

**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 1, 2022** at 9:00 a.m., at Tohoqua Amenity Center, 1830 Fulfillment Drive, Kissimmee, Florida.

Present and constituting a quorum:

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|---------------|---------------------|
| Andre Vidrine | Chairman |
| Marcus Hooker | Vice Chairman |
| Rob Bonin | Assistant Secretary |

Also present were:

| | |
|---------------------------------|-------------------|
| George Flint | District Manager |
| Jeremy LeBrun | GMS |
| Kristen Trucco | District Counsel |
| Jay Lazarovich | 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: We just have Board Members and staff.

THIRD ORDER OF BUSINESS

Organizational Matters

A. Acceptance of Resignation of James Dowd

Mr. Flint: We received a resignation from Mr. James Dowd. It is in your agenda package. We need a motion to accept the resignation.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the resignation of Mr. James Dowd was accepted.

- B. Appointment of Individual to Fulfill the Board Vacancy with a Term Ending November 2023**
- C. Administration of Oath of Office to Newly Appointed Supervisor**
- D. Consideration of Resolution 2022-06 Electing an Assistant Secretary**

Mr. Flint: Any time a vacancy occurs during the term of a Board Member’s seat, the remaining Board Members appoint the replacement. Jim’s seat expires in November of 2023. Are there any nominations at this time to fill the vacancy? If not, we will just carry this item over to the next Board meeting and you can continue to operate with four Board Members. Not hearing any nominations, we will defer action on the items under Section 3.

FOURTH ORDER OF BUSINESS

Approval of Minutes of the April 6, 2022 Board of Supervisors Meeting

Mr. Flint: Did the Board have any comments or corrections to those minutes?

Mr. Vidrine: No questions.

Mr. Flint: Then we need a motion to approve.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the Minutes of the April 6, 2022 Board of Supervisors Meeting were approved as presented.

FIFTH ORDER OF BUSINESS

Ratification of Requisitions

- A. Series 2021 (4A/5A Project) Requisition #6**

Mr. Flint: We have a couple of requisitions to ratify. The first one is for the Series 2021 4A/5A Project, Requisition #6. It is in your agenda package. This is to reimburse Pulte Home Company LLC (Pulte) for improvements that the District acquired. It is in the amount of \$1,675,691.38. This has been reviewed by District Counsel and signed by the District Engineer. The version in your agenda package has not been signed by the District yet, but it has been reviewed and is ready to go.

Ms. Trucco: You may recall also that there are conveyance documents for these two phases, these two plats that were previously provided for. This is just the formal requisition in your agenda package for your recommendation.

Mr. Vidrine: Great.

Mr. Flint: We need a motion to ratify Requisition #6.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor Requisition #6 for the Series 2021 Phase 4A/5A Project as stated above was ratified.

B. Series 2022 (Phase 2) Requisition #9-#10

Mr. Flint: Requisitions #9-#10 are for the Series 2021 Phase 2 Project. Requisition #9 is in the amount of \$225 for Poulos & Bennett and Requisition #10 is with Poulos & Bennett in the amount of \$165. We need a motion to ratify these requisitions.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor Requisitions #9-#10 for Series 2022 (Phase 2) as stated above was ratified.

SIXTH ORDER OF BUSINESS

**Consideration of Resolution 2022-07
Approving the Conveyance for Series
2021 (Phase 2) Bonds, Requisition #11 -
ADDED**

Mr. Flint: We added this item to the agenda. I will turn this over to Kristen because she has been working with Lennar and the District Engineer on the conveyances associated with this requisition.

Ms. Trucco: Just as George noted, this is Requisition #11, not #2 for the Series 2021 Phase 2 bonds. We will make that revision to this resolution. Basically we were notified last week that these tracts were ready and Eric prepared and is finalizing Requisition #11 for Lennar’s Phase 2 Series 2021 bonds. In conjunction with that, we prepared conveyance documents for real property tracts and infrastructure improvements that are completed and ready to be conveyed to the District. You have seen this form of resolution before. This is just approving conveyance documents as part of this requisition. Again, this is for real property tracts in Phase 2 and also infrastructure improvements that are ready to be conveyed to the District. So, I will just briefly go through the conveyance documents that are attached to the resolution. We have a Special Warranty Deed. This is the document that actually transfers the real property from the developer to the District. There is also a Bill of Sale. That document transfers infrastructure

