

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, February 21, 2018 at 11:00 a.m. in the Starlite Ballroom, 384 Village Drive, Poinciana, Florida.

Present and constituting a quorum were:

Robert Zimbardi	Chairman
Lita Epstein	Assistant Secretary
David Lane	Assistant Secretary

Also present were:

George Flint	District Manager
Michael Eckert	District Counsel
Michael Dell'Isola	District Engineer
Brian Smith	Field Manager
Anthony Iorio	Avatar Properties
Residents	

The following is a summary of the discussions and actions taken at the February 21, 2018 Poinciana Community Development District's Board of Supervisors Meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Flint 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

Audience Comments

There being none, the next item followed.

FOURTH ORDER OF BUSINESS

Approval of Minutes of the January 17, 2018 Board of Supervisors Meeting, December 13, 2017 Joint Board of Supervisors Meeting and Acceptance of Minutes of the January 17, 2018 Audit Committee Meeting

Mr. Zimbardi presented the minutes of the January 17, 2018 Board of Supervisors meeting. There were no corrections.

On MOTION by Mr. Lane, seconded by Ms. Epstein, with all in favor, the Minutes of the January 17, 2018 Board of Supervisors Meeting, were approved, as presented.

Mr. Zimbardi presented the minutes of the December 13, 2017 Joint Board of Supervisors meeting and noted a correction, which would be incorporated.

On MOTION by Ms. Epstein, seconded by Mr. Lane, with all in favor, the Minutes of the December 13, 2017 Joint Board of Supervisors Meeting, were approved, as amended.

Mr. Zimbardi presented the minutes of the January 17, 2018 Audit Committee Meeting. There were no corrections.

On MOTION by Mr. Lane, seconded by Ms. Epstein, with all in favor, the Minutes of the January 17, 2018 Audit Committee Meeting, were accepted, as presented.

FIFTH ORDER OF BUSINESS

Review of RFQ Proposals and Selection of Firm to Provide District Engineering Services

Mr. Flint recalled that previously, the Board authorized staff to issue a request for qualifications (RFQ) for District engineering services, under the Consultants Competitive Negotiations Act (CCNA). GAI Consultants and Hanson, Walter & Associates submitted proposals. Mr. Flint instructed the Board on how to complete the ranking form. Mr. Eckert noted that both firms did not state they qualify as a “*Certified Minority Business Enterprise*.”

The Board ranked GAI Consultants 95 points and Hanson, Walter & Associates 89 points; therefore, GAI Consultants was selected as the most qualified.

On MOTION by Mr. Lane, seconded by Ms. Epstein, with all in favor of ranking GAI Consultants as the number one firm to provide District Engineering Services and Hanson, Walter & Associates number two, and authorizing Staff to negotiate a contract with GAI Consultants, Inc. to bring back for the Board's approval at the March meeting, was approved.

SIXTH ORDER OF BUSINESS

Ratification of Ninth Amendment to Asset Sale and Purchase Agreement with Avatar Properties, Inc.

Mr. Eckert explained that this agreement would extend the District's inspection period, which was done every 30 to 60 days, and provide more time for the District to evaluate the transaction. Since Ms. Epstein did not approve the initial agreement, she would vote no.

On MOTION by Mr. Zimbardi, seconded by Mr. Lane, with Mr. Zimbardi and Mr. Lane in favor, and Ms. Epstein against, the Ninth Amendment to Asset Sale and Purchase Agreement with Avatar Properties, Inc., was approved. (Motion Approved 2-1)

SEVENTH ORDER OF BUSINESS

Ratification of Agreement with Berger, Toombs, Elam, Gaines & Frank to Provide Auditing Services for the Fiscal Year 2017

Mr. Flint presented an agreement with Berger, Toombs, Elam, Gaines & Frank to provide auditing services for Fiscal Year 2017, in a not-to-exceed amount of \$3,590, which was consistent with what the Board approved. The agreement included three years of pricing. The agreement was executed prior to the meeting due to the limited timeframe for commencement of the work.

On MOTION by Ms. Epstein, seconded by Mr. Lane, with all in favor, the execution of the Berger, Toombs, Elam, Gaines & Frank Agreement to Provide Auditing Services for Fiscal Year 2017, was ratified.

EIGHTH ORDER OF BUSINESS**Staff Reports****A. Attorney****i. Litigation Update**

Mr. Eckert stated that the parties completed the briefing in the Supreme Court appeal of the first Bond Validation case. The last brief was submitted this week and a decision was pending on whether or not the appeal would be heard; probably, within the next month or two.

