

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, July 20, 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
Tony Reed	Vice Chair
Robert Zimbardi	Assistant Secretary
Anita Nelson	Assistant Secretary

Also present were:

Tricia Adams	District Manager
Jan Carpenter	District Counsel
Kathy Leo	District Engineer
Clayton Smith	Field Manager
Jarett Wright	GMS Field Services

*The following is a summary of the discussions and actions taken at the July 20, 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 11:03 a.m. All Supervisors were present with the exception of Ms. Lambrides.

**SECOND ORDER OF BUSINESS**

**Pledge of Allegiance**

The Pledge of Allegiance was recited.

**THIRD ORDER OF BUSINESS**

**Public Comment Period on Agenda Items**

There being none, the next item followed.

**FOURTH ORDER OF BUSINESS**

**Approval of Minutes of the June 15, 2022 Meeting**

Ms. Epstein presented the minutes from June 15, 2022 meeting, which were included in the agenda package. There were no corrections.

On MOTION by Mr. Reed seconded by Ms. Nelson with all in favor the Minutes of the June 15, 2022 Meeting were approved as presented.

**FIFTH ORDER OF BUSINESS**

**Consideration of Phase 5D Replat and Joinder and Consent to Plat**

Ms. Adams presented the Joinder and Consent to Plat for the replat of Solivita Phase 5D, which was required by Polk County. The plat was provided to District Counsel, the District Engineer and field management staff for review and input. Staff comments were provided to the developer and were incorporated. Ms. Epstein noted that there were no ponds in this phase. Ms. Adams confirmed that there were no stormwater ponds in Phase 5D and requested that the Board delegate authority to the Chair to execute the Joinder and Consent to replat.

Ms. Nelson MOVED to approve the Joinder and Consent to Replat Solivita Phase 5D and delegate authority to the Chair to execute and Mr. Zimbardi seconded the motion.

As the liaison for the ponds and wetlands in both the HOA and CDD, Mr. Reed was reviewing all contracts, permits and property and questioned why they needed to approve or sign off on these plats and maintain the wetlands. Ms. Epstein requested tabling this discussion as the motion was for the approval of the plat for Phase 5D. Ms. Carpenter explained that the reason for the CDD having to join the plats was because they had liens of record for Phase 5D.

On VOICE VOTE with all in favor the Joinder and Consent to Replat Solivita Phase 5D and delegate authority to the Chair to execute was approved.

**SIXTH ORDER OF BUSINESS**

**Public Hearings for Fiscal Year 2023  
Budget Adoption, Drain Pipe Installation  
Fees and Application Rules and  
Amending and Restating Tunnel Rules**

**A. Open Public Hearings**

On MOTION by Mr. Zimbardi seconded by Mr. Reed with all in favor the public hearings for the Fiscal Year 2023 budget adoption, drain pipe installation fees and application rules and amending and restating tunnel rules were opened.

**B. Presentation of Proposed Fiscal Year 2023 Budget**

Ms. Adams presented the Proposed Budget for Fiscal Year 2023, which starts on October 1, 2022 and runs through September 30, 2023. They were proposing \$667,298 in special assessments and using Carry Forward Surplus to balance the budget. It was similar to what the Board approved at the May meeting with the exception of the special assessment revenue being based on a new number of units, based on a true-up by the developer, which decreased the number of units by 123. There were also some reductions in services for *Information Technology* and *Website Maintenance*. Overall, *Administrative Expenses* decreased from \$159,701 to \$150,431 and *Field Expenses* increased by \$45,000, based on the estimated amount for expenses to maintain property that Taylor Morrison applied to convey to the District. This was due to increases in *Aquatic Midge Management*, *Landscape Maintenance* and *Aquatic Control Maintenance*. The total amount per unit that would be assessed on the tax bill for operation and maintenance (O&M) for the CDD was \$184.04, which was the same as last year.

**C. Public Comments Regarding Budget and Special Assessments**

Ms. Epstein asked for public comments. Resident Glenn Larson of Coronado Drive asked why *Management Fees* were decreasing by \$4,600. Ms. Adams stated that what GMS was charging the District decreased from \$46,350 to \$42,000 for Fiscal Year 2023. Ms. Epstein noted that administrative savings were due to actions taken by the Board to move from paper to electronic agenda packages. Ms. Adams confirmed that there were cost savings for not only printing and binding, but also for postage. Mr. Reed questioned why *Dissemination* decreased. Ms. Adams stated that there were efficiencies in the overall fees for both Poinciana and

Poinciana West, resulting in a decrease of \$2,000 per year. There were no further public comments.

