

**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, **February 19, 2025** 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:

Jon Cameron	Elected as Chairman
Rick McKelvey	Elected as Vice Chairman
Anita Nelson	Assistant Secretary
Bob Zimbardi	Assistant Secretary

Also present were:

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

The following is a summary of the discussions and actions taken at the February 19, 2025 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 12:12 p.m. Four Supervisors were present in person constituting a quorum.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

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THIRD ORDER OF BUSINESS**Public Comment Period on Agenda Items**

Resident (Sharon Burns, 328 Sorrento Road) stated she was here a couple of months ago in regards to an issue with their pond. She could not attend the meeting last month because she had a prior commitment. She heard that there was nothing that could be done because of the three properties that are not included in Solivita, they're outside Solivita. She stated she is disappointed at the outcome, but they do have a very large swath of grass that is now doubled in size. She stated they do need to have this addressed because it is choking off the waterfront down around their property and the surrounding areas. She stated that maybe these new owners aren't aware of the care of their property down by the pond but it does affect them. She stated she hopes it can be corrected and the grass can be gotten rid of because they are getting into growing season now and it has almost doubled in size.

Resident (Lynn Kennedy, 3716 Via Monte Napoleone) stated that she wanted to make the Board aware of some things that were not addressed in the original proposal. She stated it is not just that little path which is ugly and has a lot of dead plants, but it's relatively flat. However, as you go around that circle on the golf cart path, which she believes is controlled by the CDD, it becomes a big slope and there has been a lot of erosion. It's eroding further and further all the time. There's never any mulch there, and mulch wouldn't help because of the eroding from the water coming down. She stated that what it really needs is a ground cover that will hold the earth. She stated she lived in California for a long time and she understands mountains and mudslides. She stated that star jasmine stays very low, doesn't need to be trimmed, and will hold the ground. It's not very expensive to put in and it only has to be done once. She stated there's also one sprinkler that instead of going straight up, is going down, and is causing a dip and more erosion around that area and it is also affecting the land that's behind the bushes that belong to the CDD. She stated as you go around that curve, there is an absolutely beautiful Bismarck, and the roots are totally exposed on one side. That tree is going to die. It's a \$20,000 tree to replace and you won't replace it. The next time we have a hurricane, it's coming down, you need to put some kind of a barrier around it to keep those roots and protect them because you don't want it coming down on a golf cart. You don't want it coming down on a house.

Resident (Elaine Hammers, 3667 Via Monte Napoleone Dr) stated she was here a few months ago to address the issues on the agenda and she really appreciates that the Board responded and got a proposal. She showed the Board a picture of the Bismarck tree roots and

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noted that they're all out of the ground. She stated that losing that tree would be a financial burden which she doesn't think any of them would want to incur. She stated that the walkway the Board got a proposal for, instead of doing that she suggested fixing what's in that area. She stated she is not sure any of the sprinklers on Via Monte Napoleon work. She stated she doesn't know if that has ever been fertilized. She stated she thinks it could be a more economic repair and they would be happy with the way it looked and the Board would be saving some money. She thanked the Board for putting the item on the agenda and responding to residents' concerns.

Resident (Janine Fowler, 942 Walnut Creek Lane) asked about the non-ad valorem agreement with the Polk County appraisers. She asked why the appraisers are involved in the non-ad valorem assessments.

Resident (Rose Kerr, 389 Sorrento Road) stated that the time, effort, and money that's been spent trying to get rid of the duckweed is unbelievable. It has been going on two years now. She stated that the islands are growing and they're getting bigger. She stated that they have two really large ones and a couple smaller ones. She stated that her concern is that they're throwing good money after bad money.

Resident (Bob Monica, 119 Vista) stated he was speaking for the HOA Conservation and Wildlife Committee. He stated if you didn't see it this morning, we have reports that alligator mating season has started early. They're out howling and crooning, I just want you guys to be aware of it. As far as your responsibilities, that means it'll lead to nesting and we want to keep our nesting areas as secretive as we possibly can to keep people away from them. He stated he was at an SWA meeting yesterday and Rick was at this meeting and there was reports that the sandhill cranes are nesting very close to the water's edge. He stated that there was a woman who said she saw a mother crane get up off her nest and walk to the water and a guy on a mower came by and just took that nest out. I would just appreciate your saying something to the mowers. Thank you.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2025-02 Election of Officers

Ms. Adams reminded the Board that following an appointment to the Board or following a general election, the Board is required to reorganize its officers. However, this item can be added to any agenda at any duly noticed Board of Supervisors meeting. Ms. Adams stated that they did receive an electronic mail message from the Chairman of the Board and he's requesting

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that this item be deferred until he is able to attend the meeting. She noted that currently Tony Reed is serving as Chairman of the Board, Bob Zimbardi serving as Vice Chairman of the Board, and the remaining Board members serve as Assistant Secretaries.

