

**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, December 13, 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
Chad Tinetti	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.	(via phone)
Larry Kaufmann	Construction Supervisor	
Matt McDermott	Construction Committee Member	(via phone)
Aaron Wilbanks	Berman	
Dan Young	Tavistock	
Hudson Larson	Tavistock	

SECOND ORDER OF BUSINESS

Public Comment Period

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

THIRD ORDER OF BUSINESS

Swearing in Newly Elected Board Members

Ms. Walden noted Mr. Tinetti, Mr. Ventura, and Mr. Czapka were sworn in prior to the start of the meeting.

FOURTH ORDER OF BUSINESS

**Consideration of the Minutes of the
August 16, 2022, Board of
Supervisors' Meeting**

The Board reviewed the minutes of the August 16, 2022, Board of Supervisors' Meeting.

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 Minutes of the August 16, 2022, Board of Supervisors' Meeting.

FIFTH ORDER OF BUSINESS**Consideration of the Minutes of the
November 15, 2022, Landowners'
Election Meeting**

The Board reviewed the minutes of the November 15, 2022, Landowners' Election Meeting.

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 Minutes of the November 15, 2022, Landowners' Election Meeting.

SIXTH ORDER OF BUSINESS**Consideration of Resolution 2023-01,
Amending the Annual Meeting
Schedule for Fiscal Year 2023**

Ms. Walden stated the Board is needing to amend the previous schedule because the location couldn't accommodate the May meeting date. District staff would like to move the date to May 9, 2023, a week prior.

On motion by Mr. Czapka, seconded by Mr. Tinetti, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved Resolution 2023-01, Amending the Annual Meeting Schedule for Fiscal Year 2023, changing the May date to May 9, 2023.

SEVENTH ORDER OF BUSINESS**Consideration of Resolution 2023-02,
Canvassing and Certifying the
Results of the Landowners' Election**

Ms. Walden noted this Resolution is to document what took place at the Landowners' Election.

On motion by Mr. Ventura, seconded by Mr. Tinetti, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved Resolution 2023-02, Canvassing and Certifying the Results of the Landowners' Election.

EIGHTH ORDER OF BUSINESS**Consideration of Resignation
Letter from Jamie Bennett and
Nomination of Replacement
Supervisor for Seat 1**

Dr. Levey stated the Board would need to take action on accepting the resignation letter. He also noted at this time there are no proposed replacements.

On motion by Mr. Czapka, seconded by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District accepted the Resignation Letter from Jamie Bennett.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2023-03, Election of Officers

Ms. Walden stated the current slate is Dr. Levey as Chair, Mr. Ventura as Vice Chair, Ms. Walden as Secretary, Ms. Mullins, Mr. Tinetti, and Mr. Czapka as Assistant Secretaries, Ms. Lane as Treasurer, and Ms. Glasgow as Assistant Treasurer. She noted the Board is free to make changes as they see fit, just asking that District staff keeps their current position.

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 2023-03, Election of Officers, with the current slate being Dr. Richard Levey as Chair, Mr. Damon Ventura as Vice Chair, Ms. Jennifer Walden as Secretary, Ms. Lynne Mullins, Mr. Chad Tinetti, and Mr. Thad Czapka as Assistant Secretaries, Ms. Amanda Lane as Treasurer, and Ms. Jennifer Glasgow as Assistant Treasurer.

TENTH ORDER OF BUSINESS

Review of Hurricane Ian Report

Mr. Wilbanks stated the debris that is shown in the pictures has been cleaned up. Mr. McDermott reached out to the vendor again regarding the small sod patch. The Palm in the middle island was removed. Mr. McDermott noted the cost to remove the Palm was under \$1,000.00 because the city took care of it before he and his team could, so the only cost was to remove the rubble which HTFL did for around \$300.00.

ELEVENTH ORDER OF BUSINESS

Ratification of Fiscal Year 2022 Audit Engagement Letter with Berger, Toombs, Elam, Gaines & Frank

Ms. Walden stated this is the current auditor for the District, and the pricing falls within the budget. District staff is looking for ratification of this item due to the Chair signing this outside of a meeting so that the auditors could begin the audit.