improvements from the developer to the District. Then we have an agreement regarding taxes and an Owners Affidavit. Those are documents that are basically contracts between the developer and the District stating that there are no outstanding taxes or encumbrances that would hinder the ability of the District to own and maintain those real property tracts and infrastructure improvements. Lastly, there is a Certificate of the District Engineer, which is required under the initial bond documents including an Acquisition Agreement. There is a requirement that the District Engineer certify to the District that all of the real property tracts and improvements being conveyed were contemplated to be conveyed in accordance with the original development plans in his Engineer's Reports and that they meet our standards for acceptance. Right now we are ordering the title of these tracts and are just waiting for Matt to come back to confirm that there are no encumbrances, but we don't anticipate that there will be an issue with that. We will probably have that back by the end of the week. Once we have the District Engineer sign off on it and Board approval, we will go ahead and forward it. If you have any questions, we can try to answer them. Otherwise, we are just looking for a motion to approve.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor adopting Resolution 2022-07 Approving the Conveyance for the Series 2021 (Phase 2) Bonds was adopted.

Mr. Flint: Part of that same item is Requisition #11, which is behind the resolution. Poulos & Bennett prepared a report documenting the requisition. It is in the amount of \$1,577,365.25. We need a motion to approve Requisition #11.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor Requisition #11 for the Series 2021 Phase 2 Bonds as stated above was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2022-05 Approving the Proposed Budget for Fiscal Year 2023 and Setting a Public Hearing

Mr. Flint: The Board is required to approve a Proposed Budget each year by June 15th and set the date, place, and time for the public hearing for final adoption. Resolution 2022-05 proposes the public hearing date for August 3, 2022 at 9:00 a.m. at this location. Exhibit A,

attached to the resolution is the proposed budget. The budget is not binding on the Board. It's the start of the budget process. The actual adoption of the final budget would be at your August meeting, at the public hearing. The proposed budget in your agenda package, does not include any change in the per unit assessment amounts. We added additional phases that have been platted since the last adoption that are anticipated to be platted prior to the start of the fiscal year. I think the only phase that is not in here is Phase 8. Is that correct?

Mr. Scheerer: Yes sir.

Mr. Flint: As far as a per unit assessment amount, we have all of the other phases identified. Phase 8 would fall under the developer contribution part of the budget. The budget also anticipates the approval of the de-annexation of the commercial and apartments. We have taken the commercial and apartments out of here on the revenue side and included a cost share revenue. We still need to work on that aspect of this budget to make sure that we have good numbers. But it's anticipated that although those areas would be removed from the District, they would continue to participate in the cost of the operation and maintenance (O&M) of the stormwater and landscaping that they are benefitting from. So, I think that the number on the cost share is probably too low in this Proposed Budget. It's something that we will need to continue to work on and review going into August. If you have any questions on the budget we can discuss those, otherwise, we have time between now and August if you want to get together and go over it in more detail. We can do that offline as well. Are there any questions or comments at this point?

Mr. Vidrine: No questions.

Mr. Flint: Hearing no questions, we need a motion to approve Resolution 2022-05.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor Resolution 2022-05 Approving the Proposed Budget for Fiscal Year 2023 and Setting a Public Hearing for August 3, 2022 at 9:00 a.m. at this location was adopted.

EIGHTH ORDER OF BUSINESS

Ratification of Sidewalk Easement Agreement for Lot 134

Ms. Trucco: Pulte's counsel prepared this sidewalk easement. Attached to the easement is Exhibit A, which is a good picture to explain what is going on. There's an alley. You will see L2 next to this future private residential Lot 134. That alley is going to be owned and maintained by

the City of St. Cloud. Tract C is owned and maintained by the CDD. Really, we have no way to access our tract for ownership and maintenance if we weren't granted an easement. So, developer's counsel drafted this sidewalk easement. This is the same form of agreement that you have previously seen, which was drafted by the same attorney. Basically, this is going to give us the right to use that sidewalk in order to access Tract C. Otherwise, we do not have access. If you have any questions, I can try to answer them, but this is just a standard Sidewalk Easement Agreement so we can access the tract that we own and maintain.

Mr. Flint: Didn't we do this on another tract?

Ms. Trucco: We did, on Tract 115. It is the exact same form of easement that was approved for Lot 115 where had the same situation. We just needed access to a tract that we own and maintain.

Mr. Vidrine: This is standard stuff.

Ms. Trucco: It is great to do this in advance as a precautionary measure rather than 10 years from now, which we are dealing with in another CDD. This is actually a great precautionary measure that Pulte has taken. If this looks okay to you guys, we will just ask for a motion to ratify.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the Sidewalk Easement Agreement for Lot 134 was ratified.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Flint: Kristen, do you have anything?

Ms. Trucco: The only update is that we are continuing to iron out the details for the future contraction in this District. We will keep the Board updated as that progresses. Then we will be working on finalizing this 11th requisition with Lennar for the Phase 2, Series 2021 bonds. That is all that I have, unless anyone has any questions for me.

Mr. Flint: Okay.

B. Engineer

Mr. Flint: Eric, do you have anything new? The Board approved Requisition #11. Do you have anything else to report?

Mr. Warren: I didn't see it on the agenda. So that was approved?

Mr. Flint: Yeah. We added a resolution and that requisition to the revised agenda.

Mr. Warren: Okay. I have nothing new. I'm just working with everyone on seeing that one through. If you have any questions, I'm here.

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

C. District Manager's Report

i. Approval of Check Register

Mr. Flint: You have the Check Register for March 30, 2022 through April 26, 2022 for the General Fund, Check #485 through #502 totaling \$51,622.33. The detailed register is behind the summary. If the Board has any questions, we can discuss those. If not, I 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 March 30, 2022 through April 26, 2022 in the amount of \$51,622.33 was approved.

ii. Balance Sheet and Income Statement

Mr. Flint: We also have the unaudited financial statements through March 31st. It includes the combined Balance Sheet and the Statement of Revenues and Expenditures for the General Fund and Debt Service Fund as well as a month-to-month for your General Fund revenue and expenses, assessment receipt schedule, and long-term debt summary. If there are any questions, we can discuss those. We are just about 100% collected on our on-roll. We collected \$380,000 of the \$387,000 that were placed on the Tax Bills for collection. As of March 31st, we hadn't submitted any Funding Requests under the developer contribution portion and we direct billed \$439,000 of the \$668,000 that has been paid. On the expense side, our actuals are under our pro-rated for both Admin and O&M at this point. Are there any questions on the financials? Hearing none,

iii. Amenity Manager's Report

Ms. Diaz: Good morning. The playground on Cross Prairie Parkway has been repaired and is fully functional. Our new doggie pot was installed by the CBUs on Cross Prairie Parkway. New napkin dispensers were installed in the handicap restrooms. A new Amenity Facility

Attendant was hired for weekends and holidays. A new clock was installed in the pool area. There were two Clubhouse rentals in April and two in May. There is a recap of the events from April and May. At the end of the school year Ice Cream Social, we had 61 students that participated on Friday. The rest were distributed on Monday around people that were in the pool area. You will find pictures of the events held in April. We had the Health and Fitness Seminar, Happy Hoppy Easter and the Mother's Day Sip & Swirl. They had a blast. Pictures were included for these events. We couldn't include pictures of the Ice Cream Social because the report was sent before Friday. Are there any questions?

Mr. Flint: It looks great. A lot of mothers participated. The gym usage was high.

Ms. Diaz: It was over 1,000.

Mr. Flint: The pool usage is trending up going into the summer with the warmer weather. Are there any questions for Larissa? Hearing none,

iv. Field Manager's Report

1. Consideration of Pond Maintenance Proposal

Mr. Scheerer: Included in your agenda package are a couple of proposals. One is for Sunshine Land Management. We had a walk with Pulte two weeks ago. They wanted to turn over Ponds 6 and 17 in Phase 4. We had a minor punch list with them. Those items have since been corrected. The ponds have been mowed and cleaned up. They look really good. Included in your agenda package from Sunshine Land Management is the monthly fee of \$240 per month for aquatic maintenance and trash pickup. We are handing out a map. I tried to get it into the agenda package. We are seeking approval for the two ponds that are circled, Ponds 6 and 17, so we could add these two ponds to our aquatic maintenance list.

Mr. Vidrine: That makes sense.

Mr. Flint: Are there any questions for Alan on the proposal?

Mr. Scheerer: We have another proposal for landscaping.

Mr. Flint: Kristen, can we get an addendum to the existing agreement?

Ms. Trucco: I need the conveyance documents for those two ponds.

Mr. Flint: Yes, if we have accepted them.

Ms. Trucco: We will confirm it. This is for Phase 4?

Mr. Scheerer: Phase 4. The Phase 5 pond is not ready for turnover, but they are still allowing it to be done.

Ms. Trucco: Okay, so its Ponds 6 and 17.

Mr. Scheerer: Yes, the two that are circled. Kristen, I can give you a clean map. I can mail it to you if you want.

Ms. Trucco: That's okay.

Mr. Scheerer: Those are the only two that we've been asked to take over the maintenance of.

Ms. Trucco: Okay. Sounds good. Thank you.

Mr. Flint: Alright. We need a motion to approve the Sunshine Land Management proposal for Ponds 6 and 17.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the proposal with Sunshine Land Management for aquatic maintenance of Ponds 6 and 17 in the amount of \$240 per month was approved.

