

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, October 7, 2020 at 9:00 a.m., via Zoom Video Conferencing, pursuant to Executive Orders 20-52, 20-69, 20-112, 20-150, 20-179, 20-193 and 20-246 issued by Governor DeSantis on March 9, 2020, March 20, 2020, April 29, 2020, June 23, 2020, July 30, 2020, August 7, 2020, and September 30, 2020 respectively, and any extensions or supplements thereof, and pursuant to Section 120.54(5)(b)2., *Florida Statutes*.

Present and constituting a quorum were:

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

Also present were:

George Flint	District Manager
Kristen Trucco	District Counsel
Larissa Diaz	CALM
Marcia Calleja	CALM
Alan Scheerer	Field Manager
Engineer Representative (<i>via phone</i>)	

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.

Mr. Hooker joined the meeting.

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 September 2, 2020 Meeting

Mr. Flint: Did the Board have any comments or corrections to the minutes? If not, we would ask for a motion to approve them.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the Minutes of the September 2, 2020 Meeting were approved as presented.

FOURTH ORDER OF BUSINESS

Public Hearing

A. Consideration of Resolution 2021-01 Adopting Chapter IV, Chapter V and Chapter VI Rules

Mr. Flint: You previously reviewed a draft of these chapters and authorized staff to advertise a public hearing for consideration. So, we will go ahead and open the public hearing. For the record, there are no members of the public to provide comment, so we will bring it back to the Board for discussion. The resolution in your agenda includes Exhibits A, B and C. Unfortunately Exhibit C in your agenda repeats Chapter IV. It should be Chapter VI. I emailed that out this morning. Chapter VI is the rule dealing with the suspension of privileges, in the event someone violates the District's Amenity Policy or otherwise meets the eligibility in the chapter. The District and the Board have the ability to suspend the privileges of the resident to use the amenity for a period of time. So that chapter goes through what criteria would have to be met to be able to do that and what the process would actually be in the event their privileges were suspended. Exhibit A is Chapter IV. This is the non-resident user fee. What this chapter does, is it establishes a fee of \$2,000 that would have to be paid annually for someone who is not a resident to be able to use the District's amenities. The reason we do this is because we are a government entity and typically our amenities are public. So, to address the issue of non-residents using the amenities, we establish that non-residents would have to pay to basically step into the shoes of a resident for purposes of using the Clubhouse and amenities involved with that. Exhibit B is Chapter V, which sets up fees such as rental of the Clubhouse, security deposits, access fee card deposits, etc. Because we are a government, we have to establish any fees we charge through the rulemaking process. This does that for the fees that we anticipate charging and allows for an annual increase of not more than 10% without an additional rule hearing. So, it does give the Board the ability to increase these. Without a rule hearing, you can do that up to

10% annually. As I mentioned, Chapter VI is the suspension of use and termination of privileges. Exhibit C to the resolution, provides the grounds for termination. In the event those grounds are met, how we handle that is a gradual process that starts out with verbal and written warnings and then goes up from there. However, if the offense is egregious enough, we can skip to suspension without going through the other processes. So that's Chapter VI. Are there any questions from the Board on the proposed rules? Hearing none, no members of the public are present. If there are no questions, we need a motion to adopt Resolution 2021-01.

On MOTION by Mr. Vidrine seconded by Mr. Good with all in favor Resolution 2021-01 Adopting Chapter IV, Chapter V and Chapter VI Rules was adopted.

Mr. Flint: At this time, we will close the public hearing.

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2021-02
Accepting the Conveyance of
Improvements from the Master
Developer Related to the Amenity Center
(Recreation Tract B)**

Ms. Trucco: This is a resolution accepting the Amenity Center and related improvements from the Developer to the District. It has our standard conveyance documents. This conveyance is pursuant to the initial bond acquisition documents, as well as the initial Development Plans for the District. You will see the resolution accepting and authorizing the conveyance. Then you will see our Special Warranty Deed for any real property associated with that tract. It's Tract H on the plat, which is the Amenity Center. Then we have a Bill of Sale for all related improvements for the Amenity Center. We have a list of some inventory items that we consider improvements to the Amenity Center that will be transferred to the District. Then we also have our standard agreements from the owner, basically assuring that there are no encumbrances of real property and no outstanding taxes due for the real property and the associated improvements. We also have a certificate of the District Engineer attached. That's just assuring the District that the District Engineer certifies that the Amenity Center and the improvements are being conveyed pursuant to all bond documents and government regulations related to the construction of the

Amenity Center. If you have any questions, we are happy to answer them. Otherwise, we are just looking for Board approval of the resolution.

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

On MOTION by Mr. Vidrine seconded by Mr. Good with all in favor Resolution 2021-02 Accepting the Conveyance of Improvements from the Master Developer Related to the Amenity Center (Recreation Tract B) was adopted.

SIXTH ORDER OF BUSINESS

Consideration of Acquisition Agreement with Pulte Home Company, LLC Related to Proposed 2020 (2021) Bonds

Mr. Flint: Next are Acquisition Agreements between the District, Pulte Home Company, LLC. (Pulte) and Lennar Homes, LLC. (Lennar). They allow the District to acquire improvements from either Pulte or Lennar in the event we issue bonds. A lot of times, this will be done in conjunction with the financing process. Based on the timing, I know Lennar is turning dirt and Pulte will be soon. They may be in a situation where they are ready to turn assets over to the City of St. Cloud or another government entity that are anticipated to be acquired by the District. This preserves the right for us to be able to pay them once we issue bonds. It doesn't obligate us to do that, but with the Acquisition Agreement in place, in the event they construct and turn something over that's defined in the Acquisition Agreement, it allows us, once we issue bonds, to reimburse or acquire those from the two developers. Kristen, I don't think the exhibits are ready.

