

**MINUTES OF MEETING  
TOHOQUA  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Tohoqua Community Development District was held on Wednesday, **February 2, 2022** at 9:00 a.m., at Tohoqua Amenity Center, 1830 Fulfillment Drive, Kissimmee, Florida.

Present and constituting a quorum:

Andre Vidrine	Chairman
Marcus Hooker	Vice Chairman
Rob Bonin	Assistant Secretary
James Dowd <i>by phone</i>	Assistant Secretary

Also present were:

George Flint	District Manager
Kristen Trucco	District Counsel
Eric Warren <i>by phone</i>	District Engineer
Alan Scheerer	Field Manager
Marcia Calleja	CALM
Larissa Diaz	CALM

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Flint called the meeting to order at 9:00 a.m. and called the roll. A quorum was present.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

Mr. Flint: Only Board members and staff are present.

**THIRD ORDER OF BUSINESS**

**Approval of Minutes of the November 3, 2021, Board of Supervisors Meeting and Acceptance of Minutes of the November 3, 2021, Landowners' Meeting**

Mr. Flint: Did the Board have any comments or corrections on either set of minutes?

Mr. Vidrine: No comments.

Mr. Flint: Then we need a motion to approve the Board minutes and accept the landowner minutes.

On MOTION by Mr. Vidrine, seconded by Mr. Hooker, with all in favor, the Minutes of the November 3, 2021 Board of Supervisors Meeting and Acceptance of the Minutes of the November 3, 2021, Landowners' Meeting, were approved as presented.

Mr. Flint: We have iPads for the Board Members. If you click on the bookmark symbol on the top right, it indexes the different tabbed areas, if you want to skip to a certain agenda item.

**FOURTH ORDER OF BUSINESS**

**Consideration of Data Sharing and Usage Agreement with the Osceola County Property Appraiser**

Mr. Flint: This is an agreement with the Property Appraiser for Osceola County, which the District is required to enter into annually. It is the same form of agreement that the Board approved and entered into last year. It just says that to the extent any information they are providing us is confidential under public records law, we agree to not disclose it. Are there any questions on the agreement? If not, we need a motion to approve it.

On MOTION by Mr. Vidrine, seconded by Mr. Hooker, with all in favor, the Data Sharing and Usage Agreement with the Osceola County Property Appraiser, was approved.

**FIFTH ORDER OF BUSINESS**

**Discussion of East Cross Prairie Parkway Maintenance Proposal**

Mr. Flint: Alan?

Mr. Scheerer: Thank you. Included in your agenda package is a proposal from United Land Services (United) for East Cross Prairie Parkway that Pulte Homes developed from Tohoqua Boulevard East. That project was completed and inspected by staff, Pulte, and their landscape provider back in November. We didn't meet in December or January, so this is included in your agenda today. It is for \$46,620 per year or \$3,885 per month, which is the exact amount that was put in the budget for 2022. If you have any questions, I will try to answer them for you. If not, we would seek approval from the Board and backdate this to December of 2021.

Mr. Flint: So, there would be an effective date of December 1 or January 1?

Mr. Scheerer: December 1.

Mr. Vidrine: Is that when the work started?

Mr. Scheerer: That is when we started doing the maintenance. We had minimal maintenance in December. Obviously, it was a cold month. Pulte has done a pretty good job of keeping it up. What they haven't turned over are any of the views that they are developing in any of the stormwater ponds. So, we will be coming back to the Board for some of those.

Mr. Vidrine: Did United do the installation?

Mr. Scheerer: No.

Mr. Vidrine: Did United fully accept the installation?

Mr. Scheerer: Yes. We had punchlist items. Most of those were correct. We just had some tree concerns, but the trees have been in the ground for so long, we thought it would do more harm than good than trying to pull them out. They have already rooted. We think that the trees are going to perform well. We will just have to manage the water in those locations.

Mr. Vidrine: Is there a warranty period for the trees?

Mr. Scheerer: It is one year.

Mr. Vidrine: From November?

Mr. Scheerer: One year from the date of acceptance.

Mr. Vidrine: At the end of that one year do they walk it and establish what needs to be done?

Mr. Scheerer: We would do another walk-through and address any punchlist items with Pulte. We will then do an inspection. I should've provided that to the Board. We have a photo documented PDF that United put together. That was shared with the install contractor as well as Pulte. I will send it to the Board.

Mr. Vidrine: That's great. We need the irrigation as-builts.

Mr. Scheerer: Those usually come later and have all been requested. Josh is really good to work with. I understand there may be a change at some point.

Mr. Vidrine: Do we still have a way to acquire the as-builts?

Mr. Scheerer: Yes. I never had a bad relationship.

Mr. Vidrine: Its nothing about that at all. I'm just making sure that we get an image.

Mr. Scheerer: We definitely want our as-builts for sure.

Mr. Vidrine: I'm just making sure there's some document of the concept.

