

GREENWAY IMPROVEMENT DISTRICT
CONTINUED BOARD OF SUPERVISORS' MEETING MINUTES

FIRST ORDER OF BUSINESS

The Continued Board of Supervisors' Meeting for the Greenway Improvement District was called to order on Wednesday, January 24, 2017 at 1:30 p.m. at 6900 Tavistock Lakes Blvd, Suite 200, Orlando, Florida 32827. Members listed below constituted a quorum.

| | |
|--------------------|---------------------|
| Richard Levey | Chair |
| Damon Ventura | Assistant Secretary |
| Cristyann Courtney | Assistant Secretary |

Also attending:

| | |
|-----------------|-----------------------------------|
| Jill Burns | Fishkind & Associates |
| Larry Kaufmann | Construction Supervisor |
| Jeff Newton | Donald W. McIntosh Associates |
| Tucker Mackie | Hopping Green & Sams (via phone) |
| Jennifer Walden | Fishkind & Associates (via phone) |

SECOND ORDER OF BUSINESS

Public Comment Period

Mr. Levey noted that there were no public comments at this time.

THIRD ORDER OF BUSINESS

**Consideration of Award of
Lake Nona Kellogg Avenue
Extension Project
a) Construction
Committee
Recommendation**

Mr. Kaufmann explained that the Construction Committee met on Thursday, January 18, 2018 to review the proposals submitted from the contractors for the Lake Nona Kellogg Avenue Extension project. He passed out the bid summary (Minutes Exhibit A) from that review. The low bidder for this project was DeWitt Excavation in the amount of \$1,797,324.58. That number is slightly different than was discussed at the original Board meeting because there were a couple math errors that were corrected. He noted that it is the recommendation of the Construction Committee to award the project to DeWitt Excavation. Mr. Kaufmann noted that this Contractor

has not done any CDD work for this District in many years but he has used them on other projects within Lake Nona and they have worked out. Mr. Levey indicated that the Board can look at past performance within the CDD but since this is a new contractor for the District, that does not exist.

On Motion by Mr. Ventura, second by Ms. Courtney, with all in favor, the Board of Supervisors for the Greenway Improvement District approved the recommended ranking attached to the Minutes as Exhibit A and authorized District Staff to proceed with issuing notices of award and finalizing contract documents with DeWitt Excavation.

FOURTH ORDER OF BUSINESS

Consideration of Cost Share Agreement for Lake Nona Hartwell Court and Kellogg Avenue Extensions

Ms. Mackie explained that in connection to the project that was just awarded, a portion of the project will ultimately be the Developer's responsibility such that it is appropriate to consider entering into a Cost Share Agreement with Lake Nona to allocate the cost for the Developer funded portions and CDD portions. She noted that the bidders when bidding on the project specifically allocated costs to each so at the time the District goes to contract with DeWitt, the District will know specifically what line items are to be funded by the Developer and which are to be funded by the District. This Cost Share Agreement follows the forms of all the previous ones with regard to the process for submitting payment and how pay applications are to be processed among the two entities. Ms. Mackie requested a motion to approve the Cost Share Agreement as to form noting that there are three exhibits that still need to be attached. Mr. Levey asked if someone has the break out. Mr. Newton explained that it is approximately \$1.126 million on Hartwell which is the CDD portion and approximately \$670,000 on Kellogg which is the Developer portion. Mr. Kaufmann noted that the name of Hartwell changed to Centerline Drive. Mr. Newton stated that included in the Kellogg price is the mass grading of a future development area for the Developer. Mr. Ventura asked if the Developer will fund the District the portion that it is paying for and the District has one agreement with the Contractor. Mr. Newton answered that there will be one agreement with the Contractor and they will submit two separate pay applications every month, one to the District and the other to the Developer. Ms. Courtney asked what the ramifications were if the Developer does not pay their portion on time and what is the liability to the District. Mr. Kaufmann said that the contractor's payment will get delayed. Ms. Mackie added that the liability to the District would be that the District would potentially be in default on prompt payment obligations. She mentioned that until Hartwell Court or Centerline Drive is included in an adopted Engineer's Report the Developer is actually

funding the entirety of the project. Mr. Levey asked when the District anticipates that coming forward. Mr. Kaufmann said it should be included in the next Board Meeting as it is currently being reviewed by the Developer and Dr. Fishkind is looking at the Assessment Methodology.

