

**MYRTLE CREEK
IMPROVEMENT DISTRICT**

**Consideration
Of
Board of Supervisors' Meeting
Minutes
February 23, 2015**

**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 Monday, February 23, 2015 at 4:30 p.m. at the offices of Lake Nona Land Company, 9801 Lake Nona Road, Orlando, FL 32827. Board Members listed below constituted a quorum.

Jeff Macre	Vice Chair
Donald Tubbs	Assistant Secretary
Bob da Silva	Assistant Secretary
Kyle Scholl	Assistant Secretary (via phone)

Also attending:

Larry Kaufmann	Lake Nona Land Company
Tucker Mackie	Hopping Green & Sams
John Florio	Donald W. McIntosh Associates
Jane Gaarlandt	Fishkind & Associates
Brad Reed	Fishkind & Associates
Doris Houck	Fishkind & Associates (via phone)

SECOND ORDER OF BUSINESS

Public Comment Period

There were no members of the general public present.

THIRD ORDER OF BUSINESS

**Consideration of Minutes of
the January 26, 2015 Board
of Supervisors' Meeting**

Board Members reviewed the minutes from the January 26, 2015 Board of Supervisors' meeting. Mr. Florio provided edits.

On Motion by Mr. C. Tubbs, second by Mr. Macre, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the minutes of the January 26, 2015 Board of Supervisors' meeting, as amended

FOURTH ORDER OF BUSINESS

**Discussion Regarding
Series 2015 Project
Financing**

Ms. Mackie mentioned that the Board previously talked about the USTA Project and what this Board will be called upon to do as it relates to the assessments for the Series 2006 Project. Back in 2006 this Board identified a series of projects that it would like to complete, the Master Series Improvements for which the District issued the Series 2006 Bonds and those funds have been utilized to fund those improvements and build those improvements. Ms. Mackie stated that Mr. MacLaren's timeline is to bring before the Board a potential change in the methodology that would incorporate the new product type being the USTA Facilities sometime in May. Any time that the District is closing on new property where assessable improvements do not fit a product type the Board needs to go back through the assessment process to identify the equivalent residential unit to then assess that property for its portion of its Series 2006 Project. The process needs to be done prior to the time they would certify the next year's assessments on the roll which is September. In connection with the building of the USTA Facility and the future development there are improvements that are not currently within the Series 2006 Project that this District may want to fund in the future and for that the District may issue Bonds. The District Engineer would have to develop that project with the landowners in a conjunctive effort and this Board would have to go through that process for that project which is only seen as benefitting the USTA Parcel and the future development such that existing residents would not be assessed for a future bond issuance, it would be that next phase of development as anticipated. Ms. Mackie stated that Mr. Kaufmann can provide more information on the type of improvements to be included in the series 2015 Project but it is very similar to improvements this District has constructed in the past that being roadways, storm water, and utilities. Ms. Mackie stated that part of what they need the Board to act upon today is to authorize District Staff to begin working on preparing the reports that will become the basis for the assessment process before the District even kicks that process off the District Engineer works with the Developer to identify what that project might be, the District's Assessment Methodology Consultant which is Fishkind & Associates works with the District Engineer and the Developer to identify where the assessable improvements will be located and who will benefit from those assessable improvements. Ms. Mackie explained that the District would enter into what is called a Bond Team Financing Agreement with the Developer that provides for the funding of those developments of the report such that this District would not pay for that out of O & M. The costs would be reimbursable once bonds are issued and if they are ever issued. They cannot be paid out of the Series 2006 Project Fund but this prevents them from being paid out of the Operations & Maintenance assessment for which the District did not budget for. She asked for any questions as it relates to the Series 2015 Project. Mr. Kaufmann mentioned that the goal here is to make sure all the expenses that staff spends for that effort is not charged against the 2006 Landowners.

On Motion by Mr. C. Tubbs second by Mr. Macre, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District authorized District staff including the District Engineer and Fishkind & Associates to begin the discussion regarding the Series 2015 Project Financing.

FIFTH ORDER OF BUSINESS

**Consideration of Bond Financing
Team Funding Agreement.**

Ms. Mackie stated that this agreement provides for Lake Nona to fund the cost of preparation of reports that will be necessitated by the issuance of Bonds that includes District Counsel, District Engineer, Financial Consultant, Bond Counsel, Trustees Counsel, their fees upfront until such time as bonds are issued at that point they would be reimbursable. There is a five year period during which it anticipates the issuance of Bonds and if not those funds would no longer be reimbursable. This is identical almost in form to the agreement that Myrtle Creek previously executed with Lake Nona back in 2006. Mr. Kaufmann stated that they were not sure if they were even going to proceed with this but it is to just make sure that the money gets spent by the right entity and that there is no additional cost to the existing homeowners out there. Ms. Mackie requested approval subject to Lake Nona's Counsel further review.

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 Bond Financing Team Funding agreement between the Myrtle Creek Improvement District and the Lake Nona Land Company subject to Lake Nona Counsel further review.

SIXTH ORDER OF BUSINESS

**Consideration of
Requisition No. 380-382
Approved in January 2015
in the amount of \$4,473.61**

Board Members reviewed Requisition Nos. 380-382 in the amount of \$4,473.61. There were no questions or comments.

On Motion by Mr. D. Tubbs, second by Mr. Macre, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District ratified payment of Requisition Nos. 380-382 in the amount totaling \$4,473.61

SEVENTH ORDER OF BUSINESS

**Consideration of Operation and
Maintenance Expenditures Paid in
January 2015 in the amount of
\$32,293.69**

Board Members reviewed the expenditures in the amount of \$32,293.69 paid in January 2015.

On Motion by Mr. C. Tubbs, 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 January 2015 in the amount totaling \$32,293.69.

EIGHTH ORDER OF BUSINESS

**Recommendation of Work
Authorization/Proposed
Services**

Ms. Gaarlandt asked if there are any work authorizations that need to be considered. Mr. Kaufmann stated there were none 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 YTD. Mr. Macre asked how the payback is going from the Boggy Improvement District to the Myrtle Creek Improvement District for the landscape. Mr. Kaufmann explained that it is once per quarter it is for all of 2015 and a portion of 2016. Mr. Kaufmann asked to have Ms. Lane get the accounting of that. No action required.

TENTH ORDER OF BUSINESS

Staff Reports

District Counsel – No report

District Manager – Ms. Houck mentioned that last month they talked about some property damage as a result of an automobile accident. A claim was filed against State Farm. State Farm has paid that claim and the work is underway.

District Engineer – Mr. Florio presented a Construction Status Memorandum dated February 23, 2015 (Minutes Exhibit A). When last they met Mr. Florio informed the Board that he received a very late Change Order request for \$25,135.00 from the Contractor. Mr. Kaufmann and Mr. Florio have met with them twice now and believe they have a settlement of \$17,500.00. He needs the Board to ratify that amount. The project is finished, complete, certified and operable.

On Motion by Mr. C. Tubbs, second by Mr. Macre, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District ratified the approval of Change Order 3 for a lump sum of \$17,500.00 authorizing the District Engineer to execute.

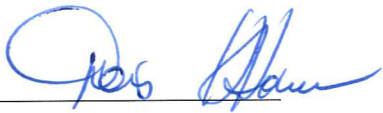
Construction Supervisor – Mr. Kaufmann noted that the signals are working now and they are ready for the next round of traffic signals. The Lift Station is also working. Mr. Florio noted that the County turned the signal on. Mr. Charles Tubbs asked if there was a timeframe or status on the road where Medical City ends now from Sanford Burnum out to Boggy Creek. Mr. Kaufmann stated that Lake Nona Boulevard Phase 3 was originally contemplated to be at the end of 2015 however they have had some issues with the Landowner that is adjacent to Boggy Creek Road so the Boggy Creek Improvement District is going through a condemnation process to condemn little pieces of property that the District needs for the completion of that project so that has delayed the start of the intersection improvements that have been going along Lake Nona Boulevard. It is estimated now to be complete during the second quarter of 2016. There is a lot of pressure to get that road completed. Mr. Florio mentioned that the DOT is supposedly completing their PD & E study which is the study they have to approve alignments of major roadways for a connection between the 417 and Osceola Parkway’s extension which will be another parallel North/South route but he is hopeful the study will be done before June.

ELEVENTH ORDER OF BUSINESS

**Supervisor and Audience
Comments & Adjournment**

Ms. Gaarlandt asked for any supervisor or audience comments, hearing none she suggested a motion to adjourn. There was no objection.

On Motion by Mr. Macre, Second by Mr. D. Tubbs, with all in favor, the February 23, 2015 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: February 23, 2015
TO: Myrtle Creek Improvement District
Board of Supervisors
FROM: Donald W. McIntosh Associates, Inc. *DW*
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. A copy of the latest Change Order Log is attached.

CIVIL ENGINEERS

LAND PLANNERS

SURVEYORS

Lake Nona Central Lift Station 3 – Jr. Davis

Construction Status: The Contractor has completed construction and the City has accepted the Lift Station. Final close-out documentation is in process. Change Order No. 3 in the amount of \$25,135.55 that was discussed and approved last month as a not to exceed amount has been successfully negotiated down to a lump sum of \$17,500.00

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

Recommended Motion: Radify approval of Change Order No. 3 for a lump sum of \$17,500 and authorize the District Engineer to execute.

Should there be any questions, please advise.

Thank you.
End of memorandum.

c: Mr. Larry Kaufmann
Ms. Patrice Ragusa
Mr. Jason Good
James C. Nugent, P.E.

2200 Park Ave. North

Winter Park, FL

32789-2355

Fax 407-644-8318

407-644-4068

LAKE NONA SOUTH
Myrtle Creek Improvement District
Lake Nona Central Lift Station 3
Change Order Log
Jr. Davis Construction

C.O. #	Date	Description of Revision	Additional Days	Amount	Status	New Contract Amount Original Contract Date	To Board	Approval Date	Notes
						\$ 334,918.00			
1	7/18/2014	Remove 20 LF 8" DIP (18'-20' DEEP) from contract.	0	\$ (4,744.00)	Approved	\$ 330,174.00	7/21/2014	9/12/2014	
2	7/30/2014	Delete Fuel Tank Pad & Bollards from contract	0	\$ (7,900.00)	Approved	\$ 322,274.00	8/18/2014	8/18/2014	
3	12/5/2014	Upgraded electrical material added per the plan revision on sheet E-350 dated 4/9/14	0	\$ 17,500.00	Approved	\$ 339,774.00	1/26/2015	1/26/2015	Originally approved not to exceed \$25,135.55 - Negotiated to lump sum \$17,500.00