

MINUTES OF MEETING
POINCIANA
COMMUNITY DEVELOPMENT DISTRICT

The Regular meeting of the Board of Supervisors of the Poinciana Community Development District was held on Wednesday, September 18, 2019 at 11:00 a.m. in the Starlight Ballroom, 384 Village Drive, Poinciana, Florida.

Present and constituting a quorum were:

Lita Epstein	Chairman
Michael Luddy	Vice Chairman
Robert Zimbardi	Assistant Secretary
Tony Reed	Assistant Secretary
Elizabeth Lambrides	Assistant Secretary

Also, present were:

George Flint	District Manager
Andrew d'Adesky	District Counsel
Kathy Leo	District Engineer
Clayton Smith	Assistant Field Manager
Pete Deglomine	Clarke
Residents	

The following is a summary of the discussions and actions taken at the September 18, 2019 Poinciana Community Development District's Board of Supervisors Meeting. Due a malfunction with the recording device, discussion summary begins under the Third Order of Business.

FIRST ORDER OF BUSINESS

Roll Call

Ms. Epstein called the meeting to order and a quorum was established.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

THIRD ORDER OF BUSINESS

Public Comment Period on Agenda Items

A resident noted at the last meeting the Board approved an agreement calling for a six figure payment, and that agreement is not available on the website. They adopted an Assessment Methodology that is not on the website either. The resident stated they should be able to see all items on the agenda package. Mr. Flint stated they would pay attention to those issues going forward, and he noted they would rescan the agenda with the Assessment Methodology and other documents inserted.

Ms. Epstein noted there was a request to move the Field Manager's report because they need to leave. Ms. Epstein asked the Board if they were amenable to moving the report.

On MOTION by Ms. Lambrides seconded by Mr. Luddy with all in favor, moving the Field Manager's Report up the Agenda, was approved.

Mr. Smith presented the Field Manager's Report. He noted the dredgesox have been placed around the banks of pond E-31 and a section of D-2. The contractor was proceeding with filling of dredgesox. Once they are finished he will review it, and he stated it looks like it will be successful and the Board will be happy with the results. The contractor anticipates completion by September 20th. In-progress items include on-going pond site reviews, inventorying and documenting possible repairs for next budget year. Mr. Smith is working with the Engineer to determine priority of items. He noted they are cleaning up the landscape beds, that will continue as the mowing process dies down. They are repairing the washout behind the mitered end sections. He noted they continue to monitor the tunnels to see if they need to be pressure washed. He anticipates they will need pressure washing during the beginning of Fiscal Year 2020. Mr. Smith reviewed the Clarke reports explaining the pond treatments. Mr. Smith asked for questions, the Board had none.

FOURTH ORDER OF BUSINESS

Approval of Minutes of the August 21, 2019 Meeting

Ms. Epstein presented the minutes of the June 19, 2019 meeting and asked for any changes. A supervisor noted on the balance sheet and income statement, they don't approve them they accept them.

Ms. Carpenter noted under Item 11, under Attorney, the fifth line should read "time for them to produce discovery related to the costs" instead of "produce the costs." The Board had no other changes to the minutes.

On MOTION by Mr. Reed seconded by Mr. Luddy with all in favor, the Minutes of the August 21, 2019 Meeting were approved, as amended.

FIFTH ORDER OF BUSINESS

Consideration of Agreements

A. Landscape Maintenance Agreement with Floralawn Landscape

Mr. Flint presented the CDD's existing agreements. The Floralawn agreement expires at the end of September. Floralawn indicated they would keep their pricing the same as it was in Fiscal Year 2019. Mr. Flint verified the ponds referenced in the agreement are still accurate at this point in time. Mr. Flint asked for any questions on the agreement, and noted it was their recommendation that the Board extend the agreement an additional 12 months.

