

**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, **May 3, 2023** at 9:00 a.m. at Tohoqua Amenity Center, 1830 Fulfillment Drive, Kissimmee, Florida.

Present and constituting a quorum:

Andre Vidrine  
Marcus Hooker  
Rob Bonin

Chairman  
Vice Chairman  
Assistant Secretary

Also present were:

George Flint  
Kristen Trucco  
Eric Warren (*via phone*)  
Alan Scheerer  
Marcia Calleja  
Larissa Diaz

District Manager  
District Counsel  
District Engineer  
Field Manager  
CALM  
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**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 here.

**THIRD ORDER OF BUSINESS**

**Approval of Minutes of the March 1, 2023  
Board of Supervisors Meeting**

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

Mr. Vidrine: No.

Mr. Flint: We need a motion to approve them.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the Minutes of the March 1, 2023 Board of Supervisors Meeting were approved as presented.

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-08  
Approving the Fiscal Year 2024 Proposed  
Budget and Setting a Public Hearing**

Mr. Flint: Each year the Board is required by June 15<sup>th</sup> to approve a proposed budget and set the hearing date. We are recommending your August 2<sup>nd</sup> Board meeting at 9:00 a.m. at this location, for the public hearing. Exhibit 'A' attached to the resolution is the proposed budget. I apologize for lateness of it going out, but we were working on it as late as last night. It's still a work in progress, but it's not binding on the Board. It's the start of the budget process. So, you'll have an opportunity to make changes and modify this between now and at the Public Hearing in August. If there was any proposed increase in the per unit assessments, we would need to know that early enough to be able to do the mailed notice and advertising that is required for an assessment increase. Right now, the per unit amounts would remain the same, but there will be some adjustments on the revenue end, the expense side. Right now, we just balanced the budget with the developer contribution line, but we expect that there will be some changes in the assessment revenue and also some reductions on the expense side. The Phase 8 expenses are in there, but we don't believe those will be coming on until later in Fiscal Year 2024. Probably no homes will be closed in 2024. If they are, they would be very late in the fiscal year. So, our plan would be in Phase 8, to just assess the pro-rated portion of the admin cost of Phase 8. Regarding the commercial area and apartments that we're in the process of de-annexing, right now we don't have any revenue in here associated with those. If they remain in the District, there would be assessment revenue. If they are out of the District, there's going to be a Cost Share Agreement. Right now, we don't have anything in here associated with that and we'll need to be adding that in. So, there are some adjustments. Today, we're just trying to comply with the obligation of approving a Proposed Budget and setting the Public Hearing. Then we can refine these numbers in the next three months. Are there any questions on the resolution or the budget? If not, we need a motion to approve Resolution 2023-08.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor Resolution 2023-08 Approving the Proposed Budget for Fiscal Year 2024 and Setting a Public Hearing for August 2, 2023 at 9:00 a.m. at this location was adopted.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-09  
Extending Terms to Coincide with the  
General Election**

Mr. Flint: Resolution 2023-09 extends the terms of office for the Board Members. The CDD was created in an odd numbered year and the State encourages the terms of office to be in even numbered years, because eventually these seats will transition to General Election. There will be a General Election process every two years in November on even numbered years. We have three seats that would be coming up this November, Rob's Chris' and John's. This resolution extends the terms of all five seats forward to even numbered years. So, instead of those seats coming up in November of 2023, they come up in November of 2024. Then two seats that would be up in November of 2026 instead of November of 2025. In essence, it gives an extra year of control by the landowner because of the landowner election process. I might have stolen your thunder, Kristen. Do you want to add anything else?

Ms. Trucco: No. You covered it perfectly. You are permitted under the Florida Statutes, to extend Board of Supervisor terms. We're just extending the terms to coincide with the General Election.

Mr. Vidrine: Great.

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. Hooker with all in favor Resolution 2023-09 Extending Terms to Coincide with the General Election was adopted.

**SIXTH ORDER OF BUSINESS**

**Ratification of Series 2022 Requisition #1**

Mr. Flint: We have two requisitions to be ratified. Requisition #1 is for the Phase 3/6 bond issue. The first requisition is Requisition #1 with Poulos & Bennett for their time in putting together the requisition and all of the associated work. It is for \$7,285. We need a motion to ratify Requisition #1.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor Requisitions #1 for Series 2022 was approved.

**SEVENTH ORDER OF BUSINESS**

**Ratification of Series 2022 Requisition #2**

Mr. Flint: The next one is Requisition #2. At your last meeting, you approved Resolution 2023-06, authorizing the conveyances and items necessary to process this requisition. However, we originally referred to Requisition #1 in that resolution. Because of the delay in processing that requisition, in the meantime, we processed this other payment as Requisition #1.

