

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, April 18, 2018 at 12:00 p.m. in the Starlite Ballroom, 384 Village Drive, Poinciana, Florida.

Present and constituting a quorum were:

Robert Zimbardi	Chairman
LeRue "Skip" Stellfox	Vice Chairman
Lita Epstein	Assistant Secretary
David Lane	Assistant Secretary
William Land	Assistant Secretary

Also present were:

George Flint	District Manager
Michael Eckert	District Counsel
Kathy Leo	District Engineer
Brian Smith	Field Manager
Jill Burns	GMS
Anthony Iorio	Avatar Properties
Residents	

The following is a summary of the discussions and actions taken at the April 18, 2018 Poinciana Community Development District's Board of Supervisors Meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Zimbardi called the meeting to order and called the roll.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

THIRD ORDER OF BUSINESS

Public Comment Period

There being none, the next item followed.

FOURTH ORDER OF BUSINESS

Organizational Matters

A. Review of Letters of Interest/Resumes

Mr. Zimbardi recalled that this item was tabled from the last meeting, due to the Board being unable to reach consensus on a candidate.

B. Appointment of Individual to Fulfill the Board Vacancy with a Term Ending November 2018

Mr. Stellfox, Mr. Zimbardi and Mr. Lane preferred William Land. Ms. Epstein preferred for Tony Reid, due to his construction experience.

On MOTION by Mr. Stellfox, seconded by Mr. Lane, with all in favor, William Land was appointed to fill the Board vacancy, with a term ending November 2018.

C. Administration of Oath of Office to Newly Appointed Board Member

Mr. Flint, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Land.

Mr. Eckert explained the Sunshine and Public Records Laws and procedural matters. Mr. Flint provided forms to Mr. Land, which were discussed. Mr. Zimbardi welcomed Mr. Land to the Board.

D. Consideration of Resolution 2018-09 Electing Assistant Secretary

Mr. Eckert stated that the resolution designates Mr. Land as an officer of the District. As Assistant Secretary, Mr. Land would be authorized to execute documents.

On MOTION by Mr. Lane seconded by Mr. Stellfox with all in favor, Resolution 2018-09, designating William Land as Assistant Secretary, was adopted.

FIFTH ORDER OF BUSINESS

Approval of Minutes of the March 21, 2018 Meeting

Mr. Zimbardi requested tabling the minutes to the next meeting, due to District Counsel receiving the minutes late and having comments. He asked for any additions, corrections or deletions from the Board. Hearing none, this item was tabled.

SIXTH ORDER OF BUSINESS

Presentation of Inframark Final Invoice

Mr. Eckert presented the final invoice from Inframark, indicating that the District would receive \$5,330.89 in credits for assessment services, dissemination agent fees and a late fee that the District incurred for Inframark not filing the DEO Form required for special districts on time. Inframark issued a check that was received.

Mr. Zimbardi recalled a missing report. Mr. Eckert indicated that the missing quarterly report was completed by current management. Mr. Flint confirmed that all quarterly and annual dissemination agent reports were completed by his office, and they were currently working on billing and payments for AV Homes, related to the amenity acquisition. Staff received all necessary documentation from Inframark.

On MOTION by Mr. Stellfox, seconded by Mr. Lane, with all in favor, the Inframark final invoice, was approved.

SEVENTH ORDER OF BUSINESS

Ratification of Amendment to Fiscal Year 2018 Meeting Schedule

Mr. Zimbardi asked why this item was necessary. Mr. Flint explained that the annual meeting schedule approved by the Board had all meetings scheduled at 11:00 a.m.; however, the Board decided to move all meetings to 12:00 p.m., to allow the Poinciana West CDD to meet at 11:00 a.m.

The Board recalled agreeing to alternate the 11:00 a.m. and 12:00 p.m. meeting times with the Poinciana West CDD. Mr. Flint would discuss this matter with the Chairman of the Poinciana West CDD Board between now and the next meeting. Mr. Eckert suggested scheduling the meeting at 12:30 p.m., versus 12:00 p.m., as meetings typically ran past an hour. Mr. Flint suggested keeping the current meeting time of 12:00 p.m., until the Poinciana West CDD Board took action.

EIGHTH ORDER OF BUSINESS

Consideration of Matters Related to Pond Conveyances and Maintenance Responsibilities

Mr. Eckert presented a conveyance/maintenance chart that his office prepared, showing the ponds conveyed to the District, ponds anticipated to be conveyed in the future and where it was included in the aquatic, landscape maintenance and midge treatment contracts. A To-Do-

List was created, delineating responsibilities between District Counsel, the District Manager, field services personnel and the developer. Over the next 18 months, it was anticipated that a number of ponds would be conveyed to the District for ownership and maintenance responsibilities.

Mr. Zimbardi questioned the pond numbering system. Ms. Leo indicated that the pond numbers were adapted from the Master Plan. Each phase was identified by a number and letter, which tied to the permits, drawings, plats and maps. Discussion ensued. Ms. Leo stated that at future meetings, a full-blown map would be presented, showing the location of the ponds, by phases.

Mr. Zimbardi asked if the District Engineer was satisfied with the ponds currently under contract for aquatic and midge control. Ms. Leo confirmed that staff was satisfied, as several ponds were cleaned through this process. Mr. Smith stated that all ponds owned by the District received mowing and aquatic weed control services and prices would be obtained for ponds that were conveyed. He stated that a handful of ponds received midge control from Clarke and that if the conveyed ponds had midge issues, Clarke would be asked to provide a proposal.

NINTH ORDER OF BUSINESS

Consideration of Extension of Inspection Period for Amenity Transaction

Mr. Eckert requested authorization to extend the inspection period for the Amenity Purchase Contract from time to time until closing. No concerns were expressed by the Poinciana West CDD Board.

On MOTION by Mr. Lane, seconded by Mr. Stellfox, with all in favor, District Counsel staff was authorized to approve extensions of the inspection period for the Amenity Purchase Contract until closing, was approved.

TENTH ORDER OF BUSINESS

Discussion of Boating in District Ponds

Mr. Zimbardi presented a memo prepared by District Counsel with pros and cons of boating in District ponds. Discussion ensued.

Ms. Epstein voiced concern about non-residents using boats in District ponds if boating was permitted. Mr. Eckert stated that the District’s current position, was to treat the ponds as a stormwater utility, not for recreational use. Mr. Lane had liability concerns.

After further discussion, there was Board consensus to retain the existing policy and include an article in Reflections to reiterate the policy. The District Manager would prepare the article.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

i. Litigation Update

Mr. Eckert reported that the parties appealed the first Bond Validation case to the Florida Supreme Court, but it was dismissed. Dr. Kessler filed a motion for reconsideration, which was denied. A hearing was scheduled for Monday with the trial court on the bond validation case.

B. Engineer

i. Presentation of Priority List for Stormwater System Repairs

Ms. Leo presented the Priority List for the stormwater system repairs. The files from the prior Engineer were migrated and they were working on maps for overall pond responsibilities, control structure maintenance and conservation area ownership and maintenance, which would be presented at the next meeting.

Mr. Zimbardi asked if the first item on the Priority List should be handled immediately. Ms. Leo replied that it was not set up that way. Mr. Flint stated that Mr. Smith developed the priorities, based on the Inspection Report and the Board approved a not-to-exceed of \$15,000. Mr. Zimbardi requested a list of items current and pending. Mr. Flint stated that E-31 weir, which was heavily overgrown, was cleared, so that the drainage system could function. Mr. Smith had a proposal with 12 items that were on the Priority List. As items were completed, the Priority List would be updated. Many items were aesthetic, versus functional. Mr. Lane requested a column for actions taken. Mr. Smith would provide a spreadsheet.

Mr. Zimbardi noted that two ponds on the Priority List, were not in the CDD. Mr. Smith stated that that Avatar was responsible for the ponds. Mr. Eckert noted that if the ponds were platted, but were not deeded to the District, the maintenance remained with Avatar. Mr. Smith stated that the priority was the functioning of the pond and ensuring that outfalls and mitered end sections were cleared. Most of the mitered end sections would be completed in May, since summer rains did not occur until June.

C. District Manager

i. Action Items List

Mr. Flint presented the Action Items List. The status of the transition will be marked complete for the next Action Item List. The remaining items were covered under the Field Manager’s Report.

ii. Approval of Check Register

Mr. Flint presented the Check Register from March 1st through March 31, 2018 in the amount of \$103,146.32. It included Checks #2613 through Checks #2627, in the amount of \$102,776.92, and payroll registers in the amount of \$369.40. The detail was behind the Check Register.

On MOTION by Ms. Epstein, seconded by Mr. Lane, with all in favor, the March Check Register was approved.

iii. Balance Sheet and Income Statement

Mr. Flint presented the Unaudited Financial Statements through March 31, 2018.

Mr. Zimbardi asked why direct collect payments were under paid. Mr. Eckert indicated that the developer paid in increments, based on a Direct Collect Agreement. Mr. Flint reported that the February 1st payment was paid late and was not reflected on this statement. Mr. Lane asked if the expenses were specific to the District or allocated between the CDD and the Poinciana West CDD. Mr. Flint stated that it was specific to each District, based on contracts.

On MOTION by Mr. Lane, seconded by Ms. Epstein, with all in favor, the Financial Statements were approved.

iv. Consideration of Funding Request #1

Mr. Flint presented Funding Request #1, in the amount of \$130,991.85, for costs associated with the amenity acquisition, which were paid by AV Homes under a Funding Agreement. Mr. Eckert advised that these were amounts that Inframark should have billed AV Homes, with the exception of February. Mr. Flint was verifying some publication expenses. Discussion ensued.

On MOTION by Mr. Stellfox, seconded by Ms. Epstein, with all in favor, Funding Request #1, in the amount of \$130,991.85, was approved.

v. Discussion of General Election Qualifying Period & Procedure

Mr. Flint stated that 2018 was an election year and Mr. Stellfox’s, Mr. Lane’s and Mr. Land’s seats were up for election and would be filled by General Election. Interested candidates could qualify through a petition or pay \$25. The qualifying period with the Supervisor of Elections Office was Noon on June 18, 2018 through Noon on June 22, 2018.

D. Field Manager

i. Field Manager’s Report

Mr. Smith presented the Field Manager’s Report.

ii. Status Report on Pond Aeration Pilot Project

Mr. Smith reported that the pond aeration system was being installed today on Pond E-3 and should be running by tomorrow afternoon. It should improve the water quality and midge issues. Fish were being considered. Mr. Zimbardi suggested carp. Mr. Smith stated that carp were good for maintaining aquatics, but over time the fish grow too large and stop eating. Mr. Flint noted that carp eat algae and not midge larvae. At the Board’s request, Mr. Smith would provide a proposal for carp. Ms. Epstein suggested using carp in a smaller pond on a trial basis.

iii. Customer Complaint Log

Mr. Smith presented the Customer Complaint Log. Mr. Lane requested that phone calls be placed to the complainant on the log to follow up. Mr. Smith stated he and Clarke called complainants to follow up.

iv. Consideration of Mulching Proposal from Floralawn

Mr. Smith presented a mulching proposal from Floralawn in the amount of \$592 for tree rings on all CDD pond banks. There was \$4,500 budgeted for mulch and \$600 would provide mulch to heavily planted ponds. Mr. Zimbardi asked why pine straw was being used. Mr. Smith preferred pine straw, because a good rain would loosen the pine bark. *After further discussion, there was Board consensus to accept the Floralawn mulching proposal.*

TWELFTH ORDER OF BUSINESS

Supervisor’s Requests

There being none, the next item followed.

THIRTEENTH ORDER OF BUSINESS**Audience Comments**

Mr. Larry Ebberts, a resident, of 537 Tapatio Lane, requested midge treatment for a pond east of Solivita Boulevard, between San Raphael Street and Tapatio Lane. The Board asked the District Engineer to verify if the property was in the District, because half was in the CDD and the other half in the Poinciana West CDD.

A resident questioned the community cost of the acquisition, the objectives of any objections regarding the acquisition and the current status. Mr. Zimbardi stated that AV was paying the costs associated with the acquisition. Mr. Eckert would work with Mr. Flint on the current total and provide to the resident. He did not know the objectives of the opponents to the transaction. There was an existing contract for the District to acquire the amenities and the District was going through the bond validation process with the trial court. Once concluded, the District would have the legal ability to issue bonds to acquire the amenities; however, this would not occur until at least portions of the Class Action Lawsuit pending against the developer were resolved.

A resident of Glendora Road, wanted to be careful about announcing that the CDD had a public lake that anyone could use, which was Polk Lake and whether the name of the pond could be changed, even though the name was on the plat. Mr. Eckert stated that a pond would not need to be re-platted to change the name, but if the Board wanted to name a pond, signs could be posted with the new pond's name. The resident suggested that the Board consider renaming the pond between Glendora Road and Shorehaven Drive, Shorehaven pond. Mr. Zimbardi liked the idea. Ms. Epstein believed that Lake Polk was owned by Avatar. Mr. Eckert confirmed that Lake Polk was not owned by the CDD.

Mr. Bill Kilroy, a resident, of 120 Amalfi Lane, complained about vacant homes on Amalfi Lane and midges on the pond, which attracted spiders. Mr. Zimbardi felt that the District was doing everything it could to address the midge population, and although there was no cure, they could be managed, but it was a long-term problem. The CDD had nothing to do with controlling spiders and vacant homes and referred Mr. Kilroy to the HOA. Mr. Eckert clarified that the District had the ability to treat CDD ponds, but not to go onto private lots to spray for spiders on a home. Mr. Iorio offered to speak with Mr. Kilroy after the meeting.

FOURTEENTH ORDER OF BUSINESS**Other Business**

There being none, the next item followed.

FIFTEENTH ORDER OF BUSINESS


Next Meeting Date – May 16, 2018

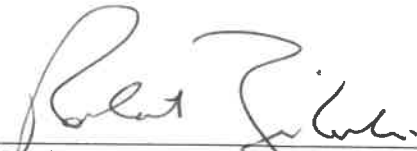
Mr. Zimbardi announced that the next meeting was on May 16, 2018 at 11:00 a.m.

SIXTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Zimbardi, seconded by Ms. Epstein, with all in favor, the meeting was adjourned.


Secretary / Assistant Secretary


Chairman / Vice Chairman