

# **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, November 10, 2020, at 5:00 p.m. at Courtyard Orlando Lake Nona, 6955 Lake Nona Blvd., Orlando, FL 32827.

Present:

|              |                     |
|--------------|---------------------|
| Bob da Silva | Chairman            |
| Kam Shenai   | Vice-Chairman       |
| Kyle Scholl  | Assistant Secretary |
| John Lynaugh | Assistant Secretary |
| Marsha Leed  | Assistant Secretary |

Also, attending:

|                 |   |             |
|-----------------|---|-------------|
| Jennifer Walden | PFM   |             |
| Lynne Mullins   | PFM   | (via phone) |
| Kevin Plenzler  | PFM   | (via phone) |
| Ralph Ireland   | Tavistock   | (via phone) |
| Dan Byrnes      | Tavistock   | (via phone) |
| Tucker Mackie   | Hopping Green & Sams                                    |             |
| Deb Sier        | Hopping Green & Sams                                    |             |
| Jeff Newton     | Donald W. McIntosh Associates                           | (via phone) |
| Larry Kaufmann  | Construction Supervisor & Construction Committee Member | (via phone) |
| Scott Thacker   | District Landscape Supervisor                           | (via phone) |

## **SECOND ORDER OF BUSINESS**

### **Public Comment Period**

Ms. Walden noted for the record there were no public comments at this time.

## **THIRD ORDER OF BUSINESS**

### **Consideration of the Minutes of the October 20, 2020, Board of Supervisors' Meeting**

Board Members reviewed the minutes from the October 20, 2020, Board of Supervisors' Meeting.

On Motion by Mr. da Silva, second by Mr. Shenai, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Minutes of the October 20, 2020, Board of Supervisors' Meeting.

#### **FOURTH ORDER OF BUSINESS**

#### **Consideration of Resolution 2021-01, Adopting an Amended Budget for FY 2020**

Ms. Walden presented Resolution 2021-01, Adopting an Amended Budget for Fiscal Year 2020. Included as an exhibit to the Resolution is the Revised Budget for Fiscal Year 2020. The column to the left shows the actual expenses through the end of the Fiscal Year as of September 30, 2020. The second column from the right shows the Revised Budget for Fiscal Year 2020. The column to the far right shows the increase decrease.

Ms. Walden noted the District did not go over budget but there were some line items that went over the 10% threshold and that is why the District needs to adopt a revised budget. Mr. Shenai asked if one line in particular was responsible for the revised budget and Ms. Walden responded that there were multiple line items that either increased or decreased which is why the budget needed to be revised.

On Motion by Mr. Shenai, second by Mr. da Silva, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved Resolution 2021-01, Adopting an Amended Budget for FY 2020.

#### **FIFTH ORDER OF BUSINESS**

#### **Consideration of Proposal from VGlobalTech for Google Analytics Site Usage**

Ms. Walden presented the proposal from VGlobalTech for Google Analytics Site Usage. Mr. Shenai previously asked to track the website traffic and usage reports. Ms. Walden explained it is in the amount of \$175.00 to set up automated scheduled email reports to be sent to whomever is authorized from the CDD. If the District wanted to make changes in the report content or if Google makes changes in the future, additional services may be required. Mr. Shenai asked what is included in the proposal. Ms. Walden answered that it will set up the CDD account in Google analytics, will have an embedded GA script and tracking tag on the website, they will set up metrics the District wants to receive, schedule the automated weekly or monthly report on traffic usage, etc., and add the user emails that can receive the reports. The District needs to let VGlobalTech know what kind of metrics they would like in the report. A lengthy discussion took place.

On Motion by Mr. Lynaugh, second by Mr. da Silva, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Proposal from VGlobalTech for Google Analytics Site Usage for a one time cost of \$175.00.

#### **SIXTH ORDER OF BUSINESS**

#### **Consideration of FY 2020 Audit Engagement Letter**

Ms. Walden presented the Fiscal Year 2020 Audit Engagement Letter to the Board and explained the cost falls within the Budget and District Counsel has reviewed and revised the agreement. Ms. Walden

requested approval by the Board so the Auditor can begin the Fiscal year 2020 Audit and District staff can keep them on task to get the District's audit on time.