On Motion by Mr. Ventura, second by Ms. Courtney, with all in favor, the Board of Supervisors for the Greenway Improvement District approved in substantial form the Cost Share Agreement between the District and Lake Nona Land Company, LLC for the Lake Nona Hartwell Court and Kellogg Avenue Extensions.

FIFTH ORDER OF BUSINESS

Consideration of Master Lighting Installation, Upgrade and Service Agreement for Nemours Parkway Phase 3, 4, & 5

Mr. Kaufmann explained that there was a request by the Developer to consider this item today. Ms. Mackie added that the District pursuant to agreements with OUC in the past has provided for streetlights that are over and above the typical standard streetlighting that would otherwise be installed by OUC and the mechanism by which the District contracts for that is through one of these Master Lighting Installation Upgrade and Service Agreements. She noted that the next one that is ready for advancement on the Developer’s side is Nemours Parkway Phase 3, 4, & 5. She said that OUC is still in the process of reviewing this but it has become an issue that at such time that OUC has approved it they would like to be in a position to fully execute and move forward with the installation of the streetlights. She mentioned that there is a previous Master Lighting Installation Upgrade and Service Agreement for Nemours Parkway Phase 3 and its anticipated that at the time that this agreement is approved by OUC, the prior agreement will be rescinded so all the work is included under this contract. Mr. Levey asked Mr. Kaufmann the budgetary implications of this and if the District is budgeted for it. Mr. Kaufmann said that the O&M budget includes lighting for Nemours Parkway 3, 4, & 5 and next year’s budget will include 6 & 7. He pointed out that the OUC Agreement for Phase 3 was approved and signed and the OUC Board is set to vacate that agreement at their March Board meeting because they now know that the District wants another agreement to replace it. Mr. Levey asked if the lights will be in this fiscal year. Mr. Kaufmann replied yes. Ms. Courtney asked the total amount of the contract. Mr. Kaufmann said it is monthly installment of \$1,520.13 on a 20-year term and automatically renewed at 10 years.

On Motion by Mr. Ventura, second by Ms. Courtney, with all in favor, the Board of Supervisors for the Greenway Improvement District approved proposed Master Lighting Installation, Upgrade and Service Agreement for Nemours Parkway Phase 3, 4, & 5.

SIXTH ORDER OF BUSINESS

Staff Reports

District Counsel – No Report

District Manager – No Report

District Engineer – No Report

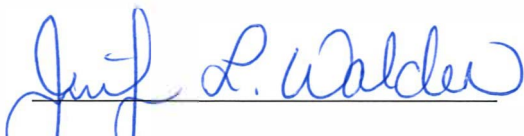
Construction Supervisor – Mr. Kaufmann stated that one of the Board Members had brought up at the last meeting whether the monuments had lighting on it. He reported based on the plans and the Structural Engineer’s plans that there were not any lights included in the proposed monuments. He found out that the design proposed will use OUC lights which will be a separate OUC agreement that will be funded through O&M.


SEVENTH ORDER OF BUSINESS

**Supervisor and Audience
Comments & Adjournment**

There were no audience comments or Supervisor requests.

On Motion by Ms. Courtney, second by Mr. Ventura, with all in favor, the January 24, 2018 Continued Meeting of the Board of Supervisors for the Greenway Improvement District was adjourned.


Secretary/Assistant Secretary


Chair/Vice Chair

GREENEWAY IMPROVEMENT DISTRICT
LAKE NONA KELLOGG AVENUE EXTENSION

BID SUMMARY

Bids Received: January 16, 2018

| Contractor | Bond | Addendum Acknowledgement | Total Bid Amount |
|---------------------------------|------|--------------------------|------------------|
| DeWitt Excavation | X | X | \$1,797,324.58 |
| Hubbard Construction Company | X | X | \$1,801,335.92 |
| JMHC, Inc. | X | X | \$2,225,367.78 |
| Jon M. Hall Company | X | X | \$1,999,689.29 |
| Jr. Davis Construction | X | X | \$2,049,339.77 |
| Watson Civil Construction, Inc. | X | X | \$1,930,687.32 |

EXHIBIT A

met 1/18