

# 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, May 26, 2017, 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
Kimberly Locher	Assistant Secretary

Also present were:

Gary Moyer	Manager: Moyer Management Group
Tucker Mackie ( <i>by phone</i> )	Attorney: Hopping Green & Sams
Rey Malavé	Engineer: Dewberry

### FIRST ORDER OF BUSINESS

#### Call to Order

Mr. Moyer called the meeting to order at 11:30 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. We will keep this on the agenda for future meetings unless you are in a position at this meeting to nominate someone.

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.

### FIFTH ORDER OF BUSINESS

#### Ratifications

#### A. Cost of Issuance, Fiscal Year 2016 for Dewberry

#### B. Cost of Issuance, Fiscal Year 2017 for Dewberry

#### C. Requisitions 7, 8, and 9

Mr. Moyer stated these have been processed between our meetings and primarily account for the work Mr. Malavé and his firm did prior to the bond issue, which

ultimately came back to the District and will be paid back to the developer who funded those expenses.

On MOTION by Mr. Beeman, seconded by Ms. Locher, unanimous approval was given to ratify the cost of issuance for fiscal years 2016 and 2017 for Dewberry and to requisitions 7, 8, and 9, as presented.

**D. Audit Engagement Letter with Grau & Associates**

Mr. Moyer stated in January, the Board went through the process of reviewing auditing proposals and qualifications, and the Board selected Grau at the price they provided. They then provide us with an engagement letter. It is all standard form. The fees in the letter are consistent with what they provided in their proposal.

On MOTION by Ms. Locher, seconded by Mr. Beeman, unanimous approval was given to ratify the audit engagement letter with Grau & Associates, as provided.

**SIXTH ORDER OF BUSINESS**

**Approval of the Minutes of the January 27, 2017, Audit Selection Committee Meeting and January 27, 2017, Regular Meeting**

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

On MOTION by Mr. Beeman, seconded by Mr. Rios, unanimous approval was given to the minutes of the January 27, 2017, audit selection committee and the January 27, 2017, regular meeting, as presented.

**SEVENTH ORDER OF BUSINESS**

**Presentation of the Budget for Fiscal Year 2018**

**A. Fiscal Year 2018 Budget**

Mr. Moyer stated this meeting starts a process for the Board to adopt its budget for fiscal year 2018. The budget basically tracks the contracts that the District has entered into, makes certain adjustments based on our historical experience for this fiscal year as it relates to engineering and some administrative expenses, and anticipates the total to be \$226,920.

**B. Discussion Regarding Operations and Maintenance Funding**

Mr. Moyer stated last year, we discussed how we would fund the budget. Since the vast majority of the property was going to be owned by the developer, it would be funded

directly by the developer. This year might be different since we now have platted properties. We could and should, to a degree, place those platted properties on the tax roll. To the degree other lots are not yet platted, which there are, we can direct bill the developer for those lots. It might be a two-fold approach in how we collect assessments going forward. We will look to Mr. Stearns for direction on how you want to do that.

Ms. Mackie stated I believe the developer is aware of the two mechanisms we can use: developer funding or the tax roll. I think they would like more time to make that decision based upon the current budget, what was actually expended within the current fiscal year, and looking ahead to see what is coming online. When the Board approves the proposed budget, I would also suggest the Board makes a motion to authorize staff and the Chairman to proceed with a public notice for a public assessment hearing to be held at the same time as the budget hearing, if the developer chooses and anticipates that decision will be made within the next week or two to allow for proper notification, in the event they request the Board put the assessments on the tax roll for operations and maintenance assessments, if the Board is comfortable with that approach.

Mr. Moyer stated that is not a problem. We just received the data file from the County a day ago, so we have not prepared it to review, but we will do that in the next week or so. We will circulate that to the working group.

Ms. Mackie stated I talked with Ms. Sharon Thomas before the meeting and suggested we schedule a conference call in two weeks. That file would be helpful for Ms. Thomas to see, as well, on behalf of the developer.

Mr. Moyer stated we will do that. We are simply starting the process. To the degree we put something on the tax roll, we have to certify it by the end of August. If not, we can then go through September.

Mr. Stearns stated I think we can make a decision in the next couple weeks, after the conference call. We know what is in the budget. We just need a little time to consider it.

**C. Consideration of Resolution 2017-06 Approving the Proposed Budget for Fiscal Year 2018 and Setting a Public Hearing Thereon**

Mr. Moyer read Resolution 2017-06 into the record by title.

On MOTION by Mr. Beeman, seconded by Mr. Stearns, unanimous approval was given to Resolution 2017-06 approving the proposed budget for fiscal year 2018 and setting a public hearing thereon for Friday, July 28, 2017, at 11:30 a.m. at the District Office.

**D. Advertised Notice**

Ms. Tucker stated I would ask the Board to approve a motion to authorize District staff to work with the Chairman and a representative of the landowner to determine whether or not they would like to request the Board to move forward with operations and maintenance assessments, and if so, authorizing District staff to advertise and notice a public hearing on assessments to be held at the same time as the budget hearing, July 28, 2017, at 11:30 a.m.

On MOTION by Mr. Beeman, seconded by Ms. Locher, unanimous approval was given to authorize District staff to work with the Chairman and a representative of the landowner to determine whether or not they request the Board to move forward with operations and maintenance assessments, and if so, authorizing District staff to advertise and notice a public hearing on assessments to be held at the same time as the budget hearing on Friday, July 28, 2017, at 11:30 a.m. at the District Office.

Mr. Moyer asked will Ms. Mackie prepare the form of notice and send to me?

Ms. Mackie stated yes.

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Ms. Mackie stated the legislative session has ended. We are still looking into everything that passed, nothing specific that applied to this District other than some general changes to public records exemptions. We are reviewing those to see if anything is required of the District, be it another disclosure on the website or the like. We made it through relatively unscathed. Session will begin earlier this year. They will be starting committee meetings in the late fall and session beginning early winter.

**B. Engineer**

**i. Work Authorization for Wetland Mitigation Monitoring**

Ms. Mackie stated the documents distributed to the Board relate to a work authorization for the engineer to provide wetland mitigation monitoring with respect to a parcel that is a wetland buffer within the platted phase 1 of Twin Lakes. On that plat, the District was identified, similar to the stormwater ponds, as the ultimate owner with maintenance responsibility lying with the District. Unlike the stormwater tracts, we have not officially conveyed that tract to the District as of yet, I believe, because some of the improvements consisting of mitigation plantings were still ongoing. In connection with

the work authorization that Mr. Malavé is asking the Board to approve for monitoring from this point forward, the District is now the permittee under the South Florida Water Management District (SFWMD) monitoring permit, and we will ask that you authorize District staff to prepare and the Chairman to approve conveyance documents relating to that tract, WC-1, and also to approve a requisition to the developer for the plantings associated with that tract in the amount of that is \$52,401.10. We will ask for a not-to-exceed amount of \$53,000.

Mr. Malavé stated the work authorization is for five years. The fifth year is an option, as well as the fourth year. We need at least two years in a row as a baseline for the monitoring required by SFWMD.

Mr. Stearns stated the next step is the ongoing physical maintenance of the wetland. We propose for the HOA to manage that, similar to how they manage the stormwater maintenance. We can bring that to the Board at a later date, but it is also something we need to do.

Ms. Mackie stated that sounds good. To the extent you review the budget and this item needs to be added, if it is not already included, keep that in mind, as well. We can prepare an addendum to the cost-sharing agreement with the HOA to provide for those additional services and provide it to the Board at the next meeting.

Mr. Stearns stated the wetland buffer is along Live Oak Lake itself physically. The frontage piece varies but is essentially a 25-foot to 50-foot wide swath near the amenity area. It has been planted with native vegetation. It will require ongoing maintenance for basic removal and spraying and maintenance of that type. All of it is installed. We will convey that tract to the District formally, and then the HOA will maintain it, just like they maintain the other stormwater ponds. It is all part of the stormwater infrastructure and part of the original engineer's report.

Mr. Moyer stated Mr. Malavé's work that we are discussing now would be paid for through the District.

Mr. Stearns stated yes.

Mr. Malavé stated it is part of the operations.

Mr. Stearns stated this is only for the monitoring.

Mr. Beeman stated the maintenance will be part of the budget.

Mr. Malavé stated yes, that is why we need to make sure it is part of the budget.

Mr. Stearns stated there is the physical maintenance and then the monitoring and permitting requirement obligation required by SFWMD.

Mr. Malavé stated those two elements will be part of the operations budget. They will need to be added.

Mr. Moyer stated we will make those additions to the budget when the working group discusses it in the next week or two.

Mr. Stearns stated I will have those figures for the physical maintenance and also Mr. Malavé's cost for monitoring.

On MOTION by Mr. Beeman, seconded by Ms. Locher, unanimous approval was given to the work authorization from Dewberry for Twin Lakes phase 1, tract WC-1, wetland mitigation monitoring; to authorize District staff to prepare and the Chairman to approve conveyance documents relating to tract WC-1; to approve a requisition to the developer for the plantings associated with tract WC-1 in a not-to-exceed amount of \$53,000; and to authorize staff to prepare an addendum to the cost-share agreement regarding wetland mitigation maintenance.

**C. Manager**

**i. Financial Statements, April 30, 2017**

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. Moyer stated through seven months of our fiscal year, the prorated budget is \$103,000, and we have spent \$68,286, which is less than we anticipated.

**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. Beeman, seconded by Ms. Locher, with all in favor, unanimous approval was given to the check register and invoices.

**iii. Number of Registered Voters – 4**

Mr. Moyer stated we monitor annually the number of registered voters. As this District gets to be six years old and has 250 registered voters, we change the way we elect Supervisors; we transition from land ownership to registered voters. Every year, we request and receive from the Supervisor of Elections the number of registered voters that

I will enter into the record. There are currently four (4) registered voters in the District as of April 15, 2017.

**iv. Acceptance of the Audited Financial Statements for Fiscal Year 2016**

Mr. Moyer stated I have not seen the audit yet, so we will carry this over to the next agenda.

Ms. Mackie stated the reason I asked it be on the agenda is, to the extent we do not have a meeting in June, perhaps the Board can give authority to the Chairman to accept the audit on behalf of the Board so it can be submitted to the State in accordance with the requirements under Florida law and to bring it to the Board at a following meeting for review.

On MOTION by Mr. Beeman, seconded by Mr. Rios, with all in favor, unanimous approval was given to authorize the Chairman to accept the audited financial statements for fiscal year 2016 on behalf of the Board and to authorize staff to file it with the appropriate State agencies so as to be in compliance with Florida law.

**NINTH ORDER OF BUSINESS**

**Other Business**

There being none, the next order of business followed.

**TENTH ORDER OF BUSINESS**

**Supervisor Requests**

There being none, the next order of business followed.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

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

On MOTION by Ms. Locher, seconded by Mr. Beeman, with all in favor, the meeting adjourned at 11:50 a.m.

  
Gary L. Moyer, Secretary

  
M. Scott Stearns, Chairman