Ms. Trucco: We were told those are being worked on right now. We are early in the process right now.

Mr. Flint: The District Engineer is working on preparing Engineer's Reports for both the Pulte and Lennar projects. Once those Engineer's Reports are prepared and define the improvements that are eligible to be acquired, those would be attached to these agreements as exhibits. I don't know, Kristen, if you are comfortable with the Board approving these in substantial form, subject to including the Engineer's Report upon completion or how you want to handle it.

Ms. Trucco: That’s fine. That would work from a legal standpoint, if they want to approve that. This is in advance of the bonds being issued, if work gets completed. It’s an agreement between the developer and the District that the District will reimburse the developer. It also sets forth a procedure for the conveyance of that real property to the District. So, it’s a protection early on before the bonds are issued for both the District and the developer. Does anyone have any questions on these agreements? Yes, Andre?

Mr. Vidrine: This particular document has Pulte written on it. I didn’t know if there was a separate one that you needed for Lennar.

Mr. Flint: Yes. That’s the next agenda item.

Mr. Vidrine: It’s just an observation.

Mr. Flint: There are two different agreements in your agenda package. The first one is with Pulte and the next one is with Lennar.

Ms. Trucco: That is a good question, because it is confusing. There will be two separate bond issuances.

Mr. Flint: Okay. If there are no questions, the first one for approval is the Acquisition Agreement with Pulte Home Company, LLC related to the proposed 2020 or 2021 bonds, depending on the timing. We need a motion to approve that Acquisition Agreement in substantial form.

On MOTION by Mr. Vidrine seconded by Mr. Dowd with all in favor the Acquisition Agreement with Pulte Home Company, LLC Related to Proposed 2020 (2021) Bonds was approved in substantial form.

SEVENTH ORDER OF BUSINESS

Consideration of Acquisition Agreement with Lennar Homes, LLC Related to Proposed 2020 (2021) Bonds

Mr. Flint: This is the same agreement but with Lennar Homes, LLC. We need a motion to approve that agreement in substantial form.

On MOTION by Mr. Vidrine seconded by Mr. Dowd with all in favor the Acquisition Agreement with Lennar Homes, LLC Related to Proposed 2020 (2021) Bonds was approved in substantial form.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Attorney

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

Ms. Trucco: I have nothing else to report to the Board today. Thank you.

B. Engineer

Mr. Flint: Mr. Eric Warren unfortunately had a conflict. He does have a representative on the phone, but I don't believe there's any report from the District Engineer.

C. District Manager's Report

i. Approval of Check Register

Mr. Flint: The Check Register in your agenda package was for the General Fund and payroll totaling \$17,756.48. The detailed Check Register is behind the summary. If there are any questions, we can discuss those. If not, I would ask for a motion to approve the Check Register.

On MOTION by Mr. Vidrine seconded by Mr. Dowd with all in favor the Check Register from August 25, 2020 through September 28, 2020 in the amount of \$17,756.48 was approved.

ii. Balance Sheet and Income Statement

Mr. Flint: We have the Unaudited Financials through August 31st. No action is required by the Board, but if there any questions, we can discuss those.

iii. Amenity Manager's Report

Mr. Flint: Marcia?

Ms. Calleja: Good morning everybody, after a very successful opening at the Tohoqua Residents Club, I'm proud to present that we issued most of the access cards to the residents. There are just a few that we haven't issued yet. Everything is working and up and running. They recently finished the pergolas that they were installing the last two weeks. They just have to do some cleanup work. They are installing signs throughout the community leading people to the Resident's Club. They just put some in the front yesterday that says, "Clubhouse" and "Fitness Center." It's really coming together beautifully. The residents are complimenting us. Complimenting how beautiful the facilities are. So, it has been pretty great. I sent over some pictures of the first few people that we had at the Amenity Center. Again, there were very happy

residents. We were able to sit down and speak with them and go over some of the rules and how it works. Lastly, after sitting down with so many residents, they had some questions for the developer. So, I just wanted to bring that up to your attention today. The first concern that we had was whether we could extend the gym hours, but now that we are in Phase III, after discussing with George, we did go to full hours, which is 4:30 a.m. to 11:00 p.m. So now those complaints should disengage. Another question that some of the residents had for us also is that they like to come to the gym and bring their children. They just want to see if there would be a consideration to add a little area where their kids could play. I don't see that there's a lot of space for that, but I did tell the resident that I would bring it to the Board's attention. I didn't know if you wanted to comment on that at this time.

Mr. Flint: Marcia, I think we can get with Andre and go through these issues rather than having the Board handle it. If you have concerns, so the Board is aware, we can let them know and try to resolve those. As far as any negative concerns, we request that residents bring those to our attention and we can discuss it with the Board. That's no problem. Overall, everyone is very happy.

Mr. Flint: Good. Are there any comments or questions from the Board?

Mr. Vidrine: You did a good job of bringing this all together. It was a lot of work on everyone's part. We appreciate staff and everyone involved.

Ms. Calleja: Thank you.

Mr. Flint: Thank you, guys.

NINTH ORDER OF BUSINESS

Other Business

Mr. Flint: Is there any other business the Board would like to discuss that was not on the agenda? Hearing none,

TENTH ORDER OF BUSINESS

Supervisors Requests

Mr. Flint: Is there anything else from the Board? Hearing none,

ELEVENTH ORDER OF BUSINESS

Adjournment

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

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



Secretary / Assistant Secretary



Chairman / Vice Chairman