

# MINUTES OF MEETING

## LIVE OAK LAKE COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Live Oak Lake Community Development District was held Friday, November 18, 2016, at 11:30 a.m. at the District Office, 313 Campus Street, Celebration, FL 34747.

Present and constituting a quorum were:

Scott Stearns	Chairman
José Rios	Vice Chairman
Walter Beeman	Assistant Secretary

Also present were:

Gary Moyer	Manager: Moyer Management Group
Sarah Sandy	Attorney: Hopping Green & Sams
Nicole Stalder	Engineer: Dewberry

### FIRST ORDER OF BUSINESS

#### Call to Order

Mr. Moyer called the meeting to order at 11:35 a.m.

### SECOND ORDER OF BUSINESS

#### Roll Call

Mr. Moyer called the roll and stated a quorum was present for the meeting.

### THIRD ORDER OF BUSINESS

#### Public Comment Period

There being none, the next order of business followed.

### FOURTH ORDER OF BUSINESS

#### Administrative Matters

#### A. Appointment of Supervisor to Fill the Unexpired Term of Office for Seat 3

Mr. Moyer stated a vacancy currently exists on the Board, and we will keep this item on the agenda for future meetings until a successor can be appointed.

Mr. Stearns stated we do not have anyone to nominate at this time.

#### B. Oath of Office for Newly Appointed Supervisor

This item not being addressed, the next item followed.

#### C. Ratification Series 2016 Construction Requisitions for the Following:

- i. Twin Lakes Phase 1 Conservation Mitigation Fees
- ii. Twin Lakes Phase 1C/1D and Lakeside Groves Phase 1 Utility and Electric
- iii. Hickory Tree and Nolte Roadway
- iv. Twin Lakes and Lakeside Groves Phase 1 Stormwater Improvement

Mr. Moyer stated we have processed these requisitions in the intervening period since our last meeting.

On MOTION by Mr. Beeman, seconded by Mr. Rios, unanimous approval was given to ratify the Series 2016 construction requisitions for Twin Lakes phase 1 conservation mitigation fees in the amount of \$145,697.50, Twin Lakes phase 1C/1D and Lakeside Groves phase 1 utility and electric in the amount of \$4,014,918.24, Hickory Tree and Nolte roadway in the amount of \$2,035,862.37, and Twin Lakes and Lakeside Groves phase 1 stormwater improvement in the amount of \$2,349,473.69, as presented.

**FIFTH ORDER OF BUSINESS**

**Approval of the Minutes of the September 30, 2016, Meeting**

Mr. Moyer reviewed the minutes and asked for any additions, corrections, or deletions.

On MOTION by Mr. Beeman, seconded by Mr. Stearns, unanimous approval was given to the minutes of the September 30, 2016, meeting, as presented.

**SIXTH ORDER OF BUSINESS**

**Consideration of Prompt Payment Policies and Procedures, and Resolution 2017-01**

Mr. Moyer read Resolution 2017-01 into the record by title.

Ms. Sandy stated we have asked all our districts to adopt these policies. These policies and procedures establish a mechanism for the payment of invoices by the District. They help to ensure compliance with the Prompt Payment Act included in the Florida Statutes. These policies track the Statutes and update as the Statutes are changed. For non-construction services, payment is due within 45 days from the date of receipt of a proper invoice. For construction goods and services where agent approval is required, payment is due within 25 days. For construction goods and services with no agent approval, payment is due within 20 days of receipt of the invoice. It also provides policies for how to handle payment disputes. These are standard procedures that follow Florida Statutes.

Mr. Beeman made a MOTION to approve Resolution 2017-01 regarding prompt payment policies and procedures.  
Mr. Stearns seconded the motion.

Mr. Stearns asked is there any change in how we function with this?

Mr. Moyer stated no, we operate according to that policy.

Ms. Sandy stated if we do not receive a proper invoice, we can ask for one. It gives a proper timeframe after that.

Upon VOICE VOTE, with all in favor, unanimous approval was given to Resolution 2017-01 regarding prompt payment policies and procedures, as presented.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Cost-Share Agreement with the Home Owners Association of Twin Lakes for Pond Maintenance**

Mr. Moyer stated we discussed this at previous meetings. The agreement provides proposals from the company doing the work. Our share is listed and is about \$4,000 per month.

Ms. Sandy stated this is an increase from what the Board previously approved. At the last meeting, it was \$2,500 per month, but it was based on an estimate for the entire project.

Mr. Stearns stated I had not received confirmation at that time.

Ms. Sandy stated this is the final amount.

Mr. Beeman asked if, for some reason, we are not happy with our section, can we go back to the company doing this work? Or do we go back to the HOA and deal with them as opposed to their subcontractor?

Ms. Sandy stated the HOA is managing the contract, so you would report to them.

Mr. Stearns stated the developer is the declarant and controls the HOA. There will not be much going on for a while since this is a long project. We will have many years of experience in how they perform before home owners would be involved. We will truly be going from the declarant to the Board.

On MOTION by Mr. Beeman, seconded by Mr. Stearns, with all in favor, unanimous approval was given to the cost-share agreement with the Home Owners Association of Twin Lakes for pond maintenance in the amount of \$3,924 per month, as discussed.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Acquisition of Master Project Infrastructure**

**A. Hickory Tree and Nolte Roadway Hardscape, Landscape, and Irrigation Improvements, and Professional Fees**

Ms. Sandy stated these infrastructure improvements were part of the large acquisition the Board previously approved. However, some of the amounts changed since then, and

we exceeded the not-to-exceed amount that the Board approved. We are bringing this back to the Board to acquire the remaining infrastructure. Mr. Rey Malavé has reviewed the limits of the 2016 project and has opined that the amounts requested are fair and reasonable and do not exceed the value of the improvements themselves. The improvements are final, and we still need to receive the documentation pursuant to the acquisition agreement. The bill of sale you received needs to have the legal description updated to include tract OS-15.

Mr. Stearns stated that information was not included in our agenda package.

Mr. Moyer stated we will provide you with copies.

Mr. Stearns asked how much are we increasing the not-to-exceed amount?

Ms. Sandy stated with professional fees, the not-to-exceed amount is \$940,000. The amount for improvements versus professional fees is \$314,685, but we increased that not-to-exceed amount. It is the same with professional fees where we increased them.

Mr. Stearns described the improvements within the roadway right-of-way that are subject to a County right-of-way utilization agreement. The CDD is acquiring the improvements as public infrastructure.

Ms. Sandy stated the Board approved that right-of-way agreement at the last meeting.

Mr. Stearns stated this is covered in that agreement, but we never acquired the landscape, hardscape, and irrigation infrastructure. It is all installed.

Ms. Sandy stated we have executed the agreement and sent it to the County but have not heard back from them. I will call them again next week.

<p>Mr. Beeman made a MOTION to acquire the Hickory Tree and Nolte roadway hardscape, landscape, and irrigation improvements, and professional fees, as discussed, at a not-to-exceed amount of \$940,000, subject to receipt and review of the documentation required by the acquisition agreement by legal counsel and revising the bill of sale to include tract OS-15.</p> <p>Mr. Rios seconded the motion.</p>
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Mr. Stearns asked does that include the bill of sale?

Ms. Sandy stated yes, subject to the additional tract.

Upon VOICE VOTE, with all in favor, unanimous approval was given to acquire the Hickory Tree and Nolte roadway hardscape, landscape, and irrigation improvements, and professional fees, as discussed, at a not-to-exceed amount of \$940,000, subject to receipt and review of the documentation required by the acquisition agreement by legal counsel and revising the bill of sale to include tract OS-15.

**NINTH ORDER OF BUSINESS**

**Matter Pertaining to Tennis Court Parcel**

**A. Resolution 2017-03 Authorizing Parcel Donation (Tennis Court)**

Mr. Moyer read Resolution 2017-03 into the record by title.

Ms. Sandy stated I discussed this with Mr. Stearns last month. When we acquired the stormwater system, the developer also conveyed stormwater tracts to the CDD at no cost, so bond funds were not used to acquire them. However, a small portion of one of the tracts is planned to be used as tennis courts.

Mr. Stearns stated we should have cut it out of the pond tract. We basically want to swap the parcel.

Ms. Sandy stated Mr. Malavé has confirmed that there are no stormwater improvements in this portion of the tract, and that it does not adversely affect the function of the stormwater pond in any way. The developer has asked that the CDD convey that small portion back. The acquisition agreement and the bond documents allow the Board to do this if we have done a couple things. Mr. Malavé has to certify to the Board that the land is not needed for the Series 2016 project and that he approves of the conveyance. There is an engineer's certificate within the resolution that does both those things. The Board has to determine that the land is not needed for the Series 2016 project, which can be given in reliance on Mr. Malavé's certificate. You also have to approve the deed conveying it back, and the developer has agreed to pay for any transaction costs, so recording fees will be paid for. The resolution takes care of all those items and allows us to move forward.

On MOTION by Mr. Beeman, seconded by Mr. Stearns, with all in favor, unanimous approval was given to Resolution 2017-03 authorizing donation of the tennis court parcel and execution and recording of the deed.

**TENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Ms. Sandy stated I will contact the County regarding the right-of-way agreement.

Mr. Stearns stated if you have any dealings with Ms. Judy Wells, she would be a good resource. We will have a public right-of-way agreement for Nolte Road. So if we put in pavers or landscaping or other hardscape, the CDD will maintain the improvements. We are trying to get them to sign the agreement.

**B. Engineer**

There being nothing to report, the next item followed.

**C. Manager**

**i. Financial Statements, October 31, 2016**

Mr. Moyer reviewed the financial statements contained in the agenda package and available for public review at the District office during normal business hours.

Mr. Stearns asked have you had any contact from anyone living in the community?

Mr. Moyer stated no.

Mr. Stearns stated we expect 46 to close within the next two or three months. It is going well, and I was interested to hear if anyone has contacted you.

Mr. Moyer stated not yet.

Mr. Stearns stated we have onsite HOA management, which will help. They are available all the time. Mr. Tom Hurt, the City of Saint Cloud's city manager lives there. I think one of the new city councilmen's mother also lives there. We are having a Christmas party on the 16<sup>th</sup>, so it will be interesting to see which of the residents comes.

**ii. Check Register and Invoices**

Mr. Moyer reviewed the check register and invoices contained in the agenda package and available for public review at the District office during normal business hours.

On MOTION by Mr. Stearns, seconded by Mr. Beeman, with all in favor, unanimous approval was given to the check register and invoices.
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**iii. Resolution 2017-02 Amending the Budget**

Mr. Moyer read Resolution 2017-02 into the record by title.

Mr. Moyer stated since we exceeded what we had previously budgeted, we are given the opportunity before the end of November to adjust the budget for fiscal year 2016 to true it up. We are basically adding \$47,088 both to revenues and expenditures so that the budget balances at the end of the fiscal year.

Mr. Beeman asked is that for contracts for lakes?

Mr. Moyer stated yes, that is where those invoices were accounted for.

On MOTION by Mr. Beeman, seconded by Mr. Rios, with all in favor, unanimous approval was given to Resolution 2017-02 amending the budget for fiscal year 2016.

**ELEVENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next order of business followed.

**TWELFTH ORDER OF BUSINESS**

**Supervisor Requests**

There being none, the next order of business followed.

**THIRTEENTH ORDER OF BUSINESS**

**Adjournment**

The next meeting is scheduled for January 27, 2017, at 11:30 a.m.

On MOTION by Mr. Beeman, seconded by Mr. Stearns, with all in favor, the meeting adjourned at 11:55 a.m.

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Gary L. Moyer, Secretary

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M. Scott Stearns, Chairman