Mr. McKelvey stated that they have put this off a number of months and if they had a tie vote today that's one thing, but otherwise his opinion was that the Board should go ahead with the resolution. Ms. Nelson stated that in the past they have deferred if a Board member has not been present, but it's always been for medical reasons that that person has not been here. Mr. Cameron stated that this item was noticed a month ago that the Board would be considering this today.

On MOTION by Mr. McKelvey seconded by Ms. Nelson with Mr. McKelvey, Ms. Nelson, and Mr. Cameron in favor and Mr. Zimbardi opposed, Proceeding with Resolution 2025-02 Election of Officers was approved 3-1.

Ms. Adams reviewed the different positions regarding the elected officers. The Board will be considering a Chairperson, a Vice Chairperson, and then historically, the remaining Board members have been appointed as Assistant Secretaries. She reviewed staff members of the District Management team who are serving as Secretary, Assistant Secretary, Treasurer, and Assistant Treasurer for the purpose of attesting the Chairman's signature, processing District records, processing accounts payable, and processing the financial records. Mr. McKelvey made a motion to elect Jon Cameron as Chairman and Bob Zimbardi as Vice Chairman.

Mr. McKelvey MOVED to approve Resolution 2025-02 Election of Officers with Mr. Cameron serving as the Chairman and Mr. Zimbardi serving as the Vice Chairman and Ms. Nelson seconded the motion.

Mr. Zimbardi stated that he had a different suggestion for the Vice Chair and suggested Mr. McKelvey for Vice Chair. Ms. Adams noted that Mr. McKelvey could amend his motion or she could call the question on the motion and if the motion failed, a different motion could be made. Mr. McKelvey amended the motion to have Mr. Cameron serve as the Chairman and Mr. McKelvey serve as the Vice Chairman.

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Mr. McKelvey AMENDED THE MOTION to approve Resolution 2025-02 Election of Officers with Mr. Cameron serving as the Chairman and Mr. McKelvey serving as the Vice Chairman and Ms. Nelson seconded the motion.

Ms. Adams asked for any further discussion on the motion. Hearing no comments, she called the question on the motion to elect Mr. Cameron as Chairman, Mr. McKelvey as Vice Chair, and the remaining Supervisors as Assistant Secretaries.

On VOICE VOTE with all in favor Resolution 2025-02 Election of Officers with Mr. Cameron serving as the Chairman and Mr. McKelvey serving as the Vice Chairman and the remaining Supervisors serving as Assistant Secretaries was approved.

FIFTH ORDER OF BUSINESS

Approval of Minutes of the January 15, 2025 Meetings

A. January 15, 2025 Audit Committee Meeting

B. January 15, 2025 Board of Supervisors Meeting

Ms. Adams presented the draft minutes of the January 15, 2024 Audit Committee meeting and the January 15, 2025 Board of Supervisors meeting. She noted that the meeting minutes took longer to prepare because the meeting was in excess of three hours. Ms. Adams stated she reviewed the meeting minutes before they circulated as part of the agenda packet. She asked for any corrections to the Audit Committee meeting or the Board of Supervisors meeting.

Mr. Cameron stated in the Board of Supervisors minutes in the 10th order of business there was discussion about the Earth Day. He did not recall that he was the one who talked about Earth Day. He stated he believed that discussion was held by Rick McKelvey. Ms. Adams stated that they will change that to “Mr. McKelvey recalled that Solivita was having an Earth Day.”

Ms. Carpenter stated under the 11th order in the attorney report on this sixth line, it says “a Board member” it should be “Board members” because it was the Sunshine Law. There was more than one Board member. Ms. Adams stated she will take out the “A” and make that plural.

On MOTION by Ms. Nelson seconded by Mr. Zimbardi with all in favor the Minutes of the January 15, 2025 Audit Committee

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Meeting and January 15, 2025 Board of Supervisors Meeting were approved as amended.

SIXTH ORDER OF BUSINESS

Review of Amended November 20, 2024 Meeting Minutes

Ms. Adams stated she had a set of meeting minutes that had already been approved by the Board. But when Mr. Reed was reviewing them for a signature, he realized that he had forgotten to ask that the risk assessment presentation that he made on November 20th be added to the meeting minutes as a record. She noted that anyone who is reviewing the meeting minutes can also see the presentation. She stated because that request came in after the meeting minutes were approved, in an abundance of caution we're bringing it back to the Board to consider the amended minutes, which would include the presentation regarding risk assessment.

On MOTION by Mr. McKelvey seconded by Ms. Nelson with all in favor the Minutes of the November 20, 2024 Meeting Amended to Include Mr. Reed's PowerPoint Presentation were approved.

