

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

FIRST ORDER OF BUSINESS

The Board of Supervisors' Meeting for the Boggy Creek Improvement District was called to order on Monday, January 25, 2016 at 4:00 p.m. at 6900 Tavistock Lakes Blvd, Suite 200, Orlando, Florida 32827. Members listed below constituted a quorum.

Richard Levey	Chair
Damon Ventura	Board Member
Thad Czapka	Board Member

Also attending:

Tucker Mackie	Hopping Green & Sams
John Florio	Donald W. McIntosh Associates, Inc.
Larry Kaufmann	Construction Supervisor
Jennifer Walden	Fishkind & Associates, Inc.
Brad Reed	Fishkind & Associates, Inc.
Joe MacLaren	Fishkind & Associates, Inc.

SECOND ORDER OF BUSINESS

Public Comment Period

Mr. MacLaren called for any public comments on any agenda items. There were no comments provided.

THIRD ORDER OF BUSINESS

**Consideration of Minutes of
the December 21, 2015
Board of Supervisors'
Meeting**

Board Members reviewed the minutes from the December 21, 2015 Board of Supervisors' Meeting. Mr. Florio provided edits.

On Motion by Mr. Levey, second by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the minutes of the December 21, 2015 Board of Supervisors' Meeting, as amended.

FOURTH ORDER OF BUSINESS

**Consideration of Fiscal
Year 2015 Audit Proposal**

The District bid this work out two years ago and Berger, Toombs, Elam, Gaines & Frank submitted the winning bid. Mr. Florio provided an item that needed to be edited before the proposal is signed and returned. This item reads "no later than April 30, 2015" and it should read "no later than April 30, 2016".

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Fiscal Year 2015 Audit Proposal subject to the change in the date.

FIFTH ORDER OF BUSINESS

**Ratification of Requisition
Nos. 145-R & 148-162
Approved in December
2015 in the amount of
\$1,052,146.52**

Board Members reviewed Requisition Nos. 145-R & 148-162 approved in December 2015 in the amount of \$1,052,146.52

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified payment of Requisition Nos. 145-R & 148-162 which had been funded in December 2015 in the amount of \$1,052,146.52.

SIXTH ORDER OF BUSINESS

**Ratification of Operation
and Maintenance
Expenditures Paid in
December 2015 in the
amount of \$60,451.82**

Board Members reviewed the expenditures in the amount of \$60,451.82 paid in December 2015. There were no questions.

On Motion by Mr. Levey, second 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 December 2015 in the amount totaling \$60,451.82.

SEVENTH ORDER OF BUSINESS

**Recommendation of Work
Authorizations/Proposed
Services**

Mr. Kaufmann had none for this District.

EIGHTH 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 through today's date. The financial statements show that the District has expenses of \$172,000.00 vs. a budget of \$161,000.00 however that includes deposits to the District's reserve accounts that are artificially inflating the District's expenditures. As far as the hard expenditures, the District is actually under budget at this point in the fiscal year. There was no action required by the Board.

NINTH ORDER OF BUSINESS

Staff Reports

District Counsel - Ms. Mackie said that an additional item she has relates to the companion item previously brought up at the Greenway Improvement District Meeting, this Board's sister District. The Landowner has approached both the Greenway and the Boggy Creek Improvement Districts regarding requested boundary adjustments to the Districts' current boundaries. They would like to have the Board consider and begin having staff review and authorize work on the Boundary Amendment relating to a 1.74 acre parcel. This parcel is currently located within the Boggy Creek Improvement District and they have proposed it to be contracted from the District and added to the Greenway Improvement District. The reason being is the use

anticipated for this particular site is contiguous to an already existing use that currently exists in the Greenway Improvement District.

There is another potential expansion parcel in the southern area of about 45.67 acres. Ms. Mackie said that there are active discussions with the Landowner concerning both of these but that parcel relates to a former wetland area that will now potentially be a place for further development going forward. Its inclusion within the District benefitting from District services would be something for the Board to consider. Ms. Mackie requested a motion from the Board that would approve the Funding Agreement that was just distributed that would authorize District staff to work with the Landowner on formulating a petition to the City of Orlando and working through the specifics and further would provide that the Landowner would be paying the expense of the Boundary Amendment. Mr. Ventura asked if the 45 acres has been transferred. Mr. Florio said not yet. Ms. Mackie said under the current Indenture, any change contemplated by the Methodology that would affect the assessments requires notification to the Bondholders.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Boundary Amendment Funding Agreement.

District Manager - The next Board meeting is scheduled for the 4th week in February which is Monday, February 22, 2016 due to Presidents Day falling on the 3rd Monday. It is already included in the calendar invites for February.

District Engineer – Mr. Florio noted that he had distributed a Construction Status Memorandum (Minutes Exhibit A) and proceeded to provide info on the items in the memo. He stated that the Lake Nona Boulevard signals are all functional. There is some striping that still needs to be completed and they are working to get that striping completed. He mentioned that the Lake Nona Boulevard, Sanger Road Extension, and the Boggy Creek Road intersection is effectively complete and open for traffic. They are working through punch list items. Mr. Florio presented Change Order No. 15 and that is a contract on Lake Nona Boulevard for Jr. Davis Construction to deduct the actual total of owner provided material. The Change Order amount is a deduct amount of \$2,373,139.62. Mr. Florio still has to get the Contractor's

signature on it. It represents approximately \$172,000.00 of saved sales tax. Mr. Florio recommended that the Change Order be approved for that deduct amount and if the Contractor differs, Mr. Florio will let the Board know. Mr. Ventura said that the Contractor gets the balance on the contract if the work is done and asked if that has been the issue before. Mr. Florio said that the Contractor's issue is that when he bids the project, he bids a material cost and an installation cost. The material cost includes sales tax. Mr. Florio said that when he looks at the credit he takes that number from the bid form as the credit (the unit price of material). The Contractor's position is that if he buys the material for less then the District owes him the difference in tax which the District disagrees with. Mr. Florio said that the Contractor refused to execute the deductive Change Order since the beginning of the project. The District has now paid all of the invoices from all of the materials and has been able to reconcile it to the bid form amounts. The bid form amount tax and what the District has spent in actual materials and that is the value that the Board sees as the Change Order. Mr. Florio said that the Lake Nona Boulevard / Boggy Creek Road Intersection traffic signal is operable. The District had an issue with Duke Energy on the west side of the project that as a result moved the power feed from one side of Boggy Creek Road to the east side. That revision was accompanied by a Change Order in the amount of \$2,062.00 to run the conduit and cable to bring the power across the street. Mr. Florio said that he reviewed it and found it to be accurate and much cheaper than what Duke Energy wanted to do. Mr. Florio said that it is hooked up and powered by OUC and \$2,062.00 is the cost of getting power across the street. Mr. Florio stated that on Lake Nona Boulevard Phase III Sign Monuments and Walls from Sloan Builders the plans did not indicate that letters are required to be on two sides. Sloan Builders is pricing a second set of Lake Nona letters to put on the monument wall. Mr. Florio does not think it will exceed \$6,000.00 for two more sets of Lake Nona letters to put on the monuments that are completed. Mr. Florio indicated that he does not have a Change Order yet but this is all coming to completions. He requested a motion to approve Change Order No. 2 for a not to exceed amount of \$6,000.00 to fund the additional Lake Nona lettering for the monuments that are almost complete.

On Motion by Mr. Levey, second by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District authorized the recommended Change Orders as Identified in the Construction Contract Status Memorandum dated January 25, 2016.

Mr. Florio presented an image of a handicap ramp at the corner of Lake Nona Boulevard and Medical City Drive. He stated that the big black bar across it is a straight edge to show that there is a depression in the pavers and it is an ADA access ramp. He explained that it needs to be repaired. He discussed this with Mr. Kaufmann. These were originally built by Sloan Builders or can be built by any number of contractors. Mr. Florio recommended that since the District has Sloan, Valley Crest, and Jr. Davis onsite they should request some prices from just Valley Crest or Sloan to repair this and get it done so that the District will be finished with this section of Lake Nona Boulevard. Mr. Florio said that this damage was caused by some type of construction but they do not know who caused the damage. He estimated the repair would be less than \$10,000.00. Mr. Florio requested that the District seek two proposals, one from Sloan and one from Valley Crest, and take the best number to get it repaired. Mr. MacLaren said that this repair would be taken from the District's operating funds. Mr. Florio said that the District has reserves for this type of repair. Mr. Florio asked for a not to exceed amount of \$10,000.00 in order to get this repair completed.

On Motion by Mr. Levey, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District authorized the District Engineer to seek bid pricing to repair the handicap ramp for a not to exceed amount of \$10,000.00.

Construction Supervisor - No report.

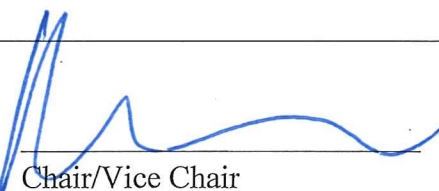
TENTH ORDER OF BUSINESS

**Supervisor and Audience
Comments & Adjournment**

There was no further business to discuss.

On Motion by Mr. Ventura, Second by Mr. Czapka, with all in favor, the January 25, 2016 Meeting of the Board of Supervisors for the Boggy Creek Improvement District was adjourned.


Secretary/Assistant Secretary


Chair/Vice Chair