

**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, **October 20, 2021** at 11:00 a.m. in the Starlite Ballroom, 384 Village Drive, Poinciana, Florida.

Present and constituting a quorum were:

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

Also present were:

Tricia Adams	District Manager
Jan Carpenter	District Counsel
Kathy Leo	District Engineer
Clayton Smith	Field Manager
Rhonda Mossing <i>(via Zoom)</i>	MBS Capital Markets
Officer Phillipi	Florida Fish & Wildlife Commission
Residents	

*The following is a summary of the discussions and actions taken at the October 20, 2021 Poinciana Community Development District's Board of Supervisors Meeting.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

Ms. Adams called the meeting to order and call the roll at 11:30 a.m. All Supervisors were present with the exception of Mr. Zimbardi.

**SECOND ORDER OF BUSINESS**

**Pledge of Allegiance**

The Pledge of Allegiance was recited.

- **Consideration of Investment Banking Agreement with MBS Capital Markets, LLC** (*Item 4*)

Ms. Adams noted the agenda was revised to add the Investment Banking Agreement for the Series 2012 refunding. At the last meeting, the Board discussed refinancing the 2012 bond to take advantage of historically low interest rates. In addition, in May of 2022, the 10 year no call provision will expire, at which time the bond can be refinanced and set up to close 90 days in advance of May 1, which will be February 2022. If the Board was interested in exploring options to have a better interest rate for the bond, resulting in a lower debt service payment for residents on their tax bills, the first step was to approve an Underwriting or Investment Banking Agreement. The agreement would give MBS Capital Markets, LLC. (MBS) permission to explore options the District has for refinancing. Because this item was not published on the agenda seven days in advance of the meeting, the Board must allow public comments on this item. Mrs. Rhonda Mossing with MBS presented the Investment Banking Agreement. MBS did the original financing in 2012 on the prior subordinate bonds, which are callable in May of 2022. The subordinate bonds represented the undeveloped property in the District. If the Board approved the Investment Banking Agreement, MBS would look at the current status of development to see if they could re-issue the new refunding bonds under the current market conditions and lower the interest rate for all residents, which would lower annual assessments.

Discussion ensued and the Board addressed the following:

- Ms. Epstein questioned the current interest and potential interest rates. Mrs. Mossing stated that the current interest rate, depending on the status of the development, was approximately 2.5% or half of the current interest rate. They could not issue the refunding bonds until February of next year and would only issue them if it was economically feasible. The market has been stable for the last several months, but they could not predict where the market was going to be in February.
- Ms. Epstein asked if they could approve this now and if interest rates increase in February, did not have to proceed. Mrs. Mossing stated that their contract was contingent on issuing the bonds. They would investigate private offering through a bank and a public placement. Oftentimes, the bank would offer a lower interest

rate versus a public offering and costs are lower, due to not having to get a public rating on the bonds. MBS would evaluate both options.

- Ms. Lambrides questioned the cost savings, based on the current interest rates, if they were able to refinance at 2.5%. Mrs. Mossing stated the purpose of the Investment Banking Agreement was to run those numbers; however, they could not share them with the Board under Securities and Exchange Commission (SEC) laws unless the agreement is approved by the District.
- Ms. Lambrides asked how many residents were outstanding in paying off their bonds. Mrs. Mossing stated that data would be presented to the Board, if the Board approves their agreement. Ms. Lambrides asked if there was significant response to the email offering residents the ability to pay their bond off. Mrs. Adams felt that it was effective, as she received 12 to 15 inquiries. Ms. Lambrides requested sending another round of emails as the majority of people in Solivita do not understand they owe \$3,000 or less.

Ms. Adams clarified if the debt was refinanced, it was likely that the payoff amount would be less than what it is today. So, they need to look carefully at the timing for releasing communication regarding lump sum payoffs.

