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, **March 20, 2024** at 12:00 p.m. via Zoom Communication Media Technology and in the Starlite Ballroom, 384 Village Drive, Poinciana, Florida.

Present and constituting a quorum were:

Tony Reed Vice Chair

Robert Zimbardi Assistant Secretary
Anita Nelson Assistant Secretary
Jon Cameron Assistant Secretary

Also present were:

Tricia Adams
Jan Carpenter
District Counsel
Kathy Leo
District Engineer
Joel Blanco
Field Services

Cherrief Jackson Clarke Midge Control

Residents

The following is a summary of the discussions and actions taken at the March 20, 2024 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 12:00 p.m. All Supervisors were present constituting a quorum.

SECOND ORDER OF BUSNESS Pledge of Allegiance

The Pledge of Allegiance was recited.

THIRD ORDER OF BUSINESS

Public Comment Period on Agenda Items

Ms. Adams opened the public comment period. Resident Joseph Nieves (4545 Ficus Tree Road) submitted a petition that residents on Ficus Tree Road signed, after shrubbery was removed and it was now an open area, which anyone could access. People were walking in and out. Mr. Reed believed that it was HOA property. Ms. Adams explained that this meeting was for the Poinciana CDD, which owned and operated the stormwater system and two tunnels. Resident Rose Kerr (389 Sorrento Road - Bella Viana) reported that since February 14th, something was growing in the pond and on March 7th, a photo was provided to the Board, of the worst day. Mr. Blanco had been wonderful, coming by and ensuring that treatments were being made. This morning, she was informed that one more treatment was necessary and asked what happens if the treatment did not clear the pond. Ms. Adams stated this item would be addressed under the Field Manager's Report. Ms. Cherrief Jackson, of Clarke Midge Control (Clarke), had nothing to report, but wanted to introduce herself in case the Board had any questions. There being no further comments, Ms. Adams closed the public comment period.

FOURTH ORDER OF BUSINESS Approval of Minutes of the February 21, 2024 Meeting

Ms. Adams presented the minutes of the February 21, 2024 meeting, which were reviewed by District Counsel and management staff. Ms. Nelson stated under the Ninth Order of Business, "POA," should be "HOA." Ms. Adams clarified that someone mentioned the POA, but it could be changed to the HOA. Ms. Nelson indicated under the Customer Complaint Log, "Mr. Cherrief Jackson" should be "Ms. Cherrief Jackson" and on Page 16, "riding in a golf course" should be "riding in a golf cart." Mr. Cameron stated Page 1 should state The following is a summary of the discussions and actions taken at the February 21, 2024 Poinciana Community Development District's Board of Supervisors Meeting." Under the Ninth Order of Business, "catch basis" should be "catch basins." Ms. Carpenter stated on Page 7, "Mr. Carpenter" should be "Mr. Reed."

On MOTION by Mr. Cameron seconded by Mr. Reed with all in favor the Minutes of the February 21, 2024 Meeting were approved as amended.

FIFTH ORDER OF BUSINESS

Consideration of Solivita HOA Wildlife Committee Zoom Presentation on Feral Hogs

Ms. Adams recalled that the Chair of the Solivita Conservation and Wildlife Committee, approached the CDD regarding a presentation on a matter that had the potential for HOA action in the future, which entailed either the use of CDD property or installation of barriers on CDD property. In order to bring awareness about the feral hog situation, the CDD Board agreed to schedule a workshop, which Board Members could be compensated for, in order for the Wildlife Committee to make a Zoom presentation. Mr. Bob Monica, the Chair of the Solivita Conservation and Wildlife Committee, was available on April 29th at 3:00 p.m. and if this date was amenable to the Board, the workshop would be advertised and residents within the District would be notified. Ms. Nelson attended a meeting, where this matter was discussed and understood that it would not be open to the public. Ms. Adams recalled that there was discussion at the last meeting about making sure that patrons of the District were aware of it, in case they wanted to attend by Zoom and the link would be provided to them.

On MOTION by Ms. Nelson seconded by Mr. Reed with all in favor scheduling a workshop on April 29, 2024 at 3:00 p.m. at this location to hear a Zoom presentation from the Solivita HOA on feral hogs was approved.

SIXTH ORDER OF BUSINESS

Consideration of Landscape Service at Shorehaven Park and Venezia

Ms. Adams stated at last month's meeting, District Counsel advised the Board that field management staff was taking an inventory of parcels that the CDD owned and there was notification from the Solivita HOA, that they would no longer be maintaining the Shorehaven Pond, which was owned and maintained by the CDD. There were some improvements and landscape enhancements that were placed there years ago, including benches and vegetated beds, where there was mulch and perhaps some annuals that were changed out. Ms. Carpenter reported that she was working with Mr. Smith and Mr. Blanco on an inventory of all parcels owned by the CDD that were being maintained by the HOA. A letter was received from the HOA attorney regarding some deeds to the property that were turned over to Taylor Morrison, which excluded improvements, such as signage, retaining walls, etc. that should be owned by the HOA. When

they called to ask why, Ms. Carpenter informed them that they were private improvements that the CDD could not own and maintain, which they accepted and followed up with a letter asking for specific parcels, the improvements and tracts and the private entity that would maintain them, which was the HOA. It was discussed, but a response needed to be made back to the HOA. However, staff had questions on some of the parcels and there was not a complete inventory. Historically, the HOA maintained beds, but the CDD had some options, such as asking the HOA to continue to maintain them and if they refuse, the CDD could maintain them through a License Agreement or remove them, because the CDD generally takes care of ponds and open spaces, but there were issues with the Shorehaven Pond.

Ms. Adams indicated that item was added to the agenda, as the District received notification from the HOA on Sunday, March 10th, that they would no longer be servicing this area effective April 1, 2024. The Board could either direct staff, if the Board wanted to maintain those areas on an interim basis and the agreement with Floralawn could be amended or the Board could take action to remove them. Mr. Cameron recalled that this agreement was enter into, when the improvements were installed by the developer, to beautify the lake area and the developer agreed with commitments and presumed that the Shorehaven Agreement was a mistake, as it recognized differences between the responsibilities of the HOA and CDD. It was his understanding that the CDD was not being charged to maintain the sidewalks, park benches, light poles, dog waste stations, plants, flower beds and other aesthetics and questioned whether the CDD was legally obligated to maintain infrastructure placed on CDD property that was not part of their normal maintenance responsibilities. Ms. Carpenter explained that the CDD owned the property and the HOA could allege that the CDD was responsible for maintenance, but there was no responsibility to maintain it in its current status; for example, if the CDD contract was only for mowing and edging and not to maintain the flower beds, as it was an enhancement that the HOA was paying for. However, if the HOA wanted the CDD to maintain the flower beds, they must provide a Bill of Sale. Ms. Nelson lived on Shorehaven and pointed out that those facilities were used constantly and it would be a shame if they were not maintained. Ms. Carpenter noted in the HOA's email to Ms. Adams, the HOA was willing to maintain them, but would bill the CDD. Mr. Cameron felt that it was irresponsible and unacceptable for the HOA to stop maintaining it, without negotiating with the CDD. Ms. Nelson was in favor of the CDD

maintaining it. Mr. Reed pointed out that it did not make sense, as it should have been negotiated upfront and questioned the best solution.

Ms. Adams pointed out if the Board wanted to maintain the Shorehaven improvements, they could delegate authority to the Chair for a one-month agreement with Floralawn to amend the existing agreement and staff would provide an addendum for perpetual service to the agreement. Ms. Carpenter advised there must be some understanding of the scope, such as the changing of the flowers. Ms. Nelson pointed out that it was mainly for maintenance of the park benches and dog waste stations. Mr. Zimbardi believed that security cleaned up the dog waste stations. Mr. Cameron agreed that it needed to be maintained but had an issue with the way that it was handled, as there were administrative costs that residents must pay. Ms. Carpenter asked if the CDD would accept the benches, as they required ongoing maintenance. Ms. Nelson noted that they were concrete benches with wood slats, which did not need much repair, but they were painted. Mr. Cameron questioned whether the Maintenance Committee wanted to continue monitoring it on behalf of the CDD, as they were currently cleaning and maintaining the sidewalks. Mr. Reed felt that these were good comments and questioned what direction to go in. Ms. Adams pointed out if the Board wanted to assume maintenance responsibilities, as of April 1st, staff would work with their field services team to obtain a proposal from Floralawn for maintenance of the Shorehaven Park and Venezia improvements and authorize the Vice Chair to approve an addendum to the agreement through September 30th and in the meantime, the Board would discuss whether they were amenable to the terms of service and scope. Ms. Carpenter agreed that it would be helpful to know what improvements were involved and who was currently maintaining them, so if the Board agreed to do it, the agreement would reflect that the HOA remained the owner of the improvements. Mr. Reed, on behalf of the CDD, offered to speak with the President of the Solivita HOA, to discuss this matter. Ms. Carpenter recommended that the Board make a decision on what the issues were, as there should be a complete list of improvements on CDD property, in the next week of two.

On MOTION by Ms. Nelson seconded by Mr. Zimbardi with all in favor authorization for the Vice Chairman to approve a landscape service agreement with Floralawn to service Shorehaven Park and Venezia for one month was approved.

Ms. Adams stated that Mr. Blanco would work with Floralawn on the scope. Mr. Reed requested reviewing the areas with Mr. Blanco and Floralawn.

SEVENTH ORDER OF BUSINESS

Review of Correspondence from Solivita Community Association Regarding Maintenance Improvements

Ms. Adams stated that this was a similar issue to the prior one, regarding the ongoing maintenance of certain improvements. There were no additional comments.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Carpenter reported that she was working with the District Engineer on the proper party to own the wetlands in perpetuity. In reviewing old records, they did not find much thus far, but Mr. Blanco was reviewing old GMS records, to see if there was anything that they could use. Mr. Reed asked if the CDD owned wetlands. Ms. Carpenter explained that the majority of wetlands were in the HOA, but the permits were in the CDD's name. Historically, the CDD owned wetlands, but they were not sure why they did not own them in this case and were working on whether they should be turned over to the CDD for perpetual maintenance under the permit. Mr. Reed was under the impression that anything dealing with stormwater management, including the ponds and wetlands, were owned by the CDD and questioned who owned the permits. Ms. Carpenter confirmed that Taylor Morrison would have the construction permits for their new property, but they turned it over to the CDD for perpetual maintenance and were working on the transfer of the permit but did not know if it went through and would follow up. Mr. Reed voiced concern about the southern canal, as it appeared that there was overgrowth, which slowed down the flow of water going south and out of Solivita. However, before the CDD approved any permits, Mr. Reed wanted to be comfortable with the fact that it did not need to be cleared of overgrowth before it was transferred, so the CDD did not have to pay for it.

B. Engineer

Ms. Leo reported that the pond transfers were not ready but requested that GMS periodically go out and look at the ponds. Yesterday she requested an update from Polk County, regarding the Marigold Avenue improvements. They informed her that they were 90% completed on the design plan but were still working on the right-of-way (ROW) acquisition, as

they had to acquire some land for other areas of the project. Then they would look at bidding it out; however, county staff did not have budget for it yet and were a year out. There would be no impact to the tunnels, as all of the work would be completed in the ROW, but there would be a pre-inspection of the tunnels the findings would be documented. Ms. Carpenter talked to them about having an agreement with the contractor, for access. The earliest that they would start construction would be 2025. Ms. Carpenter wanted them to have all of the construction plans completed, bid and awarded, before the contractor could have access and be the responsible party. The bottom line was this was at least a year or two out, given the budget issue and permits. Mr. Reed voiced concern about the traffic and questioned whether the county would need to shut down any lane of traffic, to complete the construction work and was told that it would cost money to do so. Ms. Leo recalled that the county mentioned, at some point, depending on the activity with the tunnels, they may close the tunnels for a period of time. Ms. Nelson felt that it would be a big problem for the golf course. Ms. Leo indicated that it would be a matter of coordinating the work at night, but it was a year out and the county would need to work with the contractor on methods, maintenance and traffic. Mr. Reed pointed out if it effects the golf course operations, Taylor Morrison needed to be informed and if they wanted to keep the tunnels open and do the work at night, Taylor Morrison needed to pay for it. Mr. Zimbardi asked if the county provided any drawings. Ms. Leo confirmed that 90% of the drawings were completed, which they received yesterday and it did not impact the tunnels. Mr. Reed voiced concern about the weight of the equipment causing cracks. Mr. Zimbardi questioned who would do the pre and post inspections. Ms. Leo confirmed that her team would perform them. Ms. Carpenter anticipated that they would request an Access Agreement, because the county would need access to slopes, but until there was a contractor, they would not be privy to the specifics of what the contractor was planning. Mr. Reed requested that the Board Members monitor the work.

Mr. Reed stated that he performed inspections of Pond P3 with Mr. Smith and Mr. Blanco as well as storm drains. They did not inspect all of them, but they did enough to know that there were no issues and everything appeared to be normal; however, leaves were going down the drains and decaying, which contributed to the phosphates going into their ponds, causing algae, along with fish waste and fertilizer. However, only a few of the ponds had this problem and would perform additional research. The bottom line was there were no issues with the drains and was not advocating cleaning them, unless there were any major issues. Ms. Leo

was happy to hear this and recalled that at the last meeting, someone mentioning that there were stakes from Duke Energy along the pond tract on Cypress Parkway, which Duke Energy indicated marked the ROW line for the widening of Cypress Parkway; however, the work was far out. Mr. Cameron asked about a pond that had an outfall. Ms. Leo would research it and report back to the Board, later in the meeting.

C. District Manager

i. Action Items List

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

- 1. <u>Parcel Conveyance from Taylor Morrison to CDD</u>: In Process. All ponds on the application were conveyed except for Pond P8, which was being monitored by field staff and the District Engineer.
- 2. <u>Monitor Central Florida Expressway Poinciana Parkway Projects: Parkway Connector</u>: In Process. The CDD Board previously appointed the Chair to monitor it.

Ms. Epstein had no update at this time.

- 3. <u>Monitor Polk County Road Construction for Impact to PCDD Tunnels</u>: In Process. This was discussed under the District Engineer's Report.
- 4. <u>Review of Wetlands Owned by Developer and HOA</u>: In Process. This was discussed under the District Engineer's Report.
- 5. Review of HOA Improvements Installed on CDD Parcels: In Process. Any parcels that were conveyed to the District, the HOA would be maintaining the improvements.

Ms. Adams would include the Shorehaven Park and Venezia maintenance on the Action Items List, for tracking purposes. Ms. Leo explained that it was an outfall structure that had some water but was not a pond. It was something to review with Ms. Carpenter and the HOA, as there were places where HOA tracts continued in long circuitous routes along the edge, which was unique.

ii. Approval of Check Register

Ms. Adams presented the Check Register from February 10, 2024 to March 8, 2024 in the amount of \$706,447.16 and a detailed run summary.

Ms. Nelson moved to approve the February 10, 2024 to March 8, 2024 Check Register in the amount of \$706,447.16 and Mr. Cameron seconded the motion.

Mr. Reed noted that the amount of the Check Register showed \$706,447.16, but the accounts payable showed a total of \$705,623.66 and questioned why the amounts were different. Ms. Adams explained that the payroll of \$823.50 was not included in the detailed run summary, but was part of what the Board was approving, including the checks and ACH electronic payments. If it was the desire of the Board, the accountant could include the payroll on the detailed run summary in the future.

On VOICE VOTE with all in favor the February 10, 2024 to March 8, 2024 Check Register in the amount of \$706,447.16 was approved.

iii. Balance Sheet and Income Statement

Ms. Adams presented the Unaudited Financial Statements through January 31, 2024. The unassigned balance was always tracked. This month, there were some transfers from Hancock Whitney, a transfer into the Capital Reserve Fund, as well as the transfer of surplus funds into an interest-bearing account, to take advantage of the low interest rate. The District was not fully collected on their assessments, but close. Revenue was received, as a result of professional fees that were incurred for the pond conveyance. This Board did an excellent job of controlling expenses, as it was \$10,000 under budget for general administrative expenses and \$52,000 under budget for field expenses. In future financials, there would be a transfer out to the capital reserve. Mr. Cameron questioned why the District had not received the full 100% in assessments. Ms. Adams explained that not everyone paid their Tax, as there were discounts for property owners paying early, but they had until March 31st to pay their assessment and any remaining unpaid Tax Bills would go to tax certificate sale in June. The District should be 100% collected on their assessments, as the financials were the end of January.

On MOTION by Mr. Zimbardi seconded by Ms. Nelson with all in favor the financials through January 31, 2024 were approved.

D. Field Manager's Report

i. Field Manager's Report

Mr. Blanco presented the Field Manager Report, which was included in the agenda package. Regarding the Venezia and Bella Viana tunnel repairs, they were in contact with the golf course regarding the concern of the Bella Viana tunnel possibly being shut down. The golf course did not make the District aware that there were going to be repairs in May or June and to ease the concern of the golfers, Mr. Blanco included his phone number and email address on flyers for concerns and questions, spoke to residents to reassure them that the Bella Viana tunnel would be operational and the only tunnel that would be closed, would be the Venezia tunnel and spoke with the HOA community captains. All of the materials, such as high strength concrete bags and thermal plastic rolls, were purchased prior to the work being performed and both areas were marked with an X on the section that would be cut out for the repair. Yesterday, he was onsite and was in contact with maintenance staff on Monday for the removal of the cracked surfaces, to confirm that the correct affected areas were being removed. He was also onsite on Tuesday for the pour and received confirmation this morning on what was left to be done, which was placing the thermoplastic lines on the repaired areas. The entire job was complete, but Mr. Blanco wanted to inspect it one last time and would provide pictures to the Board at the next meeting. GMS staff was continuing to review the CDD area landscaping and overall, it was satisfactory, as all of the easements were neat and tidy. Per the Board's request, he reviewed several CDD easements with tree rings, as most of the tree rings were on a sloped area and did not recommend tree rings when this area was mulched, as the mulch would go into pond, creating algae blooms. They did review some of the eroded areas, where they were allowing edge grasses to grow, which were growing in nicely into pockets where the erosion was. A picture of the best example was included in his report. They would monitor it through the rainy season, as it was a method to mitigate erosion.

ii Pond Maintenance Report

Mr. Blanco presented the Pond Maintenance, which was included in the agenda package. Mr. Blanco reported that staff was continuing to review the ponds throughout the District. They were in good condition, with the exception of Pond E3, which had duckweed, as well as hydrilla and common algae blooms. Staff was in contact with the aquatic's vendor, to treat the pond, as several treatments were scheduled and it was being monitored. Yesterday, he was onsite, taking several pictures, of what the pond looked like, as the duckweed subsided significantly.

iii Midge Management Report

Mr. Blanco presented the Midge Management Report, which was included in the agenda package. Staff reviewed the ponds, to see if there was any evidence of midges. If there were midges, they reached out to Clarke, to treat those ponds, as well as answering field resident requests for midge mitigation. They were also in communication with the vendor and there were no major outbreaks to report thus far, but as they go into that Summer season, where midgets were abundant, staff would inform the Board if there was an outbreak. Ms. Nelson pointed out that they were doing a good job of controlling the midges on Shorehaven. Mr. Blanco reported that he received calls from two residents on Shorehaven, which he forwarded it to Clarke and assumed that they treated the ponds. Mr. Reed noted an outbreak on Pond D1. Ms. Jackson reported that there were two treatments. Clarke was treating weekly and larva sighting was performed monthly. Mr. Reed requested an explanation on how the fogging accomplishes anything. Ms. Jackson explained that the larvicide attracted the midges in the worm stage, as well as the adult ones, cutting down on the number of midges that could lay eggs and start over. If they catch the ones that were flying, then there would be less midges. Mr. Reed pointed out that the ones that were already flying were on his house. Ms. Jackson explained that the prior technician, rode closer to homes and sprayed the back of houses, but a technician recently retired and in the training of new technicians, they overlooked the five people that were on No Spray List. As a result, the technicians were told to go into the easement and not closer to homes, as they were trying to find a balance between what they were technically supposed to do and what residents wanted them to do. Mr. Reed requested they drive on his grass, in order to get close to his house, but if he continued to have midges, he was going to request a barrier spray. Ms. Jackson confirmed that they were working on the No Spray List, to ensure that this did not happen again. Ms. Nelson asked if the duckweed was going to eventually be cleared up. Mr.

Blanco confirmed that one more duckweed treatment was scheduled as well as a hydrilla treatment and would be reviewing Pond E3, until it was not an issue anymore.

iv. Customer Complaint Log

Mr. Blanco presented the customer complaint log, which was included in the agenda package. Mr. Reed recalled that the Board discussed in the past, installing plants at the edge of Pond E3, to assist with the phosphates and nitrates, as Pond E3 had a significant amount of grasses, but it was not working, as there was a great deal of algae and questioned whether they were applying too much fertilizer. Ms. Adams noted that it would be helpful for the District Engineer to discuss the multiple benefits of plantings around the pond. Ms. Leo explained that the plants help with multiple issues, such as erosion and take nutrients out of the water, but in her review of the area, she suspected that the issue was with over fertilization. Mr. Reed pointed out that all of the ponds looked great, with one exception and if the golf course was over fertilizing, they needed to know and inform the golf course. Ms. Leo recommended coordination with the golf course, so that they were aware of the situation. Ms. Nelson pointed out that a new Golf Course Superintendent was hired and would speak to them. Mr. Reed wanted all parties to work together. Mr. Zimbardi questioned the company responsible for the aquatics, as the ponds were the worst that he had seen, since he moved into the community. Mr. Blanco stated that the contractor it was Solitude Lake Management. Mr. Cameron appreciated Mr. Blanco meeting with him last week to answer questions on the tunnel and asked if there was a response from the HOA regarding the shoreline intrusion, as the District would be maintaining those parcels. Ms. Adams stated that staff would confirm property ownership before transferring the parcels.

NINTH ORDER OF BUSINESS Supervisor's Requests

Mr. Cameron noted that the Bella Viana Tunnel was dirty and was informed by Mr. Blanco that they were only power washing once a year and questioned the possibility of power washing the tunnels twice or three times per year. Ms. Adams stated in an abundance of caution, the Venezia Tunnel would be budgeted for twice per year power washing and four times per year for power washing the Bella Viana Tunnel. However, before the work commenced, a proposal would be presented to the Board for pressure washing on a quarterly or six-month basis or when the tunnels get dirty. Mr. Cameron preferred that the Bella Viana Tunnel be budgeted for four

times per year power washing or when staff deemed it necessary. Ms. Adams asked if the Board wanted the Bella Viana Tunnel to be budgeted for an additional power washing before the end of the fiscal year, as it was not budgeted for one. Mr. Blanco indicated that it was supposed to be power washed shortly. Ms. Adams would leave the current budget as is, but plan accordingly for next year's budget.

TENTH ORDER OF BUSINESS

Other Business

There being no comments, the next item followed.

ELEVENTH ORDER OF BUSINESS General Audience Comments

Ms. Adams opened the public comment period. Resident Rose Kerr (389 Sorrento Road) stated that she spoke with Ms. Adams and sent photos regarding the pond that had duckweed and collapsing edges of the pond. In addition, there was a solar panel that used to be higher up on the edge that was almost in the water and was concerned that as the edge collapsed, the solar panels would get closer to the water. Ms. Adams indicated that Mr. Blanco would follow up on the location. Ms. Kerr pointed out that three guys were working on the bubble system and for a brief moment, there were bubbles coming into the pond and asked if another system could be installed. Ms. Adams noted that this was a public comment section and there was no back and forth dialogue with the Board, but any suggestion for an installation of an aerator, could be communicated to Mr. Blanco. There being no further comments, Ms. Adams closed the public comment period.

TWELFTH ORDER OF BUSINESS Next Meeting Date – April 17, 2024 12:00 P.M.

Ms. Adams reported that the next meeting was scheduled for April 17, 2024 at 12:00 p.m. Ms. Carpenter questioned the deadline for applications for Supervisor. Ms. Adams explained that it was eight days before the meeting date, in order to allow it to be published in the agenda package, that was released a week before the meeting.

THIRTEENTH ORDER OF BUSINESS Adjournment

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

Docusigned by:

Thua llams

Secretary / Assistant Secretary

Chair/Vi

Chair/Vice Chairman