

**TOMOKA TOWN CENTER
COMMUNITY DEVELOPMENT
DISTRICT**

**REGULAR MEETING
AGENDA**

May 4, 2018

Tomoka Town Center Community Development District

OFFICE OF THE DISTRICT MANAGER

2300 Glades Road, Suite 410W • Boca Raton, Florida 33431

Phone: (561) 571-0010 • Toll-free: (877) 276-0889 • Fax: (561) 571-0013

April 27, 2018

ATTENDEES:

Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.

Board of Supervisors
Tomoka Town Center Community Development District

Dear Board Members:

A Regular Meeting of the Tomoka Town Center Community Development District will be held on Friday, May 4, 2018 at 1:00 p.m., at the offices of Consolidated-Tomoka Land Co., 1140 N. Williamson Boulevard, Daytona Beach, Florida 32117. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments (*3 minutes per speaker*)
3. Administration of Oath of Office to Newly Elected Supervisors (*the following to be provided in a separate package*)
 - A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
 - B. Membership, Obligations and Responsibilities
 - C. Financial Disclosure Forms
 - i. Form 1: Statement of Financial Interests
 - ii. Form 1X: Amendment to Form 1, Statement of Financial Interests
 - iii. Form 1F: Final Statement of Financial Interests
 - D. Form 8B – Memorandum of Voting Conflict
4. Consideration of Resolution 2018-01, Canvassing and Certifying the Results of the Landowners' Election
5. Consideration of Resolution 2018-02, Electing Officers of the District
6. Consideration of Resolution 2018-03, Approving a Proposed Budget for Fiscal Year 2018/2019 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; and Providing an Effective Date

7. Approval of Unaudited Financial Statements as of March 31, 2018
8. Approval of Minutes
 - A. August 31, 2017 Public Hearing and Regular Meeting
 - B. November 7, 2017 Landowners' Meeting
9. Other Business
10. Staff Reports
 - A. District Counsel: *Cobb Cole*
 - B. District Engineer: *Parker Mynchenberg & Associates, Inc.*
 - C. District Manager: *Wrathell, Hunt and Associates, LLC*
11. Board Members' Comments/Requests
12. Public Comments
13. Adjournment

Should have any questions, please do not hesitate to contact me directly at 561-346-5294.

Sincerely,



Cindy Cerbone
District Manager

FOR BOARD MEMBERS AND STAFF TO

ATTEND BY TELEPHONE:

Call-in number: 1-888-354-0094

Conference ID: 8518503

**TOMOKA TOWN CENTER
COMMUNITY DEVELOPMENT DISTRICT**

4

RESOLUTION 2018-01

A RESOLUTION CANVASSING AND CERTIFYING THE RESULTS OF THE LANDOWNERS' ELECTION OF SUPERVISORS FOR THE TOMOKA TOWN CENTER COMMUNITY DEVELOPMENT DISTRICT HELD PURSUANT TO SECTION 190.006(2), FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Section 190.006(2), Florida Statutes, a landowners' meeting is required to be held within 90 days of the District's creation and every two (2) years following the creation of a Community Development District for the purpose of electing Supervisors to the Board of Supervisors of the District; and

WHEREAS, following proper publication of notice thereof, such landowners' meeting was held November 7, 2017, at which the below recited persons were duly elected by virtue of the votes cast in their favor; and

WHEREAS, this resolution canvasses the votes, and declares and certifies the results of said election;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE TOMOKA TOWN CENTER COMMUNITY DEVELOPMENT DISTRICT;

1. The following persons are found, certified, and declared to have been duly elected as Supervisors of and for the District, having been elected by the votes cast in their favor as shown, to wit:

<u>Daniel E. Smith</u>	Votes	<u>79</u>
<u>Scott Bullock</u>	Votes	<u>79</u>
<u>Helal Ismail</u>	Votes	<u>77</u>

2. In accordance with said statute, and by virtue of the number of votes cast for the respective Supervisors, he/she is declared to have been elected for the following terms of office:

<u>Daniel E. Smith</u>	four (4)-year term	SEAT <u>3</u>
<u>Scott Bullock</u>	four (4)-year term	SEAT <u>4</u>
<u>Helal Ismail</u>	two (2)-year term	SEAT <u>5</u>

3. Said terms of office shall commence immediately upon the adoption of this Resolution.

PASSED AND ADOPTED this ____ day of _____, 2018.

Secretary/Assistant Secretary

Chair/Vice Chair

**TOMOKA TOWN CENTER
COMMUNITY DEVELOPMENT DISTRICT**

5

RESOLUTION 2018-02

A RESOLUTION ELECTING THE OFFICERS OF THE TOMOKA TOWN CENTER COMMUNITY DEVELOPMENT DISTRICT, VOLUSIA COUNTY, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Tomoka Town Center Community Development District held their Landowners' Election on November 7, 2017; and

WHEREAS, the Board of Supervisors of the Tomoka Town Center Community Development District desires to elect the below recited persons to the offices specified in order to properly conduct District-related business.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE TOMOKA TOWN CENTER COMMUNITY DEVELOPMENT DISTRICT:

- 1. The following persons are elected to the offices shown:

Chair	_____
Vice Chair	_____
Secretary	_____ Craig Wrathell _____
Treasurer	_____ Craig Wrathell _____
Assistant Secretary	_____
Assistant Secretary	_____
Assistant Secretary	_____
Assistant Secretary	_____ Cindy Cerbone _____
Assistant Treasurer	_____ Jeff Pinder _____

- 2. This resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this ___ day of _____, 2018.

Secretary/Assistant Secretary

Chair/Vice Chair

**TOMOKA TOWN CENTER
COMMUNITY DEVELOPMENT DISTRICT**

6

RESOLUTION 2018-03

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOMOKA TOWN CENTER COMMUNITY DEVELOPMENT DISTRICT APPROVING A PROPOSED BUDGET FOR FISCAL YEAR 2018/2019 AND SETTING A PUBLIC HEARING THEREON PURSUANT TO FLORIDA LAW AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the District Manager has heretofore prepared and submitted to the Board of Supervisors of the Tomoka Town Center Community Development District (the "Board") prior to June 15, 2018, a proposed operating budget for Fiscal Year 2018/2019; and

WHEREAS, the Board has considered the proposed budget and desires to set the required public hearing thereon.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE TOMOKA TOWN CENTER COMMUNITY DEVELOPMENT DISTRICT:

1. The operating budget proposed by the District Manager for Fiscal Year 2018/2019 attached hereto as **Exhibit A** is hereby approved as the basis for conducting a public hearing to adopt said budget.
2. A public hearing on said approved budget is hereby declared and set for the following date, hour and location:

DATE: July 23, 2018

HOUR: 10:00 a.m.

LOCATION: Consolidated-Tomoka Land Co.
1140 N. Williamson Boulevard
Daytona Beach, Florida 32117
3. The District Manager is hereby directed to submit a copy of the proposed budget to the City of Daytona Beach and Volusia County at least 60 days prior to the hearing set above.
4. In accordance with Section 189.016, *Florida Statutes*, the District's Secretary is further directed to post this approved budget on the District's website at least two days before the budget hearing date as set forth in Section 2.
5. Notice of this public hearing shall be published in the manner prescribed in Florida law.

6. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2018.

ATTEST:

**TOMOKA TOWN CENTER
COMMUNITY DEVELOPMENT
DISTRICT**

Secretary

By: _____
Its: _____

Exhibit A

**TOMOKA TOWN CENTER
COMMUNITY DEVELOPMENT DISTRICT
PROPOSED BUDGET
FISCAL YEAR 2019
PREPARED APRIL 6, 2018**

**TOMOKA TOWN CENTER
COMMUNITY DEVELOPMENT DISTRICT
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**TOMOKA TOWN CENTER
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND BUDGET
FISCAL YEAR 2019**

	Fiscal Year 2018			Total Revenue & Expenditures	Proposed Budget FY 2019
	Adopted Budget FY 2018	Actual Through 3/31/2018	Projected Through 9/30/2018		
REVENUES					
Developer contribution	\$ 29,540	\$ 7,579	\$ 16,321	\$ 23,900	\$ 30,471
Total revenues	<u>29,540</u>	<u>7,579</u>	<u>16,321</u>	<u>23,900</u>	<u>30,471</u>
EXPENDITURES					
Professional & administrative					
Management/accounting/recording	12,000	6,000	6,000	12,000	12,000
Legal	5,000	526	4,474	5,000	5,000
Engineering	500	150	350	500	500
Audit	4,500	4,500	-	4,500	4,700
Arbitrage rebate calculation*	-	-	-	-	-
Dissemination agent*	-	-	-	-	-
Trustee*	-	-	-	-	-
Postage	-	24	25	49	50
Legal advertising	750	983	500	1,483	750
Annual special district fee	175	175	-	175	175
Insurance	5,500	5,610	-	5,610	6,171
Contingencies/bank charges	500	156	344	500	500
Website	615	616	-	616	625
Total expenditures	<u>29,540</u>	<u>18,740</u>	<u>11,693</u>	<u>30,433</u>	<u>30,471</u>
Net increase/(decrease) of fund balance	-	-	4,628	(6,533)	-
Fund balance - beginning (unaudited)	-	6,533	6,533	6,533	-
Fund balance - ending (projected)	<u>\$ -</u>	<u>\$ 6,533</u>	<u>\$ 11,161</u>	<u>\$ -</u>	<u>\$ -</u>

*Applicable in fiscal year subsequent to issuance of bonds.

**TOMOKA TOWN CENTER
COMMUNITY DEVELOPMENT DISTRICT
DEFINITIONS OF GENERAL FUND EXPENDITURES**

EXPENDITURES

Professional & administrative

Management/accounting/recording	\$ 12,000
<p>Wrathell, Hunt and Associates, LLC (WHA), specializes in managing community development districts by combining the knowledge, skills and experience of a team of professionals to ensure compliance with all of the District's governmental requirements. WHA develops financing programs, administers the issuance of tax exempt bond financings, operates and maintains the assets of the community.</p>	
Legal	5,000
<p>General counsel and legal representation, which includes issues relating to public finance, public bidding, rulemaking, open meetings, public records, real property dedications, conveyances and contracts.</p>	
Engineering	500
<p>The District's Engineer will provide construction and consulting services, to assist the District in crafting sustainable solutions to address the long term interests of the community while recognizing the needs of government, the environment and maintenance of the District's facilities.</p>	
Audit	4,700
<p>Statutorily required for the District to undertake an independent examination of its books, records and accounting procedures.</p>	
Arbitrage rebate calculation*	-
<p>To ensure the District's compliance with all tax regulations, annual computations are necessary to calculate the arbitrage rebate liability.</p>	
Dissemination agent*	-
<p>The District must annually disseminate financial information in order to comply with the requirements of Rule 15c2-12 under the Securities Exchange Act of 1934. Wrathell, Hunt & Associates serves as dissemination agent.</p>	
Trustee*	-
<p>Annual fee for the service provided by trustee, paying agent and registrar.</p>	
Legal advertising	750
<p>The District advertises for monthly meetings, special meetings, public hearings, public bids, etc.</p>	
Annual special district fee	175
<p>Annual fee paid to the Florida Department of Economic Opportunity.</p>	
Insurance	6,171
<p>The District will obtain public officials and general liability insurance.</p>	
Contingencies/bank charges	500
<p>Bank charges and other miscellaneous expenses incurred during the year.</p>	
Website	625
Total expenditures	<u><u>\$ 30,471</u></u>

**TOMOKA TOWN CENTER
COMMUNITY DEVELOPMENT DISTRICT**

7

**TOMOKA TOWN CENTER
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
MARCH 31, 2018**

**TOMOKA TOWN CENTER
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
GOVERNMENTAL FUNDS
MARCH 31, 2018**

	General Fund	Total Governmental Funds
ASSETS		
Cash	\$ 3,372	\$ 3,372
Due from Developer	5,525	5,525
Total assets	\$ 8,897	\$ 8,897
LIABILITIES		
Accounts payable	\$ 5,500	\$ 5,500
Developer advance	2,500	2,500
Total liabilities	8,000	8,000
DEFERRED INFLOWS OF RESOURCES		
Deferred receipts	5,525	5,525
Total deferred inflows of resources	5,525	5,525
FUND BALANCES		
Unassigned	(4,628)	(4,628)
Total fund balances	(4,628)	(4,628)
Total liabilities and fund balances	\$ 8,897	\$ 8,897

**TOMOKA TOWN CENTER
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
FOR THE PERIOD ENDED MARCH 31, 2018**

	<u>Current Month</u>	<u>Year to Date</u>	<u>Budget</u>	<u>% of Budget</u>
REVENUES				
Developer contribution	\$ 2,331	\$ 7,579	\$ 29,540	26%
Total revenues	<u>2,331</u>	<u>7,579</u>	<u>29,540</u>	26%
EXPENDITURES				
Management/accounting/recording	1,000	6,000	12,000	50%
Legal	-	526	5,000	11%
Engineering	-	150	500	30%
Audit	4,500	4,500	4,500	100%
Postage	-	24	-	N/A
Legal advertising	-	983	750	131%
Annual special district fee	-	175	175	100%
Insurance	-	5,610	5,500	102%
Contingencies/bank charges	26	156	500	31%
Website	-	616	615	100%
Total expenditures	<u>5,526</u>	<u>18,740</u>	<u>29,540</u>	63%
Excess/(deficiency) of revenues over/(under) expenditures	(3,195)	(11,161)	-	
Fund balances - beginning	(1,433)	6,533	-	
Fund balances - ending	<u>\$ (4,628)</u>	<u>\$ (4,628)</u>	<u>\$ -</u>	

**TOMOKA TOWN CENTER
COMMUNITY DEVELOPMENT DISTRICT**

8A

1 **MINUTES OF MEETING**
2 **TOMOKA TOWN CENTER**
3 **COMMUNITY DEVELOPMENT DISTRICT**
4

5 A Public Hearing and Regular Meeting of the Tomoka Town Center Community
6 Development District was held on **Thursday, August 31, 2017, at 10:00 a.m.**, at the **offices of**
7 **Consolidated-Tomoka Land Co., 1530 Cornerstone Boulevard, Daytona Beach, Florida**
8 **32117.**
9

10 **Present at the meeting were:**

11 Steven R. Greathouse	Chair
12 John P. Albright	Assistant Secretary
13 Helal Ismail	Assistant Secretary

14 **Also present were:**

15 Cindy Cerbone	District Manager
16 Mark Watts (<i>via telephone & in person</i>)	District Counsel
17 Parker Mynchenberg	District Engineer
18 Big John	Public

19 **FIRST ORDER OF BUSINESS**

20 **Call to Order/Roll Call**

21 Ms. Cerbone called the meeting to order at 10:01 a.m. Supervisors Greathouse, Albright,
22 and Ismail were present, in person. Supervisors Bullock and Patten were not present.
23

24 **SECOND ORDER OF BUSINESS**

25 **Public Comments (3 minutes per speaker)**

26 There being no public comments, the next item followed.
27

28 **THIRD ORDER OF BUSINESS**

29 **Consideration of Resolution 2017-5,**
30 **Amending Resolution 2017-1,**
31 **Rescheduling the Date, Time and Place of**
32 **the Public Hearing for Consideration of**
33 **the Budget and Non-Ad Valorem**
34 **Assessments for Fiscal Year 2018**

35 Ms. Cerbone presented Resolution 2017-5. Today's Public Hearing was necessary due to
36 lack of a quorum at the Public Hearing and Regular Meeting scheduled for July 24, 2017.
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43 **On MOTION by Mr. Greathouse and seconded by Mr.**
 44 **Albright, with all in favor, Resolution 2017-5, Amending**
 45 **Resolution 2017-1 Rescheduling the Date, Time and Place of**
 46 **Public Hearing for Consideration of the Budget and Non-Ad**
 47 **Valorem Assessments for Fiscal Year 2018, was adopted.**

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50 **FOURTH ORDER OF BUSINESS**

**Public Hearing to Hear Comments and
Objections on the Adoption of the
District’s Final Budget for Fiscal Year
2017/2018, Pursuant to Florida Law**

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54 **A. Affidavit of Publication**

55 Ms. Carbone presented the affidavit of publication for today’s Public Hearing and
56 Regular Meeting.

57 **B. Consideration of Resolution 2017-6, Relating to the Annual Appropriations and**
58 **Adopting the Budget for the Fiscal Year Beginning October 1, 2017, and Ending**
59 **September 30, 2018; Authorizing Budget Amendments; and Providing an Effective**
60 **Date**

61 Ms. Carbone presented Resolution 2017-6. Based on previous discussions,
62 “Management/accounting/recording” was reduced to \$12,000, equating to \$1,000 per month,
63 “Legal”, was reduced to \$5,000 and “Engineering” was reduced to \$500. An audit will be
64 required due to the large transactions that occurred in Fiscal Year 2017.

65 *****Ms. Carbone opened the Public Hearing.*****

66 Big John, from the public, stated that Parker Mynchenberg “is still woefully underpaid”.

67 *****Ms. Carbone closed the Public Hearing.*****

68
69 **On MOTION by Mr. Greathouse and seconded by Mr.**
70 **Albright, with all in favor, Resolution 2017-6, Relating to the**
71 **Annual Appropriations and Adopting the Budget for the Fiscal**
72 **Year Beginning October 1, 2017, and Ending September 30,**
73 **2018; Authorizing Budget Amendments; and Providing an**
74 **Effective Date, was adopted.**

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77 **FIFTH ORDER OF BUSINESS**

**Consideration of Fiscal Year 2017/2018
Funding Agreement**

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80 Ms. Carbone presented the Fiscal Year 2017/2018 Funding Agreement. This Agreement
81 addresses the District’s Operating Expenses, similar to the Fiscal Year 2016/2017 Agreement.

82 **On MOTION by Mr. Greathouse and seconded by Mr.**
83 **Albright, with all in favor, the Fiscal Year 2017/2018 Funding**
84 **Agreement, was approved.**

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87 **SIXTH ORDER OF BUSINESS**

Consideration of Resolution 2017-7,
Adopting the Annual Meeting Schedule
for Fiscal Year 2017/2018

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91 Ms. Cerbone presented Resolution 2017-7. The following change was made:

92 Change meeting location to: 1140 N. Williamson Boulevard, Daytona Beach, Florida
93 32117.

94 Ms. Cerbone stated that she could act as the Landowners’ proxy holder or the
95 Landowners could attend or assign another proxy holder. Seats 3, 4 and 5, held by Supervisors
96 Bullock, Albright and Ismail, respectively, would be up for election.

97 ******Mr. Watts arrived at the meeting, in person, at 10:07 a.m.******

98
99 **On MOTION by Mr. Albright and seconded by Mr. Ismail,**
100 **with all in favor, Resolution 2017-7, Adopting the Annual**
101 **Meeting Schedule for Fiscal Year 2017/2018, as amended, was**
102 **adopted.**

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105 **SEVENTH ORDER OF BUSINESS**

Presentation of Audited Financial Report
for Fiscal Year Ended September 30,
2016, Prepared by Grau & Associates

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109 Ms. Cerbone stated that there were no findings, recommendations or irregularities. The
110 “Independent Auditor’s Report”, on Pages 1 and 2, reflected a clean opinion. Page 3 reflected
111 that assets exceeded liabilities, as expected, due to the inflow of a payment from the County,
112 according to the Interlocal Agreement. On Page 16, “Note 5 – Capital Assets”, reflected the
113 estimated construction cost of \$16,828,847 for the development of the outlet mall. The District
114 will retain ownership of the “Grading & Stormwater Management System”, with all other capital
115 assets conveyed to other entities. On Page 17, “Note 9 – Interlocal Agreements”, reflected the
116 District’s Agreements with the City and County regarding the development of the outlet mall. In
117 Fiscal Year 2017, the District received \$4.5 million from both the City and County, since the
118 terms of the Agreements were met. On Page 17, “Note 10 – Subsequent Events”, reflected that
119 the District received \$1,125,000 from the County and the remaining \$2,250,000 from the City

120 and the District paid the Developer \$4.5 million for the acquisition of certain capital assets. Page
 121 18 reflected the Fiscal Year 2016 Budget with actual numbers; the District had not budgeted the
 122 County grant in Fiscal Year 2016, so the Fiscal Year 2016 budget will be amended, later in the
 123 meeting. There were no findings, deficiencies or instances of non-compliance in the
 124 “Independent Auditor’s Report On Internal Control Over Financial Reporting and on
 125 Compliance and Other Matters”, on Pages 20 and 21, or the “Independent Auditor’s Report On
 126 Compliance with the Requirements of Section 218.415, Florida Statutes”, on Page 22, the
 127 “Management Letter”, on Page 23, or the “Report to Management”, on Page 24.

128

129 **EIGHTH ORDER OF BUSINESS**

**Consideration of Resolution 2017-8,
 Accepting the Audited Financial Report
 for the Fiscal Year Ended September 30,
 2016.**

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134 Ms. Cerbone presented Resolution 2017-8.

135

**On MOTION by Mr. Albright and seconded by Mr.
 Greathouse, with all in favor, Resolution 2017-8, Accepting the
 Audited Financial Report for the Fiscal Year Ended
 September 30, 2016, was adopted.**

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142 **NINTH ORDER OF BUSINESS**

**Consideration of Tomoka Town Center
 Owners’ Association Inc., Agreement for
 Infrastructure Management and
 Maintenance Services**

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147 Ms. Cerbone stated that Management recommended that, for the protection of the District
 148 and the service provider, all Districts have an Agreement that lays out the expectations for
 149 maintenance and any other service related items. Mr. Mynchenberg provided information to Mr.
 150 Watts to draft an agreement. Mr. Watts confirmed that having an Agreement in place would
 151 prevent the District and the Tomoka Town Center Owners’ Association Inc., from duplicating
 152 efforts with regard to maintenance activities and imposing additional assessments.

153

**On MOTION by Mr. Albright and seconded by Mr.
 Greathouse, with all in favor, the Tomoka Town Center
 Owners’ Association Inc., Agreement for Infrastructure
 Management and Maintenance Services, was approved.**

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158 **TENTH ORDER OF BUSINESS**

**Consideration of Resolution 2017-9,
Relating to the Amendment of the Annual
Budget for the Fiscal Year Beginning
October 1, 2016, and Ending September
30, 2017**

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164 Ms. Cerbone presented Resolution 2017-9. As the result of the District receiving grant
165 money from the City and the County, which were not included in the Fiscal Year 2017 budget,
166 the Board should consider amending the Capital outlay portion of the budget. The District
167 received \$2,250,000 from the City and \$1,125,000 from the County. The County funds
168 represented the second half of payment and are in addition to the monies received earlier in the
169 year. Since the Developer met the terms of the Interlocal Agreement and provided proper
170 documentation, the District paid back \$4.5 million.

171 Big John asked Ms. Cerbone to repeat the information discussed above. Ms. Cerbone
172 explained that, when preparing the Fiscal 2017 budget, the District did not enter a line item for
173 grants, as the requirements of the Interlocal Agreement had not been met. Once the Developer
174 met the project requirements and submitted proper documentation, the District received the grant
175 money from both the City and County and, in turn, returned the funds to the Developer. In light
176 of the significant differences in the Capital outlay expense and, in keeping with the
177 Governmental Accounting Standards, it was necessary to amend the Fiscal Year 2017 budget.
178 Amending the Fiscal Year 2017 budget would acknowledge that this was not budgeted when the
179 budget was adopted. Mr. Watts stated that, adopting an amended Fiscal Year 2017 budget,
180 reflecting that all incoming and outgoing funds were recorded properly, relative to the Interlocal
181 and Grant Agreements that were in place, would shore up the audit trail and aid the auditors
182 during year-end audit. In response to a question of who received the funds, Mr. Watts stated the
183 District paid it to the Landowner who completed the roadwork. In a prior meeting, an
184 Acquisition Agreement was adopted that allowed the District to have the option of constructing
185 the infrastructure directly or having the Landowner or Developer construct the infrastructure and
186 transfer ownership to the District, which is essentially what happened.

187 Big John asked if the District was transferring the roads, stormwater system, and water
188 and sewer to the City. Mr. Watts replied the City maintains the roads, water and sewer and the
189 District maintains the stormwater system. The POA is maintaining the private common areas
190 and are now contractually maintaining the District's public stormwater systems. Mr. Albright
191 asked that any further questions be held until Public Comments.

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On MOTION by Mr. Albright and seconded by Mr. Greathouse, with all in favor, Resolution 2017-9, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2016, and Ending September 30, 2017, was adopted.

ELEVENTH ORDER OF BUSINESS Approval of the Unaudited Financial Statements as of July 31, 2017

Ms. Cerbone presented the Unaudited Financial Statements as of July 31, 2017.

On MOTION by Mr. Albright and seconded by Mr. Greathouse, with all in favor, the Unaudited Financial Statements as of July 31, 2017, were approved.

****Mr. Mynchenberg arrived at the meeting at 10:17 a.m.****

TWELFTH ORDER OF BUSINESS Approval of May 15, 2017 Regular Meeting Minutes

Ms. Cerbone presented the May 15, 2017 Regular Meeting Minutes and asked for any additions, corrections or deletions.

On MOTION by Mr. Greathouse and seconded by Mr. Ismail, with all in favor, the May 15, 2017 Regular Meeting Minutes, as presented, were approved.

THIRTEENTH ORDER OF BUSINESS Other Business

There being no other business, the next item followed.

FOURTEENTH ORDER OF BUSINESS Staff Reports

A. District Counsel: *Cobb Cole*

There being no report, the next item followed.

B. District Engineer: *Parker Mynchenberg & Associates, Inc.*

231 Mr. Mynchenberg stated the one-year maintenance bond expires at the end of October.
232 In September, he will request a punch list from the City and make the necessary repairs so that
233 the performance bond on public improvements is released.

234 **C. District Manager: Wrathell, Hunt and Associates, LLC**

235 There being no report, the next item followed.
236

237 **FIFTEENTH ORDER OF BUSINESS Board Members' Comments/Requests**

238
239 There being no Board Members' comments or requests, the next item followed.
240

241 **SIXTEENTH ORDER OF BUSINESS Public Comments**

242
243 Big John reinstated his comment that "the County or District Engineer is woefully
244 underpaid." He asked the Board to consider his request to receive the agenda package, on a
245 regular basis. Ms. Cerbone would inform Management's office to include him on the email
246 distribution list. Big John asked for confirmation that the County grants represented the City and
247 the County. Mr. Albright confirmed the City and County grants were considered paid in full. In
248 the prior fiscal year, 25% of the grant was received and the remaining 75% was recently
249 received. Big John asked what entities made up the POA besides Tanger Daytona, the District
250 and the other new development. Mr. Albright stated the "Association" was comprised of all the
251 owners within Tomoka Town Center, including homeowners, the District, North America and
252 Tanger Daytona and all are responsible for maintaining the shared common stormwater system.
253 Big John asked various questions regarding the LPGA CDD and Mr. Albright asked that
254 questions stay on point for the Tomoka Town Center CDD.
255

256 **SEVENTEENTH ORDER OF BUSINESS Adjournment**

257
258 There being no further business to discuss, the meeting adjourned.
259

**On MOTION by Mr. Albright and seconded by Mr. Ismail,
with all in favor, the meeting adjourned at 10:22 a.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

Chair/Vice Chair

DRAFT

**TOMOKA TOWN CENTER
COMMUNITY DEVELOPMENT DISTRICT**

8B

1 **MINUTES OF MEETING**
2 **TOMOKA TOWN CENTER**
3 **COMMUNITY DEVELOPMENT DISTRICT**
4

5 A Landowners' Meeting of the Tomoka Town Center Community Development District
6 was held on Tuesday, November 7, 2017 at 10:00 a.m., at the offices of Consolidated-Tomoka
7 Land Co., 1140 N. Williamson Boulevard, Daytona Beach, Florida 32117.
8

9 **Present were:**

10 Steven Greathouse Landowner Representative
11 John P. Albright
12 Helal Ismail
13
14

15 **Also present were:**

16
17 Cindy Cerbone District Manager
18 Mark Watts District Counsel
19
20

21 **FIRST ORDER OF BUSINESS**

Call to Order/Roll Call

22
23 Ms. Cerbone called the meeting to order at 10:04 a.m. Mr. Steven Greathouse was
24 present, as landowner representative for Tomoka Town Center and Indigo Development LLC.
25

26 **SECOND ORDER OF BUSINESS**

Affidavit of Publication

27
28 The affidavit of publication was provided for informational purposes.
29

30 **THIRD ORDER OF BUSINESS**

**Election of a Chair to Conduct
Landowners' Meeting**

31
32
33 Mr. Greathouse agreed to Ms. Cerbone serving as Chair to conduct the Landowners'
34 Meeting.
35

36 **FOURTH ORDER OF BUSINESS**

Election of Supervisors [Seats 3, 4 & 5]

37
38 Ms. Cerbone indicated that Seats 3, 4, and 5, currently held by Mr. Bullock, Mr. Albright
39 and Mr. Ismail, respectively, were up for election. Mr. Greathouse, as landowner representative,

40 was authorized to cast ballots, on behalf of Tomoka Town Center Owners’ Association Inc., and
41 Indigo Development LLC.

42 **A. Determine Number of Voting Units**

43 The District had not received any proxies or any information from Landowners other than
44 the one in attendance.

45 **i. Represented**

46 A total of 79 votes were represented.

47 Ms. Cerbone indicated that Mr. Greathouse represented the following voting units:

48	Indigo Development LLC	63.49 Acres	64 Votes
49	Tomoka Town Center Owners’ Association Inc.	14.69 Acres	15 Votes

50 **ii. Assigned by Proxy**

51 There were no voting units assigned by proxy.

52 **B. Nominations**

53 Mr. Greathouse, on behalf of Tomoka Town Center Owners’ Association Inc. and Indigo
54 Development LLC, nominated the following:

55	Dan Smith	Seat 3
56	Scott Bullock	Seat 4
57	Helal Ismail	Seat 5

58 No other nominations were made.

59 **C. Casting of Ballots (in order of nominations)**

60 Mr. Greathouse cast the following votes on behalf of Tomoka Town Center Owners’
61 Association Inc.:

62	Dan Smith	Seat 3	15 Votes
63	Scott Bullock	Seat 4	15 Votes
64	Helal Ismail	Seat 5	14 Votes

65 Mr. Greathouse cast the following votes on behalf of Indigo Development LLC.

66	Dan Smith	Seat 3	64 Votes
67	Scott Bullock	Seat 4	64 Votes
68	Helal Ismail	Seat 5	63 Votes

69 **D. Ballot Tabulation and Results**

70 Ms. Cerbone announced the following ballot tabulation, results and term for each Seat.

71	Dan Smith	Seat 3	79 Votes	4-Year Term
72	Scott Bullock	Seat 4	79 Votes	4-Year Term
73	Helal Ismail	Seat 5	77 Votes	2-Year Term

74

FIFTH ORDER OF BUSINESS

Landowners' Questions/Comments

76

77 There being no Landowners' questions or comments, the next item followed.

78

SIXTH ORDER OF BUSINESS

Adjournment

80

81 There being nothing further to discuss, the meeting adjourned at 10:08 a.m.

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Secretary/Assistant Secretary

Chair/Vice Chair

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