On Motion by Mr. Shenai, second by Mr. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the FY 2020 Audit Engagement Letter.

## **SEVENTH ORDER OF BUSINESS**

### **Matters Pertaining to Local Alternative Mobility Network ("LAMN")**

- a) Presentation Regarding LAMN**
- b) Presentation of Preliminary Operation and Maintenance Assessment Methodology Report**
- c) Consideration of Interlocal Agreement Among Boggy Creek Improvement District, the Myrtle Creek Improvement District, the Greenway Improvement District and the Poitras East Community Development District Regarding the Maintenance of the Greenlink Improvements within the Local Alternative Mobility Network**
- d) Consideration of Funding Agreement**

Ms. Walden announced the next agenda item pertains to the Local Alternative Mobility Network. Ms. Mackie stated the documentation associated with three of the items on this line item remain unchanged from the prior meeting, which are the Presentation Regarding the LAMN, the Preliminary Operation and Maintenance Assessments Methodology Report, and the Interlocal Agreement. Those are being presented as they were at the prior meeting for the Board's consideration.

Taking into account the comments received at the last Board meeting and individual conversations that representatives of Lake Nona Land Company had with various Board Members, Lake Nona has determined that the best way to proceed would be for the developer to fund all of the expenses associated with the Local Alternative Mobility Network until some point in the future when it may be possible to levy an assessment over a sub-District area that would consist of only the lands currently owned by Lake Nona Land Company. Whether it is Developer Funding now or an assessment in the future it won't result in an additional assessment to any of the existing residential areas within Myrtle Creek.

Ms. Leed asked if there could be an assessment over the park. Ms. Mackie said no because the Local Alternative Mobility Network consisted of the Greenlink system which was assessed based on both the amenity component and the transportation component. There are additional LAMN improvements within each individual District consisting of stops and rest areas, all of which are proposed to be Developer funded. There was a question asking if the Agreement would continue in perpetuity. Ms. Mackie stated the Agreement will continue in perpetuity until such time as there may be an assessment levied to fund the improvements, and that any such assessment would require approval by the District Board.

Mr. Shenai thanked Mr. Byrnes for taking the time to speak with each Board Member separately in between the Board Meetings. He also sent a lot of questions to Mr. Byrnes which his team is working to answer. He asked to share the questions with the other Board Members. The questions and responses will be added to a future agenda. Mr. Shenai asked to find out the development that is planned for the remaining undeveloped parcels to determine who will be absorbing all the assessments. A lengthy discussion took place.

Ms. Leed asked if a few residents will end up paying for the Local Alternative Mobility Network or is it contemplated that a bigger municipality will take it over. Ms. Mackie responded that Districts typically fund amenity improvements in their boundaries that are open to the public and sometime charge a non-resident user fee. In large part, the benefit is received by the residents within the community development district and it is over District landowners that there is authority to levy an assessment. Ms. Leed asked if the assessments were in perpetuity. Ms. Mackie explained the difference between Debt Service Assessments and O&M Assessments. Ms. Leed asked about the routes for the LAMN and if it was coming inside the community and asked if it was still under consideration or if it was determined it wasn't feasible. Mr. Byrnes responded that they are still sorting through that and stated that the current map does not depict all the stops that the mobility network will have in the future. Mr. Ireland stated the Developer will be looking at expanding the network beyond what is currently depicted in the plan. The plan is very specific with the grant that was awarded. He suggested having conversations with the HOA.

Mr. da Silva brought up safety concerns with allowing stops inside the gate of the community.

Mr. da Silva stated the District is being asked to approve the Interlocal Agreement and the Funding Agreement trusting that the Developer will pay for the Local Alternative Mobility Network and if the funding does not come through the District would have to get it from a different source. Ms. Mackie stated if the Developer did not pay the District would have the ability to assess the property owned by the Developer. Mr. Lynaugh stated he requested that the Developer come back with an alternative for funding which is what they have done in creating the Funding Agreement. He stated he does not have a problem with the Funding Agreement. The Interlocal Agreement contemplates that a District's payment of their share can be done in a lump sum payment at the beginning of the fiscal year or on a monthly basis, with the amount of the monthly payment being based on the District's share of the preceding month's actual expenses. Mr. Shenai asked if the Board must take action on both the Interlocal Agreement and the Funding Agreement or just the Funding Agreement. Ms. Mackie suggested the Board consider the agreements in order as they appear in the Agenda Package.

