

**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, **November 17, 2021** at 11:00 a.m. via Zoom Communication Media Technology and in the Starlite Ballroom, 384 Village Drive, Poinciana, Florida.

Present and constituting a quorum were:

Lita Epstein <i>(via Zoom)</i>	Chair
Michael Luddy	Vice Chairman
Robert Zimbardi	Assistant Secretary
Tony Reed	Assistant Secretary
Elizabeth Lambrides	Assistant Secretary

Also present were:

Tricia Adams	District Manager
Jan Carpenter	District Counsel
Kathy Leo <i>(via Zoom)</i>	District Engineer
Clayton Smith	Field Manager
Sheri Wollschlager	Club Manager
Tim Gardner	Clarke
Nora Schuster	Taylor Morrison
Rudy Battista	Taylor Morrison
Residents	

The following is a summary of the discussions and actions taken at the November 17, 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 11:00 a.m. Mr. Luddy, Mr. Reed and Mr. Zimbardi were present in person, Ms. Epstein was present via Zoom and Ms. Lambrides was not present at roll call.

SECOND ORDER OF BUSINESS**Pledge of Allegiance**

The Pledge of Allegiance was recited.

THIRD ORDER OF BUSINESS**Public Comment Period on Agenda Items**

Ms. Lambrides joined the meeting.

Ms. Adams asked if the Vice Chair wanted to set a time limit of two minutes for comments as 10 to 12 people were waiting to speak. Mr. Luddy replied affirmatively, but noted with that amount of people, the public comment period would last 36 minutes. Ms. Lambrides received 187 emails regarding the killing of alligators and suggested before anyone speaks, the facts should be reviewed. Mr. Luddy agreed. Ms. Adams recalled at the last meeting, the Board considered information presented by residents and staff regarding alligator safety. An alligator attacking a dog and maintenance staff encountering aggressive alligators were addressed. Subsequent to the last meeting, staff received an incident report of a resident who sustained an injury from an alligator attack. As a result of the interest in promoting the safest environment possible, Law Enforcement Officer Phillipi of the Florida Fish & Wildlife Conservation Commission (FWC) attended last month's meeting, presenting information to the Board regarding alligator safety, aggressive and/or nuisance alligator behavior. The Statewide Nuisance Alligator Program (SNAP) and Targeted Harvest Area (THA) Permit were presented by FWC. Under the THA Permit, trappers would come in to identify alligators within the parameters on the permit, which were identified by the Board as alligators 6 feet or larger that lost wariness of humans. At this time, the permit was still in process.

Ms. Lambrides stated the Board was not interested in killing alligators, but there were members of the community that feed them, which leads to the alligator's death. She voted against the proposal, but District Counsel advised the Board to take an aggressive stance to protect Solivita residents. If a human was harmed and the District gets sued for \$10 million, the money would come from residents. Residents addressed the following:

- Ms. Dorothy Schwartz of Shell Creek Street stated their wooded areas were conservation lots that were required to remain in pristine condition. There were rules for keeping pets on a leash, avoiding proximity to standing water and having minimal knowledge of alligator behavior. Under the THA Permit, trappers could come into the community at will to remove alligators over 6-feet to kill versus

relocating them. It involves the physical destruction of the brain, shooting the alligator in the head, hanging by its neck and cutting the alligators throat.

- Mr. Mills presented statistics for the Board's consideration under the THA Permit. FWC averaged seven unprovoked bites per year that required medical treatment. With the population of Florida of 21 million people, the likelihood of a Florida resident being seriously injured due to an unprovoked alligator attack was 1 in 3.1 million. The chances of being killed by lightning was 35 times greater than being killed by an alligator. Alligator attacks account for less than 1 fatality per year. Dogs account for 72 fatalities per year. In his opinion, the Board should review fact-based data based on research and statistical criteria, not on assumptions.
- Mr. Bruce Allen of Venice Lane noted many residents expressed opposition to the proposed THA Permit, due to the cruel and violent killing of alligators and faulty analysis leading to a solution for enhanced public safety that offered little chance of keeping residents safer. The program defined alligators larger than 6 feet as aggressive without any demonstrated aggressive behavior. Officer Phillipi recommended removal based on observed aggressive behavior and that experts repeatedly stated that alligators did not become more aggressive as they grow. Ms. Linda Collins, SNAP Program Manager advised that removals were directed by the managing authority, which was the CDD. Statistically, it was far more likely for a trapper unconcerned about behavior would trap and kill an alligator with no history of aggression, leaving the aggressive alligators in place. The purpose of the program was to mitigate financial liability, which fails because of negligence. In any potential civil action, the plaintiff's attorney would ask the following questions:
 1. *Were appropriate warning signs posted?* No.
 2. *Were policies and practices in place eliminating residents' access to water?* No.
 3. *Is there a documented ongoing alligator safety program in place?*
No.

4. *Were new homeowners notified in writing in advance of the purchase of the existence of alligators?* No.
5. *Were existing homeowners notified in writing of basic alligator safety information?* No.
6. *Were free alligator safety courses offered routinely?* No.
7. *Were residents providing direction allowing them to report alligator feeding violations to State authorities?* No.

Mr. Allen urged the Board to not proceed with the THA Permit as the most egregious issue was the lack of appropriate signage or alligator safety program.

- Mr. Cal Wheeler of Glendora Road felt that misinformation was being passed around. In his eight years of living full-time in Solivita, he never saw a fisherman in the water up to his waist or feed an alligator. Removing alligators could have an adverse effect of attracting snakes.
- Residents requested that the Board evaluate the size of alligators to be removed, the impact of taking breeding alligators, being more aggressive and consider what was discussed last month with Taylor Morrison and their proposed plans to educate the community and install signage. One resident asked if there was a financial incentive for killing the alligators as there was a market for alligator hides and meat. A Resident took exception to the fact that the rules for public comments were changed after the first speaker. Residents were only allowed to speak for three minutes, but one speaker was given additional time. A Resident of 190 Vista Drive had a background in statistics and urged the Board to look at the statistics.
- Ms. April Smith of Bell Tower recalled that since her pit bull was killed by an alligator, they have been criticized and bullied. They took every precaution and their dogs were on a leash. She urged residents to consider their surroundings as the alligator that killed her dog was walking in the road when the incident occurred.
- A Resident voiced concern about the trappers picking and choose what alligators to remove. Ms. Debbie Randal recommended holding the application for the permit.

- Mr. Jim Schaffer recommended more signs being posted and the Board not rush into killing all of the 6 foot alligators that had no aggressive behaviors.
- A Resident urged residents who witnessed people feeding alligators, to notify District staff and FWC, not let their children play near the ponds or feed the alligators. On the 14th tee box there was an 8 foot alligator.
- Ms. Nancy McCarthy reported that her property was being damaged by the Sandhill Cranes and they were attacking her. When she called Solivita, she was told that the Sandhill Cranes were a protective species and there was nothing that they could do.
- Mr. Dave Nolan stated in the 10 years he lived in the community, there were never problems with alligators. Most of the time, alligators come out of the ponds after three or four days for six hours to digest their food.

****Due to the quality of the audio, some residents could not be heard by the transcriber.**** Hearing no other comments, Ms. Adams closed the public comment period.

FOURTH ORDER OF BUSINESS

Approval of Minutes of the October 20, 2021 Meeting

Ms. Adams presented the minutes of the October 20, 2021 meeting. Mr. Reed stated the second paragraph at the bottom of Page 6 did not make sense. Ms. Adams clarified that Ms. Lambrides was asking if the alligators were relocated. The answer was no, because trappers had the ability to destroy the alligators, but Officer Phillipi only provided assistance to the trappers when there were unprovoked attacks, unless the alligators were scheduled to be destroyed. Mr. Zimbardi apologized for not attending the last meeting as he would have voted against the motion to apply for the THA Permit with FWC.

On MOTION by Mr. Luddy seconded by Mr. Reed with all in favor the minutes of the October 20 2021 Meeting were approved as amended.
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FIFTH ORDER OF BUSINESS**Consideration of Alligator Warning Signage for Stormwater Ponds**

Ms. Adams reported that District staff was in communication with the District's insurance carrier regarding signage and the placement of the signage on stormwater ponds owned by the Poinciana CDD. Simultaneously, there was an offer from Taylor Morrison to pay for the signage. Ms. Adams worked with Ms. Schuster of Taylor Morrison the Solivita Club Manager on this matter. Included in the agenda packet, was a proposal from GMS for \$1,360 for the labor, mobilization and equipment needed to install 30 signs, an example of the alligator warning sign and a pond ownership map. There would be prefabricated signage, which was economical. The ponds marked in blue were owned by the Poinciana CDD and the 30 red dots indicated a recommended location. The Field Manager worked with the the District's insurance carrier regarding the recommended sign locations. Discussion ensued and the Board addressed the following:

- Ms. Lambrides understood there would be more than 30 signs, one at every point of egress to the pond. *Ms. Adams stated the locations were based on recommendations from the District's insurance carrier.* Mr. Luddy requested the sign include the rule prohibiting the feeding of alligators and the fines. Ms. Lambrides recalled large custom signs were purchased for each gate saying, "*Do Not Feed the Alligators,*" which included the Florida Statute and fines. *Ms. Wollschlager confirmed the signs that were ordered included that language.* Ms. Epstein requested the signs include, "*Punishable by a \$500 fine from Florida Statute ____.*" Mr. Luddy suggested a second sign underneath the original sign saying, "*Punishable by a Fine under Florida Statute _____,*" with the phone number of FWC.

Ms. Adams suggested that the Board could defer this item until next month so staff could ask Taylor Morrison if they were willing to purchase 30 custom signs to be placed underneath the alligator warning signs. Ms. Wollschlager confirmed that Taylor Morrison agreed.

- Ms. Lambrides asked if 30 signs were reasonable and would cover every point of ingress. *Mr. Smith spoke with the insurance company and they felt that 30 signs were adequate.*

- Ms. Epstein asked Ms. Wollschlager address the education process. Ms. Adams requested this item under Staff Reports. Mr. Luddy preferred to discuss at the end of the meeting before general comments.

On MOTION by Mr. Luddy seconded by Ms. Lambrides with all in favor the Proposal from GMS to install 30 alligator warning signs for the stormwater ponds in the amount of \$1,360 to be paid by Taylor Morrison and an additional sign underneath to include the FWC's hotline number and the Florida Statute establishing fines for feeding the wildlife was approved.

SIXTH ORDER OF BUSINESS

Consideration of Proposal from Clarke Aquatic Services

Mr. Smith presented a proposal from Clarke Aquatic Services (Clarke) for an area that was not in the contract, parts of a canal owned by the CDD, which was identified in blue on the map included in the agenda packet. The rest of the canal was owned by the HOA. He recommended adding this area to the contract as the CDD area was full of muck and grasses that need to be treated and managed. Mr. Luddy asked if the HOA portion had the same issue. Mr. Smith stated the entire canal had issues. Mr. Luddy requested coordination with the HOA so the entire canal was treated at the same time. Mr. Smith would coordinate with the HOA. Ms. Adams explained the proposal was for monthly treatment in the amount of \$255, which would be paid out of contingency funds from the Aquatic Maintenance line item in the budget.

Mr. Gardner of Clarke stated that 70% of the canal had water lettuce, which was one of the worst aquatic weeds. There were also some hydrilla that needed to be treated. Conditions can change, but their recommendation was to treat twice a year to ensure proper water flow and that the environment was good for wildlife. Mr. Reed offered to meet with the South Florida Water Management District (SFWMD) to discuss this item. Ms. Adams would defer to the District Engineer to facilitate any communication with the SFWMD and suggested that the Board approve a not-to-exceed amount for one treatment per month. Clarke would then return to the Board with a recommendation for fewer treatments. Discussion ensued.

On MOTION by Mr. Luddy seconded by Mr. Reed with all in favor the Proposal from Clarke Aquatic Services for monthly aquatic services for two canals in the amount of \$255 per month subject to the Field Manager and Clark coordinating with the HOA was approved.

SEVENTH ORDER OF BUSINESS**Staff Reports****A. Attorney**

There being none, the next item followed.

B. Engineer

Ms. Leo received complaints about the pond levels. This was expected since 2021 has been a relatively dry year compared to 2020, due to below average rainfall. She was coordinating with Mr. Smith on the inspection of some pipe connections.

C. District Manager**i. Action Items List**

Ms. Adams presented the Action Items List, a copy of which was included in the agenda packet and reported on the following:

1. Pond turnover from Taylor Morrison to the CDD: A list was prepared of property conveyances that Taylor Morrison currently had in the application process, which Ms. Adams would email to the Board. They had not yet completed the application nor submitted it to the District, but they made the District aware that they were going to start the application process to convey certain parcels. This was an administrative matter that was in process. When it was completed and reviewed by staff, it would be presented to the Board for consideration. Mr. Reed asked whether the conveyances would come as a group. Ms. Adams confirmed Taylor Morrison would submit a group of parcels identified on the Action Items List and would email the preliminary list of the property conveyances to the Board under separate cover.
2. Tunnel Rules: This item will be on the Action Items List until the rule hearing.
3. Targeted Harvest Area Permit: Submitted to the FWC SNAP Program. As discussed, the ability to rescind the permit at any time is available to the District.

4. Bond refinancing: There is an opportunity to lower the residents' debt service fee on future Tax Bills by refunding the existing bonds to take advantage of historically low interest rates. There was no information to provide to the Board this month, but at upcoming meetings the Underwriter would be presenting options for the Board to consider. There was a 10 year no-call provision expiring on May 1, 2022, but the Board could lock in interest rates up to 90 days in advance of May 1, around February 1st.
5. Pond access point to launch boats: The stormwater system was always treated as a utility and the Board was considering opening it up to recreational activities such as boating. At last month's meeting, the Board directed the District Engineer to work with Ms. Lambrides to identify a potential location for water access and estimated costs. This item would remain on the Action Items List since there was no update. Ms. Lambrides recalled the Board sending out another email blast to residents offering the ability to pay off their CDD debt. Ms. Adams suggested waiting until after the bonds were refinanced as there could be a lower amount. If there is any benefit to paying the bonds off before its refinanced, staff will send out an email blast. Ms. Lambrides would work with the Community Association on the language for the email blast as most Solivita residents did not realize they were paying 10% interest per year on this outstanding debt. Mr. Reed preferred to educate people so they could make a fair decision as the money would not be recouped when the house was sold. Ms. Adams urged residents to consult with their financial advisor as the District did not provide financial advice regarding the benefits of paying debt bond debt in lump sum verses annual debt service fees on the property tax bill.

Mr. Zimbardi asked if resident boating was allowed on HOA owned ponds. A member of the HOA noted that boating was only allowed on Lake Polk. Ms. Leo did not have anything ready for the Board and would provide at the next meeting.

Ms. Lambrides requested that the Board discuss the THA Permit as 87 people stood up at this meeting to say that they did not want it. In her opinion, the Board should revisit the size of the alligator to be removed and the District's liability. Ms. Carpenter clarified the District only owned the stormwater ponds and the Board should discuss the risks as someone getting hurt was

a huge liability. The HOA was doing a great job educating resident. Ms. Adams reported that two weeks ago a Solivita resident fishing nearby the water, was pursued by an alligator when he turned his back to the water and sustained an injury when he fell. Upon further research, the area he was fishing in was not owned by the District. He also called FWC to report the aggressive alligator. Discussion ensued and the Board addressed the following:

- Ms. Epstein felt from the comments heard today, there was a misunderstanding of the program. SNAP does not remove all alligators from Solivita. The Board only wanted to remove nuisance alligators due to residents feeding them and suggested following the program as Disney to remove nuisance alligators. The reason the Board acted quickly was because there would be a lot of families with kids during the upcoming holidays.
- Mr. Reed understood that trappers would remove the alligators according to the permit and questioned the oversight.

Ms. Adams explained the permit that was submitted to FWC was for the State program. They provided the recommendations and oversight. The parameters included only removing 6-foot alligators or larger from CDD ponds, for alligators that lost their natural wariness of humans. The trappers were permitted by FWC to come into the community and remove nuisance alligators and those within the parameters within the THA Permit. Ms. Adams reported an organization at Solivita scheduled SNAP to give a presentation to the community on November 23rd. Ms. Lambrides planned to attend and requested that they bring a trapper or someone representing the trappers to answer whether they remove all of the alligators that they can or only take the nuisance alligators. Ms. Adams will keep this item on the Action Items List so the Board could discuss this issue at future meetings. Mr. Reed suggested security notify their rover to observe the trapper when they were onsite. Ms. Lambrides would work with two community organizations to form volunteer oversight committees.

ii. Approval of Check Register

Ms. Adams presented the Check Register from October 13, 2021 through November 9, 2021 in the amount of \$36,825.31.

On MOTION by Mr. Reed seconded by Mr. Zimbardi with all in favor the October 13, 2021 through November 9, 2021 Check Register in the amount of \$36,825.31 was approved.

iii. Balance Sheet and Income Statement

Ms. Adams presented the Unaudited Financial Statements through October 31, 2021. No action was required. In the first month of the new fiscal year, the District was in good shape with the pro-rated budget, which was slightly more than actuals. Ms. Lambrides asked if there was a deficiency. Ms. Adams explained with the Administrative expenses, the pro-rated amount was \$22,000, but only \$17,000 was spent. For Operation & Maintenance (O&M), the pro-rated amount was \$52,000, but only \$34,000 was spent. They did not show any revenue for the fiscal year because residents don't pay their Tax Bills until the end of November or beginning of December. In the meantime, there was money in the Operating Reserve. The November financials would show the revenue.

On MOTION by Mr. Zimbardi seconded by Mr. Lambrides with all in favor the Unaudited Financial Statements through October 31, 2021 were approved.

D. Field Manager

i. Field Manager's Report

Mr. Smith reported some light outages in the tunnels, which were replaced with LED lights. Pond B-15 was lower than normal and was working with Ms. Leo to investigate whether there was an issue. A fish stocking plan will be presented to the Board after the holiday. He contacted the aerator company who produced the aerators. They changed them significantly and they operate better, but they were looking into options to upgrade the solar panels. Ms. Lambrides asked if there was a long-term solution rather than replacing them. Mr. Smith noted stocking with fish was more beneficial as there were no further midge complaints. Ms. Lambrides thanked Mr. Smith for doing a great job. According to the Pond Report, there were a few algae blooms, but there was nothing major.

ii. Customer Complaint Log

Mr. Smith stated there were complaints in the Customer Complaint Report for low water levels. There was one complaint regarding grass clippings, but it turned out to be shoreline grass, which was treated.

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

There being none, the next item followed.

NINTH ORDER OF BUSINESS**Other Business**

Ms. Wollschlager, the Club Manager provided a report to the Board regarding education steps they were taking to promote alligator awareness in Solivita. On the sales disclosure, there was a paragraph regarding wildlife. She thanked the Solivita Wildlife Club and PALS on providing education to the residents. At the resident orientation, they were told not to feed the alligators. They were working on an email blast to the community and an article will be included in the December or January *Reflections*. A flyer made by the Solivita Wildlife Club will be shown on the community channel and lectures were set up for November 23rd. Alligator warning signs will be posted at the entrance when the verbiage was settled. Ms. Lambrides felt Ms. Wollschlager, Mr. Battista and the Taylor Morrison team did an outstanding job. They were cooperative and helpful.

TENTH ORDER OF BUSINESS**General Audience Comments**

Mr. Gene Foster of Irvine Ranch Road applauded the Board for approving SNAP. The Board represents the residents, not the Solivita Wildlife Advocates Club, who tried to get the Board to rescind the vote taken at the last meeting. He discouraged the Board from doing so. If it was rescinded, he anticipated that the District's punitive damages would increase considerably. A resident with the Solivita Wildlife Club requested that the Board reconsider rescinding the motion from the last meeting to apply for the THA Permit with FWC and respond to residents of the community who were against removing nuisance alligators and removing alligators of a certain size. Mr. Steve Mizel of Torino Lane noted a decrease in midges on his property and thanked the Board for putting gambusia fish in Pond B-1. In his opinion, the 50 to 75 people that attended this meeting did not represent the 10,000 residents in Solivita. The Board represented all Solivita residents within the CDD.

ELEVENTH ORDER OF BUSINESS

Next Meeting Date – December 15, 2021

Ms. Adams stated the next meeting was scheduled for December 15, 2021 at 11:00 a.m.

TWELFTH ORDER OF BUSINESS

Adjournment

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



Secretary / Assistant Secretary



Chair/Vice Chairman