

MYRTLE CREEK IMPROVEMENT DISTRICT BOARD OF SUPERVISORS' MEETING MINUTES

FIRST ORDER OF BUSINESS

Roll Call to Confirm a Quorum

The Board of Supervisors' Meeting for the Myrtle Creek Improvement District was called to order on Tuesday, August 17, 2021, at 5:00 p.m. at the Courtyard Orlando Lake Nona, 6955 Tavistock Lakes Blvd, Orlando, FL 32827.

Present:

Bob da Silva	Chairman	
Kam Shenai	Vice Chairman	
John Lynaugh	Assistant Secretary	
Marsha Leed	Assistant Secretary	
Kyle Scholl	Assistant Secretary	(via phone)

Also attending:

Jennifer Walden	PFM	
Amanda Lane	PFM	(via phone)
Tucker Mackie	Hopping Green & Sams	
Jeff Newton	Donald W. McIntosh Associates, Inc.	
Larry Kaufmann	Construction Supervisor & Construction Committee Member	(via phone)
Scott Thacker	District Landscape Supervisor	
Chris Wilson	Construction Committee Member	
Matt McDermott	Construction Committee Member	

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Walden called for public comments. There were no public comments at this time.

THIRD ORDER OF BUSINESS

Consideration of the Minutes of the July 20, 2021, Board of Supervisors' Meeting

Board Members reviewed the minutes from the July 20, 2021, 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 July 20, 2021, Board of Supervisors' Meeting.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2021-05, Approving an Annual Meeting Schedule for Fiscal Year 2022

Ms. Walden recommended the same schedule as 2021, which is the third Tuesday of every month at the Courtyard Orlando Lake Nona at 5:00 p.m. She noted District staff is recommending moving the December meeting up one week because the third week is the week of Christmas.

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 2021-05, Approving an Annual Meeting Schedule for Fiscal Year 2022.

FIFTH ORDER OF BUSINESS

Consideration of Construction Committee Recommendations for Request for Qualifications from Contractors Interested in Providing Construction Services for Master Infrastructure Improvements

Mr. Kaufmann noted a memo is attached to the agenda package that was written by the Construction Committee for the RFQ that was sent out for all five Lake Nona Districts. The Districts received 10 responses to the RFQ. After analysis of the responses, it is the recommendation of the Construction Committee that all 10 be prequalified for Master Infrastructure Improvements with the condition that Garney Companies, Inc. be approved only for utilities and Phillips & Jordan, Inc. only be approved for earthwork since their responses to the RFQ demonstrated experience in primarily in those areas.

(per the graphic attached to these minutes)

Mr. Lynaugh asked about the deficiencies for some of the companies related to their surety rating and insurance certificates. Ms. Mackie stated District staff is following up with those Contractors and those items are a matter of fact and something that can be verified, such as whether or not their surety company is authorized to do business in the state of Florida.

On Motion by Mr. Shenai, second by Mr. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District accepted the Construction Committee's recommendation to prequalify for Master Infrastructure Improvements all 10 Contractors with the condition that Garney Companies, Inc. be prequalified only for utilities and Phillips & Jordan, Inc. only be prequalified for earthwork, waiving the minor deficiencies and subject to District Staff contacting Contractors to resolve deficiencies.

SIXTH 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 2021-06,
Adopting the Fiscal
Year 2022 Budget and
Appropriating Funds**

Ms. Walden noted the District noticed the public hearing pursuant to Florida Statutes and requested a motion to open the public hearing.

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

Ms. Walden stated the budget is an exhibit to the Resolution and it is the same overall budget that the Board approved in preliminary form back in May. There were no questions or comments on the budget so, Ms. Walden requested a motion to close the public hearing.

On Motion by Mr. da Silva, second by Mr. Lynaugh, 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 2021-06.

On Motion by Mr. Lynaugh, second by Mr. Shenai, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved Resolution 2021-06, Adopting the Fiscal Year 2022 Budget and Appropriating Funds.

SEVENTH ORDER OF BUSINESS

**Consideration of Resolution
2021-07, Adopting an
Assessment Roll for Fiscal
Year 2022 and Certifying
Special Assessments for
Collection**

Ms. Walden explained the Resolution will impose the Special Assessments for Fiscal Year 2022 based on the budgets that were just adopted. She noted that the residential parcels came down a couple of dollars over last year depending on the lot type.

Ms. Walden requested a motion to approve Resolution 2021-07.

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 Resolution 2021-07, Adopting an Assessment Roll for Fiscal Year 2022 and Certifying Special Assessments for Collection.

EIGHTH ORDER OF BUSINESS

Ratification of Operation and Maintenance Expenditures Paid in July 2021 in an amount totaling \$41,401.30

The Board reviewed Operations and Maintenance Expenditures paid in July 2021 in an amount totaling \$41,401.30. Ms. Walden noted that these have already been approved and need to be ratified by the Board.