**A. Acceptance of Amended Resolution 2023-06**

Mr. Flint: You have an amended Resolution 2023-06. The only change is to change the reference from Requisition #1 to Requisition #2. The first item would be ratifying Requisition #2. The report is in your agenda. Mr. Eric Warren is on the phone if you have questions. It's for \$984,235 to reimburse impact fee payments.

Mr. Warren: It's the reimbursement of costs associated with the reclaimed water main, sewer main and storm sewer located within the City of St. Cloud public right-of-way (ROW).

Mr. Flint: Okay.

Mr. Warren: It also included some Bill of Sales from Lennar to the CDD and from the CDD to the city.

Mr. Flint: There's a very extensive report attached to the requisition. Are there any questions? It will be sent to the Trustee today to be funded. Are there any questions on the requisition?

Mr. Vidrine: No questions.

Mr. Flint: Is there a motion to ratify Requisition #2?

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor Requisition #2 for Series 2022 was approved.

Mr. Flint: Kristen, the only change to Resolution 2023-06 is changing the reference from Requisition #1 to Requisition #2.

Ms. Trucco: Exactly.

Mr. Flint: We need a motion to approve the amended Resolution 2023-06.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor Resolution 2023-06 Approving the Conveyance of Improvements Relating to Phase 3/6 for the Series 2022 Bonds (Phase 3/6 Project) Requisition Number 2; Approving All Documents to Effectuate Such Conveyance and Providing for Severability and an Effective Date was adopted.

**EIGHTH ORDER OF BUSINESS**

**Presentation of Series 2021 Phase 2 and Series 2021 Phase 4A/5A Arbitrage Rebate Calculation Reports**

Mr. Flint: We have the Arbitrage Rebate Calculation Report for the Series 2021 bonds for the Phase 2 project dated March 5, 2021 and for the Phase 4A/5A project dated March 19, 2021. We are required to do this calculation under the IRS to ensure that we are not earning more interest than we are paying. You can see for the Phase 2 bond issue, we have a negative rebatable arbitrage of \$91,862, which means there is no arbitrage issue. For the Phase 4A/5A bond issue, we have negative arbitrage of \$97,037. Are there any questions on those reports? If not, we need a motion to accept them.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the Arbitrage Rebate Calculation Reports for Series 2021 Phase 2 and Series 2021 Phase 4A/5A were approved.

**NINTH ORDER OF BUSINESS**

**Ratification of Easement Agreement for Tract C Stormwater for Pool Construction**

Mr. Flint: We had a homeowner that is constructing a pool. This is an easement that allows them to cross some CDD property. We have done this before with other homeowners. It's a standard easement and provides some protections to the CDD. It requires them to repair anything that might be damaged and restore the area to the extent that there is damage to the sod, sidewalks or curbs. There's also some indemnification language in here that protects the District. I signed this last month because of them needing to get underway with their construction and I'm just asking the Board to ratify it. Are there any questions?

Mr. Vidrine: No questions.

Mr. Flint: Then we need a motion to ratify it.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the Easement Agreement for Tract C Stormwater for Pool Construction was approved.

**TENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Flint: Kristen?

Ms. Trucco: I'll be quick. I don't have any updates for the Board, but I can confirm that we are moving forward with the petition for contraction and expansion. We are pretty much there. We got all of the exhibits and the petition together and are ready to move forward with filing it, probably within the next month. I need some signatures from the Chairman, but otherwise, we are moving forward with it.

Mr. Vidrine: That's great.

Ms. Trucco: That's all I have for today.

**B. Engineer**

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

Mr. Warren: I don't have anything additional, unless there are any questions for me.

Mr. Flint: Are there any questions for Eric? I don't see any, Eric. I appreciate it.

**C. District Manager's Report**

**i. Approval of Check Register**

Mr. Flint: You have the Check Register from February 1, 2023 through March 31, 2023 for the General Fund, Checks #658 through #702 in the total amount of \$182,934.44. The detailed register is behind the summary. If the Board has any questions, we can discuss those. 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 February 1, 2023 through March 31, 2023 in the amount of \$182,934.449 was approved.

**i. Balance Sheet and Income Statement**

Mr. Flint: You have the Unaudited Financials through March 31<sup>st</sup>. If the Board has any questions, we can address those. No action is required by the Board.

**ii. Amenity Manager's Report**

Ms. Diaz: Good morning. Four Palm trees were replaced on the pool deck. A new pool access gate was installed at the gym building. Five new doggie pot stations were installed around the community. Additional security cameras were installed in the Amenity Center. Additional wildlife signs were installed due to a high volume of gator complaints. You will also see the events recap for March and April and events schedule for May as well as the pool usage for the last three months and pictures of the March and April events. Are there any questions?

Mr. Vidrine: It looks like you get more and more people every time.

Ms. Diaz: Yeah.

Mr. Vidrine: That's great.

**iii. Presentation of Number of Registered Voters – 812**

Mr. Flint: We have 812 registered voters and have tripped the 250 registered voter requirement. The other requirement is for the District to be in existence for six years. The District was created in 2017, so we tripped the six years and 250 voters. Based on the resolution that you just approved, the first two seats will transition to General Election in November of 2024. They would have transitioned this year, but we pushed that to an even number year; two more seats will transition in 2026 and the last seat in 2028. No action is required by the Board.

**• Field Manager's Report - Added**

Mr. Flint: Alan, do you have a Field Manager's Report?

Mr. Scheerer: Yeah. If everybody has not met Chris with GMS, he is in the back. He has been doing a great job assisting me with day-to-day inspections on the property and meeting with vendors as needed, if I can't make it. He's doing a really good job and I want to recognize him for that. As Larissa said, the Palm trees were replaced on the pool deck. We've been going through a full audit of all the plant material in the community. We replaced+ peanut on the end caps in Cross Prairie East and some other plants throughout the main entrance on Tohoqua Boulevard, around the Amenity Center and playground areas. Today the mulch company is beginning their bed dressing installation. We're starting on Tohoqua Boulevard up to Cross Prairie Parkway. We are going to move into the playground areas and replenish playground mulch as well. The Amenity Center will be done. The Phase 2 areas will be done. That will happen over the course of the next few days, maybe a week and then we will start on Cross

Prairie Parkway to the west and we'll get those. Irrigation repairs are ongoing. We renewed the subscription that we have with Baseline to continue our remote monitoring. We have some sod replacement along some medians in Phase 2 that suffered from high ph. That's being treated right now. We are going to do a supplemental sulfur application for that particular median in question, probably within the new two weeks. We have done a full and pest application along with some turf weeds. I just confirmed with United Land that on Thursday and Friday, they are going to do another weed treatment throughout the community. As a note, we are still needing the Phase 6 street trees, between the sidewalk and curb. We also need the pergola. I know that Marcus indicated that there was a permitting issue.

Mr. Hooker: It is happening.

Mr. Scheerer: We're still dealing with construction damage in Phase 6. I sent some pictures to Juan yesterday. Maybe Lennar can put up their, "*No Parking*" sign. The problem is they park on the house side and traffic is going around cars. So, we may need to revisit that later on, once everything is done and you guys are out of there and get some plants replaced there and some more sod. We're dealing with the same thing in Phase 4 with Pulte. I will be working with Jeff. He's pretty reasonable. It's a high traffic area, obviously, but we are getting some overlap from some of the construction vehicles in there. Chris and I will be reviewing all of the street trees in the community for sizing in some of these new areas, just to make sure that we have an understanding of what the basic size is, whether its 2 inches or 3 inches, between the sidewalk and the curb. We'll be going through and auditing all of the street trees in the community as well. Other than that, we had an algae problem in the Phase 2 pond. It looks like they have that under control for right now. We are grateful for Mother Nature and her rain.

Mr. Hooker: Send me pictures of anything that is damaged like the trees.

Mr. Scheerer: Okay. I haven't been including her.

Mr. Hooker: Absolutely put her on.

Mr. Scheerer: I would be happy to deal with her.

Mr. Hooker: If she has a question, she can deal with me, but she is my accuracy person.

Mr. Scheerer: Okay.

Mr. Hooker: In addition to Juan. It is kind of whoever can get there first, but she would most likely be dealing with it.

Mr. Scheerer: Have you indicated to her what is happening?



Mr. Hooker: Yes. We are constructing it. We should be starting this month.

Mr. Scheerer: Okay. Perfect. We'll keep an eye on that. Other than that, I think the place looks a lot better. The bed dressing is going to help. The new plants are going to help. The rain helps keep the irrigation consistent. So, we'll just stay on top of that.

Mr. Flint: There are some weeds in the turf.

Mr. Scheerer: That's what I talked about. On Thursday and Friday, they are doing another application.

Mr. Vidrine: Thank you for your inspections and staying on top of it. As we move through cycles of construction, it ebbs and flows.

Mr. Scheerer: I appreciate your input, Mark's as well. That keeps us on task and keeps our perspective where it needs to be. The community is getting huge. Thank you all very much.

Mr. Hooker: Thank you.

Mr. Flint: Are there any questions for Alan or amenity staff? Hearing none,

**ELEVENTH ORDER OF BUSINESS                      Other Business**

Mr. Flint: Are there any other items that the Board wanted to discuss that was not on the agenda? There being no comments, the next item followed.

**TWELFTH ORDER OF BUSINESS                      Supervisors Requests**

Mr. Flint: Are there any Supervisors Requests? Hearing no comments, we need a motion to adjourn.

**THIRTEENTH 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