Mr. Zimbardi asked if the Poinciana West contract was different from Poinciana's beside pond count. Mr. Flint noted the scope of work was substantially the same. Mr. Zimbardi asked if there were any changes on Poinciana West's agreement, that Mr. Flint notify the Poinciana Board. Mr. Flint noted the PWCDD Board asked that they more clearly identify the areas that are to be maintained. Mr. Flint stated he would keep the Poinciana Board up to date with any other changes.

Ms. Epstein noted the ongoing problem of mowing parts getting into the ponds. She asked if they could put something in the contract stating if that continues to happen there will be a penalty. Mr. Flint stated the contract scope should reference that the mowers should not be directing their chute toward the pond. Mr. Flint noted the penalty would be the 30-day termination provision. Ms. Carpenter suggested putting in a penalty of cost of cleaning the ponds to get the parts out of the ponds. Ms. Epstein and Mr. Smith discussed the effects the mowing parts were having on the ponds. Ms. Epstein advised she told residents to take pictures if they have a complaint. Mr. Smith stated the complaint log does not reflect clippings in the pond, but that does not mean they aren't occurring. Mr. Smith stated he had not seen or witness the mowers directing their clippings into the pond. Ms. Epstein stated she witnessed someone dumping their cuttings into the pond behind her house. Ms. Carpenter noted that complaints need to be formally filed. Mr. Smith suggested adding to the scope after mowing, they do a quick inspection of the ponds and get out any excessive grass that got into the pond.

A Floralawn representative noted he had no complaints to his knowledge of grass on the ponds. He stated the tractors pull a finish motor that discharge out the rear as opposed to the

sides. He noted any grass getting into the ponds is likely from the line trimming, because there's no chute, or the wind blows the grass into the pond. He noted they don't intentionally do it. He has received calls over the past 6-8 months about possible grass, but it was identification by the homeowners, and it was actually pond scum on the surface of the water.

A resident noted that if other residents see something that's wrong, they need to complain.

Mr. Reed stated that receiving the contracts two days before the meeting does not work for him, he wants to read everything and has many comments and questions. He deferred his questions because the meeting was running late. Mr. Reed asked that they get the contracts a month ahead of time so they can be reviewed and he can ask questions. Mr. Reed stated the wetlands grow and expand into the other areas, but they don't talk about tripping the areas to minimize that growth. He asked if that had ever been done or would ever be done in the future.

The Floralawn representative noted their current contract does not cover that, but if there's a specific area they need to inspect they can do that. Mr. Flint noted they wouldn't do anything unless the growth is impeding access to mow or encroaching on a pond bank and they can't mow. Otherwise, it would be an additional expense or contract to do that.

Mr. Reed asked how many acres of mowing Floralawn does. The Floralawn representative stated he could have that information to the supervisor later that day. Mr. Reed stated it should be in the contract so the Board has a full understanding of the scope of the work. The Floralawn representative noted that specific scope is provided to them from the CDD.

Ms. Lambrides asked the best way to communicate with Floralawn if they see lawn clippings in the pond. Mr. Flint suggested sending the complaints to his office, that way they can track it and it can be part of the customer complaint log. He noted if she goes directly to Floralawn, Clayton and himself are not aware of it and they can't follow up.

Mr. Reed inquired about the hurricane plan, the Floralawn representative explained what they would do in case of hurricane damage in Poinciana. Mr. Smith gave an overview of his preparations for the storm in the community. He noted he reached out to all the vendors to ensure they were prepared as well.

Mr. Flint advised they would start putting the contracts on the agendas the month prior to when they expire, that way the Board can discuss the contracts or agreements at two meetings if necessary.

Mr. Zimbardi asked about page 5 of the agreement under fertilization and pest control specification, under #1 it says pond bank can be fertilized semi-annually and then it says it should be done only by owner's request. Mr. Flint stated they would not be fertilizing the pond bank or any unirrigated bahia. He noted they would remove that from the contract as they would not be fertilizing that area.

On MOTION by Mr. Zimbardi seconded by Mr. Luddy with all in favor, the Landscape Maintenance Agreement with Floralawn Landscape, with Amendments stated above, was approved.

B. Aquatic Maintenance Agreement with Clarke Aquatic

Mr. Flint presented the current contract the CDD had with Clarke Aquatic. He recommended extending the contract an additional 12 months through the end of Fiscal Year 2020. They verified the ponds referenced and the information contained in the agreement is still accurate. Clarke agreed to hold their pricing for another 12 months.

Mr. Reed noted he had not had enough time to go through each pond and drawing. He asked that all the drawings and contracts are updated. Ms. Epstein noted the drawings were the latest maps and ponds. Mr. Reed pointed out on page 12, Item 4.7.1b the end of the sentence says, "Individual species listed in section 4.7" and noted that should be 4.6.

On MOTION by Mr. Zimbardi seconded by Mr. Luddy with all in favor, the Aquatic Maintenance Agreement with Clarke Aquatic Services, with the Amendment stated above, was approved.

C. Midge Control Services Agreement with Clarke Environmental Mosquito Management

Mr. Flint presented the midge control agreement with Clarke and noted the agreement expires September 30th. Mr. Flint recommended extending the contract 12 months, and they agreed to keep their fees the same. Mr. Reed asked that Mr. Smith and the Floralawn representative look into using dragon flies for midge control.

On MOTION by Mr. Reed seconded by Mr. Luddy with all in favor, the Midge Control Services Agreement with Clarke Environmental Mosquito Management, was approved.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Carpenter noted on the motion to tax costs litigation, there was a hearing set on the discovery motion. Before the hearing, the residents contesting the discovery agreed to produce the discovery by September 16th, so the hearing was cancelled. The discovery was produced and at the same time they filed an amended Motion to Tax Costs adding another \$8,000 they didn't include in the first place. Ms. Carpenter recommended her firm be permitted to file appropriate motions to get this resolved and finished. Ms. Carpenter noted she did not wish to talk about the subject further on the record, but was happy to answer any questions after the meeting.

Mr. Zimbardi asked what action Ms. Carpenter wanted the Board to give. She answered she would like to be able to talk with counsel for Poinciana West and file appropriate motions for entitlement for costs. Ms. Epstein agreed that seemed like the best route to take before they go any further. The Board agreed to direct Ms. Carpenter to proceed as stated above.

Ms. Epstein asked if they received money from the settlement. Ms. Carpenter noted they got it and they paid promptly. She noted GMS was wired the money and the payments have started to be made. Mr. Flint noted they paid the project construction invoices that were outstanding, although not related to the amenity issue, they were withholding payment on both. Mr. Flint noted they have paid all the invoices that were part of the settlement.

B. Engineer**i. Discussion of Stormwater Pond Operations**

Ms. Leo explained the stormwater system and control elevation the Board and residents in attendance. She noted she did a visual inspection of the tunnels that morning, and the tunnels were fine. There were no issues. Ms. Leo stated that Polk County approved an Engineer to do an expansion for Cypress and Marigold and she asked that the County keep her updated. She would keep the Board updated with any information she received them.

Ms. Leo noted at the last meeting there was a question about plantings in the ponds. She found a discussion about the topic from 2012. They did a DOT study and they did a presentation to the Board about stormwater pond enhancements. Ms. Leo discussed ponds that will come on in the next year and noted she is in discussions with the developer regarding that topic.

The Board discussed ownership of Pond B-5 that got brought up at the prior meeting. Mr. Flint stated they found that the CDD does own and have a responsibility for that pond.

C. District Manager

Mr. Flint noted he had a request for accommodation by Mr. Kessler who is hearing impaired. Mr. Flint stated they need to accommodate anyone who is hearing or visually impaired. He noted Mr. Kessler attended meetings in Polk County, and the system they had there he found helpful. Mr. Flint found the technology used in those meetings, it's a 3 channel RF package. It's a wireless transmitter that has a hearing piece, the system is about \$700. That system accommodates 4 people that may be hearing impaired.

