

**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, May 15, 2018 at 4:35 p.m. at 6900 Tavistock Lakes Blvd., Suite 200, 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:

Jennifer Walden	Fishkind & Associates
Tucker Mackie	Hopping Green & Sams
Jeff Newton	Donald W. McIntosh Associates
Larry Kaufmann	Construction Supervisor
Stephen Flint	Landscape Supervisor
Scott Thacker	Tavistock Development

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

Ms. Walden noted that there were no members of the public present.

**THIRD ORDER OF BUSINESS**

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

Board Members reviewed the minutes from the April 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 April 17, 2018 Board of Supervisors' Meeting, as presented.

**FOURTH ORDER OF BUSINESS**

**Letter from Supervisor of Elections – Orange County**

Ms. Walden explained that the District received a letter from the Supervisor of Elections of Orange County and the District is required to state on the record how many registered voters are in the District each year. She stated that there are currently 2,068 registered voters living in the District. No action is required by the Board.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-04, General Election**

Ms. Walden explained that this resolution states that Seat 3 which is currently held by Mr. Donald Tubbs, Seat 4 which is currently held by Mr. Kyle Scholl, and Seat 5 which is currently held by Mr. Bob da Silva are up for election through the general election this November. She noted that behind the resolution is an exhibit which has the ad that will be placed notating the qualifying period for the candidates within the Orange County Supervisor of Elections if they want to run. Ms. Mackie informed those with seats expiring must go to the Supervisor of Elections to qualify between noon June 18, 2018 to noon June 22, 2018. Ms. Walden will verify if they must do it in person and noted that there is usually a \$25.00 fee required when the form is filled out. Ms. Mackie noted that to the extent that no one qualifies, the person sitting in the seat will continue to hold over and the Board would then appoint an individual to fill the vacancy in the term. Ms. Walden will verify the qualifying dates and place the ad as required. Mr. Scholl asked if Ms. Walden could acquire a form. Ms. Walden responded that she will see if they will give it to her. Mr. Da Silva asked if the Developer still has a vote. Ms. Mackie responded that there are no more Landowner seats in the District as they have all transferred to qualified electors. Ms. Walden noted for the three seats up for election that when they go to qualify they must pay attention to their seat number so that they don't all apply for the same seat and run against each other.

On Motion by Mr. Macre, second by Mr. Da Silva, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved Resolution 2018-04, General Election.

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-05, Approving a Preliminary Budget for Fiscal Year 2019 and Setting a Public Hearing Date**

Ms. Walden explained that the Construction Committee reviewed the line items in the budget and what would be needed for Fiscal Year 2019. She noted that District staff is recommending the budget to come in at total expenses of \$753,073.60 with the assessments staying the same at \$492,716.16. District staff is not recommending a change in assessments. Ms. Walden explained that this resolution starts the budget process and that the District must submit the budget to the County at least 60 days from when the public hearing is going to be. She noted that the budget can always come down if it needs to but the Construction Committee felt this was a good budget for the year. She also noted that the District cannot increase the budget after approval today. Mr. Thacker indicated that the Construction Committee shifted some expenses around with the focus on the landscape improvements. A discussion took place about the Personnel Leasing Agreement to hire someone that would work for all three Districts and manage the irrigation for the project, the hurricane clean up line item and the crosswalk line item. Mr. Da Silva suggested putting the money from the crosswalk line item into the contingency line item. Ms. Walden noted that for today's purposes the District is looking at the overall budget number and the Board can change specific line items prior to the public hearing.

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 2018-05, Approving a Preliminary Budget for Fiscal Year 2019 and Setting August 21, 2018 at 4:30 p.m. at 6900 Tavistock Lakes Blvd, Suite 200, Orlando, Florida 32827 for the Public Hearing.

**SEVENTH ORDER OF BUSINESS**

**Discussion of Landscape Maintenance Items**

Mr. Flint stated that the District is complete with the entrance at the end of Narccoossee and the two monuments were done late last week. He noted that there is a shortage of St. Augustine grass because of a freeze which might put the District behind schedule by 1 to 1.5 months.

Mr. Da Silva noted that the sod patches that were put in do not look healthy. Mr. Flint indicated that the vendor laid it in and did not tell anyone and then the vendor hit the irrigation line which knocked it out and killed their grass. He is going to have them fix it.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Landscape Maintenance Proposals for Wellspring Drive**

- a) **BrightView Proposal**
- b) **OmegaScapes Proposal**

Ms. Walden explained that the District received two proposals for Wellspring Drive and behind Tab A is the BrightView proposal and behind Tab B is the OmegaScapes proposal. Mr. Da Silva asked who is currently maintaining the area. Mr. Kaufmann replied that it is OmegaScapes and BrightView is maintaining the second phase of Performance Drive. That will come off of their one-year maintenance cycle and it is included in the proposal. Ms. Mackie stated that included within the agenda package is also a Funding Agreement with the Developer who agreed to continue funding the maintenance of this particular right-of-way until the District adopts a methodology that accounts for the assessment of this maintenance item to only the properties benefitting from this maintenance. None of the current residential properties within Myrtle will bear the responsibility for these costs. However, the District is maintaining the landscape and irrigation improvements prior to obtaining ownership of the roadway under the CIP in order to provide a consistent maintenance program for the entire roadway. This maintenance activity is currently being funded through a funding agreement with the Developer. She suggested this having its own separate contract in order to track costs easily at staff level and process for reimbursement. Mr. Flint asked if it would be kept separate from the rest of the District in the future. Ms. Mackie responded that she believes that it is one more year of Developer funded costs. She noted that a majority of the costs would be assessed to the Developer as they own the majority of the property. Mr. Kaufmann stated that the major landscape contract will continue for another fiscal year and at the end of that period the Wellspring Drive landscape proposal will rebid along with the rest of the roads. Mr. Da Silva asked if the District would be entering into a contract with Tavistock Development Company, LLC. Ms. Mackie stated that she can verify it and noted that it is just the funding source and there is no requirement that they own property within the District in order to enter into an agreement for the funding of the cost. She directed his attention to section two of the funding agreement. The Board reviewed the proposals.

**NINTH ORDER OF BUSINESS**

**Consideration of Landscape  
Maintenance Agreement for  
Wellspring Drive**

The Board reviewed the Landscape Maintenance Agreement for Wellspring Drive. The Construction Committee recommended the award of the work go to BrightView.

On Motion by Mr. Da Silva, second by Mr. Scholl, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District awarded the contract for USTA Boulevard/Wellspring Drive to BrightView as recommended and authorized District staff to enter into a Landscape Maintenance Agreement.

**TENTH ORDER OF BUSINESS**

**Consideration of Landscape  
Maintenance Funding  
Agreement with Tavistock**

Ms. Mackie requested approval of the Landscape Maintenance Funding Agreement with Tavistock included within the agenda package, understanding that the costs identified within the BrightView proposal would be inserted into that agreement.

On Motion by Mr. Macre, second by Mr. Da Silva, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Landscape Maintenance Funding Agreement with Tavistock.

**ELEVENTH ORDER OF BUSINESS**

**Review of FY 2017 Audit  
Draft**

Ms. Walden stated that there were no deficiencies in internal controls that would be considered material weaknesses. She requested the Board's acceptance of the audit draft subject to review by District Counsel. Mr. Macre asked if there were any additional changes to this draft based on what was sent out the other day that he reviewed. Mr. Scholl asked what some of the areas of concern could be hypothetically. Ms. Mackie responded that deteriorating financial conditions such as the inability for a District to meet their debt service obligations is one example, but to be clear, this District has a clean audit with the auditor not identifying any deficiencies.

On Motion by Mr. Macre, second by Mr. Scholl, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District accepted the Fiscal Year 2017 Audit Draft, subject to District Counsel review of the same.

**TWELFTH ORDER OF BUSINESS**

**Consideration of Financial  
Advisory Agreement**

Ms. Walden explained that this is an agreement with Fishkind & Associates so they can continue on as the District’s financial advisor. She noted that there were updates from the SEC and the MSRB on requirements to be listed in the agreement. She noted there is a not-to-exceed amount of \$1,000.00 but it is included in the Management Agreement for the financial advisory services. Ms. Mackie requested that the approval be done subject to review by Mr. Dan Byrnes at Tavistock. She noted that the Board has a Bond Team Financing Agreement for what may be an issuance in bonds associated Wellspring and Mr. Byrnes wanted to opportunity to review it since he’s left the other Boards he was not copied on these agreements. He would typically like to review them because Tavistock funds certain costs related to a bond issuance in advance of a financing.

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 Financial Advisory Agreement subject to District Counsel and Mr. Byrnes’ review.

**THIRTEENTH ORDER OF BUSINESS**

**Consideration of  
Appointment to  
Construction Committee**

Ms. Walden stated that the Construction Committee consists of three members – Mr. Kaufmann, Mr. Good, and Mr. Thacker. She noted that since the last meeting District staff has received a resignation from Mr. Good and therefor a vacancy exists. She noted that the sister Boards chose to appoint Mr. Flint to fill that vacancy. Ms. Walden asked the Board to appoint him as well.

On Motion by Mr. Da Silva, second by Mr. Scholl, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District appointed Mr. Stephen Flint to be added to the Construction Committee for the District.

**FOURTEENTH ORDER OF BUSINESS**

**Ratification of Requisition  
No. 490 – 500 Approved in**

**April 2018 in the amount totaling \$69,484.11**

Board Members reviewed Requisition No. 490 – 500 Approved in April 2018 in the amount totaling \$69,484.11.

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 Requisition No. 490 – 500 approved in April 2018 in the amount totaling \$69,484.11.

**FIFTEENTH ORDER OF BUSINESS**

**Ratification of Operation and Maintenance Expenditures Paid in April 2018 in an amount totaling \$76,451.12**

Board Members reviewed the Operation and Maintenance Expenditures paid in April 2018 in an amount totaling \$76,451.12.

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 April 2018 in an amount totaling \$76,451.12.

**SIXTEENTH ORDER OF BUSINESS**

**Recommended Work Authorization/Proposed Services**

Mr. Kaufmann stated that there were no Work Authorizations for this District.

**SEVENTEENTH 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 \$335,000.00 vs. a budget of \$457,000.00. The District is currently under budget through April by \$121,000.00. There was no action required.

**EIGHTEENTH ORDER OF BUSINESS**

**Staff Reports**

**District Counsel –** No Report

**District Manager –** No Report

**District Engineer –** No Report

**Construction Supervisor –** No Report

**NINETEENTH ORDER OF BUSINESS**

**Supervisor Requests,  
Audience Comments  
& Adjournment**

There were no Supervisor requests or audience comments and no other business to discuss.

On Motion by Mr. Scholl, second by Mr. Da Silva, with all in favor, the May 15, 2018 Meeting of the Board of Supervisors for the Myrtle Creek Improvement District was adjourned.

  
Secretary/Assistant Secretary

  
Chair/Vice Chair