Mr. Scheerer: Yes, sir.

Mr. Flint: Are there any other questions or discussion on the maintenance proposal? If not, we need a motion to approve it retroactive to December 1, 2021.

On MOTION by Mr. Hooker, seconded by Mr. Vidrine, with all in favor, the proposal from United Land Services for East Cross Prairie Parkway maintenance in the amount of \$46,620 per year or \$3,885 per month retroactive to December 1, 2021, was approved.

**SIXTH ORDER OF BUSINESS**

**Consideration of Proposal from Sunshine Land Management for Additional Ponds**

Mr. Scheerer: If the Board recalls, in October or November, we took over the landscape maintenance of the two ponds in Phases 2 and 3. We were waiting on a proposal from Sunshine Land Management (Sunshine) for aquatic maintenance, which we received. They have been doing the maintenance since December 1<sup>st</sup> and we are just looking for a motion to approve the aquatic maintenance of those two ponds. There is funding in the budget that would accommodate this \$230 per month for Phases 2 and 3. You can see that they have already been sprayed.

Mr. Vidrine: How long do you think before they will look clean?

Mr. Scheerer: Most of the cattails are being treated by ATV by boat. If the Board would like to see us maybe cut those down and do some minor hand removal, I can get with Sunshine to see if that is something they can do. Typically, it takes about six months or so for that stuff to decompose and fall into the water. Phase 3 is probably the worst. Phase 2 is not that bad.

Mr. Vidrine: It's fine the way that it is sprayed.

Mr. Scheerer: Okay, sir. If the Board or any other developers have a change of heart and you want us to do something different, just let us know and we will get it hand removed.

Mr. Vidrine: Sure.

Mr. Scheerer: They have been good to work with.

Mr. Vidrine: No problem. Can you monitor it?

Mr. Scheerer: Yes, sir.

Mr. Flint: Alright. Are there any questions on the Sunshine proposal? If not, we need a motion to approve it.

On MOTION by Mr. Vidrine, seconded by Mr. Hooker, with all in favor, the Proposal from Sunshine Land Management for two additional ponds in Phases 2 and 3 in the amount of \$230 per month, was approved.

Mr. Scheerer: Thank you.

Mr. Flint: Thanks, Alan.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Flint: Kristen, do you have anything for the Board?

Ms. Trucco: Nothing from a legal perspective. We are working on a resolution for contracting out the CDD. We will bring that back with a couple of related agreements for the Board to review, provide feedback and approve. For right now, there are no legal updates. Thank you.

**B. Engineer**

**i. Consideration of Proposal for Preparation of Stormwater Management System Report**

Mr. Flint: We have a proposal from Eric. The Board was advised at a prior meeting that there was a legislative change that now requires all government entities that own wastewater or stormwater systems to prepare certain reports. The deadline for submittal of the report is June 30<sup>th</sup>. Poulos & Bennett prepared the proposal that is in your agenda package in an effort to comply with those requirements. We have a couple of questions on the scope that we would like to get with Eric on, but my preference would be to have the Board approve it subject to those discussions. If anything, the cost would come down and the scope would tighten up a bit. Eric, is there anything that you want to present to the Board on this?

Mr. Warren: Yes. I received your email yesterday afternoon. You probably have not had a chance to see my reply this morning. You were questioning the wastewater since we don't have storm facilities. It is my understanding that there is still a certain scope of wastewater. We don't have to do the maintenance program per se, but we do need to do an accounting of the flows. That is our understanding. So, there is some scope there, but not a full-blown scope.

Mr. Flint: Under Ai, there are three bullet points related to wastewater. I just want clarification on whether we are actually obligated to provide that. I think general governments, cities and counties may be required to provide limited information, even if they don't own a wastewater system, but I'm not sure that Special Districts need to provide that. We will get clarification on that.

Mr. Vidrine: Is this a one-time analysis?

Mr. Warren: Yes. We can provide clarification on that, George.

Ms. Trucco: This is the 20-year Stormwater Needs Analysis Report.

Mr. Vidrine: How frequent is this analysis required?

Ms. Trucco: Every five years. This is a new law, so this will be the first time that we are sending the report. It may be the case, because we don't have a wastewater system here, so we can just explain that if the authority needs additional information and supplement our submission, we can take a closer look and see if we can find some clarification on the extent of what needs to be provided for the wastewater system.

Mr. Flint: I was hoping that legislation would be introduced this session that would rescind this requirement, which was implemented last year, but apparently at this point, there are no bills submitted that modify this requirement. We are all working through this during the first round and figuring out what the requirement is. This proposal cost unfortunately is consistent with what I am seeing elsewhere. It has a significant fiscal impact on Special Districts with small budgets to have to comply with this, but right now we really don't have an alternative.

Ms. Trucco: I request that the Board approve it subject to District Counsel, management and the District Engineer signing off on it. We have some time to confirm what needs to be provided with regard to the wastewater system.

