approved that.

On Motion by Mr. Macre, second by Mr. Scholl, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District authorized the Chair to sign off on approval of the Construction Funding Agreement.

Mr. Scholl asked Ms. Mackie where she sees the difference of the Series 2016 Bonds. Ms. Mackie explained the difference for Mr. Scholl.

SEVENTH ORDER OF BUSINESS

**Ratification of Operation
and Maintenance
Expenditures Paid in July
2018 in an amount totaling
\$7,385.74**

Board Members reviewed the Operation and Maintenance Expenditures paid in July 2018 in an amount totaling \$7,385.74.

On Motion by Mr. Scholl, second by Mr. Macre, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District ratified the Operation and Maintenance Expenditures paid in July 2018 in an amount totaling \$7,385.74.

EIGHTH ORDER OF BUSINESS

**Recommended Work
Authorization/Proposed
Services**

There were no Work Authorizations for this District.

NINTH 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. Ms. Walden stated that the District's expenses are currently \$511,000.00 vs. a budget of \$653,000.00. The District is currently under budget through July by \$142,000.00. She stated that it looks like some of the landscaping items have not affected the expenses yet and will be factored later on. There was no action required.

TENTH ORDER OF BUSINESS

Staff Reports

District Counsel – No Report

District Manager – Ms. Walden stated that the Board previously approved the Fiscal Year 2019 Meeting Schedule for the third Tuesday of each month at 4:30 p.m. at 6900 Tavistock Lakes Blvd, Suite 200, Orlando, FL 32827. Ms. Walden indicated that there will be another Board that is meeting at that location at 4:00 p.m. and District staff wanted to know if this Board wanted to move the meetings to 5:00 p.m. instead of keeping the 4:30 p.m. time. The Board discussed if they wanted to change the time of the meeting. The Board agreed to change the meeting to 5:00 p.m. Ms. Walden requested a motion.

On Motion by Mr. Scholl, second by Mr. Macre, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved altering the start time of all future Board of Supervisors' Meetings effective October 1, 2018.

Ms. Walden reminded the Board that the September meeting will still be held at 4:30 p.m. at 6900 Tavistock Lakes Blvd, Suite 200, Orlando, FL 32827 and noted that the District is getting new call in numbers.

District Engineer –

Mr. Newton distributed a Construction Status Memorandum (Minutes Exhibit A). He explained that Performance Drive Phase 2 is going through a similar process to Wellspring Drive where the District is going to consider acquiring Performance Drive Phase 2. He noted that he and Mr. Kaufmann are in the process of putting together all the documentation and the evaluation of that.

He stated that Performance Drive Phase 3 is in final design but he would like permission to advertise that project for bid when it is appropriate.

On Motion by Mr. Scholl, second by Mr. Macre, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved authorizing District Staff to advertise for Performance Drive Phase 3 by bid for the Prequalified Contractors at the appropriate time.

Construction Supervisor – No Report

ELEVENTH ORDER OF BUSINESS

**Supervisor Requests,
Audience Comments
& Adjournment**

Mr. Da Silva stated that he has observed other bicyclists struggling with the condition of the new trail on Wellspring Drive where it has been disrupted by tree roots close to the USTA entrance and also just around the corner from Lake Nona Boulevard. He thinks that this is a latent defect that should be pursued against the Contractor rather than a future warranty or maintenance cost for the

District and he asked Mr. Kaufmann and Mr. Thacker to look into the issue. Mr. Macre asked if he is allowed to share the map that he made and identified locations on the trail that are construction defects and others that are passed maintenance. Ms. Mackie requested that he email it to Ms. Walden and she can email it to the entire Board.

Mr. Macre stated that in the last couple months, five bicyclists have been struck by vehicles in the Lake Nona area and he wanted to discuss issues with the motorists veering from the driving lane into the cycling lane. He asked about the possibility of installing flashers down the white lane of the bike lane. Ms. Mackie stated that it would not be a District project in that case, it would be the City, because the District does not own the rights-of-way and it has no ability to work in the right-of-way to do that. She suggested that he vocalize that to the City.

There were no audience comments and no other business to discuss.

On Motion by Mr. Scholl, second by Mr. Macre, with all in favor, the August 23, 2018 Meeting of the Board of Supervisors for the Myrtle Creek Improvement District was adjourned.


Secretary/Assistant Secretary


Chair/Vice Chair



MEMORANDUM

DONALD W. MCINTOSH ASSOCIATES, INC.

DATE: August 23, 2018
TO: Myrtle Creek Improvement District Board of Supervisors
FROM: Donald W. McIntosh Associates, Inc. District Engineer
RE: Construction Contract Status

Dear Board Members,

Please accept this correspondence as a current summary of our construction contract status. Listed below is a brief summary of recent contract activity.

CIVIL ENGINEERS
LAND PLANNERS
SURVEYORS

Performance Drive Phase 2

Construction Status: This Developer-constructed project has been completed for some time now. District Staff is currently working on documentation for the purchase of the road from the Developer by the District.

Change Order (C.O.) Status: None at this time.

Recommended Motion: None required.

Performance Drive Phase 3

Construction Status: This project is in final design. District Staff requests permission from the Board to advertise the project for bid at the appropriate time.

Change Order (C.O.) Status: None at this time.

Recommended Motion: Authorize District Staff to advertise Performance Drive Phase 3 for bid by pre-qualified contractors at the appropriate time.

Should there be any questions, please advise or feel free to contact our office.

Thank you.
End of memorandum.

c: Larry Kaufmann
Stephen Flint
Scott Thacker
Lance Jackson
Robin Persad

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