

**BOGGY CREEK IMPROVEMENT DISTRICT  
BOARD OF SUPERVISORS' MEETING MINUTES**

**FIRST ORDER OF BUSINESS**

**Roll Call to Confirm Quorum**

The Board of Supervisors' Meeting for the Boggy Creek Improvement District was called to order on Tuesday, May 17, 2022, at 3:00 p.m. at the Courtyard Orlando Lake Nona, 6955 Lake Nona Blvd, Orlando, FL 32827.

Present:

Damon Ventura  
Thad Czapka  
Chad Tinetti  
Jamie Bennett

Vice Chairperson  
Assistant Secretary  
Assistant Secretary  
Assistant Secretary

Also, attending:

Jennifer Walden  
Lynne Mullins  
Tucker Mackie  
Jeffrey Newton  
Larry Kaufmann  
Scott Thacker  
Matt McDermott  
Amanda Lane  
Aaron Wilbanks

PFM  
PFM  
Kutak Rock  
Donald W. McIntosh Associates, Inc.  
Construction Supervisor & Construction Committee Member  
District Landscape Supervisor  
Construction Committee Member  
PFM  
Berman

(via phone)

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

Ms. Walden called for public comments. There were no public comments.

**THIRD ORDER OF BUSINESS**

**Consideration of the Minutes  
of the April 19, 2022, Board of  
Supervisors' Meeting**

The Board reviewed the minutes of the April 19, 2022, Board of Supervisors Meeting.

On motion by Mr. Tinetti, seconded by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the minutes of the April 19, 2022, Board of Supervisors Meeting.

**FOURTH ORDER OF BUSINESS**

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

Ms. Walden reviewed the Letter from the Supervisor of Elections of Orange County and stated for the record that as of April 15, 2022, the District has 29 registered voters.

## **FIFTH ORDER OF BUSINESS**

### **Consideration of Resolution 2022-05, Designating a Date, Time, and Location for the 2022 Landowners' Meeting**

Ms. Walden noted that the Resolution states that Seat 3, held by Mr. Tinetti, Seat 4, held by Mr. Ventura, and Seat 5, held by Mr. Czapka, are all subject to election by Landowners in November 2022. District staff suggested that the election be held November 15, 2022, at 2:00 p.m. at this location.

On motion by Mr. Tinetti, seconded by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved Resolution 2022-05, Designating a Date, Time, and Location for the 2022 Landowner's Meeting as November 15, 2022, at 2:00 p.m. at Courtyard Orlando Lake Nona, 6955 Lake Nona Blvd., Orlando, FL 32827

## **SIXTH ORDER OF BUSINESS**

### **Discussion Regarding Extension of Draw Date as set forth in Section 203 of the Third Supplemental Trust Indenture Date July 1, 2018, between the District and U.S. Bank National Association, as Trustee**

Ms. Mackie noted that under the District's current Supplemental Trust Indenture, with respect to the bond anticipation note, the draw period for construction has expired. District staff has been working with Synovus Bank to extend that period until maturity, but likely to be limited to around 6 months prior to maturity in 2024. Ms. Mackie requested a motion to authorize District staff to continue negotiations with Synovus and to authorize the Chair to execute a supplement to the Supplemental Trust Indenture that would extend the draw deadline.

Mr. Ventura asked if there were documents to review. Ms. Mackie explained that there is no agreement per se and that she believes it would be something as simple as amending the date in the Supplemental Trust Indenture and clarified that the District is not currently able to draw down under the Trust Indenture.

Mr. Tinetti asked if this deadline snuck up on the Board or if negotiations took longer than previously thought. Ms. Mackie explained that negotiations took longer than anticipated. She noted that this date was previously selected under the assumption that construction would be further along and Bond Counsel at the time, Mike Williams, was concerned about the tax implications of allowing bonds to sit on account, as they had to be tied to the construction schedule. Once the schedule began to get pushed back then that gave rise to the need to push back the draw deadline.

On motion by Mr. Ventura, seconded by Ms. Bennett, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved Authorization of District Staff to continue negotiating with Synovus Bank to extend the draw deadline and Authorization for the Chair to execute a supplement to the Supplemental Trust Indenture that would extend the draw deadline.

#### **SEVENTH ORDER OF BUSINESS**

#### **Consideration of OUC Transfer Agreement**

Mr. Kaufmann requested to table the item to the next meeting as he had not received all the necessary documents.

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

#### **Consideration of Agreement for Geotechnical Services with PSI for Lift Station 9 Force Main**

Mr. Newton explained that this agreement is in relation to the Work Authorization granted at the last meeting to Donald W. McIntosh Associates, Inc. and to Central Florida Locating Inc. for the work needed to design Lift Station 9 and approximately 6,000 feet of Force Main. This work would be in support of that as borings are needed along the Force Main alignment to check ground water and soil conditions. He noted that Ms. Mackie prepared a Standard District Agreement.

On motion by Mr. Ventura, seconded by Mr. Tinetti, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Agreement for Geotechnical Services with PSI for Lift Station 9 Force Main.

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

#### **Consideration of Traffic Engineering Services for Power Center Roundabouts with Kittelson**

Mr. Newton recommended tabling this topic as the operational analysis for the roundabouts at the Power Center, which is being prepared under agreement between Kittelson and the Developer, has not been completed.

#### **TENTH ORDER OF BUSINESS**

#### **Consideration of Resolution 2022-06, Approving a Preliminary Budget for Fiscal Year 2023, and Setting a Public Hearing Date**

Ms. Walden noted that the budgets are listed as an exhibit to the Resolution. She suggested that the O&M Budget be approved with expenses of \$1,759,789.15 with assessments remaining the same at \$920,455.44, Developer contributions of \$725,319.70 and utilizing a carryforward of \$113,914.01. She noted that that line items can still be modified before the final budget is adopted, as this item is to set the overall budget. The overall budget can come down, but it won't be able to go back up. Along with the preliminary budget approval, the time and place for the public hearing was suggested as August 16, 2022, at 3:00 p.m. at the Courtyard Orlando Lake Nona.