Mr. Scheerer: These are in the budget, already.

2. Consideration of Landscape Maintenance Contract

Mr. Scheerer: A follow up is a proposal from United Land Services. Also on that map, you'll notice two areas highlighted that say, "*MEW 1 and 3.*" They are not identified as such anywhere, but that's how they identified it. There are actually 3 MEWs, which are common area greenspace in between the townhomes. Included in the agenda package, is the landscape maintenance proposal from United Land Services for the same two ponds, 6 and 17 and MEWs 1 and 3, at a cost of \$2,547 per month. This is in our current budget and in the budget going forward. There will be some additional ponds, obviously, that will be coming in later, but we are seeking approval so we can go ahead and start mowing in these four locations. These were walked with Mr. Jay Robins and his team at Pulte at the same time. Jay is on vacation for the next week, but he was involved and one of his assistants along with the landscape contractor, Central Florida Landscaping. Again, these were all budgeted items. We are just seeking approval, so we can continue the maintenance.

Mr. Flint: We need a motion to approve the United Land Services proposal for Ponds 6 and 17 and MEWs 1 and 3.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the proposal with United Land Services for Ponds 6 and 17 and MEWs 1 and 3 in the amount of \$2,547 per month was approved.

Mr. Scheerer: Just another follow up, Mark and I talked a couple of months ago about the palms on the pool deck. He recommended Palm Boss. Palm Boss has been servicing the palms since July 20, 2020. They have been coming out quarterly doing some antibiotic injections to hopefully stave off the lethal bronzing issue. We are still having problems with these palms. They were here in July and November of 2020, February, April, July and October of 2021 and January and May of 2022. We are still having issues with these palms and they think it is now drainage related. So, I am working with United Land Services and Palm Boss on that to see if there is anything else that we can do to try to improve the palms. If not, they are recommending replacement with a different species of palm. We have also done some core samples on old palms that look terrible. They have been sent over to UF for their evaluation and we are waiting on the results of that.

Mr. Flint: It looks like the Sabals are fine.

Mr. Scheerer: Yeah.

Mr. Flint: Is that a Medjool?

Mr. Scheerer: It's a Sylvester. There are four Sylvesters out there that are not performing at all. Based on the notice that I received, their recommendation is to ensure adequate drainage and maybe some soil replacement. Should the palms be replaced, they are recommending a different species of palm.

Mr. Vidrine: What species?

Mr. Scheerer: Probably the Sabal Palm. They are doing well in the same location.

Mr. Flint: They haven't been susceptible to the same lethal bronzing yet.

Mr. Scheerer: We are getting ready to do some bed dressing along Cross Prairie West and Tohoqua Boulevard. Cross Prairie East is recent and within the next couple of weeks, United Land Services indicated that they want to do a walk through and turnover of Phase 6.

Mr. Vidrine: Bring the landscape plans and counts.

Mr. Scheerer: Yes, sir. Of course. There are landscape plans and irrigation as-builts. United Land Services does a really good job with theirs. They already have a program in place

that tracts everything. All they have to do is point and click. So, I think that we are good to go with that. We will make sure that's all part of the turnover. There are currently some issues out there with construction traffic running over the peanut beds. We have a lot of peanut over there. So, we will just walk it whenever they make whatever corrections are necessary. I don't think that the meter has been set. They have been irrigating through a fire hydrant right now, but it will be connected to the baseline located at Neptune and Tohoqua Boulevard.

Mr. Vidrine: Okay.

Mr. Scheerer: If you have any questions, I would be happy to answer them for you.

Mr. Vidrine: Great. Thank you.

Mr. Scheerer: Thank you.

TENTH ORDER OF BUSINESS

Other Business

Mr. Flint: That was all we had on the agenda. Was there anything else that the Board wanted to discuss that wasn't on the agenda?

Mr. Vidrine: No.

Mr. Flint: Is there anything else from staff?

Mr. Warren: George, I have one more item to update everybody on. We are working on that 20-year Stormwater Maintenance Report that's due by the end of the month.

Mr. Flint: Correct. Do you have a timeframe?

Mr. Warren: I hope to have a draft. I need to get with you separately, George, on a couple of things. Hopefully, I will have a draft in the next few weeks.

Mr. Flint: Give us some time to give you the financial information. If you need something from us, let us know.

Mr. Warren: Exactly. I hope to have a draft by the end of next week.

Mr. Flint: Okay. Sounds good.

ELEVENTH ORDER OF BUSINESS

Supervisors Requests

Mr. Flint: If there is nothing else from the Board, we need a motion to adjourn.

TWELFTH 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