Ms. Carpenter advised the letter includes the fee for the bonds, which was 1.5% of the principal amount of \$50,000, whichever was greater. MBS could not give advice until the Rule G-17 letter was accepted by the Board. According to the Rule G-17 letter, the primary responsibility of MBS was to sell bonds and did not have a fiduciary obligation to the District. They were required to make that disclosure before completing any of the work. This was a preliminary step. Ms. Adams asked if there were any public comments regarding the bond refunding. Ms. Lambrides asked if they should investigate whether people wanted to pay it off before incurring costs. Ms. Epstein recommended getting some numbers first to provide residents with more information. They did not have to pay anything to MBS unless they issued the bonds.

On MOTION by Mr. Luddy seconded by Mr. Reed with all in favor the Investment Banking Agreement with MBS Capital Markets, LLC was approved.

Ms. Adams thanked Mrs. Mossing for attending the meeting. Mrs. Mossing would work with Ms. Adams to provide information at an upcoming meeting.

*Ms. Mossing left the meeting.*

**THIRD ORDER OF BUSINESS**

**Public Comment Period on Agenda Items**

Residents addressed the following:

- Mr. George Horton, Shorehaven Drive, took exception with the CDD prohibiting non-motorized boats in all ponds with the exception of the HOA pond. He was willing to sign a waiver, so he would be held accountable and not the District. Ms. Epstein noted the HOA pond was owned by the developer and was the only pond where boating was permitted it was not a stormwater pond. Mr. Horton pointed out The Villages allowed boating on CDD ponds. If the District was sued, the Board could rescind the order.
- A Solivita resident requested for Item 6, at the end of the discussion, Ms. Lambrides discussing findings and action plans.

Hearing no other comments, Ms. Epstein closed the public comment period.

**FOURTH ORDER OF BUSINESS**

**Consideration of Investment Banking Agreement with MBS Capital Markets, LLC**

This item was discussed.

**FIFTH ORDER OF BUSINESS**

**Approval of Minutes of the September 15, 2021 Meeting**

Ms. Epstein presented the minutes of the September 15, 2021 Meeting. Ms. Adams stated staff reviewed the minutes.

On MOTION by Mr. Reed seconded by Mr. Luddy with all in favor the minutes of the September 15, 2021 Meeting were approved as presented.

**SIXTH ORDER OF BUSINESS**

**Consideration of Targeted Harvest Area Permit with Florida Fish and Wildlife Conservation Commission's (FWC) Statewide Nuisance Alligator Program (SNAP)**

Ms. Adams presented an email from FWC regarding the Statewide Nuisance Alligator Program (SNAP), which was included in the agenda packet. FWC had Biologists and Law Enforcement Officers on staff. One area that FWC manages was alligator control. The SNAP program was an opportunity for residents to call to report dangerous or nuisance alligators. SNAP dispatches a trapper, who is not an employee of FWC, to remove alligators. Typically, the alligators were destroyed, but they try not to destroy them onsite. The CDD could consider a different level of permitting with SNAP rather than waiting for a resident or staff to report a dangerous or nuisance alligator. The Board could identify the CDD stormwater ponds and give trappers permission to remove alligators. The Board determines the size of the alligators that should be removed. The parameters of SNAP were provided by Ms. Haley Moore, Supervisor of SNAP. In addition to SNAP, FWC also offered opportunities for public education of alligator safety and laws. A map of PCDD stormwater ponds was also included in the agenda packet to aid discussion.

Officer Phillipi, a law enforcement officer with FWC, addressed the Board and residents. He has been with FWC for 12 years and has a lot of experience with alligators, responding to calls and resolving conflicts between alligators and individuals. Alligators were common in all 67 counties in the State of Florida. There were approximately 1.3 million alligators in all different sizes. It was rare for a female alligator to be over 10 feet long. The State record for the length and width of an alligator was 14.3 feet and 1,043 pounds. The issue was when people start feeding alligators. It was natural for an alligator to see someone and go the other way, but it was not normal for an alligator to look at someone and come towards them. Officer Phillipi addressed the following best practices with alligators:

- Keep a safe distance. With bodies of water, alligators could be in the water. Alligators become more active in warm weather months. If there are any concerns about alligators, call the FWC hotline at 866-FWC-Gator and they will dispatch an alligator trapper to resolve the matter. An alligator 4 feet or less can be removed and transferred to a different location, but an alligator over 4 feet could be usually not relocated. If they are moved from one pond to another, they can go back to the original pond.

- Keep pets on a leash and away from the water. Pets were an alligators natural prey. Small alligators eat amphibians, fish and crustations in the water and as they grow, they will eat small mammals, birds, turtles, fish and small animals.
- Do not let pets swim in the water. If a person wants to swim in the water, swim in a designated area during daylight hours. Alligators were more active at dawn and dusk, especially in the warm weather months.
- Never feed an alligator. They will lose their natural awareness of people. FWC fined \$100 the first time someone was caught feeding an alligator. The second offense becomes a criminal violation, up to a \$500 fine and 60 days in jail. The third offense was a \$1,000 fine and up to a year in jail. The fourth offense was up to a \$5,000 fine and five years in jail. It is rare to have unprovoked attacks of an alligator on a person. From 1948 to 2020, 433 unprovoked bite incidents occurred in Florida.
- Fight back if attacked by an alligator. Make a lot of movement and noise and try to fight them off. Seek medical treatment. The concern is not only the bite from the animal, but also the bacteria.
- The courtship of alligators begins in early April and mating occurs in May or June. Females build a nest and deposit their eggs in late-June/early-July. Hatching occurs from mid-August to early September.

Discussion ensued and the Board addressed the following:

- Ms. Epstein questioned whether the practice of allowing fishing at the edge of a pond allowed alligators to seek humans as a food source. Officer Phillipi noted that feeding alligators causes them to lose their natural awareness of people. In that situation, FWC should be called to have that alligator removed.
- Ms. Lambrides understood that some trappers had an agreement to surrender alligators to Gatorland and questioned how they could select those trappers. Officer Phillipi only provides assistance to the trappers when there were unprovoked attacks.
- Ms. Epstein asked if the Board approved the targeted part of the program whether residents had to contact the CDD or the FWC Hotline. Ms. Adams understood the trapper could come in as their schedule permits to proactively look for alligators

that fit the criteria the Board established. Residents that see a dangerous or nuisance alligator should call FWC.

- Ms. Lambrides learned that even though trappers were only allowed to remove alligators 4 feet or larger, there were numerous reports that trappers will take any alligator, as there was no one to stop them. She asked if the Board approved the targeted program and the trappers did not get all of the larger alligators and there was an incident, whether the District would be liable. Ms. Adams recently contacted the District's insurance provider. They are going to survey all of the CDD stormwater ponds and provide recommendations on alligator warning signage that will be presented at a future meeting.

Ms. Carpenter advised for litigation, one of the key defenses was what they are doing in their normal course of action to help prevent an issue that they were aware of. The Board was certainly aware of alligators and it would be in the District's benefit to set up the program and have licensed trappers removing the alligators. Ms. Epstein noted no negatives to the program. Ms. Carpenter felt that given the recent situation, it made sense to have an active program for FWC to assist with the alligators.

- Mr. Luddy asked how many CDDs in Florida were involved in this program. Ms. Adams worked with several that have the Targeted Harvest Area Permit because of public safety concerns. Mr. Luddy voiced concern about alligator nesting areas moving from wetlands to public areas as construction continues. Ms. Adams stated under the Targeted Harvest Area Permit, the Board would direct what ponds they want alligators removed from and the length of the alligator.

For a 55 and older community, Officer Phillipi was more concerned with the behavior of the alligator versus the size. A smaller alligator that did not fear a person will grow and move from one pond to another. Mr. Smith noticed 6 to 8 foot alligators on multiple ponds try to approach staff. It was not how big the alligator was, but the behavior of the alligator. If the alligator showed signs of aggression or lack of fear of humans, they should be removed.

- Ms. Epstein asked if it was possible to have a joint contract with the HOA. Ms. Adams felt that it would convolute the process.

Residents addressed the following:

- Mr. Gene Foster, Irvine Ranch Road, thanked Officer Phillipi for attending the meeting and suggested that the District follow the Disney Program, which was self-administered. Disney pays trappers \$30 to remove alligators and if the same program was available to this CDD. Ms. Epstein read the information and understood the \$30 was paid from FWC. When the alligators were taken, they must provide a report to the FWC. Disney had a 24/7 security system, but the CDD did not. She did not want to take that type of control and shift away from the FWC hotline. Mr. Foster voiced concern about their ponds, which were within 30 feet of walkways or roadways and encouraged the Board to take the necessary steps.
- Ms. April Smith, Bell Tower, recalled the incident where her pit bull was killed by an alligator on her pond and wanted to know what classified as a nuisance. Officer Phillipi stated the nuisance was if they were fishing on the edge of the pond or in a boat and the alligator was coming towards them because the alligator lost their sense of warryness of people. Ms. Smith noted residents were afraid to report someone feeding an alligator. Officer Phillipi stated there was a Wildlife Alert Program where callers could remain anonymous; however, it was helpful to have the name of the caller to get more information.
- A Solivita resident asked if the CDD will determine the parameters for trappers to select the alligator, whether it was based on length and behavior under SNAP. Ms. Adams noted as far as the permit, the length and location of the alligator were the parameters. But if a resident sees an alligator coming towards them, they were not prohibited from calling SNAP and reporting a nuisance or dangerous alligator. Ms. Lambrides would ask the Club Manager to add in her email to residents that aggressive alligators aiming for Solivita residents need to be reported immediately. At the same time, she wanted to ensure residents did not think they needed to wait for an alligator to be aggressive before calling FWC. If there was a 10-foot alligator in their pond, that they perceived to be a nuisance alligaotor, they have the ability to call FWC SNAP about the alligator.
- Mr. Steve Mizel, Torino Lane, did not believe just putting up a sign, “Do Not Feed the Alligators” would be effective and suggested adding the violations to the



sign for feeding alligators as well as the number to call to report aggressive alligators. Ms. Epstein requested Sandhill Cranes be included on the sign as residents were feeding them.

- Mr. Gordon Rae, Palm Tree Drive appreciated Officer Phillipi for attending and asked if Solivita was considered private property and if FWC would need permission to enter the community. Ms. Epstein stated CDD ponds were a utility. Ms. Adams explained the stormwater system was public and the roads were private. Ms. Carpenter advised FWC did not make a legal determination. They would defer to the State Attorney for questions. However, if the owner was aware there was a risk on their property, they were liable. Mr. Rae questioned the responsibility of the CDD to manage the ponds. Ms. Carpenter stated that the CDD was responsible to maintain the ponds in accordance with the permit; however, the CDD could not control every wildlife situation. Officer Phillipi added every situation was different. Ms. Epstein understood FWC had the priority to make decisions about wildlife and the CDD never refused access to their ponds to an alligator trapper.

Ms. Epstein thanked Officer Phillipi for attending the meeting. Ms. Adams stated the Board must establish the size of the alligator to be removed as part of the permit application. Ms. Epstein proposed 4 feet based on FWC's recommendation for nuisance alligators.

Officer Phillip left the meeting.

Ms. Adams stated if the Board wanted to consider the Targeted Harvest Area Permit for CDD owned ponds, the parameters and stormwater pond map was included in the agenda package. The ponds marked in blue were CDD stormwater ponds. The map and application would be provided to SNAP as well as permission for trappers to remove 4-foot alligators. Ms. Lambrides voiced concern about approving the size without getting feedback from residents as a 4-foot alligator was small. A meeting was held yesterday and Ms. Lambrides reported the following actions to be taken by the HOA and Taylor Morrison:

1. Focus primarily on education of fines for feeding alligators through email blasts, reminders on the community channel and signage at every entrance to Solivita prohibiting the feeding of wildlife with the Statute at the bottom.

2. Educating residents that feeding an alligator would lead to the alligator's death as the alligator would be harvested and killed.
3. Agreed to purchase the number of signs needed and make a formal request of the CDD to allow access to CDD property to post the signs. If there were no volunteers to post the signs, Floralawn resources would be used. Signs would be posted in the most heavily traveled areas, especially pathways and areas where there were benches.
4. Information would be provided in the packet that new residents received at the new member orientation.

Ms. Epstein requested that the FWC hotline number be posted on every sign. Ms. Lambrides noted there would be one phone number for daytime and another one for the evening, weekends and holidays. She added that alligators did not get more aggressive as they grow. Alligators only become aggressive towards humans when they view them as a food source. So stopping the feeding of alligators should result in the co-existence of alligators peacefully. Ms. Lambrides cautioned the Board to be careful about the designation of the size of the alligator to be removed because they were giving trappers free reign and recommended a size of 6 feet, surveying the community for feedback and deferring this matter. Ms. Epstein asked by deferring it whether the District was at risk. Ms. Carpenter advised the District was liable due to an alligator killing a dog two months ago and by residents feeding the alligators. Discussion ensued.

On MOTION by Mr. Luddy seconded by Ms. Epstein by roll call vote to apply for the Targeted Harvest Area Permit with the Florida Fish and Wildlife Conservation Commission's Statewide Nuisance Alligator Program for the removal of nuisance alligators 6 feet or larger from CDD ponds. If there was difficulty cancelling the agreement, it would be brought back to the Board:  
Supervisor Epstein: Aye  
Supervisor Luddy: Aye  
Supervisor Reed: Aye  
Supervisor Lambrides: Nay  
Motion Passed 3-1.

Ms. Adams reported that the District's liability insurance carrier will be performing an inspection of stormwater ponds as it relates to alligator warning signs. The insurance provider will provide recommendations on sign verbiage. Staff will work with other organizations that are

interested in promoting wildlife awareness, to stop feeding the wildlife and warning of the damages of wildlife. As soon as staff receives the recommendations, it will be provided to the Board. Signage would be brought to the Board at a future meeting for consideration.

*The meeting was recessed at 12:54 p.m.*

*The meeting was reconvened at 1:05 p.m.*

- **Consideration of Pond Policy for Stormwater System and Infrastructure (Item 8)**

Ms. Adams stated the Board had a workshop prior to this meeting and the recreational use of the stormwater utility was discussed. The District Engineer was asked to bring back additional information for Board consideration (proposed access point and cost to make ADA compliant), so this matter was tabled.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Agreement with Grau & Associates to Provide Auditing Services for the Fiscal Year 2021**

Ms. Adams stated that the Board was required to authorize an annual independent financial audit to be filed with the State of Florida. Previously, the Board met as an Audit Committee and selected Grau & Associates (Grau) to provide auditing services for the next five years. The Board budgeted in accordance with the proposed amount of \$3,400.

On MOTION by Ms. Lambrides seconded by Mr. Reed with all in favor the Agreement with Grau & Associates to Provide Auditing Services for the Fiscal Year 2021 in the amount of \$3,400 was approved.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Pond Policy for Stormwater System and Infrastructure**

This item was deferred for more information from the District Engineer.

**NINTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

**i. Presentation of Memorandum on Wastewater Services and Stormwater Management**

Ms. Carpenter presented a Memorandum on Wastewater Services and Stormwater Management based on a new law that went into effect. The District only owned stormwater management system, but a Needs Analysis must be completed for every Special District in the State by June of 2022. A template was provided to Ms. Leo to inventory the lakes within the CDD, provide the status and a budget.

**B. Engineer**

Ms. Leo would provide a proposal to the Board at the next meeting to prepare the Needs Analysis.

**C. District Manager**

**i. Action Items List**

Ms. Adams presented the Action Items List, a copy of which was included in the agenda packet. It was included for informational purposes.

**i. Approval of Check Register**

Ms. Adams presented the Check Register from September 7, 2021 through October 12, 2021 in the amount of \$87,409.04.

On MOTION by Mr. Luddy seconded by Mr. Reed with all in favor the September 7, 2021 through October 12, 2021 in the amount of \$87,409.04 was approved.

**ii. Balance Sheet and Income Statement**

Ms. Adams presented the Unaudited Financial Statements through September 30, 2021. No action was required. The District was in good shape for the pro-rated budget and actual spending. The Board has done a great job of controlling expenses. No action was required.

**D. Field Manager**

**i. Field Manager's Report**

Mr. Smith presented the Field Manager's Report, a copy of which was included in the agenda packet. The engineer's action items were completed. Rocks were added around the Venezia tunnel by Floralawn to provide safety and a bollard was removed at the Bella Vianna tunnel. If a big vehicle went through the tunnel, it could get stuck. Some small "*Bollard Ahead*" signs will be added. The tunnels appears stable for now. Ms. Epstein agreed. Mr. Smith reported all action items were completed. Some corrugated pipes at the lake bank were buried. They had to wait until it was drier to make some repairs. The largest lake bank repairs on Lakes E-1 and E-3 were completed and look great. They will continue to monitor the plantings at Ponds A-12 and C-20. They have not received any complaints, but it will take time for the plants to grow. They are looking at where to put the aerators, but were not getting any midge complaints from Lake E-3. Perhaps the current program was addressing the midges. They were working on the specifics of the fish program. Now was not the best time to stock the fish. Information will be provided to the Board at a future meeting. Ms. Epstein questioned the best time to stock the fish. Mr. Smith estimated March or April. The monthly Pond Treatment and Midge Treatment Reports were provided to the Board.

**ii. Consideration of Proposal for Maintenance of Sorrento Ditch**

Mr. Smith presented a proposal for maintaining the Sorrento ditch, which was on the Bella Vianna side and part of the CDD tract. It was full of Primrose, which was an invasive species that needed to be sprayed. Going forward, it would be maintained on a quarterly basis. The plan was to spray it and let it decay over time. Ms. Epstein suggested alerting residents in advance of the spraying that there would be an odor. Mr. Smith recommended the Board approve Option B, which was to treat it initially and then on a quarterly basis. Discussion ensued.

On MOTION by Ms. Lambrides seconded by Mr. Luddy with all in favor Option B of the Proposal with Clarke for maintenance of the Sorrento ditch was approved.
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**iii. Customer Complaint Log**

Mr. Smith presented the Customer Complaint Report, a copy of which was included in the agenda packet. There were a few algae complaints, which were treated. Ms. Epstein questioned the delay in the berm landscape replacement. Mr. Smith was waiting on Floralawn. Mr. Reed spoke to Floralawn and confirmed it would be completed this week.

**TENTH ORDER OF BUSINESS**

**Supervisor's Requests**

There being none, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**TWELFTH ORDER OF BUSINESS**

**General Audience Comments**

There being none, the next item followed.

**THIRTEENTH ORDER OF BUSINESS**

**Next Meeting Date – November 17, 2021**

Ms. Adams reported that the ballroom was available for the next meeting, which was scheduled for November 17, 2021 at 11:00 a.m.

**FOURTEENTH ORDER OF BUSINESS**

**Adjournment**

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

  
Secretary / Assistant Secretary

  
Chair/Vice Chairman