On motion by Mr. Ventura, seconded by Ms. Bennett, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved Resolution 2022-06, Approving a Preliminary Budget for Fiscal Year 2023, and Setting a Public Hearing Date of August 16, 2022, at 3:00 p.m. at Courtyard Orlando Lake Nona, 6955 Lake Nona Blvd., Orlando, FL 32827.

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

#### **Ratification of Operation and Maintenance Expenditures Paid in April 2022 in an amount totaling \$77,133.50**

Ms. Walden noted that these Operation and Maintenance Expenditures have already been approved and only need to be ratified by the Board.

On motion by Mr. Ventura, seconded, Mr. Tinetti, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified the Operation and Maintenance Expenditures Paid in April 2022 in an amount totaling \$77,133.50.

#### **TWELFTH ORDER OF BUSINESS**

#### **Ratification of Requisition Nos. 2018-234 – 2018-238 in April 2022 in an amount totaling \$33,174.05**

Ms. Walden noted that these Requisitions have been approved and only need to be ratified by the Board.

On motion by Mr. Ventura, seconded by Ms. Bennett, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified Requisition Nos. 2018-234 – 2018-238 in April 2022 in an amount totaling \$33,174.05.

#### **THIRTEENTH ORDER OF BUSINESS**

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

Mr. Kaufmann noted that there were none.

#### **FOURTEENTH ORDER OF BUSINESS**

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

The Board reviewed the District's Financial Statements through April 30, 2022. Ms. Walden noted that the District has spent \$619,000.00 vs. a budget of \$1,672,000.00.

#### **FIFTEENTH ORDER OF BUSINESS**

#### **Staff Reports**

District Counsel –

No report.

District Manager –

Ms. Walden noted that the next meeting is scheduled for Tuesday, June 21, 2022.

District Engineer –

Mr. Newton noted that he had no written report but provided a few updates.

The traffic signal at Veterans Way is still in review with the City, so 100% plans are not ready to bid. The Board previously authorized District staff to move forward with bidding but it is not ready yet.

For the Nemours Parkway Phase 7 project, it was built by the Greenway ID, but part of it falls within the Boggy Creek ID. The Boggy Creek ID funded their portion by reimbursing the Greenway ID for its proportionate share of the construction cost. The project has reached the end of its two-year warranty period, and the City has come up with a list of repairs. These repairs are not warrantable repairs under the contract with Jr. Davis Construction Company because they are related to damage rather than defect. Some examples of these repairs are broken inlet tops and cracked curb ramps. The repairs totaled about \$50,000.00, but the majority was attributed to Builder/Developer responsibility and only \$1,724.00 was allocated to the Boggy Creek ID. Mr. Newton requested a motion to authorize the expenditure of \$1,724.00 in repair expenses to Jr. Davis Construction Company subject to a standard District Agreement and to grant the Chair or Vice Chair authorization to execute the agreement outside of the meeting.

Mr. Tinetti asked if from this point forward the City would be taking responsibility. Mr. Newton said yes. Ms. Bennett asked if this is a request to be approved at the current meeting or if it is something to be formally proposed at the next meeting. Mr. Newton confirmed that they would like it approved at the current meeting.

On motion by Mr. Czapka, seconded by Ms. Bennett, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Repairs to Nemours Parkway Phase 7 with Jr. Davis Construction for \$1,724.00 subject to District Counsel preparing the standard District Agreement and authorizing the Chairman to execute the final Agreement.

Mr. Newton noted that they go through this with the City at the end of every warranty period.

Landscape Supervisor –

Mr. Thacker noted that he will be transitioning out of his role at Berman and introduced Mr. Aaron Wilbanks, who is Berman's Landscape Manager and will be working with Mr. Thacker on District items over the next couple of months.

Irrigation Supervisor –

No report.

Construction Supervisor –

No report.

## **SIXTEENTH ORDER OF BUSINESS**

### **Supervisor Requests**

Mr. Tinetti asked if for future projects an allowance should be held for repairs at the end of the warranty periods, if the Board knows that the City will provide a list of repairs. Mr. Newton explained that from a District perspective it would not be necessary because it comes from the capital improvement fund, but that Developers do hold an amount in reserve for such items. Mr. Tinetti asked if it was mostly residential. Mr. Newton responded yes and that it was mostly attributed to Laureate Park Phase 10. Mr. Newton noted that of the \$50,000.00 around \$35,000.00 – \$40,000.00 ended up as Developer/Builder responsibility, with \$1,724.00 for the Boggy Creek ID, and around \$10,000.00 for the Midtown ID.

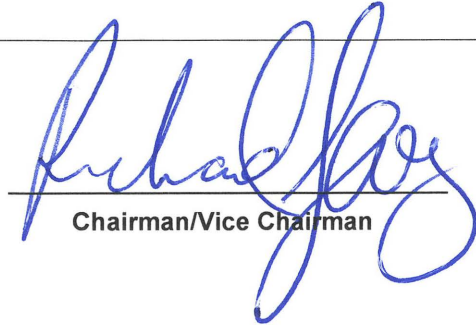
**SEVENTEENTH ORDER OF BUSINESS**

**Adjournment**

Ms. Walden requested a motion to adjourn.

On motion by Mr. Tinetti, seconded by Mr. Ventura, with all in favor, the May 17, 2022, Meeting of the Board of Supervisors for the Boggy Creek Improvement District was adjourned.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman