

**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 16, 2022** 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	Chair
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	District Engineer
Clayton Smith	Field Manager
Residents – Present & Via Zoom	

*The following is a summary of the discussions and actions taken at the February 16, 2022 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 11:35 a.m. All Supervisors were present.

**SECOND ORDER OF BUSINESS**

**Pledge of Allegiance**

The Pledge of Allegiance was recited.

- **Consideration of Recreational Boating on Stormwater Ponds (Item 6)**

Ms. Adams received emails, phone calls and text messages in advance of today's meeting regarding recreational boats on the Shorehaven pond, which the Board was considering today. This item was requested by residents who wanted to row or paddle boats on the Shorehaven pond. Information was requested from the District's insurance provider for preliminary input and they recommended one single access point by the Amenity Center on Shorehaven Drive. The District Engineer estimated an access point and boat dock would cost \$80,000. Input was solicited from direct mail which was sent to the residents who live adjacent to Shorehaven pond. An electronic mail blast soliciting feedback was also sent through Evergreen to Solivita residents. Based on the opinion of 225 residents who provided feedback, one resident supported non-motorized boating only and the remaining 224 residents were opposed to the project. Since yesterday, Ms. Adams received nine additional emails. Ms. Lambrides wanted to rescind her motion from the December meeting to no longer investigate the possibility of a boat access for Shorehaven pond.

### **THIRD ORDER OF BUSINESS**

### **Public Comment Period on Agenda Items**

Ms. Adams opened the public comment period for agenda items only. Since most residents were present for the recreational boating matter, 90 seconds were allotted to each resident. The following residents spoke:

- Alan Mazza of 272 Solivita Boulevard was opposed, due to outside residents using the boat ramp, which would affect the resident's quality of life and traffic.
- Greg Coach of 716 Shorehaven Drive was opposed as it would invite outside boaters, which no one would enforce.
- Steve Adler of 503 Catania Lane was opposed as outside residents would use it.

Ms. Lambrides pointed out that allowing outside residents was never considered. Kayaks owned by residents of Solivita that were licensed were envisioned. Ms. Carpenter noted as a Governmental entity, they must allow public access and could not restrict it.

- Ron Cortagli of 705 Coronado Drive was opposed as people who want to boat could move up the street to a community that had boats in their backyard.
- Andrew Green of 825 Bella Viana Road was opposed, because once people come in from the outside, they would walk behind people's houses and it would be out of control. The \$80,000 for the boat ramp should be spent on another restaurant.

- Collin MacDonald of 795 San Raphael Street was opposed as it would open up pandoras box, there must be an Environmental Study, which was expensive and they must enforce fishing licenses due to public fishing.
- Claudia Peterson of 614 Shorehaven Drive was opposed as having boaters on the pond created a lot of problems and disturbed their peace and quiet.
- Stan Levine of Gondola Drive was opposed as their security was inadequate to handle the break-ins and thefts that having a public boat dock would attract.
- Carol Rosado was opposed, due to security, cost and privacy concerns.
- Tommie Midgley of 1244 Cambria Bend was opposed as she would lose the freedom to walk down the sidewalk.
- Lee Nguyen of 909 Glendora Road was opposed as she would lose the privacy and quiet of the community. She hoped that the Board considered the goodwill of residents.
- Timothy Colton of 536 Glendora Road was a kayaker and thanked the Board for their allowing residents to provide input.
- Chris Monske of 770 Shorehaven Drive was against putting the boat dock by the Shorehaven pool as it would disturb her peace and her dogs. There were plenty of places on Shorehaven and Glendora between Audubon Ridge and Bell Haven where there were no homes.
- Mike Goodwin of 626 Davinci Pass noted, according to the Community Association documents of Solivita, gas powered boats, jet skis, sailboats no longer than 12 feet were prohibited, but canoes and kayaks were permitted in water bodies within common areas and no docks were permitted without written approval.

Ms. Carpenter advised that the HOA documents only control the large lake and not the CDD's stormwater ponds.

- Walt Arian of 404 Via Abruzzi Street was opposed because he wanted to keep the great quality of life and questioned the impact on the HOA.
- Gary Beasley of 429 Pacific Ridge Road was opposed as there would be no one to monitor everyone coming and going 24 hours per day and it would damage the ecosystem.

- Meldon Elgersmit of 734 Shorehaven Drive was opposed as the boats, kayaks and canoes would disturb the wildlife.
- Bruce LaFramboise of 173 Bell Tower Crossing was opposed as no one would ensure the District if there was a boat dock.
- Donald Berakis of 405 Via Abruzzi Street was opposed to turning their ponds into recreational ponds for any reason.
- Esperanza Acevedo of 614 DaVinci Pass was opposed as the disadvantages were much greater than the advantages.
- Rosemary Faludi of 372 Grand Canal was opposed as it would ruin their slice of heaven by having noise on the water.
- Jon Cameron of 698 Portofino Drive was opposed as he was concerned about the cost, ongoing maintenance, security and wildlife issues. More studies should've been done.
- Gary Nass of 582 San Joaquin Road was opposed. As soon as Ms. Lambrides rescinded her prior motion, it was a dead issue.
- LaPaglia Family was opposed as the CDD owned no recreational facilities and this would be the first, which required public access. They questioned how this project got on the agenda and who had the authority to make ultimate decision.

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

#### **FOURTH ORDER OF BUSINESS**

#### **Organizational Matters**

##### **A. Acceptance of Resignation of Michael Luddy**

##### **B. Discussion of Process for Filling Board Vacancy**

Ms. Adams presented a letter of resignation from Mr. Mike Luddy who moved on to other endeavors. To fill a Board vacancy, Board Members were elected through the General Election process to serve a four-year term; however, in this case, the Board had an opportunity to make an appointment to the Board. That individual would then fill the existing term until it expired in November of 2022. The Board could alternatively choose to function as a four-member Board until the next General Election. To find interested candidates, there was a solicitation for letters of interest or resumes, which were provided to the Board in an upcoming agenda package. Interested candidates must be a US citizen at least 18 years old and registered to vote with a Poinciana CDD address.

Ms. Epstein supported having a five-member Board as there could be a tie when voting, going through a solicitation process and making a decision at the March meeting. Staff will coordinate with the electronic mail distribution system to send out a notice for the submission of resumes and letters of interest to be reviewed at the March meeting. Mr. Reed was interested in residents who have a background to assist the Board with running and managing the Solivita property. Mr. Zimbardi clarified that Solivita owned the ponds and tunnels. Mr. Reed was looking for someone who could provide technical support. Mr. Zimbardi asked if the Board needed to appoint a Vice Chairman since Mr. Luddy served as Vice Chairman. Ms. Adams stated there would be an election of officers after the replacement Board Member was appointed. Ms. Epstein requested that the appointment be made at the next meeting.

**FIFTH ORDER OF BUSINESS**

**Approval of Minutes of the January 19, 2022 Meeting**

Mr. Zimbardi and Mr. Reed provided corrections to the January 19, 2022 minutes, which would be incorporated.

On MOTION by Mr. Zimbardi seconded by Mr. Reed with all in favor the Minutes of the January 19, 2022 Meeting were approved, subject to Mr. Reed's written corrections.

**SIXTH ORDER OF BUSINESS**

**Consideration of Recreational Boating on Stormwater Ponds**

Based on resident comments, Ms. Lambrides requested the consideration for recreational boating on stormwater ponds be denied and the motion she made at a prior meeting be rescinded. Ms. Carpenter recalled that no Board action was taken and requested a motion to reconfirm the policy adopted on May 20, 2015 prohibiting any boating in any pond, canal or culvert for any purpose other than maintenance and repair.

On MOTION by Mr. Zimbardi seconded by Mr. Reed with all in favor reconfirming the policy regarding prohibited uses of Poinciana CDD infrastructure adopted on May 20, 2015 was approved.

Ms. Adams stated although the policy was revised in 2015, it has been the existing policy for many years. The stormwater ponds were treated like a utility, they were not used as a recreational facility. There was an impression by residents that the policy changed, but they were relatively the same form for more than 10 years.

#### **SEVENTH ORDER OF BUSINESS**

#### **Discussion Regarding Installation of French Drains on Residential Property Abutting District Property**

Ms. Adams stated currently, some residential drains terminate on CDD property near stormwater ponds potentially causing erosion. Staff would like direction to coordinate with the HOA on where the drain terminated and an application process for residents to apply for the installation of a drain on their property. If the Board wanted to have these drains extended to terminate at the stormwater ponds to avoid erosion, there would be a cost associated for the CDD to review and inspect the work that has been completed and questioned whether the cost would be borne by the applicant.

Ms. Lambrides noted that the way that the houses were built, water flows into the center drain and it was the HOA's responsibility to drain the water from between the houses by installing French drains into the stormwater system. Ms. Adams noted that they needed to start with the HOA because the CDD did not have any way for residents to apply for this type of drainage and would rely on the HOA to determine if the drain was going to terminate at CDD property. Once the information was gathered, Ms. Carpenter would coordinate with the District Manager to see if the HOA could handle this matter under their existing process or if there was any need for an agreement between the District and the HOA. Mr. Zimbardi requested that the Board receive copies of any documentation from the HOA regarding this process. Mr. Reed stated that he was working on this issue with the HOA because homeowners were installing the French drains, but were not extending it into stormwater ponds, creating a financial problem for the CDD. *After further discussion, there was Board consensus for the District Manager to confer with HOA regarding the application process and bring back information to the March meeting.*

#### **EIGHTH ORDER OF BUSINESS**

#### **Review and Acceptance of Draft Fiscal Year 2020 Audit Report**

Ms. Adams stated in October, the Board approved an engagement letter with Grau & Associates (Grau) to perform the annual audit, as required by Florida Statute. This audit was for

the financial records for Fiscal Year 2021. The draft audit that was provided to the Board, was reviewed by District management and accounting staff as well as by District Counsel. According to Pages 26 through 28, the Letter to Management identifies that the District complied with all of the requirements of the Florida Statutes and was considered a clean audit with no findings. Mr. Zimbardi thanked GMS for doing a great job.

On MOTION by Mr. Zimbardi seconded by Ms. Lambrides with all in favor acceptance of the Fiscal Year 2021 Audit Report and authorization to transmit to the State of Florida was approved in draft form, subject to staff finalizing it.

**NINTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Ms. Carpenter reported that the refinancing closed on February 2, 2022 under the terms that the Board approved. There was a new coupon rate of 2.37% resulting in a \$60 to \$78 reduction in their annual debt service per year.

**B. Engineer**

Ms. Epstein questioned the status of the pond turnover from Taylor Morrison (TM). Ms. Leo was still reviewing the documentation. Ms. Epstein recalled a posting on Nextdoor regarding the engineering and design for Marigold. Ms. Leo stated that it would be a preliminary design and will check with the County.

**C. District Manager**

Ms. Adams asked if the Board wanted to receive electronic agenda packages on iPads versus hard copies. The CDD would save on copy and shipping expenses by using electronic agendas. *There was Board consensus to receive agenda packages electronically.*

**i. Action Items List**

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

1. Pond turnover from TM to CDD: This was an ongoing project. District Counsel, the District Engineer and field services staff were reviewing documents. Ms.

Carpenter received a list of parcels with the application. Last week, they received title commitments for all parcels and were reviewing those. Once they were satisfied with the legal review, the District Engineer will proceed and sign a certification that the ponds and lands were in substantial compliance with the plans.

Ms. Epstein requested a map of the ponds when it was presented to the Board. The Board voiced concerns about the conveyance affecting the budget for this fiscal year, tracking legal and engineering costs and warranty issues after the ponds were conveyed. Ms. Carpenter confirmed that it would impact the budget, but TM agreed to pay the maintenance costs for the remainder of the year. Any costs above and beyond what TM identified, they would seek reimbursement for. Mr. Reed wanted the project done right, planned to perform inspections and walk-throughs and recommended that TM have reserve funding for repairs. Ms. Carpenter understood the Board's concerns and recommended that the District Engineer review the plans and note anything significant that could be forthcoming. In her opinion, the process would ensure there were adequate check and balances. The ponds were built based on Water Management District permits and the District Engineer was going above and beyond by performing inspections and addressing Board concerns.

2. Tunnel Rules: This item will remain on the Action Items List until there was a formal rule hearing.
3. Bond Refinancing: As reported by District Counsel, the bonds successfully closed, but one pending item was an electronic mail message to residents notifying them of the lower debt service fee and education on paying off in a lump sum. Ms. Lambrides voiced concern about residents coming up with \$3,500 and meeting the deadline of July 31<sup>st</sup>. Ms. Adams stated that the notice would be sent before the next meeting. Ms. Epstein requested the notice be posted on the CDD website for residents who did not have electronic mail.
4. Pond Access Point to Launch Boats: Completed. Will be removed from Action Items List.
5. Stock Ponds with Gambusia & Grass Shrimp: Discussed under the Field Manager's Report.
6. Aerator Removal Experiment: Discussed under the Field Manager's Report.



7. Monitor Central Florida Expressway: Relates to the Poinciana Parkway Project. CFX was preparing to answer questions raised by residents and would attend an upcoming CDD meeting. Ms. Epstein preferred to discuss at a regular meeting as a public hearing.
8. Stormwater Needs Analysis Report: A proposal was approved by the Board at the December meeting and this item will be on the Action Items List for tracking purposes. A draft will be presented at the May meeting and would be filed by the June 2022 deadline.

Mr. Reed rescinded his motion at the December meeting to approve the proposal for GAI Consultants to prepare the Stormwater Needs Analysis Report in the amount of \$15,000 due to the following:

- The Board was misled and made the motion under duress.
- Polk County was unaware that CDDs were involved and felt that the Board was being “*railroaded*” by having to pay \$15,000 for something that was not necessary.
- The report was completely financial and only required a contact person, not a professional engineer to prepare and sign it.
- The District was being taken advantage of and he had the right to make his own decision to represent the community.
- The transfer of ponds was the primary responsibility of the District Engineer, not to prepare this report.

Mr. Reed requested that the Board allow him to prepare the report to minimize costs and requested that Polk County meet with all CDDs in Polk County to provide the guidance and leadership necessary to complete this report. Ms. Carpenter advised that the District had an approved contract with the District Engineer who has been working on the Stormwater Needs Analysis Report since December. It was a State Law that all CDDs must abide by. Performing an engineering task was outside of the role of a Board Member and was not covered by insurance. In her opinion, the cost was at the lower end of proposals they have seen. Polk County had the responsibility under the law to compile the data from all governments within Polk County and submit to the State. The District was responsible to comply with the law in the best way possible, which was through the District Engineer who would have the records and design drawings to

support the information should a question arise. The primary obligation of the Board was to ensure that the law was complied with to the best ability of the District.

Ms. Epstein questioned how much time the District Engineer spent preparing the report and what was accomplished. Ms. Leo estimated that she was 20% to 30% completed, having set up the framework for the report and performed some data collection. The Board was not misled or under duress as there was a State Law to provide this report. Every CDD was required to comply with this law per the template set by the State. Due to the fact that the District Engineer performed 30% of the work, Ms. Epstein felt it was a mistake to have a Board Member do something that was the responsibility of the District Engineer. Ms. Leo pointed out that she a registered professional engineer in the State of Florida, represented this District since inception and did not want to continue to represent this District if documents were not prepared in a professional manner.

Mr. Zimbardi appreciated Mr. Reed's efforts and his fiduciary responsibility to the residents and wanted to hear Mr. Reed's presentation, but not at this meeting. At this point time, he preferred to proceed with the District Engineer completing the Stormwater Needs Analysis Report since the contract was issued and some costs were incurred. Ms. Epstein agreed and wanted to proceed to the next item on the agenda. Ms. Lambrides asked if they should suspend any further work on this report until they heard Mr. Reed's report. Ms. Epstein noted they did not have the time as the report was due by June. The contract was awarded, the work started and the District has done a good job for the District for many years. It was unfair to stop work in the middle of the job that the Board already voted on. Ms. Lambrides wanted to ensure that they were spending the resident's money wisely.

**ii. Approval of Check Register**

Ms. Adams presented the Check Register from January 12, 2022 through February 8, 2022 in the amount of \$193,753.99. There were some large transfers to the debt service accounts managed by the Trustee, which was customary after receiving tax revenues.

On MOTION by Mr. Zimbardi seconded by Ms. Lambrides with all in favor the January 12, 2022 through February 8, 2022 in the amount of \$193,753.99 was approved.

**iii. Balance Sheet and Income Statement**

Ms. Adams presented the Unaudited Financial Statements through January 31, 2022.

On MOTION by Mr. Zimbardi seconded by Ms. Epstein with all in favor the Unaudited Financial Statements through January 31, 2022 were accepted.

**D. Field Manager****i. Field Manager's Report**

Mr. Smith presented the Field Manager Report, which was included in the agenda package. All alligator awareness signs were posted throughout the community on pond banks. They were placed in the most visible locations based on the direction and recommendations from the insurance company. The fish stocking was underway and he was coordinating with the vendor. They will do approximately 20 acres at a time through March and April. They were in the process of upgrading all tunnel lighting and a few minor repairs. The bulbs were ordered, which will brighten up the tunnel two and a half times based off of the lumens. A crew was being scheduled to dismantle the aerators that were not working. They will continue to try to keep as many of them running as they possibly can as long as they can. A pond treatment list was provided. Overall, the ponds are doing well with just some minor shore grasses. Water levels are a bit low but will start to come back up with the approaching rainy season.

**ii. Customer Complaint Log**

Mr. Smith presented the complaint log, which was included in the agenda package. There was a complaint about pond weed in the Shorehaven pond, which was hard to manage and was working with Clarke. The shoreline grass reported a few meetings ago was sprayed. It was now dead. The landscape vendor was mowing it down to clean it up somewhat. Now that it is being treated on a regular basis, it should no longer be an issue. Mr. Zimbardi noticed water seepage in the tunnels. Mr. Smith stated the Venezia tunnel did not have an issue with water seepage. There were several locations in the Bella Vianna tunnel that had water intrusion, but there were no structural issues. Ms. Leo performed a bi-annual structural inspection, which noted no issues.

**TENTH ORDER OF BUSINESS**

**Supervisor's Requests**

Mr. Reed requested a copy of a preventative maintenance document for review, which Mr. Smith provided.

**ELEVENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**TWELFTH ORDER OF BUSINESS**

**General Audience Comments**

Resident Chris Monske of 770 Shorehaven Drive noted that every time Floralawn does their mowing, they leave grass clippings all over the pond. Last week, her neighbor used a rake to get grass clippings off of the pond. Ms. Epstein stated that they were not supposed to. Mr. Zimbardi questioned the procedure as he took photos and sent to Floralawn. Ms. Adams requested photos be sent to her to forward to the Field Manager as Mr. Smith meets with Floralawn on a regular basis. Ms. Peterson noted outside of her fence, there were tall stalks growing on the hard land. It was dangerous as an alligator could hide in there. Mr. Smith noted the last couple of times, there was pond weed in the pond. It floats in the water and were easily interpreted as grass. Ms. Adams noted 12 attendees on Zoom, but no one wished to speak.

**THIRTEENTH ORDER OF BUSINESS**

**Next Meeting Date – March 16, 2022**

Ms. Epstein stated the next meeting was scheduled for March 16, 2022 at 11:00 a.m.

**FOURTEENTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Zimbardi seconded by Mr. Reed with all in favor the meeting was adjourned.

  
Secretary / Assistant Secretary

  
Chair/Vice Chairman