

**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, **March 5, 2025** 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
Asif Qureshi	Assistant Secretary
Terry Knight	Assistant Secretary

Also present were:

George Flint	District Manager
Kristen Trucco	District Counsel
Stephen Saha	District Engineer
Alan Scheerer	Field Manager
Chris Horter	GMS
Marcia Calleja	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: Next is the public comment period. We just have the Board Members and staff in attendance.

THIRD ORDER OF BUSINESS

**Approval of Minutes of the December 4,
2024 Board of Supervisors Meeting**

Mr. Flint: Next is the approval of the minutes of the December 4, 2024 Board of Supervisors meeting. Did the Board have any comments or corrections to the minutes? Hearing none, we need a motion to approve them.

March 5, 2025

Tohoqua CDD

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor the Minutes of the December 4, 2024 Board of Supervisors Meeting were approved as presented.

FOURTH ORDER OF BUSINESS**Discussion of Amenity Policy Violation
and Consideration of Amenity Privileges,
Suspension and Restitution of Costs**

Mr. Flint: Item four is the only business item that we have, which is related to an Amenity Policy violation that occurred, that requires the Board to consider an action related to that. So, I'll let Marcia give a summary of incident and then Kristen can give a summary, as a result of reviewing the facts and our Rules of Procedure, of what the recommended action would be as a result. Then the Board can discuss that. If you have any questions or don't agree with the recommendation, the Board can discuss that as well. Marcia?

Ms. Calleja: So, on Monday, February 10th, it was observed over by the barbecue grills inside of our gates, that several tables were turned over, one of which was actually damaged. An empty bottle of liquor was also found on scene, as well as trash thrown throughout the area. We went back and checked the security camera and were able to observe that a group of young men were hanging out in that area, starting from about 2:00 p.m. until about 8:30 p.m. The pool closes at 6:00 p.m., so they were also there past the time allowed. We were also able to track back the access card that was used to enter the facility, with the excessive amount of guests and we were able to track it back to a property owner. A violation letter was sent to them.

Mr. Flint: It was a renter and the letter was sent to the renter and the owner.

Ms. Trucco: Yes, that's correct. Based on that information, we reviewed the current Amenity Policy that the CDD has right now. You can see that the District Manager has the power to immediately suspend access to the facilities, if there's a public safety, health or welfare concern or there's a concern that the District's property can be damaged. That was the step that GMS took. I certainly agree with that step. Then the next step was coming back to the Board, because the rules state that the decision of how to handle, the level of offense that we're going to categorize this incident as, is up to the Board to determine. So, in the rules, it sets the suspension and termination option, for the Board to consider today. Since the notice went out, I've had additional conversations with Marcia and GMS's team and it's occurred to me that at least three offenses occurred. Number one, it appears that there were more than four guests present and the

March 5, 2025

Tohoqua CDD

policy only allows for up to four guests. The guest must be accompanied by the resident or renter. It appears that has not occurred. Then as Marcia pointed out, the sign says that the pool closed at 6:00 p.m. through February. Based on the information that we've seen so far, it appears that they were there later than that. So, we think that constitutes at least three offenses. In the rules, it states that three offenses allow for automatic suspension of privileges for one week. A prior or written report will be created, signed by the patron and guests and kept on file at the Tohoqua Clubhouse. If there's another incident with more offenses, we could potentially look at a fourth offense and the Board could suspend access privileges for up to one calendar year at that time. So, that's where we're at right now. We're still in the process of reviewing all of the evidence, but today, this was the most recent Board meeting to occur after the notice letter was sent out and that is the recommendation that we're making today, based on the rule language and evidence we're seeing so far.

Mr. Flint: I think the recommendation would be a week from this meeting, not a week from the incident. It would be approximately 30 days suspension in total. We probably don't want to go into a lot of the detail on the record, but there are some reasons why we're not recommending stronger penalties. We would like to see restitution for damage, but there are some reasons why we're limited in our ability to seek that and we're addressing those, which deals with camera location and that sort of thing.

Mr. Vidrine: So, 30 days, right?

Mr. Flint: It would be a week from today. I think their privileges were suspended on the 10th.

Mr. Calleja: Yes, that's correct.

Mr. Flint: So, in effect, that would be approximately 30 to 31 days. The renter did come in yesterday, the mother and father of the son who is 16?

Ms. Calleja: Yes.

Mr. Flint: And spoke with Marcia. They didn't feel comfortable coming to the meeting today, but as a result of the letter, they did come in and speak with Marcia. They conceded that their son was there, that he did bring guests, that he did leave early and his guests stayed. That's one of the violations, but they stopped short of conceding that they were responsible for any damage.

Ms. Calleja: Right.

March 5, 2025

Tohoqua CDD

Mr. Flint: So, we think this is the best that we can do right now. We are going to recommend that we review the Amenity Policies as part of the budget process, to see if we can tighten up this section of the rules.

Ms. Trucco: That's at the discretion of the Board. Just so you know, the Board can adopt amendments to that. There is a procedure that you have to file. There has to be public hearing, which we will advertise for, but we'll do that. It would be helpful now that we have more residents and there are some residents sitting on the Board, to get their feedback on how they would like that to be structured and the penalty process, so we tailor it more to the residents that are living here and the incidents that we see occurring.

Mr. Vidrine: Since I live here, I will deal with it more, but we're looking for some of your feedback as well.

Mr. Qureshi: I think 30 days is good actually, as a first offense, but I do believe that if we amend our policy, we have to be clear that it's the three strike rule, where after the third strike, they will be paying fines. I mean, if you have to go that far out, we can ask them to pay for punitive damages for what happened to our property, but for right now, I think 30 days sounds fair, but if they do this a second time, then obviously, we need to escalate that.

Mr. Vidrine: Yeah.

Mr. Flint: The fourth offense does give you the ability to go up to a year.

Mr. Vidrine: I like one year.

Mr. Flint: So, there are some things, I think, we want to look at in the rules, that give the Board a little more flexibility too. So, we'll discuss that one. I'm calling it a rule, but I think it was adopted as a policy. We may want to look at making it a rule, as it is a Board policy right now.

Ms. Trucco: But we did go through that public hearing process.

Mr. Flint: Oh, we did?

Ms. Trucco: Yeah. So, we're fully protected.

Mr. Flint: Okay, so it is a rule then.

Mr. Vidrine: The fact that they came and they acknowledged it and talked to you somewhat, I feel a little bit better about it. But we need to clamp it down. As soon as it starts to be allowed to have that happen, we need to enforce it.

March 5, 2025

Tohoqua CDD

Mr. Qureshi: Yeah, especially with the growth. There are going to be people who are not going to follow that. If you don't address that upfront, then five years from now, it will actually become a problem, because a policy was not put into place. I think it's the right time to put that policy in place and structure it that way, so that people understand. I firmly believe, this is only my belief, but when you start asking for money, people will listen. People will understand that this is serious business. We just cannot keep doing this, having people keep coming in and destroying our property, but I think after the first, second and third instance, we need to send them the notice that there's a hefty fine for that.

Mr. Flint: Yeah. I think we have some limitations on fining, but we can't seek restitution for damage.

Ms. Trucco: We can go through all of those options during that rule amendment process. We will talk about the enforcement of fees and what enforcement options for penalties the CDD has. My recommendation for this incident, is to go with the penalty that's set forth in your Amenity Policy, for the third offense. So, if. If the Board is comfortable with that, then we'll just need a motion directing staff to proceed in that manner.

On MOTION by Mr. Vidrine seconded by Mr. Hooker with all in favor directing staff to follow the Amenity Policy for the third offense for the violation that occurred at the Amenity Center was approved.

FIFTH ORDER OF BUSINESS

Staff Reports

A. Attorney

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

Ms. Trucco: The only other update is that we are continuing to monitor the Phase 8A lift station conveyance with the Tohopekaliga Water Authority (TWA), with Pulte and Pulte's counsel. That has not been finalized yet. My understanding is that the final plat was being considered this past week for finalization with the city. So, we'll keep you updated on that progress, but we're continuing to monitor that. We're also monitoring the Phase 7 plat conveyance to the CDD from Lennar Homes LLC. The District Engineer is confirming if all of those tracks that are platted to be owned and maintained by the CDD, are ready now to be conveyed to the CDD by deed. He's also preparing the requisition which he might go into a little

March 5, 2025

Tohoqua CDD

bit today. We're just monitoring those items, but other than that, there are no new legal items to report to you today.

B. Engineer

Mr. Flint: Alright. Stephen is there anything from the District Engineer?

Mr. Saha: No, other than the fact that I'm working on the requisition. I have most of the documents and the cost that I need. So, I'm finishing that up this week.

Mr. Flint: Okay. I drove through Phase 7 this morning and I think there are some things that need to be addressed before we process that requisition.

Ms. Trucco: Absolutely. Okay. We'll work together on it.

Mr. Saha: We're seeing the same thing.

Mr. Flint: I might be getting Phases 4C and 7 mixed up.

Mr. Saha: Phase 7 is right here and Phase 4C is the Pulte section.

Mr. Scheerer: I've been in communication with Pulte and Mr. Charlie Meyer as well as Lennar on Phase 7.

Mr. Flint: Okay. We need to get on that.

C. Field Manager's Report

Mr. Flint: Field Manager's Report. Alan?

Mr. Scheerer: Yeah. I just have a couple things and I know Chris has a few things. We touched on Phases 4C and 7. I have been in communication with both Lennar and Pulte on site conditions and expectations, prior to them trying to schedule a turnover meeting. So, they're aware of that. The large Oak tree in the back of the pool, has been removed and stump grinded. You probably didn't notice, because they did such a great job. I was very impressed with the work that Brightview did. It's obviously sad to see the tree go, but unless you've seen it, you don't even know it was there right now. So, it looks really good. We do have another Oak tree that we're monitoring. We touched base on that with you folks before. It has Ganoderma in it. So, we are monitoring the progress of that tree and we will be coming back at some point in time, with a proposal to have that tree removed, more than likely by Brightview, because they were actually the low bidder on this one and they provided us with a price. We're in the monitoring stages of that right now. I did have a conversation with Lennar. They cut in this sidewalk parallel to the Amenity Center and there are some grading issues that they need to resolve. So, I've

March 5, 2025

Tohoqua CDD

already talked with them. We actually had an in-house meeting at Lennar headquarters the other day and we touched base on a lot of things and obviously Tohoqua was one of them. We've been battling code enforcement, when it comes to shutting off our reclaimed water and our supply of irrigation water to the property. It's been off and on for days and weeks, but United Land has done a good job. We actually ran into some of the site supervisors out front, so we have an exchange of contact information with them. But we're continuing to monitor the irrigation as well. Budget season is coming up, so we'll be dealing with some budget stuff soon. I have an onsite meeting with Sunshine Land Management on Friday at 1:00 p.m., to make sure that we're capturing all of the stormwater ponds. I've also had two phone call meetings with United Land, just to make sure that they're doing site visits to see what was on plan. Actually, what's being built on site, so we have accurate landscape maintenance numbers as well. We've been dealing with some duckweed in the Phase 3 pond. It's gotten a lot better. They brought out a boat and sprayed that pond. They're coming back again tomorrow to retreat the pond. You'll see some of the algae starting to turn from a bright green to a more of a white color, which means it's been treated. They probably hit it with some copper sulfate, so that's in transition mode. We do have some rain coming later today, so hopefully that will beat down some of the stuff in the pond. Alligator weed in the Phase 5 pond, is something that we're continuing to battle. They'll be out again to spray that this week as well. I know Chris has a couple things to add.

Mr. Horter: Yeah, just a couple things. We're getting ready to schedule some mulch and pressure washing in the neighborhood. We've also done just some minor paver repairs around the pool deck and some plants were installed around the amenities as well. Does anyone have any questions?

Mr. Flint: What is the status of the new amenity?

Mr. Scheerer: The new amenity, according to Pulte Homes, is within 30 to 60 days. The pool is in. The fence is up. The shell has not been completed yet on the inside. I've not been inside the building. The backpacks and everything are in place. The parking lot has been paved. The new playground is there. According to Mr. Charlie Meyer, at Pulte, he's thinking within the next 30 to 60 days, they will be ready to turn that over, which won't occur until we have a walk through. As George said with Phases 4C and 7, we're definitely going to want to make sure that we have punch list items with both developers, to make sure that everything is where we want it. But staff is aware of it. We've been communicating for a while, to make sure that we're on top of

March 5, 2025

Tohoqua CDD

our pool contractor and janitorial staff, so when the time comes to actually take it over, we'll be ready to go.

Mr. Vidrine: Just as quick clarification on the bids you're getting for the maintenance, when they're walking and looking at what's out there to maintain, are they actually looking at also what needs to be replaced, if anything needs to be replaced and will they include it as a separate line item?

Mr. Scheerer: Well, in the budget for 2024/2025, there was an Excel spreadsheet that itemized all of the different phases, including Phase 8. Phase 8 in this year's budget, only contemplated for five months of maintenance. It may be less than that, depending on how long Pulte takes to develop Phase 8. The turnover process is a lot different. We actually take a copy of the actual landscape plan, notes are made on the plan, issues are identified and then that is circulated to, in this case, Lennar for Phase 7 and Pulte for Phase 4C. Any deficiencies will have to be corrected. They'll be noted. They have to be corrected prior to us taking over any maintenance of that. So, I know Phase 4C has a bunch of trees that are down. One of the things that I talked about for Phase 4C, is I don't want pond conditions in Phase 4C. I'm not picking on Phase 5, but Phase 5 had a lot of aquatic vegetation in it, when we took that pond over. We're not going to take the other ponds looking that same way.

Mr. Vidrine: Right.

Mr. Scheerer: I've been told by the developer, that those will be corrected prior to turnover. So, I know that they mowed the Pond 27, which is the large pond that takes in all of the stormwater. They have a lot of work to do on that one. I'm not sure if they're looking to turn that over to us at some point, but I know all of the ponds in Phase 4C. There are three ponds in Phase 7, one of which is right back here, the rectangle pond. You have the two teardrops on either end of the project in Phase 7. I've already communicated with both developers, that those need to be cleaned prior to us taking them over. Then of course, we'll wait on the engineer to certify them complete and the RFPs have been transferred.

Mr. Vidrine: I'm sure it's on your radar, but make sure you get the irrigation as-builts.

Mr. Scheerer: Of course.

Mr. Vidrine: Were you able to get the ones previously?

Mr. Scheerer: Yes.

Mr. Vidrine: So, we have them all.

March 5, 2025

Tohoqua CDD

Mr. Scheerer: We're up to speed on all as-builts right now. The difference is, the Phase 5 area that was being built over in there, had a hand drawn as-built, whereas United Land had a digital as-built, which are great. They just redline it right on the document and send it to us electronically. We do have everything, so we'll request the same thing for Phases 4C and 7.

Mr. Vidrine: Can I get a copy of whatever landscaping is in Tohoqua Boulevard, the big median there. Once it gets developed, I'll need the as built to tie in.

Mr. Scheerer: Yes, sir.

Mr. Vidrine: Thank you.

Mr. Flint: The last island on Tohoqua Boulevard on the south end, looks like it has St. Augustine. Everything else is Zoysia. It's going to be on the list, right?

Mr. Scheerer: Yes, of course. Just so you know, that's all part of the Phase 7 improvement.

Mr. Flint: Right.

Mr. Scheerer: None of that has been turned over. We've not accepting anything. We do have all of the landscape and irrigation plans for Phases 4C, 7 and 8.

Mr. Flint: The parks in Phase 7 haven't been accepted either. We're not maintaining them.

Mr. Scheerer: No, sir. Not a thing. Lennar, for Phase 7, I guess, came up with the idea for a mew in the middle of the townhomes and they put the fence up, to keep the contractors from destroying some of that. But none of that is ours yet. We have not been asked to take it over. We have not been asked to walk it and we'll have those conversations again with both Pulte and Lennar, that everything needs to be per plan. I know United Land does a really good job. Mr. John Borland does a really good job of using those plans to identify the location and what it is that's deficient and needs to be corrected, prior to the turnover. That will be sent out to each of the contractors. Once they tell us that's been completed, we'll do another walk to verify. Then once it's all been completed, we'll go ahead and recommend acceptance and bring a proposal back for United Land to go ahead and continue services. We have pricing for all eight phases. Anything budget-wise from the homeowner's perspective, just get with Chris, Marcia or me. If there's something we need to look at that we haven't thought of, which I think we prep a pretty good extensive budget here, I will be happy to research it and see if there's any additional pricing that we need.

March 5, 2025

Tohoqua CDD

Mr. Qureshi: Then on a side note, where can I find a drawing? You keep mentioning Phases 4C and 7. Where can I find a drawing which will identify what section is what?

Mr. Scheerer: I have some maps that I can share with you. I actually have the landscape and irrigation plans, but I also have just an overview that highlights what's in Phases 4C and 7 and I'll be happy to share that with you.

Mr. Qureshi: Because I usually walk on that side where they are building houses. When he was talking about the Clubhouse, 30 to 60 days is pretty fast. I think it's going to be lower than that.

Mr. Scheerer: I can only go by what they're telling me, but if it's within 30 to 60 days great, but if not, okay. We're not going to take anything over that isn't ready to be accepted by the District, especially the Clubhouse, the pool and any of the hardscape, as we have an insurance component to that. Once we take it over, we want to make sure we have all of that information documented and sent to our insurance provider, so they can update the policy and include those assets in their policy.

Mr. Qureshi: If you could help me out with the map.

Mr. Scheerer: Yes, sir. I don't have one with me.

Mr. Flint: Let me check. Remind me.

Mr. Scheerer: There's also an Engineer's Report that has all the phases in it. So, that's available as well.

Mr. Qureshi: Okay.

Mr. Scheerer: It will show all of the ponds and all of the different phases. But ours are color coded for landscape purposes. So, you'll be able to identify the tracks. We'll get that to you, sir.

Mr. Qureshi: I would appreciate it. Thank you.

D. Amenity Manager's Report

Mr. Flint: All right. Amenity report.

Mr. Calleja: Your agenda package included the Amenity Report for the previous two months. It included an event recap for January and February, for some of the events that we held, as well as the upcoming events starting in March. We will be changing the pool hours for

March 5, 2025

Tohoqua CDD

daylight savings time, starting this month. We have some wonderful events planned for the community.

i. Discussion of Resident Request to Purchase Endurance Climbing Machine and Fitness Step Platform

Ms. Calleja: Another item that I wanted to bring to the table today, was we received a request for a stepper machine, to replace an elliptical trainer. The price is a little over \$7,000, but they are willing to give us a trade in value of \$400 for our elliptical. Our elliptical is in good shape. It's in good working order. It's no longer under warranty, but it still works just fine. They are also asking for a fitness stepper, which is only \$140, for the Board to consider.

Mr. Flint: We wanted to bring it to the Board, because we had the request, but we would have to remove one piece of equipment that's working fine right now and then incur an expense of 7,000 or \$8,000 for the climbing machine. It's not something that we budgeted for and I think it would make more sense, when we have to replace the current equipment, to re-evaluate the pieces and at that time, consider purchasing a stair stepper, unless the Board wants otherwise. But it would be our recommendation that we don't move forward at this point with that, if the Board agrees.

Mr. Vidrine: Yeah, if the equipment's not broken and worn out.

Mr. Flint: It's not. We're not incurring a significant maintenance expense with the current equipment, but it is getting toward the end of its useful life, when you look at how many years those pieces of equipment should last. But we're not having maintenance issues with the equipment right now. We can still get parts. So, I don't know that it makes sense to pull one of those out and replace it at this point.

Mr. Vidrine: It's also a function of how many people are asking for it. Sometimes we do surveys to see what residents want. Is it just one person?

Mr. Hooker: One person wants it for \$7,000.

Mr. Flint: Some people have strong opinions and desires. It appears there is Board consensus not to move forward at this point, so you can relay that back to the resident.

Mr. Calleja: I sure will. Thank you for your time. That's all I have.

March 5, 2025

Tohoqua CDD

E. District Manager's Report**i. Approval of Check Register**

Mr. Flint: You have approval of the Check Register from December 1, 2024 through February 24, 2025, for the General Fund and Board compensation, in the total amount of \$1,449,077.51. A significant amount of that, \$1,031,910, is assessment revenue, which was disbursed from the county in one disbursement and includes operation and maintenance (O&M) and debt service. We have to transfer the debt service portion to the trustee. So, a significant amount of that \$1 million plus, is just moving the debt service assessment revenue to the trustee. As, you know, you get a 4% discount if you pay taxes in November, 3% in December and 2% in January. So, we see a significant amount of assessment revenue coming in the December timeframe from the county, as a result of people paying their tax bills. Are there any 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 December 1, 2024 through February 24, 2025 in the amount of \$1,449,077.51 was approved.

ii. Balance Sheet and Income Statement

Mr. Flint: We also have the Unaudited Financials through January 31, 2025. This is for the four months of Fiscal Year 2025. We have a combined balance sheet, showing all of the funds and the Statement of Revenue and Expenditures for each of the funds. For the General Fund, you can see that we collected \$1.42 million of the \$1.46 million that we certified for collection, which is impressive. So, it appears a lot of people have already paid their taxes in November and December. That's a pretty high collection rate, at this point and we're ultimately going to be over 100% collected each year.

Mr. Vidrine: That's great.

Mr. Flint: For our expenses, you can see the prorated budget, which is in most cases, a one-twelfth month proration. Then our actuals in all categories, are under our prorated budget at this point in the year.

Mr. Vidrine: We have a surplus, meaning that we're budgeting appropriately, which is great.

Mr. Flint: Yeah, we're doing well on the budget.

March 5, 2025

Tohoqua CDD

Mr. Vidrine: Yes, it's a healthy budget that you put in here and you're not exceeding it, which is great.

Mr. Flint: Our direct assessments, per the direct assessment schedule, are all paid and current as well. Are there any questions on the financials? No action is required on those, but if you have any questions, we can discuss them.

SIXTH ORDER OF BUSINESS

Other Business

Mr. Flint: Is there any Other Business? Hearing none,

SEVENTH ORDER OF BUSINESS

Supervisors Requests

Mr. Flint: Any there any Supervisors Requests?

Mr. Vidrine: Not at this time.

EIGHTH ORDER OF BUSINESS

Adjournment

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

DocuSigned by:

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 Secretary / Assistant Secretary

Signed by:

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 Chairman / Vice Chairman