

**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 on Wednesday, **June 7, 2023** at 2:30 p.m. at the West Osceola Branch Library, 305 Campus Street, Celebration, Florida and via Zoom.

Present and constituting a quorum:

Scott Stearns
Andrea Stevens
Mel Gray Marshall
Ned Bowman

Chairman
Vice Chairperson
Assistant Secretary
Assistant Secretary

Also present were:

Tricia Adams
Sarah Sandy *via Zoom*
Nicole Stalder *via Zoom*
Jarrett Wright

District Manager/GMS
District Counsel, Kutak Rock
District Engineer, Dewberry
Assistant Field Services Manager, GMS

FIRST ORDER OF BUSINESS

Roll Call

Ms. Adams called the meeting to order. Four Supervisors were present in person constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Adams opened up the public comment period. No members of the public were present in person at the meeting. There was a member of the public joining via Zoom but did not raise hand for comment. Ms. Adams closed the public comment period.

June 7, 2023

Live Oak Lake CDD

THIRD ORDER OF BUSINESS**Approval of Minutes of the April 5, 2023
Board of Supervisors Meeting**

Ms. Adams presented the minutes from the Board of Supervisors meeting on April 5, 2023, which can be found in the agenda packet. She asked for any comments, corrections, or questions from the Board. There being no changes, she asked for a motion of approval.

On MOTION by Mr. Bowman, seconded by Ms. Stevens, with all in favor, the Minutes of the April 5, 2023 Board of Supervisors Meeting, were approved.

FOURTH ORDER OF BUSINESS**Consideration of Resolution 2023-06
Approving Fiscal Year 2024 Proposed Budget
and Setting a Public Hearing**

Ms. Adams noted that this item was an administrative matter. She presented Resolution 2023-06 to the Board. She stated that this resolution was on page 13 of the agenda package. She explained that they would review the resolution, look at the proposed budget and then come back for Board action on the resolution. She also stated that once the Board approves this resolution, this approves their proposed budget. She noted that statutorily they were required to have the proposed budget approved by June 15th each year and this kicks off their budget cycle. She also noted that the budget was subject to revisions up through the Board adopting the budget. She explained that they were proposing that the Board adopts the budget on August 9th at 2:30 p.m. She wanted to bring this date to the Board's attention because this date was one week later than their regular meeting time. Statutorily they are required to have 60 days between the proposed budget meeting and their budget adoption, so they need to see if Board members are amenable to this date, and they can get a quorum for August 9th. She noted that the room they were in was available at 2:30 p.m., so if they have at least three Board members who can attend, they would look at that meeting date. Mr. Stearns asked if they could call into the meeting. Ms. Adams responded that they could call in and attend the meeting, but it didn't count toward the quorum. They need at least three Board members to be physically present. The Board agreed that they should be able to physically attend the August 9th date.

Ms. Adams stated that this resolution also allows for transmittal of the proposed budget. They are required to provide a copy to Osceola County, and they also notice the public hearings and publish the budget on the District's website. She explained that attached to the resolution as

June 7, 2023

Live Oak Lake CDD

an exhibit was the proposed budget for Fiscal Year 2024. On page 18 of the agenda packet, there were two categories of assessments, but several categories of revenue. She explained to the Board that the total revenues were \$696,639 for the overall adopted budget for Fiscal Year 2023. She stated that the total proposed revenues for Fiscal Year 2024 were \$753,236. She noted that at the bottom of page 18 was a table that showed the different product types and the assessments. She stated that the assessments for Fiscal Year 2022 and Fiscal Year 2023 were the same, but they were proposing a five percent increase for the operations and maintenance assessments for the duplexes, the 50' and the 70' product. She noted that the total proposed amount for the duplexes was \$249.55 annually. This is the amount that would be on the property tax bill and the non-ad valorem section of the tax bill. The 50' homes annual assessment would be \$356.50 and the 70' would be \$499.10. She also noted that if residents and property owners pay this in November, there is a discount that is factored in here.

Ms. Adams went back and reviewed the revenue section on page 18. She noted that the first line assessments, on roll, were the assessments in the non-ad valorem section that they just looked at. She stated that they had some unplatted property that would be assessed and a proposed amount. In addition to that, the developer was proposing that there were additional developer contributions as well as deficit funding in order to keep the assessment increase no more than five percent despite increased field expenses. Mr. Bowman asked if that would change if more houses were sold. Ms. Adams responded that they do the tax roll once a year. If parcels are generally platted by around June 1st, they become platted parcels in the budget. Mr. Stearns stated that the day the plat happens is when the assessments start to kick in, it's not when they sell the houses. Ms. Marshall asked how it was that the revenue for Fiscal Year 2024 was almost 50% of what it was in 2023. Ms. Adams asked if she was talking about the off roll unplatted. Ms. Marshall responded yes, from the 112.12 to the 63.59. Ms. Adams responded that was the actual amount that was based on the ERU factors and the unplatted property paying a portion of the budget related to the administration of the District, but that property owner, the developer, was increasing their contribution in this budget in the form of developer contributions. Ms. Sandy noted that some of the unplatted might have gone to platted for FY2024 budget. Ms. Adams responded that Ms. Sandy's statement was a good point. She clarified that what was platted in the future would impact future budgets. She noted that this was basically a snapshot of platted versus unplatted at this time,

June 7, 2023

Live Oak Lake CDD

but it would change in the future. As property gets platted, there will be more platted and less unplatted.

Ms. Adams continued reviewing the rest of the budget. She noted that the other portion that was comprising the revenue was recognition of a carry forward surplus to balance. The next section of the budget was the expenditure section. The administration is the operation of the District. Overall, the current adopted budget for Fiscal Year 2023 was at \$130,902. Their proposed amount for the upcoming fiscal year was \$131,676. She noted that they were proposing a five percent increase in management fees. She stated that there were not any other substantive changes in this section, but there were some amounts that were estimates at this time. For example, their insurance in this section is their liability insurance and their public official's liability insurance. She noted that they were working on an estimated amount from their insurance provider. She explained that by the time that they get to budget adoption, they may be able to fine-tune these numbers to what they expect the actual bill to be. She asked if anyone had any questions regarding the administration expenses of the District. Hearing none, she reviewed the next section which was the field expenses. She stated that this was where they start to see the most substantive changes because there was some new line items and some line items that had been combined. She explained that field management was proposed to increase from \$15,000 annually to \$15,750 annually, which represents a five percent increase. The next line item she reviewed was the aquatic maintenance. She explained that this was for the invasive and algae treatment on the ponds based on the agreements that the Board has approved, they're looking at \$40,584 for Fiscal Year 2024. They are fine-tuning some of the other numbers. She noted that she reached out to their District Engineer regarding properties that might be released from mitigation requirements. She stated that when the properties developed, the Water Management District required mitigation in certain conservation areas and eventually the District is relieved from that responsibility, so the estimated amount that they will need from mitigation the upcoming year is \$7,100 per the District Engineer. The item below this is the midge management, which is a brand-new line item. Currently, they are putting in an amount for the Board to consider. She explained that this amount could be increased or decreased based on Board member input. She noted that they were going to have a robust discussion on midge management and some options for the Board to consider today as part of the proposals for field management, but this amount allowed the Board some flexibility to address midge management should the Board choose to engage in a midge management program. They

June 7, 2023

Live Oak Lake CDD

have increased the contingency and increased landscape maintenance based on the current service areas. They decreased landscape replacements because there were quite a few things that were going in this year, and they are still leaving a healthy \$50,000 in the budget for next year. They are increasing fountain maintenance based on their actuals for their current year and on the service agreements as well as estimated additional repairs. She noted some slight adjustments to water irrigation based on their actuals. She asked if there were any questions regarding the field expenditures portion of the budget. Hearing none, she moved on with her review of the budget. She stated that there was a narrative section, which would be updated commensurate with their field and administrative items. She mentioned that there were also pages for the debt service fund. She noted on page 25 of the agenda packet showed the Series 2016 debt service. She explained that those amounts they see for proposed budget Fiscal Year 2024 in expenditures were based on the amortization schedules that they include in that as an attachment to this budget. She noted that they had flexibility within the budget, but the approval of this proposed budgets includes the assessment level. Whenever the CDD increases O&M assessments, it does require a mailed notice to all property owners. The mailed notice would notice the amount that's in the proposed budget, which is listed on the bottom of page 1 of the budget. They are putting a cap on the assessment amount. She asked if anyone had any questions.

On MOTION by Mr. Bowman, seconded by Mr. Stearns, with all in favor, Resolution 2023-06 Approving Fiscal Year 2024 Proposed Budget and Setting a Public Hearing, was approved.

FIFTH ORDER OF BUSINESS**Consideration of Resolution 2023-07
Appointing an Assistant Treasurer**

Ms. Adams presented Resolution 2023-07 to the Board. She noted that this item was on page 30 of the agenda packet. She explained that this resolution appoints Darrin Mossing as Assistant Treasurer. She noted that Darrin Mossing was the President of their company and by trade is an accountant. This allows the District to have a stopgap if there is any changes of personnel in the accounting team and enables him to assist with the management of the financial records.

On MOTION by Mr. Stearns, seconded by Mr. Bowman, the Resolution 2023-07 Appointing an Assistant Treasurer, was approved.

June 7, 2023

Live Oak Lake CDD

SIXTH ORDER OF BUSINESS**Consideration of OUC Lighting Service Agreement**

Ms. Adams stated that this item was a status report on the OUC Lighting Service Agreement. She explained that they don't yet have the agreement in final form. The District will have an agreement with OUC to fund the streetlights within the District boundaries; however, this agreement is under review from District Counsel and not yet ready for Board presentations.

SEVENTH ORDER OF BUSINESS**Staff Reports****A. Attorney**

Ms. Sandy had nothing to report to the Board but stated that she was happy to answer any questions that the Board may have for her. Hearing none, the next item followed.

B. Engineer

There being none, the next item followed.

C. Field Manager's Report

Mr. Wright presented the field manager's reports starting with the landscape items. He explained that they replaced some of the declining plants with new agave plants in the roundabout areas. Mr. Bowman noted that they couldn't see coming around the second roundabout because of the shrubs, which need to be cut down about a foot. Mr. Wright stated that the bushes that were at the first roundabout are being trimmed down. Mr. Bowman noted that they were done yesterday. He noted that they replaced some of the viburnum hedge plants and have them on a daily watering cycle for 30 days. He explained that he has been monitoring the bald cypress trees closely for the last couple of months since it was requested. He noted that they had a proposal from Juniper, which he would review after the field manager's report review. He stated that the water levels and the ponds were not high enough to reach the roots. Now that the water levels have been going up and they have been getting water, the ones that they thought were 100% dead, were starting to green out. He noted that he would like to monitor this for the next 30 days, but most of the bald cypress trees were starting to turn around. He noted that in the next section of the report showed pond 12 and there was a washout in the corner, and they have a proposal for the repairs for that. He explained that the far-left side that is closest to the houses has about a 3-foot erosion spot, and he wanted to get this addressed as soon as possible. He noted that it was a very simple fix and if they

June 7, 2023

Live Oak Lake CDD

work on it now and get it addressed, then there won't be any further issues or further damaged to that area. He stated that they had some concerns from residents about the southland's wetland area. He explained that they went and reviewed it and there are no trees or anything that pose imminent danger, so they don't recommend or suggest cutting anything else down. He stated that they would get all the overgrowth that was starting to encroach on the fence cut back and any damages from the storms or trees that have fallen will get that repaired. He noted that the biggest concern in terms of landscaping was obviously the quality of the turf that was along Nolte Boulevard. They have had a lot of water issued, lack of rain, etc. They are still working with Juniper and IMC to get as much water to the sod as possible. The fertilizer treatments have been done. Juniper did have a third party come out and do soil samples out there. One of the issues that they were seeing was the pH level of a lot of the soil is 7.7 and it needs to be either 7.5 or under to be considered healthy soil. This could take a year or two before they start seeing drops by .01. Ms. Stevens stated that part of this was just a new area and new soil, so they need to get all those nutrients packed in. Mr. Wright responded that this was a problem that would, over the next few years, correct itself and they will be in a lot better situation in terms of sod health. He explained that the biggest thing right now that Juniper was seeing and that he had personally saw himself was a lack of water. He noted that they just needed rain, but now that they are starting to get a little more consistent rain, he was hoping over the next month or two, it will green up nicely.

Mr. Wright reviewed the next section of his report which was the aquatic midge control. He explained that they were having a decent number of issues at ponds 13 and 14. He stated that they reached out and got quotes for spray treatments for the entirety of the property and what that would cost. He noted that they also got quotes if they were going to do anymore fish stockings because people have put fish in there. It was noted that they have talked about shoreline plantings before, and they do have a proposal for that, and they would like to get working on that as soon as possible.

Mr. Wright reviewed the completed items of his report starting with the pressure washing. He stated that GMS maintenance staff pressure washed the first roundabout and a lot of the sidewalks in that area. They will be doing the duration of most of the property and heavy areas that need it, but it would be on an as needed basis and scheduling month to month.

Mr. Wright reviewed the in-progress items of his report. In terms of fountains, the fountain lights have been sent to the factory for repairs. The motor for fountain five was ordered. The

June 7, 2023

Live Oak Lake CDD

fountain 2's control box needed to be replaced. The locking mechanism on the door was broken and water was getting into the system and was not working properly, so they replaced that too. He explained that once they get the lights back from the factory, which should be sometime next month, they will get those installed. He asked for any questions about the report before he moves on to the proposal presentations and discussions.

Mr. Stearns stated that there was one section on Nolte Road that he was having Jones put some sod and clean up a little bit. He explained that it was right next to the existing lift station on Nolte Road. He noted that area was the old construction entrance and now that the houses were all done in there, they want to help clean it up. Ms. Stevens noted that there was a fence situation there too where the fence needs to be readjusted. Mr. Stearns stated that they were handling all of that.

i. Consideration of Juniper Proposal to Replace Bald Cypress Trees

Ms. Adams presented this proposal to the Board stating that it was on page 42 of the agenda packet. She explained that based on the current situation and the cypress tree roots now getting water, Mr. Wright was seeing a lot of these trees start to green up. She stated that staff recommended at this time that this item be deferred and there be further analysis of the cypress trees to fine-tune this proposal because most of them may end up coming back as rainy season starts. The Board directed staff to defer this item.

ii. Consideration of Juniper Proposal to Repair Pond Bank Erosion

Mr. Wright presented this proposal to the Board, which was on page 45 of the agenda package. He explained that this was for the pond erosion on pond 12 and the total was \$3,449.93. Mr. Bowman asked if it would wash out again. Mr. Wright responded that it could, and erosion was very common. He added that the shoreline plants would help with this.

On MOTION by Mr. Bowman, seconded by Mr. Stearns, with all in favor, the Juniper Proposal to Repair Pond Bank Erosion, was approved.
--

iii. Consideration of Juniper Proposal to Add Sod to Nolte Blvd.

Mr. Wright presented this proposal to the Board. He explained that Juniper should be installing three pallets of sod today throughout the boulevard in the hot spots. He recommended that they also match that. He stated that the way that the water system works was that if they get sod down in these places, especially in areas where there was damaged sod that could be replaced,

June 7, 2023

Live Oak Lake CDD

they get 30 days of watering in that area. With six pallets, it would cover pretty much the entire boulevard. He noted that would not only help their current situation of replacing sod that needs to be replaced, but it would get water to other sections as well. He added that the total amount for that was \$1,709. Ms. Adams stated that there was plenty of funds available in the plant replacement line of the budget.

On MOTION by Mr. Stearns, seconded by Mr. Bowman, with all in favor, the Juniper Proposal to Add Sod to Nolte Boulevard, was approved.

**iv. Consideration of Clarke Environmental Mosquito Management
Proposals for Midge Spray Treatments**

Ms. Adams stated that they were going to be going through these next sets of proposals from Clarke and SiteX related to midge management. She noted that these were just reference proposals for the Board so that Board members could understand the cost for the deep-water midge treatment and the spraying of the adult midges. She stated that ultimately staff was going to recommend a more targeted approach based on certain ponds. Then, moving into the next fiscal year, they would have an allowance to treat as needed. She noted that this was a good discussion point and gives the Board a good reference point for the cost of the midge treatment.

**v. Consideration of SiteX Aquatics Proposals for Midge Spray
Treatments**

Mr. Wright stated that their main purpose for this was he wanted the Board to have an idea of what it cost if they were to treat the entirety of the facility. He noted that if they came up with a couple of different methods, one would be larvicide treatments only and the other was larvicide and the adulticide with the spraying trucks, the fogging methods, etc. He stated that at this time, he didn't think doing the entirety of the property was necessary. They are seeing more hot spot issues than anything else and most of their complaints were coming from Meadow Edge Loop and the pond across the street. He added that this was one of the reasons they had recommended having the midge management line added to the budget. He stated that on page 69 of the agenda packet, SiteX broke down the monthly larvicide treatment down by pond. He noted that they could work with them and get a targeted treatment for these specific ponds, and they were looking at them on a one-time basis, as needed. He recommended that if they were going to do a treatment like this to

June 7, 2023

Live Oak Lake CDD

do both larvicide and adulticide fogging because of the number of midges that were present. Ms. Stevens asked if Clarke and SiteX had two different kinds of treatments. Mr. Wright responded that each company provided a proposal, one for just larvicide and one for larvicide and adulticide and the fogging treatments. He explained that these companies had a slightly different method, so that was where they would see a variation of price. He noted that with SiteX it was \$77,000 and \$108,000 for Clarke, but SiteX would only do 10 months instead of the 12 months. He explained that the biggest things that they had saw long-term success with were the shoreline plantings and the fish stocking and that was still going to be their primary method. He noted that when they do a fish stocking, it takes 90 days before their cycles match up to the larva and then there would still be five or six months before they see any time of results. He added that this would act as a stopgap to help get rid of a lot of the numbers that were there now until their long-term solutions were in place and that was where the \$25,000 was going to come from. He stated that right now, this was more so for reference and if the Board was amenable to it, he would like to at least get ponds 13 and 14 treated with the larvicide and the fogging treatment. Ms. Adams stated that those were ponds that were denser residential population around it and there was more suffering with the midges and midge swarms currently present. She added that a not to exceed \$2,500 for this current budget year would allow for the full chemical treatment, the deep water, the adulticide and the spray fogging.

On MOTION by Mr. Bowman, seconded by Mr. Stearns, with all in favor, the Not to Exceed \$2,500 in Midge Treatment for the Current Fiscal Year, was approved.
--

vi. Consideration of Solitude Proposal for Shoreline Littoral Plantings

Mr. Wright presented the Solitude proposal for the shoreline plantings. He explained that this would cover ponds #10, #12, #13, #14, and #15. They have designed it in a way that it would be sporadic. Pond #3 has plantings that go around the entirety of the pond, and he didn't think that was necessary and most of their vendors didn't recommend having it like that. He stated that they have it broken down in a way to where they could move from parts of the pond to the other side and still have protection in those areas. Solitude's total for this proposal is \$5,572. He stated that he would like to get working on this as soon as possible.

June 7, 2023

Live Oak Lake CDD

On MOTION by Mr. Bowman, seconded by Mr. Stearns, with all in favor, the Solitude Proposal for Shoreline Littoral Plantings for \$5,572, was approved.

D. District Manager's Report**i. Check Run Summary**

Ms. Adams reviewed the check run summary from April 14, 2023 through May 26, 2023 totaling \$108,542.28. Ms. Adams offered to answer any questions for the Board. Hearing none, she asked for a motion of approval.

On MOTION by Mr. Stearns, seconded by Mr. Bowman with all in favor, the Check Run Summary, was approved.

ii. Balance Sheet

Ms. Adams stated that the financials were included in the agenda package. There was no action needed on this item.

iii. Presentation of Registered Voters – 1,154

Ms. Adams stated that on page 103 of the agenda packet was a letter from the elections office in Osceola County notifying the District that as of April 15th this calendar year there were 1,154 registered voters. This information was required to be presented to the District annually and was for informational purposes only.

iv. Reminder of Form 1 Filing Requirement Deadline – July 1, 2023

Ms. Adams stated that this was a friendly reminder to Board members. She explained that their Form 1 financial disclosure was required to be filed annually and there was a deadline for that. She noted that they would send more urgent reminders if they don't meet the deadline because the State of Florida actually imposes a fine for late filings and the fine goes to individual Board members and not to the District. She added that they have had Board members who had incurred fines before. Ms. Stevens, Mr. Bowman, and Ms. Marshall asked for the form and instructions.

EIGHTH ORDER OF BUSINESS**Other Business**

There being no comments, the next item followed.

June 7, 2023

Live Oak Lake CDD

NINTH ORDER OF BUSINESS

**Supervisors Requests and Audience
Comments**

There being no comments, the next item followed.

TENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Stearns, seconded by Mr. Bowman, with all in favor, the meeting was adjourned.

DocuSigned by:


Secretary / Assistant Secretary

DocuSigned by:


Chairman / Vice Chairman