

GREENWAY IMPROVEMENT DISTRICT BOARD OF SUPERVISORS' MEETING MINUTES

FIRST ORDER OF BUSINESS

The Board of Supervisors' Meeting for the Greenway Improvement District was called to order on Tuesday, August 18, 2020, at 3:00 p.m. via telephonic conferencing due to the COVID-19 Executive Order 20-179.

Present via phone:

Richard Levey	Chairperson
Amanda Kost	Assistant Secretary
Karen Duerr	Assistant Secretary

Also, attending via phone:

Lynne Mullins	PFM
Jennifer Walden	PFM
Amanda Lane	PFM
Tucker Mackie	Hopping Green & Sams
Jeff Newton	Donald W. McIntosh Associates
Larry Kaufmann	Construction Supervisor & Construction Committee Member
Scott Thacker	District Landscape Supervisor & Construction Committee Member
Sean Cusack	Down to Earth

SECOND ORDER OF BUSINESS

Public Comment Period

Dr. Levey noted for the record there were no members of the public wished to speak.

THIRD ORDER OF BUSINESS

Discussion Regarding Executive Order 20-179

Ms. Walden explained the Executive Order is included in the packet and they state that the District is able to hold their meetings via telephonic conferencing due to the COVID-19 situation. Also included is a proof of the ad that notes the Executive Order as well as the telephonic conferencing information so the public can join the meeting safely. Additionally, new orders came out last week, Executive Order 20-193, which has extended using telephonic conferencing through the end of September.

FOURTH ORDER OF BUSINESS

Consideration of the Minutes of the July 21, 2020 Board of Supervisors' Meeting

Board Members reviewed the minutes from the July 21, 2020 Board of Supervisors' Meeting.

On Motion by Ms. Duerr, second by Ms. Kost, with all in favor, the Board of Supervisors for the Greenway Improvement District approved the Minutes of the July 21, 2020 Board of Supervisors' Meeting.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2020-07 Adopting an Annual Meeting Schedule for Fiscal Year 2021

Ms. Walden suggested keeping the current schedule for the Board of Supervisors as the third Tuesday of each month with the exception of November which will be the week earlier on November 10, 2020 at the Tavistock Offices. She noted she is trying to get confirmation the Tavistock Offices will be available for use and if that changes she will inform the Board. She also suggested that the Construction Committee meetings take place at 3:30 p.m. every other week at the Donald W. McIntosh Associates offices.

On Motion by Ms. Kost, second by Ms. Duerr, with all in favor, the Board of Supervisors for the Greenway Improvement District approved Resolution 2020-07, Adopting an Annual Meeting Schedule for Fiscal Year 2021.

SIXTH ORDER OF BUSINESS

Discussion Regarding Materials on the District Website

Ms. Walden stated that included in the agenda is a memo from District Counsel listing out the amendments to the District Website requirements. The three amendments are listed as follows: the audit is no longer required to be posted but will be required to have a link to the Auditor Generals Website, the public facilities report is no longer required to be posted, and meeting materials accompanying the front agenda page are no longer required but the agenda outline is required to be posted. Ms. Walden asked for direction from the Board on how they would like District staff to move forward on each of these items regarding making future updates on the website.

Dr. Levey asked if all three of those items are typically posted on the website. Ms. Walden explained yes and one thing to consider is that they are put on in pdf format and for ADA compliance they must be converted which involves more work. Ms. Duerr noted it is easier and more cost effective not to include it on the website and asked if she thought there was a detriment to removing the documents. Ms. Walden stated another Board brought up that they wanted to be clear and open with residents and provide specific information on the website and a question was raised by that Board if the District could tell how many people were going to the website which is not something the District knows. Ms. Duerr asked about the process for converting the document. Ms. Walden explained the website vendor works on the conversion and they do the ADA Auditing quarterly and they are going through to make sure everything is compliant. There is no additional cost outside of what the Board is currently paying for the services but adding on more documents could create extra costs if the District goes outside the scope from the website services.

A discussion took place. The Board discussed keeping the website the same and err on the side of transparency. No action was required

SEVENTH ORDER OF BUSINESS

Consideration of Appointment to Construction Committee

Ms. Walden explained District staff would like to recommend replacing Mr. Scott Thacker with Mr. Matt McDermott. Mr. Thacker is now an employee of Berman and the Developer would like Mr. McDermott to be on the Construction Committee as he is an employee of Tavistock. Mr. Thacker would no longer be on the Construction Committee but would still be available as a resource.