Mr. Vidrine: The proposal is consistent with what I've seen in other Districts.

Mr. Flint: We need a motion to approve the proposal in substantial form and authorize the Chair to execute it subject to refinement of the scope, if necessary.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the Proposal from Poulos & Bennett for Preparation of Stormwater Management System Report in the amount of \$17,500 in substantial form and authorization for the Chair to execute it subject to refinement of the scope, if necessary was approved.

Mr. Flint: Do you have anything else, Eric?

Mr. Warren: That's all. We will get together and if the scope is not needed, we can work on that.

Mr. Flint: Okay. Sounds good.

**C. District Manager's Report**

**i. Approval of Check Register**

Mr. Flint: In your General Fund, for November 24, 2021 through December 28, 2021, we have checks totaling \$399,665.15. A significant portion of this is debt service assessment revenue that we received from the county and are transferring to the Trustee. So, \$323,000 of the \$399,000 is debt service assessment revenue. Are there any questions on the Check Run Summary? If not, we need a motion to approve it.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the Check Register from November 24, 2021 through December 28, 2021 in the amount of \$399,665.15 was approved.

Mr. Flint: We also have the December 29, 2021 through January 26, 2022 Check Register, which totals \$25,729.97. The detailed register is behind the summary. If the Board has any questions, please let me know. If not, we would ask for a motion to approve it.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the Check Register from December 29, 2021 through January 26, 2022 in the amount of \$25,729.97 was approved.

**ii. Balance Sheet and Income Statement**

Mr. Flint: You have the Unaudited Financial Statements through December 31<sup>st</sup>. This is the first three months of Fiscal Year 2022. You also have the combined Balance Sheet for the General, Debt Service and Capital Project Funds related to the Debt Service Fund. You can see in the Phase 2 Construction Account, there is \$1,580,000 and in the Phase 4A/5A Construction Account, there is \$1,677,000. I have advised both Lennar and Pulte that those funds are available. I will get with Eric and both of the developers to see if those funds can be

requisitioned. You have the Statement of Revenue and Expenditures for each of those funds as well. Are there any questions on the Financial Statements? If not, no action is required.

**iii. Amenity Manager's Report**

Mr. Flint: Larissa?

Ms. Diaz: Good morning. New plant material has been installed in front of the Clubhouse. Duck Weed in the back pond was treated. You will also find a recap of November, December, and January events as well as what we have scheduled for February. The report also includes the pool and gym usage for the past three months and pictures of those events that were scheduled in November and December. Are there any questions?

Mr. Flint: Are there any questions for Larissa? Hearing none,

**• Field Manager's Report**

Mr. Flint: Alan, do you have any additional Field Manager comments?

Mr. Scheerer: Yes. A couple of things. As you can tell, we got a lot of frost damage out here. We will continue to evaluate that. John with United, my Account Manager is on vacation, so we will hook up next week. We have the same issue with some of the plant material on Tohoqua Boulevard. We will be re-evaluating that and replacing as needed. We got a drain installed at the entrance to the Clubhouse parking lot between the townhomes and our common area to accommodate some of the water removal. That drain ran across the sidewalk and cut into a curb out on Fulfillment Drive. We will see how that performs. We also installed some new grasses along that to fill that space in. We are meeting regularly with United. Sunshine has been a good partner as far as the aquatics. Larissa touched briefly on the pond behind us, which had a massive outbreak of Duck Weed and Giant Salvinia. Everything that was sprayed on there wasn't working. Sunshine has in their contract, certain base fees. Other than that, it is a la carte for special treatments. So, we did incur an additional cost of about \$600, which we can absorb in the budget. That is not a problem. That was approved by me. Whatever they sprayed on there, got rid of the Duck Weed and Salvinia. So, they did a great job. Diquat is the typical chemical used on that and about three-quarters of that pond was covered. So, that has been resolved and it looks great. That's all I have for right now. If you have any questions, I would be happy to answer them for you.

Mr. Flint: Are there any questions for Alan?



Mr. Vidrine: Just a quick question on the new mailboxes that were installed. There is quite a bit of dirt. Is that going to be cleaned up?

Mr. Scheerer: Yes. We will get it straightened out.

Mr. Vidrine: Someone needs to just come in there and get rid of all the stripings and everything.

Mr. Scheerer: We will take care of it.

Mr. Vidrine: Thank you.

**EIGHTH ORDER OF BUSINESS**

**Other Business**

Mr. Flint: Are there any other items? Hearing none,

**NINTH ORDER OF BUSINESS**

**Supervisors Requests**

Mr. Flint: Are there any Supervisors requests? Staff, do you have anything else?

Mr. Scheerer: No sir.

Mr. Flint: If there is nothing further, Mr. Chairman, are we ready to adjourn?

Mr. Vidrine: We are ready to adjourn.

Mr. Flint: We need a motion to adjourn.

**TENTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the meeting was adjourned.

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman