

**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, August 16, 2022, at 3:00 p.m. at the Courtyard Orlando Lake Nona, 6955 Lake Nona Blvd, Orlando, FL 32827.

Present:

Richard Levey	Chairperson
Damon Ventura	Vice Chairperson
Thad Czapka	Assistant Secretary
Jamie Bennett	Assistant Secretary

Also attending:

Jennifer Walden	PFM	
Lynne Mullins	PFM	
Amanda Lane	PFM	(via phone)
Jorge Jimenez	PFM	(via phone)
Tucker Mackie	Kutak Rock	
Ryan Dugan	Kutak Rock	
Jeffrey Newton	Donald W. McIntosh Associates, Inc.	
Larry Kaufmann	Construction Supervisor	(via phone)
Matt McDermott	Construction Committee Member	
Aaron Wilbanks	Berman	
Scott Thacker	Berman	(via phone)

SECOND ORDER OF BUSINESS

Public Comment Period

Dr. Levey called for public comments. There were no public comments.

THIRD ORDER OF BUSINESS

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

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

On motion by Mr. Czapka, seconded by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Minutes of the July 19, 2022, Board of Supervisors' Meeting.

FOURTH ORDER OF BUSINESS

**Consideration of Resolution 2022-08,
Approving an Annual Meeting
Schedule for Fiscal Year 2023**

Ms. Walden recommended keeping the Board of Supervisors' Meeting schedule the same as FY 2022 at the same current time and location, with the exception of December moving up a week due to Christmas, and keeping the Construction Committee Meetings the same at every other week starting with Thursday, October 6, 2022, at the same current time and location.

On motion by Ms. Bennett, seconded by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved Resolution 2022-08, Approving an Annual Meeting Schedule for FY 2023 with the Board of Supervisors' Meeting schedule taking place on the third Tuesday of each month, except December which is to take place on the second Tuesday, at 3:00 p.m. at the Courtyard Orlando Lake Nona, 6955 Lake Nona Blvd., Orlando, Florida 32827 and the Construction Committee Meeting schedule taking place every other Thursday at 3:30 p.m. at the office of Donald W. McIntosh Associates, Inc., 2200 Park Avenue North, Winter Park, FL 32789.

FIFTH ORDER OF BUSINESS

Consideration of Traffic Engineering Services Agreement for Power Center Roundabouts with Kittelson

Mr. Newton requested that this item be tabled.

SIXTH ORDER OF BUSINESS

Consideration of OUC Agreement for Medical City Drive Phase 2

Mr. Kaufmann explained that this OUC Agreement is for the area of Medical City Drive which is south of Laureate Boulevard. It is a transfer Agreement of streetlights from Land Nona Land Company to the Boggy Creek Improvement District.

On motion by Mr. Ventura, seconded by Ms. Bennett, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the OUC Assignment of Service Agreement for Lighting Service for Medical City Drive Phase 2.

SEVENTH ORDER OF BUSINESS

Consideration of License Agreement for Fountain Maintenance

Ms. Mackie noted that this License Agreement is between the District and LNT Hotel III, LLC and proposes that LNT, the Licensee, be given the right to install a fountain within the District's stormwater pond. The Licensee would be responsible for installation costs and continued maintenance costs. Additionally, the Licensee would indemnify the District and add the District as additional insured.

On motion by Mr. Ventura, seconded by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the License Agreement for Fountain Maintenance.

EIGHTH 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 2022-09, Adopting the Fiscal Year 2023 Budget and Appropriating Funds**

Dr. Levey called for a motion to open the public hearing.

On motion by Mr. Ventura, seconded by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District opened the Public Hearing.

Ms. Walden noted that the District noticed this hearing pursuant to Florida Statutes. As there were no audience comments on the budget, Dr. Levey requested a motion to close the public hearing.

On motion by Mr. Czapka, seconded by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District closed the Public Hearing.

Ms. Walden explained the budget is the same that was preliminarily approved back in May.

On motion by Mr. Ventura, seconded by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved Resolution 2022-09, Adopting the Fiscal Year 2023 Budget and Appropriating Funds.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2022-10, Adopting an Assessment Roll for Fiscal Year 2023 and Certifying Special Assessments for Collection

Ms. Walden noted this Resolution is to impose special assessments for Fiscal Year 2023 based on the budgets that were just adopted.

On motion by Mr. Ventura, seconded by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved Resolution 2022-10, Adopting an Assessment Roll for Fiscal Year 2023 and Certifying Special Assessments for Collection.

TENTH ORDER OF BUSINESS

Ratification of Operation and Maintenance Expenditures Paid in July 2022 in an amount totaling \$44,795.98

Dr. Levey noted that these expenditures have been approved and need to be ratified by the Board.

On motion by Ms. Bennett, seconded by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified the Operation and Maintenance Expenditures Paid in July 2022 in an amount totaling \$44,795.98.

ELEVENTH ORDER OF BUSINESS

Ratification of Requisition Nos. 2018-248 – 2018-255 Paid in July 2022 in an amount totaling \$1,453,664.96

Dr. Levey noted that these requisitions have been approved and need to be ratified by the Board.