On Motion by Ms. Duerr, second by Ms. Kost, with all in favor, the Board of Supervisors for the Greenway Improvement District approved the replacement of Mr. Scott Thacker with Mr. Matt McDermott.

EIGHTH ORDER OF BUSINESS

Consideration of Revision to 2nd Amended and Restated Master Engineer's Report for Capital Improvements for Infrastructure

Mr. Newton presented a revised 2nd Amended and Restated Engineer's Report for Capital Improvements. He noted that page 6 of the Engineer's Report added some language to allow the District some flexibility as related to a federal BUILD grant obtained by the Developer. This section was related to roadways, but the additional language opens it up to allow for some alternative mobility measures such as autonomous vehicle routes, multi-purpose paths, dedicated bicycle routes, etc. Orange County and Tavistock worked together to get that funding. This revision did not add any improvements or funding to the CIP. It just adds an element of flexibility.

On Motion by Ms. Duerr, second by Ms. Kost, with all in favor, the Board of Supervisors for the Greenway Improvement District approved the revised 2nd Amended and Restated Master Engineer's Report for Capital Improvements for Infrastructure.

NINTH ORDER OF BUSINESS

Consideration of Extending Existing Laureate Boulevard Landscape and Irrigation Maintenance Services Agreement with Down to Earth (Section 3)

Mr. Thacker stated that at last month's Board meeting this item was discussed and it was brought to the Board's attention as they had been monitoring the performance of Down to Earth in this section of the District. The quality had started to decline as he has continued to monitor the quality and performance of

the Contractor and have continued to identify concerns with the maintenance they are providing. He noted that he did see some improvement but there is quality that is lacking. The overall history with Down to Earth has been positive and it has just been the last few months where the District has seen the quality declining and Mr. Thacker recommended that the Board does not renew this contract because the work has not improved to the District's standard. Dr. Levey asked when the annual period is up. Mr. Thacker stated the end of the first-year term is the end of September.

Ms. Kost asked Mr. Thacker if he feels the monitoring time was enough time to make the adequate corrections and make up for the amount of time or does, he think additional time is needed to see if it can be rectified. Mr. Thacker stated he thinks that adequate time was provided.

Mr. Cusack, CEO of Down to Earth Landscaping, stated the quality and standard over the last couple of months has not been to the District's standard nor the company's standard. He asked the Board to consider the unique circumstances of the summer of 2020. The conditions were at or above standard for more than half of the contract into the summer months. Down to Earth managed the pandemic as much as they could through proactive measures up through Memorial Day and following Memorial Day and into the summer, they had an inordinate amount of labor loss due to the pandemic. He mentioned the company is currently working weekends and evenings to get all properties back to the standard as quickly as possible. He asked for more time to bring the property back up to the standard they kept the property at for several months at the beginning of the contract so they can provide the level of services expected into the next contract year.

Dr. Levey thanked Mr. Cusack. Ms. Duerr asked if he takes care of any other properties for Lake Nona. Mr. Cusack stated yes, they maintain another Improvement District on the roadways and they also maintain Village Walk. Dr. Levey asked if his experience has been the same on the other projects. Mr. Cusack said unfortunately yes. During July and August, over 65 people were out because the company quarantined anyone that had any exposure to COVID-19 to protect other employees and the communities in which they operated. They put themselves at a disadvantage in the summer because of their care for public health and safety. Dr. Levey asked him about his work force and the number of positive tests. Mr. Cusack responded that approximately 75 employees work on Lake Nona. There were four positive tests, but each required that they quarantine the entire crew. Ms. Kost asked Mr. Cusack a timeline of what he thinks would be realistic given the current state of the area his team is responsible for and how long would it take to get it back to the right standards. Mr. Cusack stated it will be back to the right standard before the current contract year expires and he committed to no later than a September 15, 2020 date and it will remain that way or above through the next contract year.

Dr. Levey asked Mr. Thacker if other companies have had similar issues with COVID-19 and workforce strength. Mr. Thacker replied he has seen other companies have experienced a similar challenge. Dr. Levey asked if this company was more aggressive with quarantine. Mr. Thacker stated other companies may have a larger workforce to back fill those positions if a situation like this arises. Dr. Levey asked if he thinks it was a manpower shortage. Mr. Thacker stated he thinks it was a workforce issue and there were no other red flags other than what Mr. Cusack mentioned. Dr. Levey asked Mr. Thacker if he believed if given the chance to go to September 15, 2020 and improve conditions it could happen and if for some reason it did not come up to standard and the District have to terminate the contract would the Board be in a more difficult situation with such a short notice or does he have the forces available in other companies to pick this up on an interim basis while the District went out to bid.