**D. Consideration of Resolution 2022-09 Adopting the Fiscal Year 2023 Budget and Relating to the Annual Appropriations**

Ms. Adams presented Resolution 2022-09 adopting the Fiscal Year 2023 budget.

On MOTION by Mr. Reed seconded by Mr. Zimbardi with all in favor Resolution 2022-09 Adopting the Fiscal Year 2023 Budget and Relating to the Annual Appropriations was approved.

**E. Consideration of Resolution 2022-10 Imposing Special Assessments and Certifying an Assessment Roll**

Ms. Adams presented Resolution 2022-10, allowing the District to use the uniform tax collection method to impose special assessments on residents' property tax bills. For Fiscal Year 2023, \$667,298 in special assessments were proposed. A copy of the budget and Tax Roll would be attached to the resolution. There was no increase in assessments.

On MOTION by Ms. Nelson seconded by Mr. Reed with all in favor Resolution 2022-10 Imposing Special Assessments and Certifying an Assessment Roll was approved.

**F. Presentation of Drain Pipe Application and Fees**

Ms. Adams presented Resolution 2022-11 approving the process to have residents apply for and install residential drainage improvements that terminate on District property. The Board was considering this due to situations where residential properties were required to install drainage to improve the flow of water; however, residents were installing drains that terminated at the edge of District property without District approval, which eroded District property. Several months ago, staff presented options for the Board to consider. With the adoption of this resolution, residents would be required to apply to the District Manager for these drainage improvements and the Field Manager would review the application, which would be presented to the Board for approval. When approved, a License Agreement would be provided to the property owner. A proposed sketch for the type of emitter drain recommended by the District Engineer was included in the agenda package. Ms. Carpenter suggested that the Board set a not-to-exceed amount or charge a lower fee. Ms. Epstein recalled that there would be coordination through the

HOA. Ms. Adams spoke to the HOA President and the HOA was waiting for the Board to make a final decision. When applications were received, the HOA would make residents aware of this new requirement.

**G. Public Comments Regarding Drain Pipe Installation Procedures**

Mr. Zimbardi asked why residents were required to use a contractor that was licensed and insured. Ms. Carpenter stated that it was for the protection of the District. Mr. Reed felt that only a trench was needed, which could be dug by a handyman, but there needed to be some oversight. Ms. Carpenter would remove this provision from any documents. Mr. Reed had no issue with the proposed solution, but wanted additional drawings, more than one option for residents to choose from and to approve each application when they were submitted. His concern was also regarding existing drains. Ms. Epstein stated they must increase the fee to provide additional options and involve the District Engineer on whether the resident's option was the correct option. Ms. Carpenter proposed that the Board adopt the policy as-is, monitor and have another public hearing with 60 days' notice if the current solution was not working. Ms. Epstein felt that this was a good solution for residents to work with. Ms. Adams stated that there would be an application fee of \$100, but it was not for district management to facilitate the application or for field staff to perform an inspection. If there were too many applications that required additional staff time, they would come back to the Board. Discussion ensued regarding the fee and whether to increase it or decrease it.

**H. Consideration of Resolution 2022-11 Adopting Fees for Drain Pipe Application and Policies for Approval and License Agreement**

Ms. Adams presented Resolution 2022-11, setting a fee of \$100 for the drain pipe application and setting the policies and license agreement. Ms. Epstein stated if the solution was not working, it should be brought before the Board for discussion. Mr. Reed agreed.

On MOTION by Mr. Reed seconded by Mr. Zimbardi with all in favor Resolution 2022-11 adopting a \$100 fee for the drain pipe application and approving the policies and license agreement as presented with the removal of requiring any contractor to be licensed, bonded and insured and the only option being the drain pipe detail as presented in the agenda package was approved.

**I. Presentation of Amended and Restated Tunnel Rules**

Ms. Adams presented the Amended and Restated Tunnel Rules to clarify the definition of low-speed vehicles in accordance with Florida Statutes.

**J. Public Comments Regarding Tunnel Rules**

There were no public comments.

**K. Consideration of Resolution 2022-12 Amending and Restating Tunnel Rules to Include Definition of Low-Speed Vehicle**

Ms. Adams presented Resolution 2022-12, amending and restating the Tunnel Rules to include the definition of low-speed vehicles.

On MOTION by Ms. Nelson seconded by Mr. Reed with all in favor Resolution 2022-12 Amending and Restating Tunnel Rules to Include Definition of Low-Speed Vehicle was approved.

**L. Close Public Hearings**

On MOTION by Mr. Zimbardi seconded by Ms. Nelson with all in favor the public hearings for the Fiscal Year 2023 Budget Adoption, Drain Pipe Installation Fees and Application Rules and Amending and Restating Tunnel Rules were closed.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

There being none, the next item followed.

**B. Engineer**

There being none, the next item followed.

**C. District Manager**

**i. Action Items List**

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

1. Parcel Conveyance from Taylor Morrison to CDD: The application and fee was received on January 11, 2022 and initial document review by staff was completed.

Additional documents for engineer's review have been requested and are pending receipt.

Ms. Adams reported that each month District Counsel was following up with Taylor Morrison (TM) counsel regarding the documents that were requested but not yet received. This week, TM said that they would review the requested documents and transmit them and Ms. Adams would request that TM transmit the documents in one parcel and provide copies for the District Engineer. Ms. Epstein was meeting tomorrow with the new land development person at TM on behalf of the HOA. Mr. Reed was working with TM to review the property conveyances and look for problems and issues and document them. Ms. Adams requested a copy of a tracking list that Mr. Reed had of each parcel. Ms. Epstein suggested having one document covering the District Manager, engineering, etc. Mr. Reed requested a similar list for the Poinciana West CDD and was in favor of merging. Ms. Epstein pointed out was a closed discussion as the Poinciana West CDD voted not to merge and not to work with this Board.

2. Tunnel Rules: Completed.
3. Aerator Removal Experiment: Ongoing. There were only two aerators operating as of June 2022.
4. Monitor Central Florida Expressway – Poinciana Parkway Projects: Parkway Connector: In Process. CFXWay.com Project #599-233

Ms. Epstein was working with CFX on the October 19<sup>th</sup> update on what CFX was planning for the community. Every couple of weeks, Ms. Adams was following up with CFX and was targeting the October CDD meeting for an update.

5. Coordinate Yard Drain Installation with HOA: Completed. Documents will be finalized and provided to the HOA.
6. Reclaimed Water Infrastructure: In Process. Locate description of property.

Ms. Adams has found no description of the property or diagrams for the reclaimed water infrastructure and asked the HOA if their copy of the agreement had the exhibit attached, but theirs did not so she was going to search through the records. The management company for the HOA suggested requesting a field diagram from Floralawn to locate where the District property ends and the HOA begins. Mr. Reed asked if not having exhibits invalidated the agreement. Ms. Carpenter replied no, as the agreement was clear on what the District owned. Mr. Reed questioned if the HOA was notified of any changes and whether there was sufficient insurance to

cover any incidents. Ms. Adams updated the contact information and provided to the HOA. The District had insurance, which was adequate and requested a copy of the HOA's certificate of insurance. Mr. Reed noted that the HOA did not have a maintenance man. Ms. Epstein stated that the HOA had a maintenance agreement with the Club to pay \$35 per hour when they needed a maintenance person.

**ii. Approval of Check Register**

Ms. Adams presented the Check Register from June 8, 2022 through July 13, 2022 in the amount of \$627,255.10. A large amount of funds was for the opening of an account with Truist Bank. There was a \$550,000 deposit in order to get that account set up. Ms. Epstein asked if the account had direct deposit. Ms. Adams stated rather than mailing checks to the Board, there was the ability to have ACH deposits. A form would be circulated to the Board.

On MOTION by Ms. Nelson seconded by Mr. Reed with all in favor the June 8, 2022 through July 13, 2022 Check Register in the amount of \$627,255.10 was approved.

**iii. Balance Sheet and Income Statement**

Ms. Adams presented the Unaudited Financial Statements through June 30, 2022, which were included in the agenda package. The District was in a good cash position with an Unassigned General Fund Balance of \$827,067. The Board did a great job of controlling expenses.

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

**iv. Approval of Fiscal Year 2023 Meeting Schedule**

Ms. Adams stated the Fiscal Year 2023 meeting schedule was consistent with the prior year's meeting schedule with meetings on the third Wednesday of each month at 11:00 a.m. in the Starlight Ballroom starting on October 9<sup>th</sup> and ending in September of 2023. Ms. Epstein meets with staff the week prior to each meeting and if there were no action items, the meeting was cancelled.



On MOTION by Mr. Reed seconded by Mr. Zimbardi with all in favor the Fiscal Year 2023 meeting schedule as presented was approved.

Mr. Reed questioned who setup the room as there was little room in between each Supervisor. Ms. Epstein requested an additional table. Ms. Adams apologized for the setup.

**D. Field Manager**

**i. Field Manager's Report**

Mr. Smith presented the Field Manager Report, which was included in the agenda package. Two alligator signs on the Glendora pond were missing. The CDD did not pay for the signs. Mr. Reed recalled that TM paid for the signs. Ms. Epstein believed that it was a case of vandalism and should be reported. Mr. Smith stated that it would take 30 days to order the signs. Ms. Epstein suggested ordering extra signs. *There was Board consensus to replace the signs.*

Mr. Smith reported that the water level in Pond B-15 has been dropping for several months but was now at a normal level and had no further issues. It was being monitored. Mr. Reed recalled that a not-to-exceed amount of \$10,000 was approved by the Board to vac jet the stormwater pipes in this pond and questioned the status. Mr. Smith stated that some vendors had some concerns about the feasibility and was still getting some quotes. Contractors were busy this time of year. Mr. Smith received requests from residents about repainting both tunnels and suggested repainting them bright white with Sherwin Williams high-grade concrete sealer. To pressure wash and paint the tunnels would cost \$10,000. Mr. Reed did not want to spend any major money on the tunnels until after the roadway construction. Ms. Epstein stated if there were cracks due to the road construction the county would be responsible for the repair but was in favor of painting them white as there were safety concerns with using the tunnels at night and installing reflectors. Ms. Adams noted there were funds available for this item and requested public comments since this item was not on the agenda. There were no public comments.

On MOTION by Mr. Reed seconded by Ms. Nelson with all in favor the estimate for tunnel maintenance as stated above in a not-to-exceed amount of \$10,000 and delegating authority to the Chair to approve the proposal was approved.

Mr. Smith presented the Aquatic Maintenance Report, which was included in the agenda package. There were shoreline grasses that were being addressed. The algae was subsiding and midges were not quite as active.

**ii. Customer Complaint Log**

Mr. Smith presented the complaint log for June 6, 2022 through July 7, 2022, which was included in the agenda package. There were a few algae complaints that were treated. There was a tree in bad condition on Catania Lane. The landscaper looked at it and there were no concerns. Mr. Zimbardi asked if any ponds had serious hydrilla issues. Mr. Smith noted that Pond C-10 had the worst issue but was being treated. They were treating it more heavily than in the past as it was hard to keep up with the hydrilla. The drainage improvements that were approved at the last meeting would commence the first week of August as their crews were backed up at this time, due to the amount of projects, but by the beginning of August, they should be back to being two weeks out.

**EIGHTH ORDER OF BUSINESS**

**Supervisor's Requests**

Mr. Reed questioned the maintenance requirements of the wetlands under the permit. Upon investigation, he found out that all of the wetlands in Solivita were in perpetuity. The Army Corp of Engineering through the South Florida Water Management District (SFWMD) did not have to monitor any more after five years if everything looked good and met the requirements, but it did not relieve the CDD of the maintenance responsibility. The owners of the permit would be notified if there were violations or a need for repairs. Ms. Leo explained that this was why the conveyance was taking longer. As part of the development, Avatar impacted wetlands they should not have impacted and had to go through a Wetland Restoration Program and Maintenance and Monitoring Program. They did most of the remediation. She has not seen any documentation, but there was no long-term wetland maintenance. There was only maintenance of the edge of the wetland as residents wanted to keep their property boundary, respecting the buffers and ensuring that the flow ways were maintained. Mr. Reed noted that the HOA was spending \$50,000 on ponds and wetland maintenance, due to the requirement in the permits.

**NINTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**TENTH ORDER OF BUSINESS**

**General Audience Comments**

There being none, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Next Meeting Date – August 17<sup>th</sup>, 2022**

Ms. Adams stated that the next meeting was scheduled for August 17, 2022 at 11:00 a.m.

**TWELFTH 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