On Motion by Mr. da Silva, second by Ms. Leed, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District ratified Operations and Maintenance Expenditures paid in July 2021 in an amount totaling \$41,401.30.

NINTH ORDER OF BUSINESS

Recommendation of Work Authorization/Proposed Services

There were no Work Authorizations for this District.

TENTH ORDER OF BUSINESS

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

The Board reviewed the District Financial Statements through July 31, 2021. The total expenses for the District are \$501,000.00 vs. an overall budget of \$919,000.00. The District is under budget and tracking to stay under budget. No action is required by the Board.

Mr. Shenai stated it looks like the District irrigation is under control. Mr. Thacker stated that construction is done in that area and things are back to normal. Mr. Shenai noted the District set aside \$121,000.00 for two months of landscaping and asked Mr. Thacker if the District was on track. Mr. Thacker said yes.

Mr. Da Silva asked if the District recently installed the palm trees at Lake Nona Blvd. from Village Walk to the Enclave crossing. Mr. McDermott said yes. Mr. Da Silva asked if the Sable Palms were salvaged. Mr. McDermott stated they are always salvaged.

Mr. Shenai commented for Fiscal Year 2021 and Fiscal Year 2022 the District budgeted \$125,000.00 for flower and plant replacement and on average the District has spent \$50,000.00. He asked if the District will be back to spending \$50,000.00 for that line item. Mr. McDermott stated the District is catching up and getting ahead so in 2023 the District is likely to spend under \$50,000.00.

Ms. Leed asked about the cashflow which the District has substantially more than one year ago. She asked if there are large expenses coming in the next two months. Ms. Walden stated the amount the District had cash on hand a year ago was carry forward to offset the first two months of the next Fiscal Year because assessments do not come in until December. There are some significant things that are estimated to hit the budget before the end of Fiscal Year 2021.

ELEVENTH ORDER OF BUSINESS

Staff Reports

District Counsel –

Ms. Mackie noted that she was able to speak to Felix. They have indicated they achieved substantial completion and are still holding firm they are still waiting for their change orders to be approved by the County before payment. Ms. Mackie suggested the Board prepare a complaint to send to Orange County and they can apply pressure to Felix to the extent possible and that ultimately it would be Orange County who would be responsible for making those payments. They can seek reimbursement or indemnification through their Construction Contract with Felix. Mr. da Silva asked what the cost is to move forward. Ms. Mackie replied that \$37,000.00 is the outstanding irrigation amount and the cost to prepare the complaint could be limited to a not-to-exceed amount of \$5,000.00. The Board discussed whether or not to file the complaint yet given the work is in substantial completion.

Mr. Wilson explained Orange County has gone on record stating they are not going to authorize Felix a change order for this work because they do not feel it is their responsibility. There is going to be a long term of litigation for liquidated damages related to this project which could stretch out for a long time as parties try to negotiate it down. Ms. Mackie stated the likelihood of the District recovering these costs is fairly minimal. Mr. Lynaugh wanted to write off the cost and be done with this. Mr. Da Silva said he was not ready to do that but suggested the Board table the action. Ms. Leed asked if the District can declare a loss like a business. Ms. Mackie stated the District already spent these funds and is just seeking reimbursement. She added that, thanks to Mr. Thacker and Mr. Wilson, at some point Felix started directly contracting with the District landscape and irrigation vendors and from that point forward the District did not have to pay directly for those costs.

On Motion by Mr. Lynaugh, second by Ms. da Silva, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District tabled filing the complaint letter.

District Manager –

Ms. Walden noted the next meeting is scheduled for Tuesday, September 21, 2021.

District Engineer –

No Report

Construction Supervisor –

Mr. Kaufmann stated the Construction Committee is trying to get OUC to repair the streetlights on Lake Nona Blvd. in the Myrtle Creek District and have been unsuccessful to date. He noted it may be advantageous for residents to call OUC and complain about the lights being out. If he cannot get a response from OUC in the next couple of weeks he might ask some individuals to call and complain. Mr. Kaufmann stated he will get a pole number listing to Ms. Walden who can provide to the Board.

District Landscape Supervisor- No Report.

Irrigation Supervisor-

No Report

TWELFTH ORDER OF BUSINESS

**Supervisor Requests &
Adjournment**

Mr. Shenai requested a discussion of the reserves to be a formal agenda topic for the next meeting and recommendations for that amount.

There were no additional comments, so Ms. Walden requested a motion to adjourn.

On Motion by Mr. Shenai, second by Mr. Lynaugh, with all in favor, the August 17, 2021 meeting of the Board of Supervisors for the Myrtle Creek Improvement District was adjourned.


Secretary/Assistant Secretary


Chair/Vice Chair