Mr. Kessler stated that the CDD must follow ADA guidelines. Mr. Kessler presented some research he had done on hearing impaired people and court situations. He noted he would send George some of the products he found during his research. The Board thanked Mr. Kessler.

i. Approval of Check Register

Mr. Flint presented the Check Register from August 14, 2019 through September 11, 2019 in the amount of \$212,607.84. The Board had no questions.

On MOTION by Mr. Zimbardi seconded by Ms. Lambrides with all in favor the Check Register, was approved.

ii. Balance Sheet and Income Statement

Mr. Flint presented the balance sheet and income statement. The Board had no comments.

On MOTION by Mr. Luddy seconded by Mr. Reed with all in favor, the Balance Sheet and Income Statement, were accepted.

D. Field Manager**i. Field Manager's Report**

This item was presented earlier in the meeting.

ii. Customer Complaint Log

This item was presented earlier in the meeting.

SEVENTH ORDER OF BUSINESS**Supervisor's Requests**

Mr. Reed pointed out that Pond B-5 on the drawings on the contracts that were being approved, is still indicated as belonging to Taylor Morrison. He noted that Ponds 9A & 9B don't exist. In the area where the new ponds are being built, the pond he observed after driving by

looked to be opposite of F5 and F7 on the other side of the road. The pond is not complete and should not be accepted or turned over to either organizations. He asked that it be followed up on.

Mr. Luddy noted he had been working with Mr. Smith to find opportunities to use natural wholistic methods to control the midges, banks, mosquitoes, etc. They are going to continue working on the issue to develop a strategy for the years going forward. He hopes to eventually wean off from using any chemicals in managing the ponds and banks. Mr. Luddy stated he agreed with the Poinciana West Board that they should merge at some point. He suggested looking at the costs and timing so they could best manage the transition to one single Board. Ms. Carpenter stated there is time, expense, and work involved in transitioning, but it is straightforward. She noted the Poinciana West Board passed a motion for Counsel to begin looking into the cost of transitioning to one Board. Ms. Carpenter stated she could give the Board an outline of the process, costs, etc. Ms. Epstein noted she would like to see proof that there would be a significant amount of financial savings in order to spend money on legal fees.

Ms. Epstein asked for any questions or comments from the audience related to the merger since the item was not on the agenda.

A resident stated that he was in favor of the Board looking at financials to see if the merger makes sense. If it does make financial sense, he asked which Board members would be in favor of pursuing the merge. Ms. Carpenter noted there would be a vote to see.

Mr. Charlie Case (642 Tapatio Lane), Chairman of the Poinciana West CDD Board, addressed the Board and noted they had been working on transitioning the Boards for four years. He stated it was realized and documented that there is a substantial savings, around \$50,000. He noted their attorneys told them it would take at least a year. Mr. Case stated he agreed to give up his seat in order to make the transition happen. Ms. Epstein stated she would like to do this at the same time as the election.

A resident asked if the debt would change since the bonds were already issued for both Boards. Ms. Epstein noted the debt would not change, but the maintenance expenses could change. Ms. Epstein stated the only way they would transition to one Board is if the costs per household goes down on both sides.

On MOTION by Mr. Luddy seconded by Mr. Reed with all in favor, Authorization for Counsel to Investigate Merger, was approved.

EIGHTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

NINTH ORDER OF BUSINESS

General Audience Comments

Mr. Doug Peterson stated that his property faces a natural area, and he has lived there 10 years. He is concerned about the vines in that area killing the trees. He noted he walked in the community often and noticed the non-indigenous plants aren't in the common areas. He asked the Board to look at the non-indigenous plants. The Board discussed ownership of the natural areas, as the CDD and Avatar have ownership of different areas. Ms. Leo suggested Mr. Smith take a look at the area. Mr. Flint stated that Floralawn was going to look at the CDD conservation areas to see what could be done.

TENTH ORDER OF BUSINESS

Next Meeting Date – October 16, 2019

The next meeting is scheduled to be held on October 16, 2019.

ELEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Lambrides seconded by Mr. Reed with all in favor the meeting was adjourned.


Secretary/Assistant Secretary


Chairman/Vice Chairman