

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, January 17, 2018 at 11:31 a.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

Also present were:

George Flint	District Manager
Michael Eckert	District Counsel
Michael Dell'Isola	District Engineer
Brian Smith	Field Manager
Russ Simmons	Inframark

The following is a summary of the discussions and actions taken at the January 17, 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 at the Audit Committee Meeting.

THIRD ORDER OF BUSINESS

Audience Comments

There being none, the next item followed.

FOURTH ORDER OF BUSINESS

Approval of December 13, 2017 Meeting Minutes

Mr. Zimbardi presented the minutes of the December 13, 2017 meeting. There were no corrections.

On MOTION by Mr. Stellfox, seconded by Mr. Lane, with all in favor, the Minutes of the December 13, 2017 Meeting, were approved.

FIFTH ORDER OF BUSINESS

Consideration of Engineering RFQ Submissions

Mr. Flint recalled that previously, the Board authorized staff to issue a request for qualifications for District engineering services, under the Consultant's Competitive Negotiations Act (CCNA). The selection of engineering services was based on qualifications, not price. GAI Consultants and Hanson, Walter & Associates submitted proposals. Since less than three proposals were received, the Board could choose to reject the bids and re-bid or accept them.

Ms. Epstein wanted to re-advertise, due to the RFQ being published during the holiday season. Mr. Flint stated that receiving one response was typical, because not many firms provide District Engineering services for CDDs. Mr. Zimbardi was surprised that Atkins did not bid. Mr. Eckert stated that there was a temporary agreement with GAI. After further discussion, there was Board consensus to defer this item to the February meeting.

SIXTH ORDER OF BUSINESS

Consideration of Audit Committee Recommendation

Mr. Eckert requested the Board direct staff to negotiate a contract with the number one ranked firm, or the second ranked firm, if negotiations with the number one ranked firm failed.

On MOTION by Ms. Epstein, seconded by Mr. Lane, with all in favor, the Audit Committee ranking was approved and staff was authorized to negotiate an agreement with Berger, Toombs, Elam, Gaines & Frank to provide auditing services for the Fiscal Year 2017.

SEVENTH ORDER OF BUSINESS

Consideration of Addendum to GMS-CF, LLC District Management Agreement for Website Management and Dissemination Agent Services

Mr. Eckert stated that, at the last meeting, the Board approved an addendum for Dissemination Agent and website services. Dissemination Agent services was \$5,000 and \$1,500 for website services.

On MOTION by Mr. Stellfox, seconded by Ms. Epstein, with all in favor, the Addendum to the GMS-CF, LLC District Management Agreement for Website Management and Dissemination Agent Services, was approved.

EIGHTH ORDER OF BUSINESS

Discussion of Two Pond Conveyances and Maintenance Responsibility

Mr. Eckert requested that the Board authorize staff and the Chair to accept ownership of two ponds, subject to District Counsel and the District Engineer’s final approval of the ponds and legal documents. If the District was not already maintaining the ponds, staff would negotiate a contribution from the developer, Avatar to the District, to cover operations and maintenance expenses, from now until September 30th. Mr. Dell’Isola was reviewing the as-builts. Mr. Zimbardi wanted to defer until all items were completed and problems were remedied. After further discussion, there was Board consensus to defer this item until the February meeting.

NINTH ORDER OF BUSINESS

District Manager’s Report

A. Presentation of Financial Statements

Mr. Flint presented the financial statements that were prepared by Inframark through December 31st.

Ms. Epstein wanted to defer this item so that the District Manager could review the financials. Mr. Zimbardi requested for clarification on several items and for the District Manager to provide a variance report, explaining why many items were over 25% of budget. After further discussion, there was Board consensus to defer this item until the February meeting.

B. Follow Up Items

- i. Reconciliation of AV Homes Invoices**
- ii. Inframark Monthly Invoice (October, November and December)**
- iii. Floralawn Invoice**
- iv. Labor Staffing Invoices**

Mr. Lane voiced concern that many items were incomplete and Inframark's final payment. Mr. Eckert would speak to Inframark to ensure that accounts were adjusted accordingly. Ms. Epstein requested withholding Inframark's final payment until all items were accounted for and would provide a list of questions to the District Manager and District Counsel.

Mr. Flint eluded to an email from Mr. Koncar on transition issues. GMS was working through those items and was hoping to receive records in advance of the January 25th deadline. Inframark was making progress on the outstanding issues.

TENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

i. Litigation Update

Mr. Eckert stated that the Supreme Court appeal was scheduled for all arguments on April 4, and the earliest time to issue bonds would be in the fall. Mr. Zimbardi asked if this meant that the bonds could not be issued until September and October. Mr. Eckert noted this was the case, and recommended having a joint meeting in May or June. Until then, individual meetings would be appropriate. Mr. Zimbardi asked when inspection deadline would occur. Mr. Eckert anticipated March or April, but there was discussion with the developer about extending that. At a future meeting, the Board will receive an amendment to extend the due diligence period.

Mr. Zimbardi asked about the developer's position on the extensions and increases on funding. Mr. Eckert noted that so far, the developer wanted to proceed with the transaction and understood that the cost increased. They were amenable to increasing the Funding Agreement and extending the due diligence period. Mr. Dell'Isola will verify if the ADA deficiencies were corrected. There was a proposal for an ADA Inspector to perform an inspection.

B. Engineer

Mr. Dell'Isola reported that the Pond E-3 aerator was progressing. Mr. Simmons obtained one proposal and were waiting for responses from other electricians. The electrical work was estimated between \$12,000 and \$15,000, which was more than anticipated. Mr. Dell'Isola wanted to wait for additional quotes before proceeding. Mr. Zimbardi asked if Mr. Smith was apprised of the situation. Mr. Smith was not aware of it but would get up to speed. Mr. Flint would include it as an action item.

C. Field Manager

The Board requested that future Field Manager Reports have a larger font and pond numbers.

ELEVENTH ORDER OF BUSINESS

Supervisor’s Request

Mr. Zimbardi stated that the dead tree at 232 Sorrento Road was on CDD property and asked whether it should be removed and replaced and by whom. Mr. Lane lives on Sorrento Road, and was not aware of the tree. Mr. Dell’Isola noted that it was an Oak tree, which Floralawn wanted \$3,500 to remove. Mr. Simmons would obtain additional proposals, but requested that the Board approve Floralawn’s proposal, so the tree could be removed in the event there was a health, safety issue. Mr. Smith evaluated the tree and it was in a field, away from homes and the proposal included stump grinding.

On MOTION by Mr. Lane, seconded by Ms. Epstein, with all in favor, additional proposals would be solicited for the removal of the dead tree at 232 Sorrento Road, was approved in a not-to-exceed amount of \$3,500.

Mr. Stellfox asked about the Board vacancy. Mr. Eckert explained that when there is a vacancy, the remaining Board Members had the power to appoint someone now or advertise to the community to receive letters of interest, 10 days before the next meeting. Ms. Epstein wanted to send out an email blast to the entire community.

Mr. Flint announced that the next meeting was February 21, 2018.

TWELFTH ORDER OF BUSINESS

Audience Comments

Mr. Gene Birch, Vice President of the Fishing Club referred to the condition of culverts. Dick Federoff sent a follow-up email to Gary Moyer and Kathy Leo on December 3, 2015 and they were supposed to follow-up with a plan, but it’s been five years without a solution. Mr. Birch recalled that there was an analysis of all ponds. Mr. Zimbardi confirmed that the District Engineer was evaluating all ponds.

Mr. Dell’Isola stated that there were some miter end sections with erosion, in the prior annual inspection. Ponds that were not being maintained or repaired, would be revisited. Ms.

Epstein requested a report on ponds that were supposed to be maintained. Mr. Zimbardi was disappointed that a resident had to come before the Board for something that should have been completed four years ago. Discussion ensued. Mr. Birch requested a copy of the report. Mr. Flint would provide.

Mr. Simmons reported on the skimmer boards. Most were repaired, but he was waiting for direction from Ms. Leo on whether the miter end sections needed to be replaced or rock placed around them. The purpose of the skimmer board was to keep trash out of the control structure, but brackets are cracking in half. Mr. Flint stated that skimmer boards could be repaired internally, but site contractors must perform the miter end work. Mr. Dell'Isola stated that it was hard to solicit contractors and harder to deal with the miter end sections during the wet season, as they were designed to be below the water surface.

Mr. Zimbardi requested a report on what work was outstanding that what was accomplished since the last meeting.

THIRTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Epstein, seconded by Mr. Lane, with all in favor, the meeting was adjourned at 12:23 p.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman