

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, June 5, 2019 at 9:00 a.m., at the West Osceola Branch Library, 305 Campus Street, Kissimmee, FL.

Present and constituting a quorum were:

Andre Vidrine	Chairman
Marcus Hooker	Vice Chairman
James Dowd	Assistant Secretary
Jason Good	Assistant Secretary
Chuck Bell	Assistant Secretary

Also present were:

George Flint	District Manager
Andrew d'Adesky	District Counsel
Alan Scheerer	Field Manager

FIRST ORDER OF BUSINESS

Roll Call

Mr. Flint called the meeting to order at 9:00 a.m. and called the roll. All Supervisors were present. Mr. Flint administered the Oath of Office to Mr. Good prior to the meeting.

SECOND ORDER OF BUSINESS

Public Comment Period

Mr. Flint: Only Board Members and Staff are present.

THIRD ORDER OF BUSINESS

Organizational Matters

A. Appointment of Individual to Fulfill the Board Vacancy with a Term Ending November 2019

Mr. Flint: Are there any nominations at this time to fill the vacancy? You can function with four Board Members if you chose to. Otherwise, we can take nominations at this point. I think this is the seat that Keith vacated.

Mr. Vidrine: Is this seat open until October?

Mr. Flint: This one is open until November of this year.

Mr. Vidrine: That's fine.

Mr. Flint: There will be a Landowners' Election in November and three seats are up for election. The landowner could choose to keep the same or could change them.

Mr. Vidrine: How does this rotate?

Mr. Flint: Every two years, three seats are up for election.

Mr. d'Adesky: Anyone owning an acre or a portion of an acre, gets one vote, until you get 250 qualified electors, registered voters and citizens of Florida, and the District has been active for six years.

Mr. Flint: The District was created in 2017.

Mr. d'Adesky: So the transition couldn't happen at minimum until 2023.

Mr. Flint: Are there any nominations?

Mr. Vidrine: I nominate Chuck Bell.

Mr. Flint asked are there any other nominations? Hearing none,

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the appointment of Chuck Bell to fill the Board vacancy with a term ending November 2019 was approved.

Mr. Flint: Chuck, do you already have Form 1 filed because you are on another CDD Board?

Mr. Bell: Is it per CDD?

Mr. Flint: No. You should receive an updated one for next year and should add Tohoqua.

C. Administration of Oath of Office to Newly Elected Supervisors

Mr. Flint, a Notary Public of the State of Florida and duly authorized, administered the Oath of Office to Mr. Bell.

Mr. Flint: I will notarize the Oath for you. You are already familiar with the Sunshine and Public Records Laws.

C. Consideration of Resolution 2019-04 Electing Assistant Secretary

Mr. Flint: Since you appointed Chuck, we have a resolution in your agenda to elect him as an Assistant Secretary. Currently Andre is Chairman, Marcus is Vice Chairman and the other

three Board Members are Assistant Secretaries. So, if you want to retain the same officers and elect Chuck as an Assistant Secretary, then a resolution to adopt Resolution 2019-04 would be in order.

On MOTION by Mr. Vidrine seconded by Mr. Dowd with all in favor Resolution 2019-04 Electing Chuck Bell as an Assistant Secretary was adopted.

FOURTH ORDER OF BUSINESS

Approval of Minutes of the May 1, 2019 Board of Supervisors Meeting

Mr. Flint: Are there any questions, comments or corrections to the minutes?

Mr. Vidrine: I have no comments.

Mr. Flint: If not, we need a motion to approve and accept the minutes.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the minutes of the May 1, 2019 Board of Supervisors meeting were approved, as presented.

FIFTH ORDER OF BUSINESS

Consideration of Amenities Management Agreement

Mr. Flint: This is a proposed agreement between the CDD and Artemis Lifestyle Services, Inc., which Andrew will present.

Mr. d'Adesky: It's in a similar form to what's been accepted in other CDDs and is compliant with management agreements, which is a taxed rule for the management of public facilities. We reviewed it and made sure it was appropriate. I think the agreement is as to form. It's not in final form as we still need to double check some numbers, tighten up the scope, get other details and add some clarifications. We would like the Board to approve the form and delegate authority to the Chairman to sign off on the final form. So, once we get there, through the course of negotiating over the next week or two, we can get that signed off and have that in effect.

Mr. Vidrine: Is this different than the one in the agenda?

Mr. d'Adesky: Yes. It is slightly different. The only difference is that there were some clarifications. The roman numerals were moved around and there were some clarifications about paragraphs because some of the references were off. We removed "Abuse and molestation."

Insurance was covered under “Umbrella.” We added to the budget section. Once again, we need to hone in on those numbers to make sure those numbers are correct. They say that they are and get some clarification on the allocation of time. Obviously, no private time could be spent for CDD funds. I know that the expectation is there are going to be private functions that they are going to be providing. We just need to make sure those private functions are properly allocated. If you look at the last page, Page 27, there is a schedule of staffing. My understanding is the only staff covered under the initial agreement would be the Admin Assistant, who is going to be serving as the onsite CAM for the HOA and maybe performing some functions for the developer. So that has to be clarified because that person’s time is going to have to be allocated. If what’s reflected here is their full cost, we would need to allocate it. If not, then it’s okay, but that’s one of the things we need to look into. So, the only thing this agreement is covering is that. In future years, you will see additional staff; the Executive Director in October of 2020 and a Lifestyle Director in January of 2021. As Andrew indicated, what he is looking for is approval in substantial form and delegation to the Chair to sign the final form of this, so we don’t have to have another meeting before its executed.

Mr. Dowd: The assistant hadn’t started yet.

Mr. Flint: They are not being paid by the CDD if they are onsite. I don’t know if the developer chose to start them.

Mr. d’Adesky: They have not started for the CDD yet. They are coordinating everything in order to finalize the agreement.

On MOTION by Mr. Hooker seconded by Mr. Dowd with all in favor the Amenities Management Agreement was approved, in substantial form, and the Chair was authorized to sign the final form.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Flint: Andrew, do you have anything else?

Mr. d’Adesky: That was all we had that was pending. I know we had some issues with the developer going forward, but I think those are longer term issues.

B. Engineer

Mr. Flint: Eric Warren asked if he needed to be here or on the phone, but based on the agenda, I confirmed with the Chair and we didn't believe it was necessary for him to attend. If you have any questions for the District Engineer, I can relay those and get back to you.

C. District Manager's Report

i. Approval of Check Register

Mr. Flint: I provided the Check Register for April 24, 2019 to May 28, 2019 to the Board for the General Fund, Check #'s 56 through 61 totaling \$18,198.03. We need a motion to approve it. The detailed register is behind the summary, which covers District management, pond maintenance and landscape maintenance.

Mr. Vidrine? Which ponds are being treated for weed control?

Mr. Scheerer: We currently have the three major ponds that were approved by the Board. I know there was one behind the amenity, which hasn't been turned over to us yet and the one next to that has not been turned over to the District for maintenance. Once those get turned over to us, they will be signed off by the District Engineer and the operating permit would be transferred.

Mr. Vidrine: But the three major ones have not been turned over.

Mr. Scheerer: Yes sir.

Mr. Vidrine: At what point should the weeds be treated? When they are dead?

Mr. Scheerer: As far as I know the weeds are under control and are being treated, but there are some beneficiais in these ponds that people have questions on. We can identify them, but we are not spraying any of the beneficiais that are in there.

Mr. Vidrine: When you say, "beneficiais," do you mean some intentional vegetation?

Mr. Scheerer: Yes, that's correct. Beneficiais are good vegetation.

Mr. Vidrine: So it says, "beneficiais?"

Mr. Scheerer: Yes sir.

Mr. Vidrine: But as far as any of the critical weeds, you feel they are in good shape?

Mr. Scheerer: Oh yeah, especially in the big pond. That's coming on nicely. They hit that hard, initially because there were some concerns with respect to home sales, etc., but Applied Aquatic has been out there. I was just there yesterday and last Thursday and the ponds are in good shape.

Mr. Vidrine: Good.

Mr. Scheerer: If anybody has any questions or concerns, they can call us.

Mr. Flint: If there are concerns to the contrary, let us know.

Mr. Vidrine: I'm just checking. It takes a while for the actual weed control to get to where it works.

Mr. Scheerer: Cattails are the biggest problem we have because they are always the tallest and the ugliest, but they are all gone now.

Mr. Vidrine: Okay.

Mr. Flint: Are there any other questions on the Check Register? 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 April 24, 2019 to May 28, 2019 as presented was approved.

ii. Balance Sheet and Income Statement

Mr. Flint: These are unaudited through April 30th. No action is required, but if the Board has any questions, we can discuss those.

SEVENTH ORDER OF BUSINESS

Other Business

Mr. Flint: Is there anything else that was not on the agenda that the Board wanted to discuss?

Mr. Vidrine: I just wanted to confirm that all the tracts or lands were transferred to the CDD. I think those were resolved at this point.

Mr. d'Adesky: I will double check that. I think we do.

Mr. Vidrine: There were some deeds that had to get approved and had to go to the County and the City of St. Cloud. I think that happened, but just double check that.

Mr. d'Adesky: I will follow up with Joe.

Mr. Flint: So Developer's Counsel is working on it?

Mr. d'Adesky: Yes.

EIGHTH ORDER OF BUSINESS

Supervisors Requests

There being none, the next item followed.

NINTH ORDER OF BUSINESS

Adjournment

Mr. Flint: If there's nothing further, we need a motion to adjourn.

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



Secretary / Assistant Secretary



Chairman / Vice Chairman