SEVENTH ORDER OF BUSINESS

Consideration of Audit Engagement Letter from DiBartolomeo, McBee, Hartley & Barnes, P.A.

Ms. Adams stated that the Audit Committee made a recommendation and had ranked DiBartolomeo as number one for providing audit services. She stated the Board authorized entering into a five-year agreement with this firm. The fees are on page 82 of the agenda. The fees for Fiscal Year 2025 are \$3,200, Fiscal Year 2026 are \$3,350, etc. She stated those numbers listed in the agenda were consistent with the proposal that they provided to the Audit Committee.

Ms. Carpenter asked for confirmation that the Board has an affidavit from DiBartolomeo since they do a lot of audits. Ms. Adams confirmed that they do have that affidavit. She stated that there is a new Florida law that requires when the CDD enters into an agreement with a private corporation that we collect an affidavit verifying that they don't engage in human trafficking.

On MOTION by Ms. Nelson seconded by Mr. Zimbardi with all in favor the Audit Engagement Letter from DiBartolomeo, McBee, Hartley & Barnes, P.A. was approved.

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EIGHTH ORDER OF BUSINESS

Consideration of Non-Ad Valorem Agreement with Polk County Property Appraiser

Ms. Adams presented the consideration of the non-ad valorem agreement with the Polk County Property Appraiser. She noted this is a contract agreement whereby the District, through statutory authority, has the ability to collect CDD fees through the non- ad valorem assessment in the annual Polk County property tax bill. The first step is for the property appraiser to obtain an agreement with the District. Ms. Adams stated that last month the Board approved the agreement regarding Property Appraiser records exempt that are exempt from disclosure. The agreement considered today is in order to insert the CDD fees in the non-ad valorem section of the tax bill.

Ms. Adams stated that there are two sections of the property tax bill. There are the ad valorem assessments which are the assessments that go with the value of the property. The ad valorem assessment is tied to the property value of the home. There's another section called the non-ad valorem assessment. These are typically flat fees; they're not tied to the value of a home. Ms. Adams stated the CDD fees are collected through the Polk County tax collector.

Ms. Adams noted that there is a copy of the annual agreement on page 85 of the agenda packet. Staff does recommend approval.

On MOTION by Ms. Nelson seconded by Mr. McKelvey with all in favor the Non-Ad Valorem Agreement with Polk County Property Appraiser was approved.

NINTH ORDER OF BUSINESS

Consideration of Education Opportunity with Solivita Association Landscape Committee

Ms. Adams stated the next item is a discussion item. She noted that Board members, over the years, have desired to better communicate with residents regarding the best practices for stormwater pond maintenance. This is a topic that has often been discussed at meetings. The District received communication from Mr. Jan Gripp and that is included in your agenda packet on page 87. She noted that Mr. Gripp is closely affiliated with the Solivita Landscape Committee, and he is extending an opportunity to the CDD to do a presentation regarding the best practices for pond maintenance, including the pond specifications that the Board members have been revising and refining over the years.

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Mr. McKelvey stated he felt it was a good idea because they are going to need cooperation from the landscape committee to help solve some of their pond problems. He stated that they have the ability to be out in the community more and help explain things.

Ms. Adams asked for consensus from the Board directing staff to schedule the presentation. Board consensus was for staff to schedule a presentation with Mr. Gripp and for Joel Blanco to coordinate times with Mr. Gripp.

TENTH ORDER OF BUSINESS

Consideration of Floralawn Proposal for Improvements at Via Monte Napoleone Dr.

Ms. Adams stated this is an item that was brought up during public comment, at least two property owners live on Via Monte Napoleone Drive and have noted a decline in the landscape maintenance on the CDD parcel. Ms. Adams stated for many years, that parcel had been maintained by the homeowners association. Recently the homeowners association stopped maintaining that parcel. Ms. Adams clarified that the parcel is owned by the CDD, but these improvements have been installed and maintained by the association. As the property owners in that area can attest, the conditions have waned. There are numerous landscape voids. The area has not been mulched. The irrigation has not been attended to.

Ms. Adams stated that the Board is working through the overall bigger picture, communication with the association regarding private improvements and maintenance of these improvements. Because it was such an eyesore, the Board asked staff to bring back a proposal. A proposal was handed out last month to address the entire tract. That proposal totaled \$16,000. Joel Blanco worked with Floralawn to refine the proposal to address the high profile area abutting the roadway.

Ms. Adams presented the revised proposal from Floralawn. The area that Mr. Blanco is focusing on is the first area for rehabilitation in that tract. She stated that the Bismarck tree being reported is also something that he'll be mindful of and can pay immediate attention to, to preserve the life of the tree.

Mr. Blanco stated that he went back to Floralawn and refined the proposal. The total cost to rehabilitate that one section, which is that entryway, comes out to \$2,095.20. Their proposal is to remove and replace a lot of the dwarf ixora, as well as installing 20 cubic yards of mini pine bark. Then there is going to be an irrigation wet check that's going to be performed there.

