

**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, February 21, 2023, at 3:00 p.m. at the Courtyard Orlando Lake Nona, 6955 Lake Nona Blvd, Orlando, FL 32827.

Present:

| | |
|---------------|---------------------|
| Damon Ventura | Vice Chairperson |
| Thad Czapka | Assistant Secretary |
| Chad Tinetti | Assistant Secretary |

Also attending:

| | | |
|-------------------|-------------------------------------|-------------|
| Jennifer Walden | PFM | (via phone) |
| Lynne Mullins | PFM | |
| Amanda Lane | PFM | (via phone) |
| Jorge Jimenez | PFM | (via phone) |
| Tucker Mackie | Kutak Rock | (via phone) |
| Jeffrey Newton | Donald W. McIntosh Associates, Inc. | |
| Larry Kaufmann | Construction Supervisor | (via phone) |
| Matt McDermott | Construction Committee Member | |
| Samantha Sharenow | Berman | |
| Katie Harmer | Berman | |
| Julie Salvo | Tavistock | |

SECOND ORDER OF BUSINESS

Public Comment Period

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

THIRD ORDER OF BUSINESS

**Consideration of the Minutes of the
December 13, 2022, Board of
Supervisors' Meeting**

The Board reviewed the minutes of the December 13, 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 December 13, 2022, Board of Supervisors' Meeting.

FOURTH ORDER OF BUSINESS

**Nominations for Vacant Seat 1
(Expires 11/2024)**

Ms. Mullins noted that there is a vacant seat since Ms. Bennett resigned and the term expires November 2024. Mr. Tinetti stated that he nominates Ms. Julie Salvo.

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 nomination of Ms. Julie Salvo to fill vacant Seat 1.

Ms. Mullins swore in Ms. Julie Salvo.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2023-04, Election of Officers

Ms. Mullins noted that the current slate of officers includes Dr. Richard Levey as Chair, Damon Ventura as Vice Chair, Jennifer Walden as Secretary, Lynne Mullins, Chad Tinetti, and Thad Czapka as Assistant Secretaries, Amanda Lane as Treasurer, and Jennifer Glasgow as Assistant Treasurer. She noted that the Board is free to make any changes but recommends at least adding in Julie Salvo as Assistant Secretary.

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 2023-04, Election of Officers, with Dr. Richard Levey as Chair, Damon Ventura as Vice Chair, Jennifer Walden as Secretary, Lynne Mullins, Chad Tinetti, Thad Czapka, and Julie Salvo as Assistant Secretaries, Amanda Lane as Treasurer, and Jennifer Glasgow as Assistant Treasurer.

SIXTH ORDER OF BUSINESS

Discussion Regarding OUC Conduit Installation Refund – Lake Nona Blvd Trail

Mr. Kaufmann noted the Board approved about a year ago some funds to install conduits along Lake Nona Boulevard to accommodate streetlights that were proposed to better illuminate the trail areas. In that process, OUC accepted the money for the contract and commenced construction in mid-2022. Shortly after commencing construction, OUC's contractor bored into one of the District's reclaimed lines, and OUC pulled out and decided they no longer wanted to perform under the agreement. Since OUC did not fulfill their contract, Mr. Kaufmann requested a refund for the fees that the District paid, which amounted to \$121,786.18 for the conduit work. Mr. Kaufmann received about three or four weeks ago a refund request form to be filled out in which OUC said they were going to repay the District \$110,758.65 and deducted \$11,027.53 to pay their contractor that came out to work on the project. Mr. Kaufmann noted that he discussed with Dr. Levey and Ms. Mackie last week whether to pursue the full contract amount, the reduced amount offered by OUC, or another amount splitting the cost of OUC's contractor's work. Mr. Kaufmann's recommendation is to accept the payment amount that OUC is willing to refund, which was \$110,758.65.

Mr. Ventura asked why OUC pulled out of the project. Mr. Kaufmann explained the contractor tried to do the first directional bore and hit the utility line. For some reason, they didn't expect to hit anything or didn't do the proper investigative work before they started. The District then agreed to repair the line and replace the sod, which came to about \$1,500.00. Approximately three weeks later, Mr. Kaufmann was notified by OUC that they had no intention of coming back, that there were lines in the way, and they couldn't complete the installation.

Mr. Ventura asked if the work still needs to get done. Mr. Kaufmann replied that the project has been modified, and the District is no longer putting in the individual streetlights along the trail. The new plan is to increase the lumens on the existing lights. Also, a lot of the trees were trimmed, which helped clear

some of the obstructions for the streetlights. As a result, the District is going to be spending a lot less for the project now.

Discussion ensued about the Board and Chair being in agreeance with Mr. Kaufmann's proposal to accept OUC's refund as presented.

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 Conduit Installation Refund from OUC in the amount of \$110,758.65.

SEVENTH ORDER OF BUSINESS

OUC Lighting Installation, Upgrade & Service Agreement- Lake Nona Blvd. LED Upgrade

Mr. Kaufmann stated he received OUCs standard agreement about three or four weeks ago, which is for the upgrade of the fixtures along Lake Nona Boulevard down to Medical City Drive. About two weeks later, he received another e-mail from OUC saying they made a mistake on the price and that it could go up or down.

Mr. Kaufmann would like to table this item until the new agreement with the correct pricing is received.

EIGHTH ORDER OF BUSINESS

Ratification of Pressure Washing Proposal from Berman

Ms. Mullins stated the team solicited four other vendors who came out and met with Mr. McDermott. One vendor declined to provide a proposal and the three others were all higher than Berman's proposal, which was \$1,760.00. As such, District staff chose to move forward with Berman. This was approved by the Chair outside of a meeting so that the work could be done in a timely manner.

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 Pressure Washing Proposal from Berman.

NINTH ORDER OF BUSINESS

Ratification of Operation and Maintenance Expenditures Paid in December 2022 in an amount totaling \$93,473.82.

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

On motion by Mr. Tinetti, seconded by Ms. Salvo, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified the Operation and Maintenance Expenditures Paid in December 2022 in an amount totaling \$93,473.82.

TENTH ORDER OF BUSINESS

Ratification of Operation and Maintenance Expenditures Paid in January 2023 in an amount totaling \$21,035.91

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

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 Operation and Maintenance Expenditures Paid in January 2023 in an amount totaling \$21,035.91.

ELEVENTH ORDER OF BUSINESS

Ratification of Requisition Nos. 2018-275 – 2018-280 Paid in December 2022 in an amount totaling \$7,555.08

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

On motion by Mr. Ventura, seconded by Ms. Salvo, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified Requisition Nos. 2018-275 – 2018-280 Paid in December 2022 in an amount totaling \$7,555.08.

TWELFTH ORDER OF BUSINESS

Ratification of Requisition Nos. 2018-281 – 2018-283 Paid in January 2023 in an amount totaling \$978.44

Ms. Mullins 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. 2018-281 – 2018-283 Paid in January 2023 in an amount totaling \$978.44.

THIRTEENTH ORDER OF BUSINESS

Recommendation of Work Authorizations/Proposed Services

Mr. Kaufmann stated there is a proposal for the design and permitting of the Nemours Parkway sidewalk adjacent to SIMCOM in the amount of \$7,000.00. Mr. Newton added that, when the District built Nemours Parkway, the Loop Road for the Town Center, the trail on the outside of the loop was also built, but the sidewalk on the inside of the loop wasn't built because there was going to be a lot of construction work in the Town Center. It's a District responsibility because it was part of the District's Capital Improvement program and was deferred until it was needed. Mr. Kaufmann explained this was a time sensitive issue and just needs to be ratified as the Chair has already approved the work.

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 Donald W. McIntosh Associates, Inc. for the Nemours Parkway Sidewalk at SIMCOM for \$7,000.00.

FOURTEENTH ORDER OF BUSINESS

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

Ms. Mullins explained that through January the District has expenses of \$298,500.00 versus the overall budget of \$1,760,000.00. So, the District has spent 17% of the budget.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

| | |
|----------------------------------|--|
| <u>District Counsel</u> – | No report. |
| <u>District Manager</u> – | Ms. Mullins stated the next Board meeting will be on March 21, 2023. |
| <u>District Engineer</u> – | No report. |
| <u>Construction Supervisor</u> - | No report. |
| <u>Landscape Supervisor</u> – | Ms. Mullins introduced Ms. Katie Harmer and Ms. Samantha Sharenow to the Board and explained that they are taking over for Aaron Wilbanks with Berman. |
| <u>Irrigation Supervisor</u> – | No report. |

SIXTEENTH ORDER OF BUSINESS

Supervisor Requests

There were no Supervisor requests.

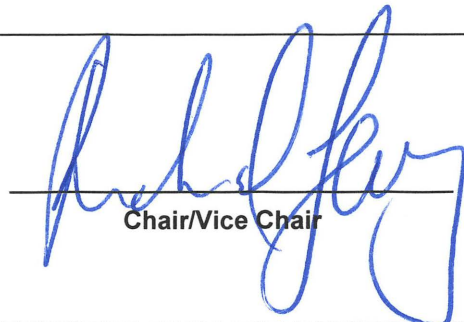
SEVENTEENTH ORDER OF BUSINESS

Adjournment

Ms. Mullins requested a motion to adjourn.

On motion by Mr. Ventura, seconded by Mr. Tinetti, with all in favor, the February 21, 2023, Meeting of the Board of Supervisors for the Boggy Creek Improvement District was adjourned.


Secretary/Assistant Secretary


Chair/Vice Chair