

**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, May 18, 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 <i>joined late via Zoom</i>	Chair
Tony Reed	Vice Chair
Robert Zimbardi	Assistant Secretary
Elizabeth Lambrides	Assistant Secretary
Anita Nelson	Supervisor-Appointment

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 May 18, 2022 Poinciana Community Development District's Board of Supervisors Meeting.

FIRST ORDER OF BUSINESS

Roll Call

Ms. Adams called the meeting to order and called the roll at 11:17 a.m. All Supervisors were present with the exception of Ms. Epstein who was not present at roll call.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

• **Organizational Matters (Item 4)**

A. Review of Letters of Interest

Ms. Adams stated that the Board received a resignation from Mr. Luddy for Seat #2 and a letter of interest was received from Ms. Anita Nelson, which was included in the agenda package.

B. Appointment of Individual to Fulfill the Board Vacancy in Seat #2

On MOTION by Ms. Lambrides, seconded by Mr. Reed, with all in favor, the appointment of Ms. Anita Nelson to fill the Board vacancy in Seat #2 was approved.

C. Administration of Oath of Office

Ms. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. Anita Nelson.

D. Consideration of Resolution 2022-05 Electing Officers

Ms. Adams stated that each time there was a Board vacancy, the Board was required to consider its officers. Mr. Luddy served as Vice Chairman. Ms. Epstein was currently Chair, the remaining Board Members served as Assistant Secretaries and GMS staff served as Treasurer, Secretary and Assistant Secretaries. Mr. Reed suggested Ms. Epstein as Chair and Mr. Reed volunteered to serve as Vice Chair. Ms. Adams stated that Ms. Elizabeth Lambrides, Bob Zimbardi and Anita Nelson would serve as Assistant Secretaries and GMS staff would remain serving as Treasurer, Assistant Treasurer, Secretary and Assistant Secretary.

On MOTION by Ms. Lambrides seconded by Mr. Reed with all in favor Resolution 2022-05 Electing the Officers as stated was adopted.

THIRD ORDER OF BUSINESS

Public Comment Period on Agenda Items

There being none, the next item followed.

Ms. Epstein joined the meeting via Zoom.

FOURTH ORDER OF BUSINESS

Organizational Matters

- A. Review of Letters of Interest**
- B. Appointment of Individual to Fulfill the Board Vacancy in Seat #2**
- C. Administration of Oath of Office**
- D. Consideration of Resolution 2022-05 Electing Officers**

These items were discussed. Ms. Epstein and Mr. Reed requested that Ms. Adams run the meeting.

FIFTH ORDER OF BUSINESS

Approval of Minutes of the February 16, 2022 Meeting

On MOTION by Mr. Reed seconded by Ms. Epstein with all in favor the Minutes of the February 16, 2022 Meeting were approved as presented.

SIXTH ORDER OF BUSINESS

Review and Acceptance of Fiscal Year 2021 Audit Report

Ms. Adams stated that each year, all CDDs were required to have an annual independent audit performed. The Board previously met as an Audit Committee and selected Grau & Associates. The auditor found that the fiscal year 2021 accounting was in accordance with government accounting principles, there were no findings or recommendations and the District was not in a state of financial emergency as noted in the Independent Auditor’s Report under Section 218.415(1). It was considered to be a clean audit. Mr. Zimbardi thanked GMS for having a clean audit.

On MOTION by Mr. Zimbardi seconded by Mr. Reed with all in favor acceptance of the Fiscal Year 2021 Audit Report and authorization to transmit to the State of Florida was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2022-06 Authorizing Residential Drain Pipe Application and License Process and Setting Public Hearing July 20, 2022

Ms. Adams reported that there were residential drains that terminated at the edge of CDD property and caused erosion. District staff was asked to reach out to the HOA regarding their approval procedures for residential yard drains. The HOA President agreed to require anyone

applying for a drain application, to first go to the District for review and approval and once it was approved by the Board, there would be a License Agreement authorizing the installation of the drain. District Counsel prepared the License Agreement and the District Engineer drafted a sketch showing the proper placements for the installation of the drain pipe. Under the License Agreement, the owner would install the drain pipe on the CDD property. Ms. Leo proposed that a pop-up emitter is installed at the end of the system and sod to prevent ruts at the side of the bank.

Ms. Epstein questioned how many homes were affected and why it was important that the CDD Board approve each License Agreement. Mr. Reed stated that hundreds or thousands of homes were affected. Ms. Adams explained that it impacted District property and the District was giving permission under the License Agreement for the resident to access District property. For the first couple of License Agreements, Ms. Adams suggested that District staff work with the Board, but once criteria was established, if wanted, staff would approve the applications and bring the License Agreements to the Board for approval or ratification. Ms. Carpenter suggested that the Board consider setting a fee for District Counsel and District Engineer review. Ms. Epstein questioned the average review costs. Ms. Adams indicated other CDDs set between \$300 to \$500. Mr. Zimbardi preferred to pass the cost for review of the application to residents who wanted to drain their property and setting a minimal amount. Ms. Carpenter pointed out that GMS offered to absorb any field costs and suggested a \$75 fee to cover any costs if Ms. Leo had to go out into the field to look at it. Ms. Lambrides preferred a higher fee and then lowering it after the public hearing. Mr. Zimbardi favored establishing a \$25 application fee. Ms. Epstein asked what happened to the money collected by the homeowner if it was not used. Ms. Adams stated it would be offsetting revenue for expenses associated with the operation of the District. Ms. Carpenter proposed that the Board set the fee at \$100 for the purpose of setting the public hearing.

Ms. Lambrides MOVED to adopt Resolution 2022-06 Authorizing Residential Drain Pipe Application and License Process and Setting the Public Hearing for July 20, 2022 at 11:00 a.m., at this location and setting the fee at \$100 and Mr. Zimbardi seconded the motion.

Mr. Reed opposed the solution because they never tested it. Ms. Epstein asked if Mr. Reed was opposed to what was being proposed by the District Engineer because it was not a viable solution. Mr. Reed voiced concern that Ms. Leo’s solution was more expensive. Ms. Leo and Mr. Smith confirmed that the cost incurred by the resident for extending the drain line into the pond was borne by the homeowner, not the CDD. The Board requested additional information between now and the public hearing on the emitters, the costs and long-term damage and requested that Ms. Leo provide an alternative.

On VOICE VOTE with Ms. Nelson, Mr. Reed, Mr. Zimbardi and Ms. Lambrides in favor and Ms. Epstein dissenting, Resolution 2022-06 Authorizing Residential Drain Pipe Application and License Process and Setting the Public Hearing for July 20, 2022 at 11:00 a.m., at this location was adopted. (Motion Passed 4-1)

Ms. Epstein preferred sending an email to residents versus having the public hearing, due to the cost. Ms. Adams stated that the motion passed and the public hearing was set for July 20th. Ms. Lambrides and Ms. Epstein would attend the public hearing by phone. Ms. Nelson, Mr. Reed and Mr. Zimbardi confirmed that they would be present in person.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2022-07 Authorizing Setting Public Hearing July 20, 2022 to Amend and Restate Tunnel Rules

Ms. Adams recalled that at the prior meeting, the Board discussed refining the definition of low-speed vehicles in the rules for the tunnels and rather than going through the expense of setting another public hearing, it would be discussed at the July 20th public hearing.

On MOTION by Mr. Zimbardi seconded by Mr. Reed with all in favor Resolution 2022-07 Authorizing Setting the Public Hearing for July 20, 2022 to Amend and Restate Tunnel Rules was adopted.

NINTH ORDER OF BUSINESS

Discussion of Stormwater System Maintenance

Mr. Smith reported that due to heavy storms, Pond A-5 experienced some overflowing onto the road. With Ms. Leo's assistance, they pulled the plans for two inlets that flow into Pond A-5 and it was determined that the southern inlet was the problem. The stormwater pipe between the road and the pump was full of leaves. They had a vacuum truck come out to vacuum and blow out the stormwater pipe that went to the pond, which alleviated the issue.

Ms. Lambrides questioned whether the stormwater drain had ever been pumped or vacuumed before. Ms. Leo explained that the pond has been in existence next to the road for 20 years and when it was vacuumed, there was an accumulation of years and years of debris that clogged the pipe. Ms. Lambrides voiced concern that in the next 20 years, other ones would clog and did not want to create a situation during a hurricane where emergency vehicles could not get in and out. Ms. Leo suggested that residents identify areas that were holding more water than usual and not recovering as quickly and that the District consider a preventative maintenance program and spend money in small increments. Ms. Lambrides suggested scoping out areas where there was ponding on major thoroughfares such as Solvita Boulevard and Bell Tower Crossing and requested that Ms. Leo identify the areas on the map that had the most problems. *After further discussion, there was Board consensus for Ms. Adams to inform security and the HOA management company to bring any issues regarding slow drainage to the District's attention immediately.*

Mr. Zimbardi asked if the HOA budgeted for street sweeping, which was included in the Memorandum of Understanding (MOU). Ms. Adams would contact the HOA to ask for records on street sweeping. Mr. Reed suggested that a vacuum truck do street sweeping a couple of times per year and questioned the overall cost. Ms. Adams would obtain the records from the HOA and report back to the Board.

TENTH ORDER OF BUSINESS

**Consideration of Resolution 2022-08
Approving the Proposed Fiscal Year 2023
Budget and Setting a Public Hearing**

Ms. Adams stated that all Districts were required by Statute to approve a Proposed Budget by June 15th and transmit to the County and post the budget in accordance with Florida Statutes. Resolution 2022-08 approves the Proposed Budget for Fiscal Year 2023, starting on October 1, 2022 and running through September 30, 2023 sets the public hearing for July 20, 2021 at 11:00 a.m. at this location. Ms. Adams highlighted the following:

- *Management Fees* decreased by \$4,150 from \$46,350 to \$42,000 based on the current meeting schedule.
- *Dissemination Agreement* decreased by \$2,000 from \$5,500 to \$3,500.
- *Annual Audit* decreased by \$100, in accordance with the audit agreement.
- *Trustee Fees* decreased due to bank fees.
- *Information Technology* increased from \$1,125 to \$1,500, due to the increased maintenance for the record servers and technology to host remote meetings.
- *Website Maintenance* increased from \$750 to \$1,200, due to the increased cost to maintain the Poinciana CDD website in accordance with Florida Statutes.
- *Postage and Printing & Binding* decreased, due to the Board receiving electronic agenda packages.
- *Insurance* increased by \$825, based on the proposal for the public official's liability insurance for the District
- *Property Insurance* increased from \$8,500 to \$10,038, due to the anticipation of parcels being conveyed to the District for the upcoming fiscal year.
- *Landscape Maintenance and Aquatic Control Maintenance* increased, due to maintenance of the proposed park that Taylor Morrison was conveying to the District.
- The per unit gross assessment was \$184. There was no increase in the operation and maintenance (O&M) assessments.

Mr. Smith explained that, in looking at the parcels for conveyance, a \$30,000 maintenance cost was recommended, which was split between pond maintenance and mowing. In addition, there was a \$15,000 increase for *Aquatic Midge Management* as well as a 5% base increase for each contract. Ms. Adams reported that this was all preliminary as the application was recently submitted by Taylor Morrison and upon initial staff review, additional documents were requested. As more information becomes available, proposals would come before the Board for the cost to maintain. Discussion ensued and the Board addressed the following:

- Mr. Reed requested the same reductions as the Poinciana West CDD. *Ms. Adams reduced Dissemination Agent and District Management Fees, after meeting with the Chair.* Ms. Lambrides asked why these decreases were requested. *Ms. Adams*

stated that it was based on the current meeting schedule and current workload of the District.

- Ms. Lambrides asked if there was any law for electronic advertisements. *Ms. Carpenter noted no current law, but there were a number of required publications.*
- Ms. Lambrides questioned the response to the email sent out to residents for paydown of their bond. *Ms. Adams received calls and emails from Poinciana and Poinciana West CDD residents who were interested in paying off the bond in lump-sum versus making annual payments on their Tax Bill.* Ms. Lambrides suggested sending out another e-blast.

On MOTION by Mr. Reed seconded by Mr. Zimbardi with all in favor Resolution 2022-08 Approving the Proposed Fiscal Year 2023 Budget and Setting the Public Hearing for July 20, 2022 at 11:00 a.m., at this location was adopted.

ELEVENTH ORDER OF BUSINESS

Review and Acceptance of Draft Stormwater Needs Analysis Report

Ms. Leo presented the draft Stormwater Needs Analysis Report and acknowledged that after she started this analysis and provided a proposal for \$15,000, the government changed the required form and the total amount spent was close to \$3,000. Mr. Reed thanked Ms. Leo for the acknowledgement. Discussion ensued.

On MOTION by Mr. Reed seconded by Mr. Zimbardi with all in favor the draft Stormwater Needs Analysis Report was approved.

TWELFTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Carpenter has been reminding Taylor Morrison every month to provide additional information and would stop working on this matter until they provided the requested information.

Mr. Reed questioned how much money they actually needed as there was an application fee of \$2,500 and Poinciana West CDD wanted to charge \$5,000 per parcel. In his opinion, \$2,500 was reasonable. Ms. Adams explained if the \$2,500 was not spent, the money goes back

to the developer. If it was more, then they billed the developer before property was presented to the Board for acceptance. Mr. Reed asked if Poinciana West received approval from Taylor Morrison. Ms. Adams stated their District Counsel was working with the Taylor Morrison attorney on the process.

B. Engineer

Mr. Reed jokingly asked about the pond that had a hole in it. Ms. Leo stated that staff was monitoring Pond B-15, as water levels go down quickly. Pipes in three mitered end sections were partially obstructed with sand and debris and the concrete that protected a pipe was cracked. She was working with Mr. Smith to get those vacuumed out but wanted to see where the water was coming from first. Mr. Zimbardi noted that the pond next to the golf course was full, but this one was almost empty, so it was obviously not feeding over. Ms. Leo requested that the Board approve a not-to-exceed amount of \$10,000 to get the vacuum truck out to do some investigation and repair the mitered ends.

Mr. Reed MOVED to approve a not-to-exceed amount of \$10,000 to vac jet the stormwater drain pipes in Pond B-15 and Ms. Lambrides seconded the motion.

Ms. Adams opened the floor to public comments on this matter since this item was not listed agenda. There were no public comments.

Ms. Epstein left the meeting.

On VOICE VOTE with all in favor approving a not-to-exceed amount of \$10,000 to vac jet the stormwater drain pipes in Pond B-15 was approved. (Motion Passed 4-0)

Mr. Zimbardi noticed a black plastic sheet when Pond B-1 was low and asked if the ponds were lined. Ms. Leo stated that a couple of Solivita ponds had liners as part of the permitting process but would look at this pond.

C. District Manager

i. Action Items List

Ms. Adams presented the Action Items List, which was included in the agenda package.

ii. Approval of Check Register

Ms. Adams presented the Check Register from February 9, 2022 through May 10, 2022 in the amount of \$614,871.50. There were some large transfers to the debt service accounts managed by the Trustee, which was customary after receiving tax revenues transmitted by the County.

On MOTION by Mr. Zimbardi seconded by Ms. Lambrides with all in favor the February 9, 2022 through May 10, 2022 in the amount of \$614,871.50 was approved.

iii. Balance Sheet and Income Statement

Ms. Adams presented the Unaudited Financial Statements through April 30, 2022, which were included in the agenda package. The Unassigned Cash Balance in the General Fund was \$903,484. The overall budget for the year was slightly over \$630,000.

On MOTION by Mr. Zimbardi seconded by Mr. Reed with all in favor the Unaudited Financial Statements through April 30, 2022 were accepted.

iv. Presentation of Number of Registered Voters – 5,077 - ADDED

Ms. Adams presented a letter from Polk County Supervisor of Elections reporting the number of registered voters as of April 15, 2022, which was were 5,077. No action was required by the Board. Mr. Zimbardi asked if this done automatically. Ms. Adams explained that this item was only significant in the first years of a District because after the District had 250 registered voters and was established for six years, the seats on the Board started to transition to the General Election process. Now that the District was already using the General Election process, the Florida Statutes had no provision to stop reporting this information.

v. Notice of Qualifying Period: Noon, June 13, 2022 to Noon, June 17, 2022

Ms. Adams announced that the qualifying period with the Polk County Supervisor of Elections for the November 2022 General Election seats was Noon on June 13, 2022 through Noon on June 17, 2022.

D. Field Manager

i. Field Manager's Report

Mr. Smith presented the Field Manager Report, which was included in the agenda package. The tunnel lighting was changed to LED lights, which had higher lumens that use lower energy. Mr. Zimbardi noted that the tunnel looked clean. Mr. Smith agreed, but they were approaching the need for professional washing. The fish stocking was complete. Midge complaints were down. Mr. Zimbardi asked if it was the second round of fish stocking. Mr. Smith noted that they did four rounds. Ms. Lambrides questioned whether they should stock all of the ponds. Mr. Smith stated that only the ponds that received complaints about midge problems were stocked with fish. Ms. Lambrides noticed some midges and asked if it should be reported. Mr. Smith requested that it be reported so Clark could treat the pond. They were continuing to remove aerators that were inoperable. He had not received any Pond E-3 noise complaints in a long time. There were shoreline grasses on the ponds, but for the most part, there were no issues. Mr. Zimbardi questioned whether there was an outbreak of algae. Mr. Smith stated multiple sites had algae blooms, especially Lake Polk, due to the additional sun, not much rain and people fertilizing their yards.

ii. Customer Complaint Log

Mr. Smith presented the complaint log for February 9, 2022 through May 11, 2022, which was included in the agenda package. There was a report of an alligator in a pond and FWC was contacted. Most of the complaints were about algae and vegetation, which were all treated.

iii. Consideration of Estimate for Drainage Improvements and Bank Repairs

Mr. Smith presented a proposal, which was included in the agenda package. It was based on complaints brought to his attention regarding Pond D-9 behind the Shorehaven pool. The proposal was to extend the pool drainpipe into the pond so the pond bank did not continue to erode. Other pools in the area were repaired in this manner. The proposal also included sod. In many cases, they were able to keep the sod, but because the water was highly chlorinated, it killed the grass. After further discussion, this matter was deferred so that Ms. Leo could do further research

THIRTEENTH ORDER OF BUSINESS Supervisor's Requests

- Mr. Reed asked why the HOA was maintaining the reclaimed water infrastructure if the CDD owned it. Ms. Adams stated that it was conveyed to the CDD and a management agreement was in place with the HOA to manage the system. She would place this item on the next agenda for further discussion.
- Mr. Reed noted many items on the MOU and asked if there were any items that had inspection requirements. Ms. Leo explained that the only infrastructure that the CDD owned were the tunnels, which were inspected every other year.
- Mr. Reed thanked Mr. Smith for providing a preventative maintenance log for his review.
- Mr. Reed asked about the new retaining walls made out of wood, which had a 10-year lifespan versus concrete or block, which had a 50-to-100-year lifespan. In his opinion, they should not accept retaining walls made from wood because the CDD must pay for a replacement if it should fail within 10 or 15 years. Ms. Carpenter did not have any request for the turnover of retaining walls; however, as long as it was properly permitted and constructed, they did not have an opportunity to reject it. She recommended waiting until they received an application and could consider the cost for maintenance and build into a reserve.

FOURTEENTH ORDER OF BUSINESS Other Business

There being none, the next item followed.

FIFTEENTH ORDER OF BUSINESS General Audience Comments

Ms. Virginia Edge of 606 Volterra Boulevard asked where there was a wood retaining wall. Mr. Zimbardi stated there was one where the new houses were being built on Village Center Drive.

SIXTEENTH ORDER OF BUSINESS Next Meeting Date – June 15, 2022

Ms. Adams stated the next meeting was scheduled for June 15, 2022 at 11:00 a.m. Mr. Zimbardi asked why this District had a June meeting and Poinciana West CDD had a July meeting. Ms. Adams explained that the Poinciana West CDD approved a meeting schedule with

May 18, 2022

Poinciana CDD

six meetings a year versus this District, which approved 12 meetings. Ms. Lambrides questioned the need for the June meeting. Ms. Adams stated if there were no agenda items, the Chair had the ability to cancel the meeting.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

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



Secretary / Assistant Secretary



Chair/Vice Chairman