Mr. Thacker noted with the commitment the Board heard from Mr. Cusack he does believe Down to Earth has the capability to bring things back into line by that date. He also thinks there are other landscapers that can step in quickly if the need arose. The dollar amount of the contract is below the threshold and would not require the length of time the District would normally go through to make a change like that. Ms. Macke

stated no action is needed today in order to defer a decision to the September meeting. This was brought before the Board originally because under the current contracts with landscape maintenance providers the District is required to provide notice as to whether or not the District will be extending the contract for another year. That decision is still under review until September 15, 2020. Ms. Mackie noted the District has a termination provision in the existing agreement that would provide for the District's ability to terminate for cause upon 30-day notice. Ms. Duerr and Ms. Kost agreed to defer this to September 15, 2020.

TENTH ORDER OF BUSINESS

Consideration of Personnel Leasing Agreement with Berman

Ms. Mackie explained that under this tab and the next in the agenda package the agreements are labeled with Myrtle Creek ID when it should be labeled Greeneway ID. There is no other difference between the agreement for Myrtle Creek and for Greeneway.

Currently the District has two separate Personnel Leasing Agreements with Tavistock Development for two individuals. One is for the Maintenance Contract Administrator, currently Mr. Thacker, who provides services to the Board in connection with the District's Landscape Maintenance Contracts and then also a Personnel Leasing Agreement with Tavistock, for Mr. Paul Stevens, who provides services to the District in connection with the ongoing maintenance of the District's irrigation system. The reason for the Personnel Leasing Agreement before the Board today is to acknowledge that Mr. Thacker and Mr. Stevens are now employed with Berman Construction, LLC and so the appropriate contracting party with the District for those leasing services is now Berman and also to acknowledge the increase in the contract amount of the Maintenance Contract Administrator which has increased to \$16,000.00 for the upcoming budget year and \$20,000.00 per year for services provided by the Irrigation Specialist. The terms of the Personnel Leasing Agreements do not differ from the current agreement with Tavistock. The amounts are now updated and the Agreement is with the appropriate parties. Those services will still be provided by Mr. Thacker and Mr. Stevens but to the extent those change in the future the Board will be provided notice of the same.

Ms. Kost asked if the amounts listed are the same or did they go up. Ms. Mackie noted the amount has gone up for the Contract Administrator by \$16,000.00 but the Irrigation Specialist remained unchanged.

On Motion by Ms. Duerr, second by Ms. Kost, with all in favor, the Board of Supervisors for the Greeneway Improvement District approved the Personnel Leasing Agreement with Berman Construction, LLC.

ELEVENTH ORDER OF BUSINESS

Consideration of Berman Agreement

Ms. Mackie explained this is an agreement between the District and Berman Construction, LLC for general maintenance services. The District occasionally has the need to make certain repairs to its facilities and the need for a continuing contract with a specific vendor for those general maintenance services is in order. Berman has provided those services to the District on an as needed basis however there was no formal agreement under which that work was being performed. The Agreement before the Board today is not for any one specific service rather it provides the construction for how work authorizations will be approved in the future by either the District Manager and the Chair outside of a meeting or by the Board to the extent

that the amounts exceed \$5,000.00 and are not urgent in nature for review and approval prior to those services being performed.

Ms. Duerr asked if the District could use another company if they so choose to. Ms. Mackie stated this agreement does not limit the District from seeking alternate proposals for various services as well, it would just be the terms of the agreement under which a work authorization with Berman would be approved.

On Motion by Ms. Duerr, second by Ms. Kost, with all in favor, the Board of Supervisors for the Greenway Improvement District approved the Agreement with Berman Construction, LLC.

TWELFTH ORDER OF BUSINESS

Consideration of District Counsel Fee Increase Letter for Fiscal Year 2021

Ms. Walden explained District staff brought this item previously before the Board along with the District Management fee increase letter. After discussion with the Developer, they are comfortable moving forward with the District Counsel fee increase supplied here. As for the District Management Fee increase, that has been put on hold and that increase amount originally in the budget was shifted to the administrative miscellaneous expense line item for future consideration later in the Fiscal Year.