On motion by Mr. Ventura, seconded by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified the Fiscal Year 2022 Audit Engagement Letter with Berger, Toombs, Elam, Gaines & Frank.

TWELFTH ORDER OF BUSINESS

Ratification of Egis Insurance Package for FY 2023

Ms. Walden stated the Chair needed to execute this outside of the meeting so that the District could keep its insurance. She noted it was a \$185.00 higher than was budgeted.

On motion by Mr. Ventura, seconded by Mr. Tinetti, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified the Insurance Package with Egis for FY 2023.

THIRTEENTH ORDER OF BUSINESS

Consideration of Florida Industrial Electric Proposal for Signalization at Laureate Blvd and Veterans Way

Mr. Kaufmann stated the District has a cost share agreement with the VA at the intersection of Veterans Way and Laureate Boulevard. It is a 50/50 cost share on construction, with the Boggy Creek District being solely responsible for the design, which was completed and approved by the City in September. The project was bid and there was a scheduled public bid opening, but the District didn't receive any bids. He noted that three contractors picked up plans but none of them produced a bid on bid day. District staff went back to those contractors and received a proposal from Florida Industrial Electric, which is included in the agenda, and this was reviewed by the Construction Committee recently to see how to proceed. Mr. Kaufmann noted the cost was significantly higher than the original estimate of \$650,000.00, and this proposal came in at about \$1,000,000.00. He stated it was the Construction Committee's recommendation to rebid at a later date in an attempt to get multiple bids and a potentially lower price.

Discussion ensued about the lack of interest on the initial go around and any issues the delay may cause.

Mr. Newton stated as long as the District is on a path to get this done, he thinks the VA will be understanding of the delay. There are two options; award the contract to FIE based on their proposal, with the District being responsible for half, or rebid at a later date.

Ms. Mackie noted that, because the District failed to receive any bids in response to the public advertisement, the District is able to directly procure services and go through the informal process of requesting bids from interested contractors and having discussions about the bids received. She stated it would be advisable that the District continues to pursue at least one additional bid. Then the Board can evaluate whether to move forward at that time.

Mr. Young stated the Developer's preference is to defer and revisit again to see if the cost has changed. The Board agreed to have communication with the VA and to go out to bid in three to six months.

On motion by Mr. Ventura, seconded by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District rejected the bid and approved District staff to communicate with the VA about going back out to bid in three to six months.

FOURTEENTH ORDER OF BUSINESS

Ratification of Operation and Maintenance Expenditures Paid in August 2022 in an amount totaling \$144,785.80.

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

On motion by Mr. Tinetti, 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 August 2022 in an amount totaling \$144,785.80.

FIFTEENTH ORDER OF BUSINESS

Ratification of Operation and Maintenance Expenditures Paid in September 2022 in an amount totaling \$134,057.74

Ms. Walden noted that these expenditures 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 the Operation and Maintenance Expenditures Paid in September 2022 in an amount totaling \$134,057.74.

SIXTEENTH ORDER OF BUSINESS

Ratification of Operation and Maintenance Expenditures Paid in October 2022 in an amount totaling \$54,287.69

Ms. Walden noted that these expenditures 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 the Operation and Maintenance Expenditures Paid in October 2022 in an amount totaling \$54,287.69.

SEVENTEENTH ORDER OF BUSINESS

Ratification of Operation and Maintenance Expenditures Paid in November 2022 in an amount totaling \$154,474.16

Ms. Walden noted that these expenditures 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 the Operation and Maintenance Expenditures Paid in November 2022 in an amount totaling \$154,474.16.

EIGHTEENTH ORDER OF BUSINESS

Ratification of Requisition Nos. 2018-256 – 2018-262 Paid in August 2022 in an amount totaling \$16,622.79

Ms. Walden 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. 2018-256 – 2018-262 Paid in August 2022 in an amount totaling \$16,622.79.

NINETEENTH ORDER OF BUSINESS

Ratification of Requisition Nos. 2018-263 – 2018-266 Paid in September 2022 in an amount totaling \$7,741.74

Ms. Walden 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. 2018-263 – 2018-266 Paid in September 2022 in an amount totaling \$7,741.74.

TWENTIETH ORDER OF BUSINESS

Ratification of Requisition Nos. 2018-267 – 2018-269 Paid in October 2022 in an amount totaling \$4,543.25

Ms. Walden 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. 2018-267 – 2018-269 Paid in October 2022 in an amount totaling \$4,543.25.

TWENTY-FIRST ORDER OF BUSINESS

Ratification of Requisition Nos. 2018-270 – 2018-274 Paid in November 2022 in an amount totaling \$8,262.17

Ms. Walden 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. 2018-270 – 2018-274 Paid in November 2022 in an amount totaling \$8,262.17.

TWENTY-SECOND ORDER OF BUSINESS

Recommendation of Work Authorizations/Proposed Services

Mr. Kaufmann stated there is a proposal for additional support from Atkins related to the traffic signal at the VA entrance. There were efforts to try and reduce the cost of the project, but they were denied by the City. The cost for the additional support from Atkins is \$7,813.00.

On motion by Mr. Ventura, seconded by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified the proposal with Atkins for \$7,813.00.

TWENTY-THIRD ORDER OF BUSINESS

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

Ms. Walden stated numbers are updated through November and the District has expenses of \$132,500.00 versus the overall budget of \$1,760,000.00. So, the District has spent 7.5% of the budget so far this Fiscal Year.

Dr. Levey asked about the final closeout of FY 2022. Ms. Walden noted those numbers are included behind this year's numbers. District staff did not need to adjust the budget as nothing went over the threshold.

Dr. Levey asked about carryforward from FY 2023. Discussion ensued regarding carryforward budgeted and actual amounts.

TWENTY-FOURTH ORDER OF BUSINESS

Staff Reports

District Counsel –

Ms. Mackie stated legislative session committee meetings will start after the first of the year. The Board Members will start receiving copies of Capitol Conversations from District Counsel with any proposed bills that may affect the operation of the District.

District Manager –

Ms. Walden noted Board meetings are going back to the third Tuesday of the month. January's meeting will be on January 17, 2023.

Ms. Walden noted District staff received a proposal from Berman for pressure washing monuments and walls. She stated after working with Mr. McDermott and Mr. Kaufmann there were some items that needed to be clarified before getting the final proposal. Ms. Walden asked if the Board wanted her to bring that proposal back, did the Board want to authorize the Chair a not-to-exceed amount of \$2,000.00, or did the Board want District staff to go out to bid for more proposals as their sister Districts are doing. The Board agreed to seek other proposals.

District Engineer –

No report.

Landscape Supervisor –

Mr. McDermott stated the tree trimming was done on Medical City Drive. The tree trimming on Veterans Way and Sanger Road will be done on December 22nd. He stated he will be bringing an enhancement package to the Board at the January meeting to discuss how to use the enhancement budget.

Dr. Levey asked for conformation that the tree trimming on Lake Nona Boulevard and the additional lighting adjustments solved the pedestrian lighting problem. Mr. McDermott confirmed that is solved.

Irrigation Supervisor –

No report.

Construction Supervisor –

Mr. Kaufmann stated in reference to the lights on Lake Nona Boulevard he is working with OUC to get the District a proposal to increase the lumens on the lights extending along Lake Boulevard to Medical City Drive. OUC hasn't provided it yet, but they said they would reimburse the District for the underground construction cost. They proposed rather than give a reimbursement that they use the amount of money paid to fund the upgrade cost monthly. Dr. Levey asked if the existing lighting is deficient. Mr. Kaufmann stated for the purpose of illuminating the trail and sidewalks there is a deficiency. He noted hopefully by the next meeting he will have the proposal from OUC.

TWENTY-FIFTH ORDER OF BUSINESS

Supervisor Requests

There were no Supervisor requests.

TWENTY-SIXTH ORDER OF BUSINESS

Adjournment

Dr. Levey requested a motion to adjourn.

On motion by Mr. Czapka, seconded by Mr. Ventura, with all in favor, the December 13, 2022, Meeting of the Board of Supervisors for the Boggy Creek Improvement District was adjourned.


Secretary/Assistant Secretary


Chair/Vice Chair