The reconciliation for the Inframark billing to AV Homes was 99% complete and would be turned over to Mr. Flint. On a separate note, Mr. Eckert did not agree with Inframark's position on the monies it paid itself and was in contact with their attorney to get a resolution. He anticipated a resolution and was going to preserve the evidence to recover monies that should not have been paid.

B. Engineer**i. Presentation on Stormwater Management System Inspection**

Mr. Dell'Isola presented the Stormwater Management System Annual Inspection Report and a comparison from last year's annual inspection. He concentrated on the mitered end sections, which must be evaluated, separately.

Mr. Zimbardi's asked if there were any costs to the District associated with the repairs at this time and Mr. Dell'Isola noted that there were none currently. Mr. Smith elaborated that it was a good time to repair as many mitered end sections as possible because water levels were currently low and he would obtain a bid or cost summary. Mr. Smith suggested lining the sides with concrete and wrapping the rip rap rubble around them, which he would discuss with the District Engineer. Although it was not aesthetically pleasing, initially, it would fill in over time.

Mr. Lane was surprised about the number of issues, and wondered if anything could have done at the outset, because it was a sizeable expense. Mr. Dell'Isola noted that many mitered end situations were not unusual and suggested continual maintenance and spreading the repairs out over two to three years. Mr. Lane requested a ranking order. Mr. Zimbardi wanted to mitigate damages to the remaining 12 ponds. Mr. Dell'Isola stated that the mitered end sections on the new ponds did not have a flat top, but a pipe with an angle. Ms. Epstein asked if Ms. Kathy Leo should be involved. Mr. Dell'Isola stated that Ms. Leo was copied on all correspondence and reports and would be included in all discussions.

Mr. Zimbardi asked about the engineering transition. Mr. Eckert stated that the Board would consider the new Engineering Agreement at the March meeting. According to Mr. Dell'Isola, the current engineer was ready to turn over all documents to GAI, within a week of the next meeting, or by the latest April 1. Further discussion ensued regarding the mitered end sections.

Mr. Zimbardi asked if the pond designs had to be approved by the County. Mr. Dell'Isola stated that the Water Management District and local jurisdictions would review the ponds. Most of the ponds did not seem unusual, but two ponds against wetland areas had exposed mitered end sections. There must be additional investigation to determine the correct repair. The ponds must be pumped down for a period of time, but recommended waiting until next year.

Mr. Zimbardi stated that, according to Page 9, Pond A-21 was part of an interconnected system. Mr. Dell'Isola indicated that a number of ponds were interconnected and would confirm which ponds were interconnected through a revision. Mr. Zimbardi asked if there was a warranty on the ponds. Mr. Eckert stated that there may be a warranty with the purchase and there could be a warranty in the construction contract. The District could require that the warranty be assigned to the District if the District acquired the pond; however, the warranty is typically only for one year.

Mr. Dell'Isola referred to a pond on the southwest portion of the development, where a stormwater structure, between the wetland area and the lots, had erosion underneath the concrete. He recommended having an engineer or construction specialist determine if it could be filled with sod and fill material. Even though there was no cracking, Mr. Dell'Isola recommended proceeding with this repair. Discussion ensued. Mr. Smith recommended creating a priority list and getting acceptance from the prior and upcoming engineer on the proper way to repair the mitered end sections, in order to get pricing, with the least amount of impact to homes. The priority list and options would be provided at the next meeting.

C. District Manager

i. Action Items List

Mr. Flint presented the Action Items List.

ii. Approval of Check Register

Mr. Flint presented the financial statements through January 31st, which were prepared by Inframark.

On MOTION by Mr. Lane, seconded by Mr. Zimbardi, with all in favor, the January Check Register, with the exception of the Inframark invoices and payments, was approved.

iii. Balance Sheet and Income Statement

Mr. Flint presented the Unaudited Financial Statements through January 31st, which represented the first four months of 2018.

Mr. Zimbardi asked about the budget overages. Mr. Flint would present a variance report at the next meeting; however, there were mailed notices for additional public hearings. Mr. Zimbardi asked if the overages were addressed in the audit. Mr. Flint stated that there would be no finding or recommendation, unless the total fund exceeded the budget. Ms. Epstein felt that, through this year, there were instances that should be funded and voiced concern about further overages. Mr. Eckert was not aware of any further double billings and believed that this matter would be resolved by the next meeting or discussions for recovery would resume. Credits would be issued for Dissemination Agent Reports that were not timely filed. Mr. Zimbardi wanted to recoup the time being spent researching this matter by District Counsel. Mr. Eckert would include this as part of the final discussions. Mr. Flint confirmed that the Dissemination Agent Reports were up to date and on roll assessments were 93%.

On MOTION by Mr. Lane, seconded by Ms. Epstein, with all in favor, the Balance Sheet and Income Statement, subject to verification of the Inframark invoices, was approved.

D. Field Manager

i. Field Manager's Report

Mr. Smith presented the Field Manager's Report. The tunnels need pressure washing and cleaning. Next year, they will need to be painted, sealed and caulked. Since there were no water sources, tanks were needed. He may be able to tie into an irrigation system.

Mr. Zimbardi asked about seepage in the tunnels. Mr. Smith noted that the seepage was from groundwater and after repairs were made, it was much better; however, there was still some seepage. He would discuss with the District Engineer about installing underdrains, caulking or polyurethane underneath the concrete. To save on costs, maintenance crews from GMS could perform the work. Mr. Smith would provide a cost estimate.

Mr. Smith reported that a tree was removed and plant material around the pond would have tree rings, beds and mulch with budget funds. Ms. Epstein asked about mowing services. Mr. Smith felt that Floralawn was doing a good job, but they were not maintaining the beds or keeping stormwater structures clean and clear. Mr. Smith will monitor Floralawn to ensure that they were following the specifications.

ii. Customer Complaint Log

Mr. Smith presented the Customer Complaint Log. All homeowners were contacted, with the exception of one that was left a message, which Mr. Smith will follow up on.

iii. Clarke Environmental Aquatic Treatment Report

Mr. Smith presented the Clarke Environmental Aquatic Treatment Report. The ponds currently looked good, but algae should form after fertilizations occur in March and April.

Mr. Zimbardi stated that it looked like there was snow in the ponds. Mr. Smith stated that those were algae mats, which Clarke should control. Mr. Smith referred to a sinkhole that was caused from a pipe going from one pond to another. The pipe would be sealed and the area excavated, which is fairly inexpensive. Mr. Flint asked that the area be cornered off with caution tape.

Ms. Epstein commented that this report was much better than a year-and-a-half ago. Mr. Smith will speak to Clark about expanding their treatment.

iv. Clarke Environmental Midge Treatment Report

Mr. Smith presented the Clarke Environmental Midge Treatment Report.

v. Presentation on Pond Aeration Pilot System

Mr. Smith received a request for aeration in the ponds. Aeration puts bubbles of oxygen in the pond for algae control and helps with midge control by cutting down on the midge habitat. The first location for the aeration system was Pond E-3. It does not have to run for 24 hours, it is just intended to turn up the volume on the pond. The cost for the system itself was not expensive, but adding the electric could increase the cost significantly. A second option was a

solar system, which was self-contained and did not need power; however, it would only run with sunlight. The solar power would be screened with a Viburnum hedge.

Mr. Zimbardi asked about the cost comparison between the electrical and solar systems. Mr. Smith stated that the cost for the electrical system was \$17,000 for two half horsepower compressors, 12 diffusers, \$12,600 to run power from the north, and \$8,700 for power from the south, for a total of \$38,400. Solar would cost \$19,000 for three locations, with two compressors and double solar panels at each location. Both options included two year parts and labor warranties. Other options were fountains and fish stocking. Discussion ensued.

Mr. Dell'Isola spoke with Clarke about moving the aerator. They would consider keeping the price down, knowing the conflict with one location. Mr. Eckert asked who owned the land. Mr. Smith indicated that the District would own from the pond bank to the top of the slope. Mr. Dell'Isola will review the plats for potential locations. Ms. Epstein preferred a location on CDD property, far from the homes. Mr. Smith suggested the pond bank along the golf course, near tee boxes above the high-water line, if the CDD owned the pond bank. Mr. Dell'Isola stated that Staff would determine the locations. Mr. Flint suggested delegating the final decision of a location to a Board Member. Mr. Smith added that screening was an additional cost.

On MOTION by Ms. Epstein, seconded by Mr. Lane, with all in favor, rescinding the prior motion for aeration on Pond E-3.

On MOTION by Mr. Lane, seconded by Ms. Epstein, with all in favor, approving a not-to-exceed amount of \$25,000 for installing solar aerators at three locations on Pond E-3, was approved.

NINTH ORDER OF BUSINESS

Supervisor's Requests

There being none, the next item followed.

TENTH ORDER OF BUSINESS

Audience Comments

Ms. Bonnie Young, a resident, witnessed the golf course landscape company dumping grass clippings into the ponds. Mr. Iorio will speak to the Golf Course Superintendent to affirm the Board's displeasure.

Ms. Patricia McCain, a resident, felt terrible about happened with Ms. Epstein.

ELEVENTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

TWELFTH ORDER OF BUSINESS

Next Meeting Date – March 21, 2018

Mr. Zimbardi announced that the next meeting was on March 21, 2018.


THIRTEENTH ORDER OF BUSINESS

Adjournment

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



Secretary / Assistant Secretary



Chairman / Vice Chairman