On Motion by Ms. Kost, second by Ms. Duerr, with all in favor, the Board of Supervisors for Greenway Improvement District approved the District Counsel Fee Increase Letter for Fiscal Year 2021.

THIRTEENTH 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 2020-08,
Adopting the Fiscal Year
2021 Budget and
Appropriating Funds**

Dr. Levey requested a motion to open the public hearing for the adoption of the District's annual budget.

On Motion by Ms. Duerr, second by Ms. Kost, with all in favor, the Board of Supervisors for the Greenway Improvement District opened the Public Hearing.

Ms. Walden noted the District noticed this hearing pursuant to Florida Statutes and the budget is included as an exhibit to the Resolution. This is the same overall budget that the Board approved in preliminary form back in May. District staff has worked on the budget based on the actuals that have come in and what else will be necessary for next year. A column was included on the right of the budget that shows the change in year variance over Fiscal Year 2020. Some of the line items may have shifted to accommodate those changes such as District Management and some of the landscape line items but the overall budget remained the same as last year. There were no questions of District staff, so Dr. Levey opened the floor for public comment. Hearing none, he requested a motion to close the public hearing.

On Motion by Ms. Kost, second by Ms. Duerr, with all in favor, the Board of Supervisors for the Greenway Improvement District closed the Public Hearing.

Dr. Levey asked for any Board comments on the budget. Hearing none, he requested a motion to approve Resolution 2020-08.

On Motion by Ms. Duerr, second by Ms. Kost, with all in favor, the Board of Supervisors for the Greenway Improvement District approved Resolution 2020-08, Adopting the Fiscal Year 2021 Budget and Appropriating Funds.

FOURTEENTH ORDER OF BUSINESS

Consideration of Resolution 2020-09, Adopting an Assessment Roll for Fiscal Year 2021 and Certifying Special Assessments for Collection

Ms. Walden explained this resolution is to impose the special assessments for Fiscal Year 2021 based on the budgets that were just adopted.

Ms. Duerr requested clarification regarding the special assessments. Ms. Macke explained annually the board adopts its budget and upon final adoption the Board approves an Operations & Maintenance Assessment that offsets those budgeted expenditures for the year. Annually the District levies an Operations & Maintenance Assessment and the purpose of this Resolution is not only to levy that assessment but to certify them for collection which for Greenway is done via the Uniform Method for platted lots. The assessments appear on the Tax Roll and for unplatted property the assessments are collected directly along with Debt Services Assessments that may be associated with the unplatted property as well.

Dr. Levey requested a motion to approve Resolution 2020-09, as presented.

On Motion by Ms. Duerr, second by Ms. Kost, with all in favor, the Board of Supervisors for the Greenway Improvement District approved Resolution 2020-09, Adopting an Assessment Roll for Fiscal Year 2021 and Certifying Special Assessments for Collection.

FIFTEENTH ORDER OF BUSINESS

**Ratification of Requisition
Nos. 2018-84 – 2018-93
Approved in July 2020 in an
amount totaling \$41,075.30**

Board Members reviewed Requisition Nos. 2018-84 – 2018-93 Approved in July 2020 in an amount totaling \$41,075.30. Dr. Levey noted that these have been approved and paid and just need to be ratified by the Board.

On Motion by Ms. Kost, second by Ms. Duerr, with all in favor, the Board of Supervisors for the Greenway Improvement District ratified Requisition Nos. 2018-84 – 2018-93 Approved in July 2020 in an amount totaling \$41,075.30.

SIXTEENTH ORDER OF BUSINESS

**Ratification of Operation and
Maintenance Expenditures
Paid in July 2020 in an amount
totaling \$78,830.88**

Board Members reviewed the Operation & Maintenance Expenditures paid in July 2020 in an amount totaling \$78,830.88. Dr. Levey noted these have been approved and paid and just need to be ratified by the Board.

On Motion by Ms. Kost, second by Ms. Duerr, with all in favor, the Board of Supervisors for the Greenway Improvement District ratified the Operation & Maintenance Expenditures paid in July 2020 in an amount totaling \$78,830.88.

SEVENTEENTH ORDER OF BUSINESS

**Recommendation of Work
Authorizations/Proposed
Services**

Mr. Kaufmann presented a recommended Work Authorization for Kittleson & Associates, Inc for traffic and intersection analysis for the proposed roundabout at the intersection of Centerline Drive and Nemours Parkway. The proposal amount includes optional design services of \$8,000.00 in the proposal if required for revision from City plan review and approval.