On motion by Mr. Ventura, seconded by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified Requisition Nos. 2018-248 – 2018-255 Paid in July 2022 in an amount totaling \$1,453,664.96.

TWELFTH ORDER OF BUSINESS

Recommendation of Work Authorizations/Proposed Services

Mr. Kaufmann stated there were none for this District.

THIRTEENTH ORDER OF BUSINESS

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

The Board reviewed the District's Financial Statements through July 31, 2022. Ms. Walden noted that the District has expenses of \$881,000.00 vs. a budget of \$1,672,000.00, which is approximately 53% of the budget.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

District Counsel –

Ms. Mackie clarified that the fountain for the License Agreement that was just approved won't be installed until mid-2023. Additionally, District staff transmitted the notice of award letters for landscape services per Board direction from the last meeting. The District did receive a request for information related to the landscape proposals, but no bid protest was received. District staff is in the process of finalizing the contract with the landscaper, which will begin on October 1, 2022.

District Manager –

Ms. Walden noted that the next meeting is Tuesday, September 20, 2022, and the calendar invite will be going out soon for the FY 2023 meetings.

District Engineer –

Mr. Newton shared that the traffic signal on Veteran's Way is expected to have 100% plans this week and then the District can go out to bid next week. Dr. Levey asked how this is going to work with the VA. Mr. Newton stated that he will invite them to the bid opening meeting so they can be involved.

Construction Supervisor –

Mr. Kaufmann provided an update on the trail lights for Lake Nona Boulevard and reminded the Board that OUC did not want to fulfill their contract to install the conduit for the first three blocks south of Nemours Parkway. District staff spoke to OUC, and they suggested that the District trim some trees and they would install 440-watt LED lamps on the existing median poles. After reviewing the area, District staff feels there is sufficient light on the trail except for one spot where a tree was blocking the light for a large portion of the trail. Mr. Kaufmann recommends removing the tree and contacting OUC to advise them to continue installing the 440-watt fixtures down to Boggy Creek Road utilizing the existing dual cobra poles. Additionally, if they agree to this work and do not charge the District any additional costs, then the District would agree to have them return the approximately \$125,000.00 that was paid for the conduits.

Dr. Levey asked if the contractor did work and then stopped without finishing and why would the District pay in advance. Mr. Kaufmann stated that is correct and OUC requires payment in advance as some of it was for the materials. Dr. Levey asked who did the tree trimming and what the cost was. Mr. McDermott stated that DWC did the tree trimming and the first segment was \$5,900.00, which includes the removal of the magnolia. Dr. Levey responded that the District shouldn't be the one to pay for this work. Ms. Mackie responded that the District could explain that OUC was holding on to funds that would have otherwise earned interest had the District not paid in advance. Discussion ensued regarding who should pay for the tree trimming that was completed and for the upcoming tree trimming that is needed and how it is combined with routine maintenance that would be done regardless.

Mr. Kaufmann noted that he recommends OUC absorbs the cost of the larger fixtures, does not change the current monthly rate, completes the rest of the road with the 440-watt lamps on the existing dual cobra fixtures, and then reimburse the District the approximately \$125,000.00 that was pre-paid.

On motion by Mr. Ventura, seconded by Ms. Bennett, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District authorized District staff to negotiate a termination of the conduit Agreement currently in place to refund all funds that were provided in advance, to continue the installation of the 440-watt lamps on Lake Nona Boulevard from Tavistock Lakes Boulevard to Boggy Creek Road, request repayment of the estimated \$1,500.00 of irrigation repairs, and the District would not receive an increase in the monthly OUC bill for this segment of right-of-way.

Landscape Supervisor –

Mr. McDermott noted that DWC is going to utilize the remaining tree trimming budget to do the canopy elevation along Lake Nona Boulevard from Tavistock Lakes Boulevard to Veteran's Way. Additionally, a three-year plan has been put into place for tree trimming for the District to avoid going over budget in the future.

Irrigation Supervisor –

No report.

FIFTEENTH ORDER OF BUSINESS

Supervisor Requests

There were no Supervisor requests.

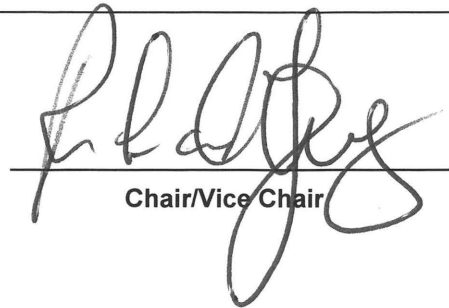
SIXTEENTH ORDER OF BUSINESS

Adjournment

Dr. Levey requested a motion to adjourn.

On motion by Mr. Czapka, seconded by Ms. Bennett, with all in favor, the August 16, 2022, Meeting of the Board of Supervisors for the Boggy Creek Improvement District was adjourned.


Secretary/Assistant Secretary


Chair/Vice Chair