Mr. da Silva asked who is being assessed for the District's share of the Interlocal Agreement. Mr. Shenai responded that the funding is coming from the Developer per the Funding Agreement to be considered by the Board.

On Motion by Mr. Shenai, second by Mr. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Interlocal Agreement among Boggy Creek Improvement District, the Myrtle Creek Improvement District, the Greenway Improvement District and the Poitras East Community Development District Regarding the Maintenance of the Greenlink Improvements within the Local Alternative Mobility Network, subject to the reliance on the Funding Agreement entered into with the Developer with the intent that if the District needs to assess the properties within Myrtle Creek ID in the future that the District will assess the lands currently controlled by Lake Nona Land Company.

Ms. Mackie reviewed the Developer Funding Agreement. This would be a Funding Agreement between the District and Lake Nona Land Company with respect to the LAMN expenses associated with the Myrtle Creek Improvement District, which provides that Lake Nona Land Company would be funding 100% of the cost associated with the LAMN and also provides, in the event the funds aren't provided pursuant to the agreement, that the District has the alternative to assess those properties for the amount outstanding and in the future. The Developer has already executed the Funding Agreement.

On Motion by Mr. Lynaugh, second by Mr. Shenai, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Developer Funding Agreement as presented.

#### **EIGHTH ORDER OF BUSINESS**

#### **Ratification of Operation and Maintenance Expenditures paid in October 2020 in an amount totaling \$64,507.36**

Board Members reviewed the Operation and Maintenance Expenditures paid in October 2020 in an amount totaling \$64,507.36. These have already been approved and just need to be ratified by the Board.

On Motion by Mr. Lynaugh, second by Mr. Scholl, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District ratified the Operation and Maintenance Expenditures paid in October 2020 in an amount totaling \$64,507.36.

#### **NINTH ORDER OF BUSINESS**

#### **Recommendation of Work Authorizations/Proposed Services**

Ms. Walden stated there are no Work Authorizations from Mr. Kauffman however the District has a Work Authorization from Berman. Ms. Walden presented a work authorization for pressure washing signage within the District in the amount of \$4,850.00.

On Motion by Mr. Scholl, second by Mr. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Work Authorization from Berman in the amount of \$4,850.00 for pressure washing.

#### **TENTH 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 the first month of the Fiscal Year 2021. The District has total expenses of \$53,000.00. No action is required by the Board.

#### **ELEVENTH ORDER OF BUSINESS**

#### **Staff Reports**

District Counsel –

No Report

Mr. Lynaugh asked about the invoice referencing the September ADA Audit and asked about the results. Ms. Walden explained the ADA Audit refers to the quarterly ADA auditing service for the District Website to ensure the documents are ADA compliant.

Mr. Scholl stated years ago the District discussed what to do with the surplus funds and decided to do the benches and trashcans along Lake Nona Boulevard and the District never thought to share the cost of those improvements with the other District's. If there is no realistic value due to the lack of stops close enough to where people in the neighborhood would truly benefit from the LAMN, then should the District back out all together and make it a Laureate Park LAMN and not include Myrtle Creek so there are no assessments? Mr. da Silva there is benefit to commercial lands along Wellspring Drive and Performance Drive, which are part of the District.

District Manager –

Ms. Walden noted the next meeting is scheduled for Tuesday, December 15, 2020, at the current location. District staff will keep the Board informed if the District can move back to the Tavistock offices.

District Engineer –

No Report

Construction Supervisor –

No Report

District Landscape Supervisor- No Report.

**TWELFTH ORDER OF BUSINESS**

**Supervisor and Audience  
Comments & Adjournment**

There was no Supervisor Requests or audience comments, so Ms. Walden requested a motion to adjourn.

On Motion by Mr. Shenai, second by Mr. Lynaugh, with all in favor, the November 10, 2020, meeting of the Board of Supervisors for the Myrtle Creek Improvement District was adjourned.

  
Secretary/Assistant Secretary

  
Chair/Vice Chair