Ms. Kost stated a roundabout makes her nervous as a cyclist and resident. Ms. Duerr asked why the Board would want to approve a roundabout now. Mr. Kaufmann stated it is to accommodate the traffic heading east on Nemours Parkway that is exiting the project directly south of Nemours Parkway on the eastern portion of Lake Nona Boulevard. The intersection of Lake Nona Boulevard and Nemours Parkway which is the south east quadrant of that intersection is proposed development that would be exiting onto Nemours Parkway such that they cannot make a left to head towards Lake Nona Boulevard and therefore exit the property. Dr. Levey asked if there is only one way in and one way out on Nemours Parkway and the development is not being planned for any eastern or western access. Mr. Kaufmann stated there is no access off Lake Nona Boulevard.

Ms. Kost asked if this is something the District has in the budget. Mr. Kaufmann stated it is in the Capital Budget as part of the road construction project work. Mr. Newton stated the Capital Budget does not get down into that kind of detail in determining exactly how much is spent on which part of the design and engineering. He believes there is sufficient money in the budget to cover this. Dr. Levey stated there should be a graphic with each one of these proposals. Mr. Newton explained there is a median opening at Centerline Drive and Nemours Parkway. Between Centerline Drive and Lake Nona Boulevard, there is one other median opening which lines up with the emergency access to Nemours Hospital but there are relatively large blocks and there could be additional driveways accessing Nemours Parkway that would force them to head east and make a U-turn and go back west. The concern is the length of the turn lanes at the intersections relative to the length of the blocks could be a weaving movement on that road where people are trying to cross two lanes of traffic to get into the left turn lane and make a U-turn and the roundabout would eliminate that and there would not be a need to make the weave movement. Also being considered is a standard signalized intersection. The Kittleson proposal proposes looking at two different roundabout configurations, one of which would impact the Nemours Hospital property.

Ms. Kost asked if the Board is making a decision on the roundabout right now. Mr. Newton said the Board is not being asked to make a decision on a roundabout. Currently District Staff is asking for authorization for Kittleson to do their evaluation work to see what a roundabout would look like at this location and how it would function, depending on the Developer's final use for the property. Ms. Kost asked about the cost and if this is a typical amount for this type of work. Mr. Kaufmann replied yes. The design work would start and add to it as needed up to a not-to-exceed \$35,000.00.

Dr. Levey asked if there is something short of \$27,000.00 that could be a new Phase 1 that is a valiative process before getting into the overall design. Mr. Newton stated this would authorize the scope of work but the activity would be moderated such that Kittleson would only do the initial evaluation and not get into final design. Dr. Levey asked if Nemours Hospital was contacted about this. Mr. Newton said no but Kittleson wants to come up with the concepts to have something to present to Nemours. If it does not encroach into Nemours property, the District would have to notify them but they wouldn't have a say other than taking an appeal to the City.

On Motion by Ms. Duerr, second by Ms. Kost, with all in favor, the Board of Supervisors for the Greenway Improvement District authorized the Chair to execute an agreement with Kittleson not-to-exceed \$35,000.00 and in the meantime try to get them to phase their work better to show how much each component would cost.

EIGHTEENTH 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 July 31, 2020. Ms. Walden noted that the District has spent a total of \$648,500.00 vs. an overall budget of \$921,000.00. District staff is continuing to monitor the charges and the needs through the end of the Fiscal Year so the District can come in under budget. No action is required by the Board.

NINETEENTH ORDER OF BUSINESS

Staff Reports

District Counsel – No Report

District Manager – No Report

District Engineer – No Report

Construction Supervisor – No Report

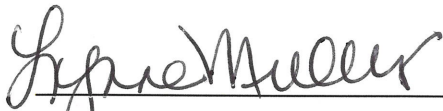
District Landscape Supervisor – No Report

TWENTIETH ORDER OF BUSINESS

Supervisor and Audience Comments & Adjournment

There was no other business to discuss. Dr. Levey requested a motion to adjourn.

On Motion by Ms. Kost, second by Ms. Duerr, with all in favor, the August 18, 2020 meeting of the Board of Supervisors for the Greenway Improvement District was adjourned.



Secretary/Assistant Secretary



Chair/Vice Chair