

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, December 21, 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 (<i>joined late via Zoom</i>)	Assistant Secretary
Anita Nelson	Assistant Secretary
Jon Cameron	Assistant Secretary

Also present were:

Tricia Adams	District Manager
Jan Carpenter	District Counsel
Jay Lazarovich (<i>via Zoom</i>)	Lathan, Luna, Eden & Beaudine, LLP
Kathy Leo	District Engineer
Clayton Smith	Field Manager
Residents	

The following is a summary of the discussions and actions taken at the December 21, 2022 Poinciana Community Development District's Board of Supervisors Meeting.

FIRST ORDER OF BUSINESS

Roll Call

Ms. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Tony Reed, Ms. Anita Nelson and Mr. Jon Cameron.

Ms. Adams called the meeting to order and called the roll at 11:00 a.m. All Supervisors were present with the exception of Mr. Zimbardi who 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

There being none, the next item followed.

FOURTH ORDER OF BUSINESS

Organizational Matters

Ms. Adams stated that three Board Members were elected for four-year terms that started in November of 2022 and expired in November of 2026.

A. Administration of Oaths of Office to Newly Elected Board Members

The Oaths of Office for Ms. Anita Nelson, Mr. Tony Reed and Mr. Jon Cameron were administered prior to the start of the meeting for the purpose of establishing a quorum.

B. Election of Officers

Ms. Adams stated that Florida Statutes allowed for an election of officers following an election or an appointment to the Board. Currently, Ms. Lita Epstein served as Chairperson, Mr. Tony Reed as Vice Chair, the remaining Board Members as Assistant Secretaries, Mr. George Flint as Secretary, Ms. Jill Burns as Treasurer, Ms. Katie Costa as Assistant Treasurer and Ms. Adams as Assistant Secretary.

C. Consideration of Resolution 2023-01 Electing Officers

Ms. Adams presented Resolution 2023-01, electing the officers, which was included in the agenda package on Page 6 of the PDF. Mr. Cameron preferred to keep the existing slate of officers.

On MOTION by Mr. Cameron seconded by Ms. Nelson with all in favor electing the existing slate of offices as evidenced by Resolution 2023-01 Electing Officers was approved.

FIFTH ORDER OF BUSINESS

Approval of Minutes of the November 16, 2022 Meeting

Ms. Adams presented the minutes from the November 16, 2022 meeting, which were included in the agenda package. Board members had no comments.

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

SIXTH ORDER OF BUSINESS

Discussion of Florida Retirement System – Opportunity to Join as Elected Officer Class

Ms. Adams presented introductory information from the State of Florida, which was included in the agenda package. The State of Florida offered the Florida Retirement System (FRS) to State employees and a special class to Special District elected officers. This item was requested by a Board member. There were some ramifications to joining the FRS as everyone was compelled to join; however, Board Members had the option to opt-out of participation. Ms. Adams contacted FRS staff as she had some follow-up questions and was waiting for a response. She would continue to pursue this if the Board wanted to move forward. The other ramification was that this would be a permanent decision for this Board and future Boards as there were no opt-out provisions. The only way to leave the FRS was through legislative relief, which only happened once since the establishment of the FRS in 1970.

Ms. Nelson asked if the contribution rate was 30%. Ms. Adams offered to provide a handout to the Board on the contribution rates, which included a Board Member contribution as well as an employer contribution but needed further clarification on the impact on the District relative to employer contribution and reporting requirements. Ms. Epstein questioned who brought up this item. Mr. Cameron acknowledged that he requested this item as he worked for the State of Florida 12 years ago and left 27 months shy of vesting in their system but did not join the Board for this reason. His concern was there was not a requirement for Board Members to opt-in. The agency must opt-in, but individual Board Members could opt out. Ms. Epstein pointed out that most of the Board Members were past the age of collecting retirement and would opt-out but questioned if there would be a major cost to the District. Ms. Adams did not know but could take all of the necessary steps to establish the District as an eligible agency; however, there could be an impact on the District management fees depending on the workload of accounting staff. Ms. Epstein wanted to know the full impact financially before making any decision. Ms. Carpenter questioned whether the District could make a contribution as there was a statutory maximum of \$200 per month and where the funds would come from. Mr. Cameron questioned whether there was still an obligation to the District if no future Board Members opted

in. There was Board consensus for Ms. Adams to obtain additional information and place this item on the next agenda.

SEVENTH ORDER OF BUSINESS

Consideration of Polk County Contract Agreement

Ms. Adams stated that the purpose of this agreement was for the District to place their annual assessments on the Polk County property tax bill, which was a benefit to the District. Polk County would charge a 1% fee to include the CDD fees, debt service and operation and maintenance (O&M), in non-ad valorem section. When property owners paid their tax bills, the CDD portion was remitted to the District. Ms. Nelson asked if the money was in the budget. Ms. Adams confirmed that it was accounted for in the budget as a gross assessment, when the Board set the assessment, which accounted for the fees going to the county as well as the early payment discount. Staff recommended approval as this was an annual agreement that was presented each year.

On MOTION by Ms. Nelson seconded by Mr. Reed with all in favor the Polk County Contract Agreement was approved.

EIGHTH ORDER OF BUSINESS

Consideration of Data Sharing and Usage Agreement

Ms. Adams explained that Florida had a Public Records Law that counties and Special Districts abided by; however, some classifications of citizens, law enforcement officers or judges, could request an exemption. In the agreement, the District agreed to not release any information to those that were exempt from public record requests. Staff recommended approval as this was an annual agreement that was presented each year.

On MOTION by Mr. Reed seconded by Mr. Cameron with all in favor the Data Sharing and Usage Agreement was approved.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Carpenter provided an update on the Taylor Morrison conveyances. They sent additional information by email, but Ms. Kathy Leo did not receive her packet of information by hard copy. Mr. Jay Lazarovich of her office prepared a spreadsheet for tracking purposes, which

was provided to the Board, identifying the parcels that her office reviewed, which Taylor Morrison originally included, but ultimately deeded to the HOA. It included a tracking of comments made on the conveyance documents, prospective deeds, title work that was completed and contracts that were pending. Ms. Carpenter was not doing anything further until Ms. Leo and Mr. Reed reviewed the spreadsheet. Ms. Epstein questioned the parcels that were deeded to the HOA. Ms. Carpenter believed that the conservation areas were deeded to the HOA but would find out.

Mr. Zimbaradi joined the meeting via Zoom.

Ms. Adams reported that there was electronic access to the documents associated with the property conveyance from Taylor Morrison, which Mr. Reed requested access to, but if any Board Member wanted to have access, Ms. Adams would provide access following the meeting. Ms. Epstein felt that only Mr. Reed needed to have access due to his engineering background. Ms. Nelson requested a copy. Ms. Leo reported that her review was on hold until she received the documentation. As of yesterday, Taylor Morrison was still pulling the documents together. She hoped to receive the documents in early January.

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 package on Page 29 of the PDF. A paralegal for Taylor Morrison contacted District staff regarding the parcel conveyance from Taylor Morrison to the District. Regarding the aerators, no aerators were working, according to the Field Manager and this item would be removed from the next Action Item List. Originally, the aerators were installed to assist with midge control, but as the aerators went defunct, the Board decided not to replace them, due to extenuating technical reasons, expense and benefit. The Board directed staff to remove the aerators as needed and monitor the situation. There was no noticeable adverse impact from removing them.

Ms. Epstein reported that the Central Florida Expressway (CFX), Poinciana Parkway Project was delayed until the end of 2023. They were working with Gray Robinson and were included in their meetings, although they requested that it stay confidential. Some progress was

being made in getting Osceola County to take a serious look at the District's alternative of going down Poinciana Boulevard. However, Osceola County must create new reports as they are now finding out that the road was going to create more problems. CFX had not included it in its five-year plan and there was no money for the road for the next five years. Mr. Reed recommended asking Osceola County to provide alternate roadways to get around the construction because if construction were to take place in Poinciana, it would be impossible to get anywhere in any reasonable amount of time. It wouldn't be practical nor fair to the residents. Mr. Reed was still working on the drainage on behalf of the HOA. CFX did not want to discuss it, but it was part of the entire project and Poinciana residents needed to know what the impact was going to be.

Ms. Adams confirmed that the Poinciana Parkway project was not a CDD project, but the Board delegated the Chairperson to serve as liaison for the purpose of monitoring this project on behalf of the Solivita community. The meeting would be between the HOA and Polk County, but not the CDD. Mr. Reed clarified that the CDD was not involved but was interested as a result of the stormwater system. Ms. Epstein agreed that they needed to monitor it as anything done to Cypress Parkway would impact the District's stormwater control system. Ms. Adams reported that the erosion repairs were on the Action Items List as a result of Hurricanes Ian and Nicole and wear and tear with the stormwater system. Erosion repairs and littoral plantings would be presented to the Board at a future meeting.

ii. Approval of Check Register

Ms. Adams presented the Check Register from November 9, 2022 to December 13, 2022 in the amount of \$47,959.63, which were included in the agenda package on Page 31 of the PDF. Mr. Cameron questioned a typo under the payroll. Ms. Adams confirmed that it was not a typo.

Mr. Reed MOVED to approve the November 9, 2022 to December 13, 2022 in the amount of \$47,959.63 and Mr. Cameron seconded the motion.

Mr. Reed questioned the mosquito maintenance, as there was discussion at the last meeting about any responsibility from Polk County for mosquitoes. Ms. Adams explained that the organization responsible for mosquito control was Polk County and they had a mosquito hotline for residents to call if they had an issue with mosquitoes. However, the District had an

agreement with Clarke Environmental (Clarke) for midge management and this was what the payment was actually for, not mosquito management.

On VOICE VOTE with all in favor the November 9, 2022 to December 13, 2022 in the amount of \$47,959.63 was approved.

iii. Balance Sheet and Income Statement

Ms. Adams presented the Unaudited Financial Statements through October 31, 2022, which were included in the agenda package on Page 37 of the PDF. They were provided for informational purposes and no action was required by the Board. The unassigned balance was very healthy and next month, staff will recommend that some funds be moved from the General Fund to the State Board Administration, a co-op account for Special Districts in Florida governments. The interest rate was better now than on the money markets. This was the first month of the new fiscal year and the District was doing a great job of controlling expenses. Ms. Adams asked if the Board wanted to approve the balance sheet and income statement. Ms. Epstein did not think it was necessary since they were not official. Ms. Adams confirmed that they were unaudited financials and the District would have an annual audit from an independent agency. Ms. Nelson questioned the status of direct deposit for the Supervisor checks. Ms. Adams would check with the accountant and update the Board. The District opened a Truist account to set up the electronic payments for the Board Members.

D. Field Manager

i. Field Manager's Report

Mr. Smith presented the Field Manager Report, which was included in the agenda package. The Pond A-8 grate clearing was completed after the storm, due to algae that accumulated on the top of it and dried out. The pond was inaccessible, but they were able to get the algae off with some waders. They were getting complaints regarding lights out in the tunnel, but by the time they went out to check them, they were working. Ms. Epstein questioned the status of the tunnel painting. Mr. Smith replied that pressure washing and painting would be completed after the holidays. It was delayed due to the two hurricanes. The tunnels would be painted a brighter white to lighten them up. Regarding tunnel lights that were out, Mr. Smith assumed that residents were complaining about the actual bollard lights approaching the Venezia

tunnel rather than the actual tunnel lights, which the HOA was informed about. Some wildlife warning signs that were either stolen or vandalized, were replaced and additional signs were purchased in case there were other situations. Mr. Cameron questioned whether the signs were stolen or damaged. Mr. Smith assumed that they were removed as the entire post and sign were missing. No amount of wind would have blown the signs away as they were bolted in with nylon nuts. They were continuing to monitor it. Ms. Nelson questioned the location of the signs. Mr. Smith indicated that two signs were missing on the Shorehaven Pond near Solivita Boulevard and by the bridge at the pool. Ms. Epstein reported that there were reports of vandalism.

Mr. Smith reported that the pond maintenance review was a tedious process as they had to drive around the bank of each pond to assess any maintenance needs. Most ponds were looking good, but there were some storm-related issues such as broken skimmers, which they could not access because they were out deep in the water. They would repair them in the Spring when water levels go down. There was a missing grate, but the dredgesox were holding up, which was good to see. One shifted during Hurricane Ian that would be repaired during the erosion repairs. Pond E3 would consume most of the budget to address some of the areas that were 3 feet or higher, which was quite drastic. He was obtaining quotes for these areas first, as the intention was to make the same dredgesox repairs as in the past. Once they received the quote, they would see if the scope needed to be shortened to get into an acceptable budget range for this year. Some ponds had erosion, but they have been like that for very long time and were actively getting worse whereas Pond E3 had some areas that were getting worse, which they were trying to prioritize. He was going to ask the contractor to look at Pond D2 as the repairs shifted slightly.

Mr. Smith was obtaining quotes for pond plantings on 10 ponds that had erosion issues, unsightly pond banks and chronic midge or algae issues. These included Ponds E3, A3, A4, A5 by the Amenity Center, which had erosion and Ponds B1, B16, C10 and E1, which had midge and erosion issues. Pond C10 had a chronic algae issue for years. Ponds and A12 and E13 already had pond plantings, due to algae issues, which was now clear. Anywhere they had plantings, there was wildlife activity at the edges such as small minnows, gambusia and birds. In his opinion, it would help with the overall midge management. The technician who treated ponds that had plantings had noted significant improvement.

ii. Discussion of Condition of Shorehaven Pond

Mr. Smith reported that the Shorehaven ponds had an issue with fire flag, which was a beneficial aquatic plant. They typically did not plant fire flag because it was a taller plant that was dormant during the winter. He did not want to handle it himself since it shed through fall and winter and was getting a quote from the aquatic vendor to thin it up and clear it out, since it was a delicate plant. During most of the year, they were big and beautiful and had an orange flower. They were great for the water and were a Florida natural plant. They currently looked unsightly because of shedding and being dormant. The Aquatic Monthly Treatment Report from Clarke was included in the agenda package. There were hardly any shoreline grasses or algae issues this time of year. The cooler weather helped to make the ponds clear.

iii. Customer Complaint Log

Mr. Smith presented the complaint log, which was included in the agenda package. The first complaint was regarding a light that was out in the Venezia tunnel, which maintenance was sent out to check. There was a complaint regarding midges, which was treated the following cycle. The three dead Evergreens turned out to be Cypress trees that shed, which were determined to be fine. The resident believed that the Evergreen trees behind his home had died and when Mr. Smith called him with an explanation, the resident was satisfied. Mr. Cameron questioned what the night trucks did. Mr. Smith explained that there were two different types of midge management treatment; one was to apply a larvicide by boat and the second was to have a night truck come out in the evening with a fogger. Mr. Cameron reported that he and Mr. Reed were approached by a resident asking if it was normal to have an open pipe in the overflow basin on Pond E1 as it made the pond lower. Mr. Smith confirmed that there was a corrugated drain pipe that ran under the dredgesox repair and around the control structure to correct an erosion issue occurring between the two tee boxes at the south end of the pond. It did not lower the level of the pond. Mr. Cameron wanted to know because a resident wanted to cap it off.

Mr. Reed noted that the Shorehaven pond plantings looked awful. The fertilizer that they put on the grass migrated to the pond plantings, causing them to grow large and questioned when the plants would be removed and replaced. Mr. Smith reported that fire flag could get 7 to 8 feet tall. Ms. Nelson voiced concern about the upcoming freeze harming the plants. Mr. Smith explained that it was a regenerative plant that was susceptible to freeze. It grows, sheds, dropped its seeds and then grows up again around itself. As long as it was healthy and growing, it would

work, but the pond tracts should not be fertilized. They were going to keep fertilizing the St. Augustine areas, but they would not put fertilizer on Bahia. Ms. Leo reported that these were stormwater ponds full of nutrients and with the cold, many of the plants would die back and be brown for several months. Frost damage should be minimal, but they would not be green all winter long.

Ms. Nelson lived on the Shorehaven pond and felt that it was a natural process. Mr. Smith stated that all landscaping in Florida looked worse during the winter and improved during the spring and summer. The purpose of the plants was to reduce the nutrient load so it did not feed the algae and other aquatic vegetation that did not belong there. Mr. Reed received complaints about the pond plantings and believed that they would continue to receive complaints until there was communication with the residents. Ms. Nelson thought that the presentation from Clarke on littoral plantings was excellent and should be presented to the community. Ms. Adams recalled that the Chair wanted this information to be sent electronically, informing residents about the presentation and urging their attendance, but it was during the summer months when most residents were probably traveling and suggested posting a video of the presentation on the website at the end of January and sending a link electronically to residents. Ms. Epstein requested that Ms. Adams also include the link from the last meeting where the stormwater was discussed.

TENTH ORDER OF BUSINESS

Supervisor's Requests

There being none, the next item followed.

ELEVENTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

TWELFTH ORDER OF BUSINESS

General Audience Comments

There being none, the next item followed.

THIRTEENTH ORDER OF BUSINESS

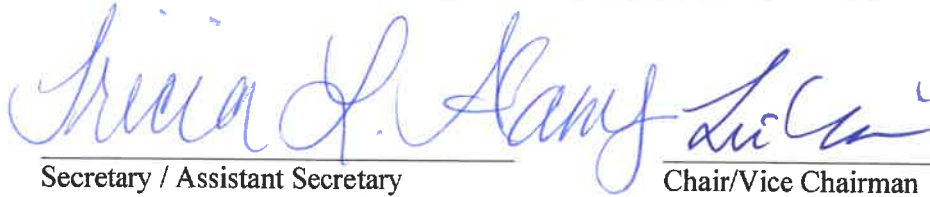
Next Meeting Date – January 18th, 2023

Ms. Epstein stated that the next meeting was scheduled for January 18, 2023 at 11:00 a.m.

FOURTEENTH ORDER OF BUSINESS

Adjournment

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


Secretary / Assistant Secretary

Chair/Vice Chairman