

**MINUTES OF MEETING
LAKE LIZZIE
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Lake Lizzie Community Development District was held Wednesday, **July 5, 2023** at 12:30 p.m. at the West Osceola Branch Library, 305 Campus Street, Celebration, Florida.

Present and constituting a quorum:

Tony Iorio	Chairman
Rocky Owen	Assistant Secretary
Tom Franklin	Assistant Secretary

Also present were:

Tricia Adams	District Manager, GMS
Michelle Rigoni <i>by Zoom</i>	District Counsel, Kutak Rock
Shawn Hindle	District Engineer
Cynthia Wilhelm	Bond Counsel

FIRST ORDER OF BUSINESS

Roll Call

Mr. Iorio called the meeting to order and called the roll. Three Board members were present constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment Period

There were no members of the public present for the meeting and there were no members of the public on the Zoom line.

THIRD ORDER OF BUSINESS

**Approval of Minutes of the June 7, 2023,
Board of Supervisors Meeting**

Ms. Adams presented the minutes from June 7, 2023 Board of Supervisors meeting. She noted the minutes have been reviewed by District counsel and District management.

On MOTION by Ms. Iorio, seconded by Mr. Franklin, with all in favor, the Minutes of the June 7, 2023 Board of Supervisors Meeting, were approved.

FOURTH ORDER OF BUSINESS **Consideration of Financing Related Items**

A. Bond Agreements, each by and between the District and Hanover Tyson, LLC (“Developer”)

i. Amended and Restated Acquisition Agreement (Master Project)

Ms. Rigoni stated this was previously approved. This has been amended and restated to incorporate the amended Master’s Engineer’s report. This was approved at the May meeting. She added the terms have stayed the same.

On MOTION by Mr. Iorio, seconded by Mr. Franklin, with all in favor, the Amended and Restated Acquisition Agreement (Master Project), was approved.

ii. Completion Agreement

Ms. Rigoni stated this obligates the Developer to complete any remaining portions of the Series 2023 project as identified in the Master’s Engineer report, or to provide funds for the District to complete. This acknowledges the Developer’s required contribution amount of the infrastructure in order to meet the targeted assessment levels.

On MOTION by Mr. Franklin, seconded by Mr. Iorio, with all in favor, the Completion Agreement, was approved.

iii. True-Up Agreement

Ms. Rigoni stated this obligates the Developer to make true-up payments to the District in the event there are fewer units within the Series 2023 assessment area. Series 2023 Assessment Area equates to Phase I and is fully platted at this point. This agreement is only triggered if there is a replat.

On MOTION by Mr. Franklin, seconded by Mr. Iorio, with all in favor, the True-Up Agreement, was approved.

iv. Collateral Assignment and Assumption of Development and Contract Rights

Ms. Rigoni stated this would obligate the Developer to sign over any development rights to the District if there is a default in payment of the Series 2023 assessments by the Developer, including if the District has to foreclose on any of the property due to non-payment of the assessments securing the bonds. See added this would not be triggered unless there is a default.

On MOTION by Mr. Franklin, seconded by Mr. Owen, with all in favor, the Collateral Assignment and Assumption of Development and Contract Rights, was approved.

B. Declaration of Consent to Jurisdiction of the District and to Imposition of Debt Special Assessment (Series 2023 Assessments) by the Developer

Ms. Rigoni stated this declaration is an acknowledgement by the Developer to the proper establishment of the District and that the District has authority to issue bonds and levy the assessments. It waives that certain prepayment rights and waives rights to challenge the bonds. It's recorded at closing and is binding.

On MOTION by Mr. Franklin, seconded by Mr. Iorio, with all in favor, the Declaration of Consent to Jurisdiction of the District and the Imposition of Debt Special Assessment (Series 2023 Assessments) by the Developer, was approved.

C. Declaration of Consent to Jurisdiction of the District and to Imposition of Debt Special Assessments (Series 2023 Assessments) by HFB Trinity Place, LLC

Ms. Rigoni presented the declaration and noted this provides for additional language regarding the true-up process in the event of a replat. This provides clarity and understanding.

On MOTION by Mr. Iorio, seconded by Mr. Franklin, with all in favor, the Declaration of Consent to Jurisdiction of the District and to Imposition of Debt Special Assessments (Series 2023 Assessments) by HFB Trinity Place, LLC, was approved.

D. Presentation of the Final Supplemental Assessment Methodology Report for the Series 2023 Bonds

Ms. Adams presented the final supplemental assessment methodology report. This has been updated from the previous versions to reflect the final terms of the bond issue. She noted the

narrative and the tables have been updated to include the par amount of \$3,535,000 and updated the table to include the 5.4% interest rate. She added the assessment level has not changed due to the Developer contribution.

Ms. Rigoni asked if the lands subject to the assessments received special benefits from the District's Series 2023 project. Ms. Adams replied, yes.

Ms. Rigoni asked if the special assessments were reasonably apportioned to the lands subject to the assessments. Ms. Adams replied, yes.

Ms. Rigoni asked if it was reasonable, proper, and just to assess the costs of the Series 2023 project against the lands of the District in accordance with the methodology. Ms. Adams replied, yes.

Ms. Rigoni asked if the special benefits the lands received will be equal to or in excess of the Series 2023 assessments. Ms. Adams replied, yes.

Ms. Rigoni asked if it was in the best interest of the District that the 2023 assessments be paid and collected in accordance with your methodology. Ms. Adams replied, yes.

On MOTION by Mr. Franklin, seconded by Mr. Owen, with all in favor, the Final Supplemental Assessment Methodology Report for the Series 2023 Bonds, was approved.

E. Consideration of Resolution 2023-42 Supplemental Assessment Resolution

Ms. Rigoni presented the Supplemental Assessment Resolution and noted this supplements the previously approved Master Assessment Resolution 2023-34 and will finalize and confirm the terms of the Series 2023 bonds. She highlighted the key terms to include the bond purchase contract that was executed on June 29th. The final bond issuance amount will be \$3,535,000. It has an average interest rate of approximately 5.4% and generated a construction fund of \$3,100,000. Bonds were sold in four term bonds with final maturity in May of 2053. They are expected to close this Friday, July 7th.

She added this resolution provides for those key terms of the deal and adopts the amended and restated Engineer's Report, adopts the final form of the Supplemental Assessment Methodology. It confirms the lien of the 2023 bonds based on the par amount and of the final terms of the bonds. She noted it allocates the 2023 Special Assessments in accordance with the same and certifies the collection of the assessments which will start this fall and provides the calculation and

collection of the true-up payments. This further directs the secretary to perform some administrative functions including recording the supplemental notice of assessments and recording the same in the District's lien book. She noted to Shawn Hindle the amended report has not been updated since the Board approved it.

On MOTION by Mr. Franklin, seconded by Mr. Owen, with all in favor, the Resolution 2023-42 Supplemental Assessment Resolution, was approved.

F. Consideration of Supplemental Notice of Imposition of Series 2023 Assessments

Ms. Rigoni presented the supplemental notice of assessments that will be recorded on the closing of the bonds. There is no action for the Board.

FIFTH ORDER OF BUSINESS

Consideration of Direct Collection Agreement with Hanover Tyson, LLC

Ms. Rigoni stated the budget adoption and the O&M Assessment Resolution will be considered by the Board after the public hearing and relates to the budget process. She added for the O&M assessments the District will have those on-roll and off-roll assessments due to some remaining lands related to Phase 2 yet to be platted. This agreement is with the Developer as the landowner for the unplatted lands receiving those off-roll assessments. It allows the landowner to receive off roll billing and placing assessments on roll in the event of non-payment of off-roll invoices. She added the Developer had reviewed the agreement.

On MOTION by Mr. Iorio, seconded by Mr. Franklin, with all in favor, the Direct Collection Agreement with Hanover Tyson, LLC, was approved.

SIXTH ORDER OF BUSINESS

Public Hearing

Ms. Adams stated this process will review the budget items for Fiscal Year 2024 and there are two public hearings, one on adopting the budget and one on imposing special assessments and certifying the assessment roll. She asked for a motion to open both public hearings at the same time.

On MOTION by Mr. Franklin, seconded by Mr. Owen, with all in favor, Opening the Public Hearings on the FY 2024 Budget and on Imposing Special Assessments, was approved.

A. Consideration of Resolution 2023-43 Adopting Fiscal Year 2024 Budget and Relating to the Annual Appropriations

Ms. Adams requested public comment. Ms. Adams stated there are no members of the public present or attending on Zoom and hearing no comments asked for a motion to close the public hearing.

On MOTION by Mr. Franklin, seconded by Mr. Owen, with all in favor, Closing the Public Hearings on the FY 2024 Budget and on Imposing Special Assessments, was approved.

Ms. Adams stated resolution 2023-43 will adopt the proposed budget for Fiscal Year 2024 and is included in the agenda package. She noted this fiscal year starts October 1, 2023 and ends September 30, 2024. She noted the Board had previously reviewed and approved a proposed budget and there were no substantive changes.

She presented the budget line items and noted the Administrative portion is proposed at \$142,566.000 and accounts for the Series 2023 project and administration of bond funds and the required reporting. She added that they expect the District to receive the Phase 1 improvements after the bond closing and will include field management, pond mowing, and pond maintenance. She added the assessment methodology for the operation and maintenance fees follow the debt assessment methodology.

On MOTION by Mr. Franklin, seconded by Mr. Owen, with all in favor, Resolution 2023-43 Adopting Fiscal Year 2024 Budget and Relating to the Annual Appropriations, was approved.

B. Consideration of Resolution 2023-44 Imposing Special Assessments and Certifying an Assessment Roll

Ms. Adams stated resolution 2023-44 will fund the budget by imposing special assessments for collection on the tax roll and by direct collection. This will also certify the assessment roll to the county tax collector.

On MOTION by Mr. Iorio, seconded by Mr. Franklin, with all in favor, Resolution 2023-44 Imposing Special Assessments and Certifying an Assessment Roll, was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Aquatic Plant Management Agreement with Applied Aquatic

Ms. Adams stated this agreement is for treatment for algae control that will start once the property is conveyed to the District. She noted the monthly cost for the two ponds will be \$552/month or annually \$6,624. She added there was an estimate for 15 months on this agreement. She added upon Board approval, District counsel will prepare a form of agreement with all the indemnifications and protections for the District. This agreement will not commence until the property has been conveyed.

A question was asked by the Board on the 15-month contract and the annual fee. Ms. Adams clarified that is why she stated the monthly amount. It was noted the correction should be made on the amount. This agreement will be effective through September 30, 2024 and when it's time for renewal the agreement will be presented to the Board.

On MOTION by Mr. Franklin, seconded by Mr. Owen, with all in favor, the Aquatic Plant Management Agreement with Applied Aquatic, was approved pending changes in wording.

EIGHTH ORDER OF BUSINESS

Consideration of Landscape Maintenance Proposal from Florida Landscape Service of Central Florida

Ms. Adams stated this vendor has worked on the landscape install. She reviewed the proposal with an annual amount of \$29,245.05 for mowing of an area. She added the scope had been reviewed and she was looking for approval for the proposed terms.

On MOTION by Mr. Iorio, seconded by Mr. Franklin, with all in favor, the Landscape Maintenance Proposal from Florida Landscape Service of Central Florida, was approved.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Rigoni provided a brief update on the approval of the Phase 1 acquisition and improvements. She added the scope of the acquisition and price was finalized in consultation with the project manager. She noted all form documents have been drafted and will finalized and circulated for signatures once the Engineer completes review and provides certificates, which Ms. Rigoni has previously sent. She added the plan is to submit the acquisition once completed. It was noted the Engineer had submitted his certificates this morning.

B. Engineer

Mr. Hindle had nothing further to report.

C. District Manager’s Report

i. Balance Sheet & Income Statement

Ms. Adams presented the balance sheet as included in the agenda packet. She noted this is for information only. She added it is developer funded until 2024.

ii. Presentation of Registered Voters – 0

Ms. Adams stated the number of registered voters currently residing in the District was zero.

TENTH ORDER OF BUSINESS

Other Business

There being no comments, the next item followed.

ELEVENTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

There being no comments, the next item followed.

TWELFTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Iorio, seconded by Mr. Franklin, with all in favor, the meeting was adjourned.

July 5, 2023

Lake Lizzie CDD


Secretary/Assistant Secretary


Chairman/Vice Chairman

