

**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, **October 16, 2024** at 12:00 p.m. via Zoom Communication Media Technology and in the Gator Room, 385 Village Drive, Poinciana, Florida.

Present and constituting a quorum were:

Tony Reed	Chairman
Robert Zimbardi	Vice Chairman
Jon Cameron	Assistant Secretary
Anita Nelson	Assistant Secretary
Rick McKelvey	Assistant Secretary

Also present were:

Tricia Adams	District Manager
Monica Virgen	GMS
Jan Carpenter	District Counsel
Kathy Leo	District Engineer
Joel Blanco	Field Services
Residents	

The following is a summary of the discussions and actions taken at the October 16, 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 12:02 p.m. All Supervisors were present.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

October 16, 2024

Poinciana CDD

THIRD ORDER OF BUSINESS

Public Comment Period on Agenda Items

Ms. Adams opened the general audience comments period. Mr. Jim Jeffries of 346 New River Drive noted that B16, but it was not included in the Midge Management Agreement and asked if it could be included, as there was a midge issue. Ms. Adams indicated that the agreement with Clarke for midge management services would be discussed later in the meeting. Ms. Rose Kerr of 389 Sorrento Road questioned the progress of removing torpedo and duck grass, which was delayed due to the hurricane. Ms. Adams stated that there was a Pond Maintenance Report later in the meeting, at which time, Mr. Blanco would address the pond maintenance issues.

FOURTH ORDER OF BUSINESS

Approval of Minutes of the July 17, 2024 Meeting

Ms. Adams presented the minutes of the July 17, 2024 Board of Supervisors meeting, which were included in the agenda package and reviewed by management staff. Ms. Nelson stated that “*Ms. Marjorie Welby*” should be “*Ms. Margery Weldy*” and in the motion where there was a voice vote, there was a blank, which should be Mr. McKelvey. Mr. Reed would provide his corrections to Ms. Adams, which would be incorporated.

On MOTION by Mr. Cameron seconded by Ms. Nelson with all in favor the Minutes of the July 17, 2024 Meeting were approved as amended.

FIFTH ORDER OF BUSINESS

Consideration of Renewal of Agreement for Midge Management Services with Clarke

Ms. Adams reported that each year, agreement renewals were presented to the Board for consideration. This process started in the Spring, when field services staff interacted with vendors to obtain information related to the upcoming budget. When the budget was presented, the Board considered any proposed increases in services and when it was adopted, there was adequate funding to accommodate the incumbent service providers. An Agreement for Midge Management Services with Clarke, for this fiscal year, was provided to the Board. She noted midge control was a top priority for the Board and a substantive portion of the budget was allocated for midge management. Midges could be managed, but not eradicated and different

October 16, 2024

Poinciana CDD

strategies were implemented and refined over the years, based on the best practices, as recommended by authoritative resources and vendors that handled midge management in Central Florida. Mr. Blanco indicated that Clarke had two different methods for treating midges; a fog method for adult midges, where Clarke used an ATV to fog the entire pond area, in order to control the adult midges. However, to treat the larva, which were on the surface as eggs, Gambusia fish were placed into the pond, to create an ecosystem within the pond. Shrimp were typically used with the fish, to deter any predators from eating the fish, who typically live in the littoral plants. Once the treatment was completed, they could come back once a year, but it depends on the seasons. Some did not appear for the remainder of the year, but five to ten ponds had contracts for re-occurring treatments out of the 50 ponds in Poinciana, due to midges laying eggs at the surface. Ms. Adams pointed out that certain ponds received Clarke's larvicide treatment and all ponds can receive treatment for the adult midges. If residents had a complaint, they could call the CDD office and Mr. Blanco would obtain the necessary information, to direct the vendor to treat the pond.

Mr. McKelvey questioned when the larvicide was scheduled, to prevent the midges from becoming adults. Mr. Blanco would verify this. Mr. McKelvey asked if the ponds that were listed in the agreement, received a larvicide treatment and why they did not do all of the ponds. Mr. Blanco explained that a larvicide treatment was costly and not all of the ponds needed it, only the ones that experienced persistent midges. In order to save the District money, larvicide was only applied for ponds that experienced constant midges, but if any pond experienced an infestation, he would reach out to Clarke and schedule a fog treatment. Mr. Reed asked Mr. Jeffries when the midge problems started. Mr. Jeffries stated that he lived at his current home for over three years and the issues started in the second year. Ms. Nelson questioned whether Mr. Jeffries reported it to Mr. Blanco. Mr. Jeffries had not reported it. Mr. Reed requested that Pond B16 be included on the agreement. Ms. Adams pointed out that in addition to the contracted services of \$176,427.12, \$194,000 was budgeted, in order to allow for additional larvicide treatments or other treatments as deemed necessary. Mr. Reed questioned why the website said to address midge concerns to Ms. Iman Sakalla and if it should be corrected. Ms. Adams indicated Ms. Sakalla was at the office and for customer service purposes, it was better to have one point of contact who would contact Mr. Blanco in the field. Ms. Sakalla also managed the complaint log. Mr. Reed agreed, as he did not want residents to contact Mr. Blanco directly. Mr.

October 16, 2024

Poinciana CDD

Cameron felt that it made sense to have it go through a central location and follow the proper procedure. Mr. Jeffries did not feel that the CDD did a good job of publicizing meetings, because he did not know anything about the CDD managing the ponds, until a couple of months ago. Ms. Carpenter explained that because the CDD was a government, meetings must be published in the newspaper and since the Board did not have private email addresses, residents should go onto the website, to communicate with the Board and staff. Ms. Adams advised that Ms. Sakalla sent notices to the Associations and Captains as a courtesy. The Sixth Extension and Amendment to the Midge Control Services Agreement with Clarke, was from October 1, 2024 to September 30, 2025.

On MOTION by Ms. Nelson seconded by Mr. Zimbardi with all in favor the Sixth Extension and Amendment to the Midge Control Services Agreement with Clarke from October 1, 2024 to September 30, 2025 in the amount of \$176,427.12 was approved.

SIXTH ORDER OF BUSINESS

Consideration of Renewal of Agreement for Pond Maintenance Services with SOLitude

Ms. Adams presented an agreement from SOLitude for pond maintenance services from November 1, 2024 to October 31, 2025, in the amount of \$152,976. Later in the agenda, there would be a Pond Maintenance Report from SOLitude. Mr. Blanco explained that SOLitude provided algae and spray treatments, as well as treating for hydrilla, duck weed, torpedo grass and removed trash. Reoccurring issues at Solivita, were hydrilla and duck weed, as well as excessive grasses that were sprayed. Regarding Pond E3, which was addressed by Ms. Kerr, as noted in his Field Manager's Report, hydrilla was present, but when he reviewed the pond prior to Hurricane Milton, last Monday, the pond had an auburn color to it, which indicated that the pond was treated. They would continue to monitor it and provide additional treatments, to eradicate it. Consistent rains factored into the overextension of those edge grasses and thickening it and when it turned into a brown darker color, it was decaying. The goal was to eradicate the hydrilla, prior to the planting of littoral plants, after the DredgeSOX restoration was completed. According to the vendor, prior to Hurricane Milton, they planned to complete it by October 21st, but now it was pushed further back. The Account Manager for SOLitude, was supposed to

October 16, 2024

Poinciana CDD

provide an update to Mr. Blanco, before the end of the day and he would send an email to the Board on when the work was tentatively scheduled for.

Ms. Nelson recalled that Ms. Kerr was complaining about the islands. Mr. Blanco stated there was torpedo grass in the islands, which was caused by the drought and exposure to sunlight. Ms. Nelson questioned why it was not treated earlier. Mr. Blanco stated that it was a constant battle, as when the grasses were treated, they started sprouting again. According to the vendor and the tech spraying the grasses, this season was unusual, from a drought to receiving an excessive amount of rain and having a hurricane in mid-October. In addition, when they scheduled treatments, there was sporadic rain or rain the day prior, which wet the easement and did not allow the vendor to go with their ATV safely and spray all of those grasses. The last email that Ms. Kerr sent, was one month ago and since then, they scheduled a boat treatment. Ms. Leo explained that torpedo grass had a massive root system and spraying it once and trying to get it completely killed, was not realistic. Ms. Nelson questioned how long it would take. Mr. Blanco would like for it to be completely out of the way, prior to planting the littoral plants. Mr. Reed asked if they could escalate the treatment. Mr. Blanco was informed that the vendor could do a higher rate of chemicals to treat those grasses and not produce a fishkill and requested a proposal from the vendor, on manually removing those grasses. Mr. McKelvey questioned whether there was any commitment from the vendor on when they were going to schedule it. Mr. Blanco indicated that the vendor was onsite three times per week and were onsite yesterday. Pond E3 was their top priority and would follow up with them on when it was treated and provide an update to the Board. Mr. McKelvey requested that Mr. Blanco inform Ms. Kerr.

Ms. Adams reported that any approval of the agreement from SOLitude for pond maintenance services, would be subject to District Counsel preparing a legal agreement with all of the indemnifications and protections for the District, including any new statutory compliance matters. Mr. McKelvey recalled that the District spent a great deal of money removing algae from the ponds and requested a long-term study, to determine if there was a nutrient problem, how the nutrients were getting into the ponds and whether it was all of the ponds or some ponds. Mr. Blanco would speak to the Field Services Manager, Mr. Clayton Smith, regarding any type of study and schedule a call between Mr. Smith and Mr. McKelvey for further discussion. Mr. Reed pointed out that Pond E3 bordered several holes of the golf course and questioned whether the golf course was overloading the pond with fertilizer. Mr. Blanco stated he was in contact

October 16, 2024

Poinciana CDD

with the Golf Course Superintendent and was waiting for them to respond. Mr. Reed proposed having a letter from him or Ms. Carpenter, sent to the golf course, to request this information. Ms. Leo explained that it was a consistent problem throughout Central Florida and most golf courses were spraying and fertilizing in accordance with the required amounts in Florida, there were specific limits on what they could and could not do. Mr. McKelvey felt that they could save money on the treatments, if they understood the cause. Mr. Reed agreed with developing a plan, but they needed to gather the data first, in order to understand the chemical makeup of the water. It also needed to be coordinated and proposed scheduling a workshop, for the community to understand what they were dealing with, as they had over 100 ponds and it would be costly. In addition, their drains were full of weeds, which were decaying and would not be flushed out, until there was a major storm.

Ms. Adams would have field staff confer with SOLitude regarding pond testing and discussing further with Ms. Leo, on criteria that should be considered. Ms. Carpenter recalled that the permits state they must follow the State guidelines for outfalls into the system. Ms. Leo pointed out that every municipality in the State of Florida, dealt with the same issues and the issue, was runoff from streets and yards, upstream that go into the drains. Mr. Cameron proposed encouraging the HOA to work with vendors and residents, to stop them from putting their clippings into the ponds and cutting back on the use of fertilizers. Mr. Cameron questioned whether there was something that the golf course could change, that would lessen the issues on Pond E3. Ms. Leo explained that golf course fertilizer was superior than residential fertilizer and there were probably 10 contributing factors, such as the use of reclaimed water, which had more nutrients than potable water. Ms. Nelson spoke to the Golf Course Superintendent, who was as concerned about this as the Board and wondered what kind of fertilizer the HOA was using, as two different types of fertilizer were running into the ponds. Mr. Blanco recalled that Juniper would be the landscape provider for the HOA in November and recommended asking them what type of fertilizer they used, as Yardnique would probably not respond. Mr. McKelvey questioned whether water testing would be effective. Ms. Leo indicated to some extent, the water testing must be over a long period of time, but it would be expensive and not provide the results that the Board wanted and the only solution was preventing chemical use in the ponds. Mr. McKelvey wanted to consider water testing, so they would know which pond had high nutrients, the cause and if there anything that they could do about it. Mr. Reed was in favor of having a workshop

October 16, 2024

Poinciana CDD

with the HOA and the golf course. Mr. Cameron had no issue having a workshop, but the HOA President had no interest in having a workshop with the CDD. Ms. Adams suggested waiting until the new HOA Board Members were seated in January. Ms. Nelson nominated Mr. Cameron as liaison to speak to Juniper and Mr. McKelvey as liaison to speak to golf course staff and obtain information on what fertilization they were using. Mr. Reed preferred that Juniper attend the next meeting, versus an individual Supervisor meeting with them. Ms. Adams would invite Juniper to attend the next meeting have field staff obtain a proposal for water testing.

Ms. Adams presented the agreement with SOLitude for pond maintenance services, which was in the amount of \$152,976 annually. The budgeted amount was \$160,000, to allow for any issues outside of the scope. Mr. Reed noted that Schedule A was an extensive list, as it included a visual inspection of the ponds, but questioned whether all of the items were being provided. Ms. Carpenter indicated that there was language in the agreement, that anything they observed during the visual inspection, would be documented in field notes and staff would follow up. Mr. Blanco confirmed that he received weekly reports. Mr. Reed pointed out that SOLitude's contract included visual inspections of mosquito breeding conditions and wanted to combine their efforts for midge control, with what they were paying the county for. Ms. Adams stated that the CDD was not responsible for mosquito maintenance and there was an issue with mosquitos, Polk County would handle it. Mr. Blanco indicated that a treatment log, of what ponds were treated and inspected, was included in his report and would follow up with SOLitude on their protocol. Mr. Reed was impressed with the proposal, but half of the items were not being completed or reported, such as applying pond dye on an as needed basis and wanted to see the data on what SOLitude was providing. Ms. Leo believed that SOLitude used a standard contract and recommended that the Board approve the agreement, subject to making minor modifications to the terms of the agreement, as she did not want to remove any of the visual inspection items. Ms. Carpenter would include language that visual reports must be presented within a certain number of days. Mr. McKelvey asked if SOLitude would remove trash or debris when someone complained. Mr. Blanco indicated that he picked up trash when he was onsite, but the vendor picked up trash when they were onsite. Mr. Cameron recalled that the Fishing Club picked a huge amount of trash out of the ponds. Ms. Adams confirmed that trash removal was part of SOLitude's scope, as well as in Floralawn's contract. Mr. Reed confirmed that trash was not a

October 16, 2024

Poinciana CDD

major issue in Solivita. Mr. Blanco would ask SOLitude to explain all of their items in their contract.

On MOTION by Mr. Cameron seconded by Mr. McKelvey with all in favor the renewal of the Agreement with SOLitude for pond maintenance services from November 1, 2024 to October 31, 2025 in the amount of \$152,976, subject to District Counsel performing the legal work and the Chairman executing it was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Agreement for Landscape Services with Floralawn

Ms. Adams recalled that the Board selected Floralawn, at the July meeting, as their landscape service provider and the District was authorized by Florida Statutes, to enter into five agreement renewals. The annual amount was \$192,974.40, which was within budget. The scope that the Board previously reviewed, included any special items that were requested. Ms. Carpenter noted two items that the Board was concerned about, which was that plantings were warrantied for the date of installation and that the District was relying on Floralawn to inform staff if there was trash or damaged landscaping. Mr. Cameron asked if it included dead trees. Ms. Carpenter stated that it included dead or diseased trees, plantings or other landscaping. Mr. McKelvey questioned whether the agreement was for an additional five years or five years total. Ms. Adams confirmed that it was for five years total. Mr. Cameron questioned why Section 6 was intentionally omitted. Ms. Carpenter explained that it was not applicable to this contract and in the future, it could be removed. Mr. Cameron asked if the contractor was using e-verify, as there was concern that Floralawn was not e-verifying their employees. Ms. Carpenter stated that Floralawn must agree that they were using it, as it was required by State Law, but if they provided the filings, it included personal information, but would request an affidavit from them, stating that they were following the law. Mr. McKelvey agreed, as the District should not be looking at personal files. Mr. Reed noted that on Pond B5, a branch was on the ground before Floralawn mowed, which they moved, but put it back again, after they mowed. Mr. Blanco would speak to Floralawn.

On MOTION by Mr. Reed seconded by Ms. Nelson with all in favor the Agreement with Floralawn for Landscape Services was approved as amended.

October 16, 2024

Poinciana CDD

EIGHTH ORDER OF BUSINESS

Review of Request to Install Holiday Lighting on CDD Tract

Ms. Adams received a request was received from Ms. Jan Gripp, requesting permission to install solar operated lights during the holiday season, as directed by the HOA. Printouts from the Property Appraiser’s website were provided, to identify the parcel, on Via Monte Napoleone Drive, which was owned by the CDD. However, subsequent to this request being submitted, Ms. Adams was informed that the HOA was not maintaining the landscaping on this parcel, which they had been doing for the past 20 years and staff was trying to ascertain whether there was an issue with the current service provider or if they abandoned this area. Pictures of the style of lighting was also provided to the Board. Ms. Carpenter questioned why this request did not go through the HOA. Ms. Carpenter stated it was fine for an individual to enter into an agreement, but they would not get their insurer to insure lights on property that they did not own. Ms. Nelson voiced concern about someone climbing a ladder to install the lights on the Palm tree and falling. Ms. Adams pointed out that the Board could approve a License Agreement with the HOA, taking on the liabilities and holding the District harmless or deny the request due to liability reasons. Mr. Zimbardi was in favor of pursuing a License Agreement. Ms. Carpenter was not comfortable with residents climbing trees and preferred that the HOA handle it.

On MOTION by Mr. Cameron seconded by Ms. Nelson with all in favor the request from Ms. Jan Gripp to install holiday lighting on a CDD tract and entering into a License Agreement with the HOA was approved.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2025-01 Approving Conveyance of Pond Tract

Ms. Adams presented Resolution 2025-01 Approving the Conveyance of Pond P8 from Avatar Properties, Inc. (AKA Taylor Morrison). Ms. Carpenter indicated that staff was working on the conveyance of this pond from Avatar, for some time and they finally received a response from the District Engineer, that the pond was in good shape to accept. The documents were substantially the same documents were used in prior transfers and included a deed for an easement, to allow access onto the property, if necessary. Once the documents were signed, they would be held until Avatar paid all of the fees. Mr. Cameron understood that they were not

October 16, 2024

Poinciana CDD

accepting the wall or fences. Ms. Adams confirmed that Exhibit A, included the exclusions, which were the retaining walls, railing, fencing, certain landscaping and irrigation. Mr. Cameron believed that residential homeowners had the deeds to these tracts. Ms. Carpenter stated that at this point, no one claimed the tracts and they belonged to Taylor Morrison and the CDD was only accepting the stormwater improvements and the pond.

On MOTION by Mr. Cameron seconded by Mr. Reed with all in favor Resolution 2025-01 Approving Conveyance of Real Property and Improvements from Avatar Properties, Inc.; Authorizing District Staff and the Chairman to Review, Execute and Accept all Documents to Effectuate Such Conveyance; Providing for Severability and an Effective Date was adopted.

Ms. Adams pointed out that the application required Taylor Morrison to reimburse the CDD for professional fees related to the property conveyance, in the amount of \$10,330.06, which would be paid at the closing. Ms. Nelson questioned where it would be included in the budget. Ms. Adams stated it was not in the budget and would be miscellaneous revenue.

TENTH ORDER OF BUSINESS

Ratification of Audit Engagement Letter for Fiscal Year 2024 from Grau & Associates

Ms. Adams reported that each year, the District was required to undergo an annual independent audit of the District’s financial records and file it with the State of Florida by June 30th. Since there was a short window to file the audit, they always try to get the audit started as soon as possible. Previously the Board appointed an Audit Committee and solicited for audit services, ranked the proposals and selected Grau, to enter into a five-year agreement for audit services. The fee that they proposed was \$3,700, which was in accordance with what the Board previously approved and the budgeted amount for Fiscal Year 2024 for audit services. At this time, the Board was ratifying the Engagement Letter from Grau & Associates (Grau) to provide auditing services for Fiscal Year 2024, which ended on September 30, 2024.

On MOTION by Ms. Nelson seconded by Mr. McKelvey with all in favor the Engagement Letter with Grau & Associates to provide

October 16, 2024

Poinciana CDD

auditing services for Fiscal Year 2024 in the amount of \$3,700 was approved.

ELEVENTH ORDER OF BUSINESS**Staff Reports****A. Attorney****i. Presentation of Memorandum on New Affidavit Requirement for Governmental Entities**

Ms. Carpenter presented a memorandum on HB 7063, which was recently signed into law and went into effect on July 1, 2024. This was a surprise to everyone, as the Legislature included it in the criminal statutes, which required any government that enters into a contract with a private entity or individual, to have an affidavit, stating that they were not engaging into any human trafficking actions. For every contract, this now provides an extra step, as it must be signed by a contractor and notarized. Ms. Carpenter was speaking with the HOA attorney, every couple of weeks, to see if the HOA reviewed the conveyance documents, as Taylor Morrison would be departing shortly. They provided no information and she recommended waiting until there was a new Board. Ms. Nelson asked if they were still working on a License Agreement with the golf course, to continue to maintain the ponds. Ms. Carpenter indicated that she had not received a response yet. Ms. Nelson reported that she was contacted by a resident, who caused a stir, when they found out that the CDD now owned the ponds on the golf course, as they were concerned that the CDD would not maintain them. Ms. Nelson contacted Ms. Adams and Ms. Carpenter and Ms. Carpenter contacted the Manager of the golf course, who did not know who at Taylor Morrison to contact. It took legal staff several weeks to find the right person and emailed them but had not received a response. Ms. Nelson pointed out there would be a License Agreement, memorializing that the golf course would maintain the golf course ponds.

Ms. Carpenter questioned whether the CDD had easements over the golf course to get to the ponds, because in all CDDs that they represented, the golf course maintained the ponds. Ms. Leo would review the map. Ms. Nelson recalled that the ponds were turned over to the CDD in December and the golf course was informed that they were not allowed to maintain them. Ms. Carpenter requested that Ms. Leo and Mr. Blanco review the pond map, to see if there were any ponds that the CDD was not maintaining, as it was her understanding that there were several ponds within the golf course that the CDD did not maintain. Mr. Reed asked if they were stormwater ponds under the South Florida Water Management District (SFWMD). Ms. Carpenter confirmed that they were still under the CDD permits and wanted to ensure that there

October 16, 2024

Poinciana CDD

was an agreement with the golf course, to maintain them in accordance with the permit. Mr. Reed pointed out that half of Pond E3 was on the golf course, but the CDD was maintaining it, because it was part of the stormwater system. Mr. Blanco believed that the side on the golf course, the CDD did not maintain. Mr. Reed felt that it was something to consider, since their fertilizer goes into the CDD pond and preferred to turn it over to them or make them responsible for half of the maintenance expense.

B. Engineer

i. Review of 2024 Rate Schedule

Ms. Adams received an updated Rate Schedule from GAI for engineering services, which was included in the agenda package and requested that the Board consider it, as it was in line with other engineering firms in Central Florida. Ms. Leo explained that there were rates for staff, based on their technical categories, but she worked with the CDD for 24 years and was effective with her time and cautious about the CDD budget. Mr. Cameron noted that it takes effect in January of 2025 and questioned whether it was in effect at this time. Ms. Adams understood that it was for Fiscal Year 2025. Mr. Reed requested that this be clarified. Mr. Cameron had no issue with it, as they had a contract and budget and they stayed within budget. Mr. Reed felt that it should be fair and legal, as the prior rate was \$330 per hour, which decreased to \$300 and now was increasing to \$360 per hour. Ms. Adams confirmed that the rates would increase and if the Board approved it, would be effective on October 1, 2024.

On MOTION by Mr. Reed seconded by Ms. Nelson with all in favor the 2024 Rate Schedule effective October 1, 2024 was approved.

C. District Manager

Ms. Adams received electronic mail communication from Ms. Lita Epstein, who represented a group working with the Central Florida Expressway (CFX), relative to the Southport connector. CFX was scheduling stakeholder meetings, prior to holding the public meetings in January of 2025 and was wondering if the CDD would want to have one of the CFX representatives, either schedule a workshop with the CDD to discuss their new plans for the Southport connector or attend a CDD meeting.. Mr. Zimbardi recalled that it would impact Pond A1, which was owned by the District. Ms. Carpenter suggested that a CDD Board Member

October 16, 2024

Poinciana CDD

attend the meeting and report back to the Board. Mr. Reed volunteered. Ms. Adams would provide contact information and a meeting schedule to Mr. Reed. Ms. Carpenter requested that Mr. Reed listen and not ask any questions at the meetings.

Ms. Adams reported that the District was recently contacted by Duke Energy, as the county was considering roadway improvements on Marigold Avenue, which would necessitate Duke relocating their electrical equipment, requesting an easement from the Poinciana CDD. She suggested having a Funding Agreement, to reimburse the District for any professional fees, related to the review of the Easement Agreement, but Duke felt that easiest way for the District to be reimbursed, would be to charge a fee for granting of the easement. At this time, it was under preliminary review, as the county was checking on the feasibility of their road improvement project and this was part of that process, to see if there was an opportunity to potentially relocate utility lines. Ms. Carpenter recalled that there was a conservation parcel and more work needed to be completed before it came before the Board. They could not charge a fee without a rulemaking hearing. Due to the nuances of the conservation area, Ms. Adams clarified that Duke provided a specialist internally, planned to do a majority of the workload and to interface with the SFWMD. In addition, there was a strong desire to elevate Marigold Avenue, due to flooding concerns. Mr. Zimbardi wondered what the HOA would do with their property in the same area. Ms. Adams stated that she was told the HOA would follow whatever the CDD did.

i. Action Items List

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

1. Parcel Conveyance from Taylor Morrison to CDD: Completed.
2. Monitor Central Florida Expressway – Poinciana Parkway Projects: Parkway Connector: In process.
3. Monitor Polk County Road Construction for Impact to PCDD Tunnels: In process. Closer to the project date of 2025 or thereafter, an Access Agreement would be considered by the Board. Staff would contact the county for an update.

October 16, 2024

Poinciana CDD

4. Review of Wetlands Owned by Developer and HOA: In process. There was ongoing review regarding the ultimate owner, permit holder and maintenance entity.

Mr. Reed did not believe that the Board needed to take action, until there was a request to transfer. The wetlands were still part of the original agreement with Taylor Morrison, for engineering and legal review and were going to pay for it. Ms. Carpenter recalled that once Taylor Morrison transferred the property, they would pay the fees, but at this point, there were no conveyances. Ms. Adams would leave this item on the Action Items List, but defer this item, as there were intermittent discussions at meetings about who owned the wetlands. Mr. Reed clarified that the CDD would not pay any bills, until the transfer occurred. Ms. Carpenter recalled that the CDD wanted to acquire the wetlands. Mr. Reed pointed out that Board never wanted to acquire the wetlands, but the Board was in agreement that the CDD should own the entire stormwater management system, which included the wetlands. Mr. Cameron preferred to keep this item on Action Items List as a reminder that it was ongoing. Mr. Reed agreed.

5. Review of HOA Improvements Installed on CDD Parcels: In process. The License Agreement was reviewed by the Board at the July meeting and staff was awaiting their response.

Mr. Reed pointed out that every contract and every chemical, had a material safety data sheet (MSDS), which was fairly comprehensive and detailed, on the information that they provide and should be provided to the Board for review, to address any risks or concerns.

6. Impact of Cypress Gardens Parkway to PCDD Stormwater System: In progress.
7. Educating Residents Regarding Beneficial Pond Vegetation and Best Maintenance Practices: In process. Prior to the planting of more littoral shelves or beneficial vegetation along pond hedges, the Board requested communication with residents in the vicinity, to understand the benefits.

Mr. Cameron questioned the method of communication, as residents were posting complaints on *Nextdoor*, about grasses on the ponds not being maintained. Ms. Adams pointed out there were template responses for electronic mail and would provide samples to the Board at an upcoming meeting. Mr. Reed noted this was on Pond B5 and there was confusion amongst the Board, on what they should or should not allow on the banks of ponds, as there was too much vegetation on this pond that it needed to be trimmed or killed. Ms. Adams directed the Board to

October 16, 2024

Poinciana CDD

inform staff, in between meetings, when something needed attention, so it could be addressed as soon as possible. Ms. Nelson noted that Cypress Gardens Parkway should be Cypress Parkway, on the Action Items List. Ms. Adams would make this change.

ii. Approval of Check Register

Ms. Adams presented the Check Registers from July 1, 2024 to September 9, 2024 in the amount of \$499,791.02 and September 10, 2024 to October 4, 2024 in the amount of \$55,017.90 and detailed run summaries, which were included in the agenda package. Some were Surplus Fund transfers to the Money Market Account, as the interest earnings rate was still over 4%.

Ms. Nelson MOVED to approve the July 1, 2024 to September 9, 2024 Check Register in the amount of \$499,791.02 and September 10, 2024 to October 4, 2024 Check Register in the amount of \$55,017.90 and Mr. Reed seconded the motion.

Mr. Cameron questioned why they were still writing checks and not paying by Automated payment (ACH) to deter fraud. Ms. Adams stated that according to the bank representatives, ACH was still vulnerable to fraud. The District had Positive Pay, fraud protection services through Truist, where checks were approved by the accounting team before they were processed. Ms. Nelson questioned whether this was part of their agreement with Truist and if the District paid for it. Ms. Adams confirmed that it was part of the banking fees.

On VOICE VOTE with all in favor the July 1, 2024 to September 9, 2024 Check Register in the amount of \$499,791.02 and September 10, 2024 to October 4, 2024 Check Register in the amount of \$55,017.90 were approved.

iii. Balance Sheet and Income Statement

Ms. Adams presented the Unaudited Financial Statements through August 31, 2024, which was included in the agenda package. The Board did a good job of controlling expenses and no Board action was required. Ms. Nelson noted that some of the calculations were incorrect, as the formula was in the wrong place. For Property Appraiser, the budget was \$7,000, actual was \$9,537, but the variance was \$-9537 and should be \$2,500. Ms. Adams explained that typically, the prorated budget was for 11 of 12 months, but for items paid in a one-time lump

October 16, 2024

Poinciana CDD

sum, it was usually zero and agreed it should be based off the budget. Ms. Carpenter noted that for Attorney's Fees, over \$10,000 was going to be reimbursed. Ms. Adams stated that Miscellaneous Revenue included the fees that were reimbursed for property conveyance. For assessments, the District was fully collected for the year and the variance just showed the difference between what was actually collected, compared to the budget. Mr. Cameron questioned what made up the actual contingency, as \$12,000 was budgeted, \$11,000 was prorated, but there was a \$72,000 expenditure. Ms. Adams explained that there was a \$58,725 expense in August for erosion repairs on Pond E3. Ms. Nelson recalled that the Board requested that it be paid out of this year's budget. Ms. Adams pointed out that the deposit was made in this fiscal year's budget and the final payment would be made, in Fiscal Year 2025. Field expenses were under budget.

D. Field Manager's Report

i. Consideration of Proposal for Quarterly Lift Station Maintenance

Ms. Adams presented a proposal from Averett Septic Tanks (Averett), as there was a lift station near the Bella Viana Tunnel. Historically, the HOA was paying the electric bill for the lift station, but no one knew who was maintaining it. When an alarm went off, the CDD was contacted. The HOA and golf course asserted that they did not maintain it. Since it made sense for the CDD to assume maintenance responsibilities, as it was on a CDD tract and the lift station serviced the tunnel, staff recommended that Averett perform quarterly preventative maintenance treatments, at a cost of \$185 per visit or \$740 for the year. Mr. Blanco recommended Averett, as they recently drained the tunnel and by Noon, the water completely disappeared and other field managers used Averett and recommended them. Ms. Nelson questioned whether this expenditure needed to go out for bids. Ms. Adams confirmed that it must be \$195,000 to be required to go out for bids. Mr. Reed questioned the location of the meter for electricity to power the pump and the tunnel lights. Mr. Blanco stated it was in the lift station but needed to confirm the meter for the tunnel lights. Ms. Adams indicated that GMS' accounting team was assisting the HOA with transferring the meter service to the CDD. Ms. Nelson questioned whether this expenditure would be included in the 2025 budget. Ms. Adams confirmed that it was not part of the budget, but it was a small amount that would be paid out of Miscellaneous or Contingency and next year, for fiscal year 2026, a utility line item would be added to the budget.

October 16, 2024

Poinciana CDD

On MOTION by Mr. Cameron seconded by Mr. Reed with all in favor the Agreement with Everett Septic Tanks for quarterly lift station maintenance in the amount of \$740 annually was approved.

Mr. Cameron questioned whether there was sludge in the tunnel from Hurricane Milton and if it needed to be power washed. Mr. Blanco reported that staff performed post-hurricane and pre-hurricane reviews of both tunnels and was pleasantly surprised and grateful that the tunnels were in good shape. However, a light did go out in the Bella Viana Tunnel, when a cover was cracked. There was only a small amount of mud and staff could do a minor pressure washing. He did not want to spend the money for a full pressure washing, but since the walls were white, it was something to consider for the next season. Mr. Cameron felt it made sense to do quarterly maintenance, if necessary.

ii. Field Manager's Report

Mr. Blanco presented the Field Manager's Report, which was included in the agenda package. The lift Station landscaping at the Bella Viana Tunnel was completed. He would work with Juniper on the landscaping, once they started in November, to set expectations and ownership responsibilities. Staff reviewed landscaping throughout the community, prior to Hurricane Milton and found it to be neat and trimmed, but requested that the landscaper mow lake banks, as they would not need much height from the edge grasses.

iii. Pond Maintenance Report

Mr. Blanco presented the Pond Maintenance Report, which was included in the agenda package. Staff continued to review ponds throughout the District. Algae treatments were conducted and edge grasses were sprayed. It has been difficult spraying, due to the scattered rains washing out the initial treatment or it stopped the vendor from using an ATV or boat into the pond to treat the islands and excessive grasses, but now that they were moving into the drier season, it was anticipated that there would be more success. He asked SOLitude to spray the island clusters at the ponds. Residents were educated on the littoral plantings, as several residents inquired if the littorals would be trimmed, as they felt it looked ugly. It was explained to them that it was not for aesthetic purposes and was beneficial to the health of the pond and to assist with midge management. Mr. Reed felt that one set of plants in the bottom picture on Page 190

October 16, 2024

Poinciana CDD

of the agenda package, where the grass was growing out into the pond, was acceptable, versus what was on Pond B5, which was unacceptable. Mr. Blanco agreed.

iv. Midge Management Report

v. Customer Complaint Log

Mr. Blanco presented the Midge Management Reports and Customer Complaint Log, which were included in the agenda package. Mr. Cameron pointed out the complaint from Ms. Maureen Macri was regarding an HOA pond, behind 710 Portofino Drive, which was two houses down from his property. It was a retention pond that he requested that the developer spray, several times. The area behind the pond was CDD property and the other side was owned by the developer, which the CDD should consider taking over, as it was not being maintained. Mr. Reed recalled that the developer removed the dirt, used it for landfill purposes, but did not obtain authorization. Ms. Leo would research this matter and Mr. Cameron would speak to the developer about spraying it.

TWELFTH ORDER OF BUSINESS

Supervisor's Requests

Mr. Reed preferred starting their CDD meetings at 9:00 a.m., if the Poinciana West CDD Board did not have a meeting and reserve the meeting room for three hours. Ms. Nelson pointed out that she was liaison to the Wildlife Committee and last year, requested the guidelines that the Fishing Club put into place. A resident noticed three people from the Fishing Club park on the side of the house and walk through the property to the golf course. She posted on *Nextdoor* about it, as she lost the sale of the home. One of the members of the Fishing Club, read the post and apologized to the resident. Mr. Bob Monica, Wildlife Chair of the Solivita Conservation and Wildlife Committee thinks that residents should be educated about fishing club guidelines. Ms. Carpenter recalled several years ago, a large number of people from the Fishing Club, sent her nasty letters and the CDD Board agreed to keep the stormwater policies in place. For trespassing issues on private property, residents should call the police. Ms. Nelson noted that security could also handle it. Ms. Carpenter suggested that the CDD Board reconsider it and leave it up to the HOA to correct the behavior for trespassing. *There was Board consensus for staff to include the pond policy on the next agenda for discussion.* Mr. McKelvey requested that the guidelines from the Fishing Club, be included in the discussions.

October 16, 2024

Poinciana CDD

Mr. Cameron voiced concern that the agenda package for the July meeting, was not published until late on Tuesday afternoon and the one for the September meeting, was not published until Monday afternoon and requested that it be published a week prior to the meeting. Ms. Adams explained that staff was waiting for a completed agenda package but in the future would send it out and have these items sent separately. Mr. Reed recalled that a resident showed up at the September meeting, which was ultimately cancelled, regarding an issue of potential flooding on Balboa Drive. Ms. Adams requested that Board Members provide her with any agenda items.

THIRTEENTH ORDER OF BUSINESS Other Business

There being no comments, the next item followed.

FOURTEENTH ORDER OF BUSINESS General Audience Comments

There being no comments, the next item followed.

**FIFTEENTH ORDER OF BUSINESS Next Meeting Date – November 20, 2024
@ 12:00 P.M.; The Gator Room**

The next meeting was scheduled for November 20, 2024 at 12:00 p.m. at this location.

SIXTEENTH ORDER OF BUSINESS Adjournment

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

Ms. Rose Kerr of 389 Sorrento Road asked if she could speak to the Board under public comments. Ms. Adams indicated staff is happy to meet with her outside of the meeting. Mr. Cameron requested that the meeting be re-opened to hear the public comment.

On MOTION by Mr. Zimbardi seconded by Ms. Nelson with all in favor the prior motion adjourning the meeting was rescinded.

- **General Audience Comments** (*Item 12*)

October 16, 2024

Poinciana CDD

Ms. Rose Kerr of 389 Sorrento Road voiced concern that grass that was sprayed on the golf course, was re-occurring and questioned whether there would be a boat used for treatment. Mr. Blanco confirmed that there would be one. Ms. Kerr did not like the idea of Pond E3 being turned over to the golf course, instead of the CDD. Ms. Nelson confirmed that no ponds were being turned over to the golf course. Ms. Kerr asked if the debris dying off in different colors, could be removed versus disintegrating into the pond. Mr. Cameron requested that Mr. Blanco speak to Ms. Kerr after the meeting, as the Board was aware of the issue.

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

Signed by:

Tricia Adams

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Secretary/Assistant Secretary

DocuSigned by:

Tony Reed

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Chairman/Vice Chairman