

GREENWAY IMPROVEMENT DISTRICT BOARD OF SUPERVISORS' MEETING MINUTES

FIRST ORDER OF BUSINESS

Roll Call to Confirm a Quorum

The Board of Supervisors' Meeting for the Greenway Improvement District was called to order on Tuesday, September 21, 2021, at 3:01 p.m. at Courtyard Orlando Lake Nona, 6955 Lake Nona Blvd, Orlando, FL 32827.

Present:

Chad Tinetti	Chairperson
Karen Duerr	Vice Chairperson
Amanda Kost	Assistant Secretary
Matthew Franko	Assistant Secretary
Antoinette Munroe	Assistant Secretary (joined at 3:08 p.m.)

Also attending:

Jennifer Walden	PFM	
Lynne Mullins	PFM	(via phone)
Kourtney Dinkins	PFM	(via phone)
Amanda Lane	PFM	(via phone)
Tucker Mackie	Hopping Green & Sams	
Jeff Newton	Donald W. McIntosh Associates	
Larry Kaufmann	Construction Supervisor & Construction Committee Member	(via phone)
Scott Thacker	District Landscape Supervisor	
Matt McDermott	Construction Committee Member	

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Walden asked for any public comments. She noted there was no one present from the public.

THIRD ORDER OF BUSINESS

Consideration of the Minutes of the August 17, 2021, Board of Supervisors' Meeting

The Board reviewed the minutes of the August 17, 2021, Board of Supervisors' Meeting.

On Motion by Ms. Kost, second by Mr. Tinetti, with all in favor, the Board of Supervisors for the Greenway Improvement District approved the August 17, 2021, Board of Supervisors' Meeting.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2021-09, Designating Registered Agent

Ms. Walden requested that the Registered Agent be updated to be herself, Jennifer Walden, and use the new PFM Orlando East address which is 3501 Quadrangle Blvd., Suite 270, Orlando, FL 32817.

On Motion by Ms. Kost, second by Mr. Tinetti, with all in favor, the Board of Supervisors for the Greenway Improvement District approved Resolution 2021-09, Designating Registered Agent.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2021-10, Designating Primary Administrative Office and Local Records Office

Ms. Walden stated the District needs to update the Primary Administrative Office and Local Records Office as PFM's office has moved.

On Motion by Ms. Kost, second by Ms. Duerr, with all in favor, the Board of Supervisors for the Greenway Improvement District approved Resolution 2021-10, Designating Primary Administrative Office and Local Records Office to PFM East Orlando Office at 3501 Quadrangle Blvd., Suite 270 Orlando, FL 32817.

SIXTH ORDER OF BUSINESS

Discussion regarding Receipt of Funds in Connection with the Conveyance of Interchange Pond Acreage

Ms. Mackie stated the Boggy Creek Improvement District approved at a prior meeting the conveyance of certain surplus lands back to two development entities. These lands are located near two interchange ponds and were not needed for drainage purposes by the District. Originally, the Lake Nona entity that conveyed the ponds to the Boggy Creek ID had conveyed more lands than were needed to operate the District's drainage facility. The interchange ponds were an acquisition by all three Districts similar to the interchange itself, and the percentage that was applied was based on the acreage located within the Districts at that time. By conveying this property back to the Developer, Boggy Creek ID received approximately \$123,000.00, and the Greenway ID's portion amounted to about \$49,600.00. The District has received those funds and rather than put them back in a construction account that is no longer needed for that purpose, those funds were placed in the Operations and Maintenance Account. They can be utilized for whatever the Board may see fit including continuing to fund a reserve over time.

SEVENTH ORDER OF BUSINESS

Consideration of Berman Agreement

Ms. Walden requested the Berman Agreement be tabled to the next meeting.

EIGHTH ORDER OF BUSINESS

Consideration of Termination of Landscape Agreement with Down to Earth

Mr. Thacker stated since the last Board Meeting, Down to Earth's performance has continued to decline. They are citing labor shortages and challenges they have experienced, but they are no longer meeting the requirements of the landscape contract. Mr. Thacker recommended the District move forward with terminating Down to Earth's Agreement and finding a new Landscape Contractor to take over that section.

Ms. Duerr asked if the only section they have is on Laureate Boulevard. Mr. Thacker said it is in the Greenway Improvement District. Ms. Kost asked if the District has been paying them while their work has

been declining. Mr. Thacker stated for August the District is making a partial payment and will probably do the same in September. He will give them an opportunity to catch up, and if they are able to do so, the District will consider releasing the full amount, but if they don't the District would look to utilize those funds to catch up another way. Ms. Kost asked about the time between the termination of the agreement and finding a new landscaper, if there would be a lapse in coverage, and how the District will address that. Ms. Mackie stated that the agenda packet includes a proposal from Cepra to do the work. The District has under the existing contract the ability to terminate for cause immediately. However, she suggested the District allow Down to Earth to do some catch up to give the District time to get the relevant paperwork together for a new landscape maintenance contractor. She noted the former Landscape Agreements with Cepra and Down to Earth are getting split between the Greenway ID and Midtown ID going forward. This section and the other two sections all fall below the competitive bidding thresholds, but District staff is trying to get the District under contract with Cepra for the remaining year, at which point the District was going to go out for bid next year to try to get that work all under one contract.

Ms. Mackie requested a motion from the Board to terminate the Landscape Agreement with Down to Earth pursuant to the terms. Mr. Tinetti asked if District staff documented their failure to meet the contractual requirements. Ms. Mackie stated yes, and Mr. Thacker tried to give them time to acknowledge and improve the deficiencies. Down to Earth acknowledged the deficiencies and failed to improve.

Ms. Duerr asked if this is the same company that was up for renewal last year. Mr. Thacker stated the District was having similar challenges with Down to Earth last year and they convinced the District they were going to be able to maintain the standard. Ms. Duerr asked if this is the only work they do for the Midtown ID and the Greenway ID. Mr. Thacker said they also do the Interchange section, which is shared between three Districts, and that is controlled under the Boggy Creek ID Board, but District staff will make a similar recommendation there as well.

On Motion by Ms. Duerr, second by Mr. Tinetti, with all in favor, the Board of Supervisors for the Greenway Improvement District approved the termination of Landscape Agreement with Down to Earth pursuant to the terms and to account for zero lapse in service.

Ms. Munroe joined the meeting in progress at 3:08 p.m.

NINTH ORDER OF BUSINESS

Consideration of Landscape Agreement with Cepra

- a) Third Amendment to Agreement for Nemours Parkway Landscape and Irrigation Maintenance Services**
- b) Second Amendment to Agreement for Tavistock Lakes Boulevard Landscape and Irrigation Maintenance Services**
- c) Agreement for Landscape and Irrigation Maintenance Services (Section 3)**
- d) Cepra Unit Pricing Request**

Ms. Mackie presented the Landscape Agreements with Cepra. Two of the Agreements are being amended to account for the removal of certain work that will now be performed under an Agreement with Cepra and the Midtown ID directly. The Agreement of Landscape and Irrigation Maintenance Services (Section 3) is the one the Board just terminated with Down to Earth that would be covered under a new Agreement for this final year with the hope next year of going out to bid and the collective work might be bid out together.

Mr. Tinetti asked if Cepra's price is comparable to Down to Earth. Mr. Thacker said yes. Ms. Mackie stated the only other item is that Cepra is proposing some unit pricing adjustments for the Board to consider. This

would be work done in addition to the work under an Annual Maintenance Contract. Ms. Mackie noted the existing Agreement does not allow for it, but given costs within the industry at this time they are asking for an adjustment to those unit prices. If the Board approves the change in pricing, it will be reflected in the Amendments and the new Agreement for Section 3.

Mr. Thacker explained the biggest changes in the unit pricing are in the labor rates and sod prices, which are a function of current market conditions. The numbers listed under the column that says "current pricing" has been the unit pricing in the District Contracts for over six years and not been increased in that time. Ms. Duerr asked about the decrease to the materials cost. Mr. Thacker stated Cepra is pulling the labor piece out of that and it will be billed separately. Mr. Thacker noted the unit prices only apply if it is outside the normal contract, like irrigation repair, plant replacement, enhancement work, etc., and the District is not obligated to use Cepra to do those things. As a result, the Board has the flexibility to use any landscaper for that type of work.

Discussion ensued regarding unit pricing, the impact on the budget, and the role of the Irrigation Specialist.

Mr. Tinetti asked if Cepra is willing to take the current unit pricing through the end of the year until it is bid out again. Mr. Thacker stated they are bound to the current unit pricing unless the Board approves the change. If the District went to them for an enhancement project, they have the right to say they are not interested, but he does not think they would pass up the work. Mr. Tinetti asked if Mr. Thacker recommends the District approve the new unit prices or have them hold onto the current prices for the year. Mr. Thacker responded he thinks their request is reasonable given current market conditions but it is in the Board's favor not to approve it. Mr. Tinetti recommended approval of the Cepra Agreements without the new pricing.

On Motion by Mr. Tinetti, second by Ms. Kost, with all in favor, the Board of Supervisors for the Greenway Improvement District approved the Third Amendment to Agreement for Nemours Parkway Landscape and Irrigation Maintenance Services without the requested change in unit pricing.

Ms. Mackie requested a motion to approve the Second Amendment to Agreement for Tavistock Lakes Boulevard Landscape and Irrigation Maintenance Services without the requested change in unit pricing.

On Motion by Ms. Duerr, second by Ms. Kost, with all in favor, the Board of Supervisors for the Greenway Improvement District approved the Second Amendment to Agreement for Tavistock Lakes Boulevard Landscape and Irrigation Maintenance Services without the change in unit pricing.

Ms. Mackie requested a motion to approve the Agreement for Landscape and Irrigation Maintenance Services (Section 3) without the requested change in unit pricing.

On Motion by Mr. Tinetti, second by Ms. Duerr, with all in favor, the Board of Supervisors for the Greenway Improvement District approved the Agreement for Landscape and Irrigation Maintenance Services (Section 3) without the requested change in unit pricing.

TENTH ORDER OF BUSINESS

Ratification of Requisition Nos. 700 – 702 in August 2021 in an amount totaling \$3,744.25

The Board reviewed Requisition Nos. 700 – 702 in August 2021 in an amount totaling \$3,744.25.

On Motion by Mr. Tinetti, second by Ms. Kost, with all in favor, the Board of Supervisors for the Greenway Improvement District ratified Requisition Nos. 700 – 702 August 2021 in an amount totaling \$3,744.25.

ELEVENTH ORDER OF BUSINESS

Ratification of Operation and Maintenance Expenditures Paid in August 2021 in an amount totaling \$125,266.21

The Board reviewed Operation and Maintenance Expenditures Paid in August 2021 in an amount totaling \$125,266.21.

On Motion by Ms. Duerr, second by Mr. Tinetti, with all in favor, the Board of Supervisors for the Greenway Improvement District ratified Operation and Maintenance Expenditures Paid in August 2021 in an amount totaling \$125,266.21.

TWELFTH ORDER OF BUSINESS

Recommendation of Work Authorizations/Proposed Services

There were no Work Authorizations for this Board.

THIRTEENTH ORDER OF BUSINESS

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

The District Financial Statements are updated through August 31, 2021, and the District has spent approximately \$780,000.00 vs. an overall budget of \$921,000.00. No action is required by the Board.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

- District Counsel – Ms. Mackie reported the Interlocal Agreement the Board approved with the City of Orlando which updates the now revised boundaries was approved by the City of Orlando last week.
- District Manager – Ms. Walden noted the next meeting is scheduled for October 19, 2021, at 2:30 p.m. at the Courtyard Orlando Lake Nona.
- District Engineer – No Report
- Construction Supervisor – No Report
- District Landscape Supervisor – Mr. Thacker stated at the last meeting he mentioned a large tree at the end of Tavistock Lakes Blvd. and Narcoossee Rd. that was showing some decline. He had some tests done on the tree to evaluate the extent of the decline, and it was determined it would be more cost effective to replace that tree with a similar size tree than to maintain its health. This is something for the Board to discuss in next year's enhancement budget. The decaying branches were removed so it looks healthy, and anything that was a hazard was also removed. Mr. McDermott added that the cost

of the tree replacement will be around \$20,000.00. Mr. Thacker noted that it would cost more than that to keep the tree healthy. Ms. Duerr asked if it was one of the large oaks. Mr. McDermott said yes, and the test revealed the branch that was cut off several years ago never healed properly. Also, the tree is only 12 inches underground and the tree is slowly suffocating. There is another tree on the north side further back into Laureate Park which is in a similar situation. Ms. Duerr asked if the Developer would transplant a tree from another location. Mr. McDermott said he would probably bring a tree from the Poitras West area, but it might be \$12,000.00 - \$15,000.00 to remove the tree including labor and machine costs.

FIFTEENTH ORDER OF BUSINESS

Supervisor Requests & Adjournment

There were no Supervisor requests, so Ms. Walden requested a motion to adjourn.

On Motion by Ms. Kost, second by Ms. Duerr, with all in favor, the September 21, 2021, meeting of the Board of Supervisors for the Greenway Improvement District was adjourned.



Secretary / Assistant Secretary



Chairperson / Vice Chairperson