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Anything that needs to get replaced, we'll get a proposal to address it and we can present that at the next meeting. Lack of irrigation could be due to faulty irrigation or maybe something else that we're not aware of that can be picked up during the irrigation wet check.

Mr. Blanco noted that they refined the proposal to address the front portion because it's the most visible portion. At a later meeting, we can get a proposal to address any of the portions towards the back by the golf cart area. Board discussion ensued regarding prior areas that were maintained by the HOA, and Mr. Cameron noted that he CDD had to increase their budget to begin maintaining areas that were maintained by the HOA for the previous 20 years. Ms. Carpenter confirmed that a year ago she sent a letter to the HOA regarding them stopping maintenance on those areas, and the HOA had only just responded to her saying they will continue to not maintain those CDD areas.

**Ms. Adams recessed the meeting at 12:52 p.m. The meeting was reconvened at 12:57 p.m.*

Mr. McKelvey stated until they know that there is proper irrigation there and they can keep the new plants watered, they should delay installing new plantings. Ms. Adams asked if there was consensus from the Board to do the wet check and address any irrigation issues first. The, field staff will then work to get the irrigation in good working order, and the Board can defer landscape improvements. Mr. McKelvey suggested approving the proposal subject to the wet check passing. If they can't get the irrigation to work, then they don't put the plantings in yet.

On MOTION by Mr. McKelvey seconded by Ms. Nelson with all in favor the Floralawn Proposal for Improvements at Via Monte Napoleone Dr. Subject to Irrigation Improvements, was approved.

ELEVENTH ORDER OF BUSINESS

Consideration of Stormwater Pond Policies and Fishing Guidelines

A. Current Policies

Ms. Adams stated that the current stormwater and infrastructure policies were adopted on May 20, 2015. They had previously been adopted, and then over the years, they were revised by the Board. At the time they were revised in 2015, there was discussion regarding residents of Solivita who were accessing the stormwater ponds with golf carts. That was specifically addressed. The stormwater policy approach has been to regard the stormwater ponds as a utility and to restrict any recreational activities at the stormwater ponds. However, a topic that has been

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brought up from time to time at the meetings – and, there have been some handouts from fishing clubs at the Board meetings - is the practice of recreational fishing on the stormwater ponds. She noted that during Board member discussion last month, there was a request to bring back recreational fishing policies for Board consideration.

Ms. Adams reviewed policies from other CDDs in Central Florida. She also looked at best practices with local cities and counties. As a result, she put some information together that has been reviewed by the CDD's liability insurance provider. Ms. Adams noted that there are some liability concerns from staff. District counsel may have comments for the Board to consider as you're discussing the proposed fishing policies.

Ms. Carpenter stated that her firm represents a number of Districts in Central Florida and there have been, especially recently, accidents of people walking into the ponds, walking on a bank, and falling in. Stormwater ponds are not designed for fishing and for that use. She noted that some of the boundaries and the berms are steep and dangerous. They have also had in the past issues with alligators. A couple years ago this issue came up about the boating and the fishing club. They had hundreds of members appear at that point, but the decision was made from a liability and a utility perspective not to allow boating and fishing. She stated that the insurer will give the Board best practices if you're going to do it, but there still is increased liability if folks are walking on the edge of the pond and have an incident, whether it be falling in the water or alligators or nature, the District does expose itself somewhat.

Ms. Leo agreed with Ms. Carpenter, that the pond slopes were not designed to be a public access pathway. She noted that especially in a community like this, she has even more concerns. She stated when they do pond inspections from a utility perspective, it's tough to walk around those slopes and she does not think it should be encouraged.

Ms. Carpenter noted that there are not many CDDs that allow fishing. Where they do, they usually have specific areas that were designed, like in the Villages, they have specific areas near roadways, and there are the places you can go to avoid areas that are more dangerous. Ms. Leo stated that those CDD's are amenitized specifically for fishing with boardwalks and things like that that are accessible and protected from the side slopes and alligators.

Ms. Nelson stated that she met with Sherry Wohlschlaeger a couple months ago, because she is a liaison to the Wildlife committee, and they have had many discussions about it. She stated her feeling was that they were already allowing it, as a community, not as a CDD. As a

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community, they have people out there fishing from the fishing club all over and even people that don't belong to the fishing club out there fishing. She stated that as a community, they need to have some sort of guidelines or some sort of a policy statement that says this is what we allow. A lot of people aren't members of the fishing club and they don't know what the fishing club rules are. That's where you get the people that drive through somebody's yard to get to the pond that they see behind somebody's house.

B. Policies Revised to Consider Recreational Fishing

Ms. Nelson stated the only objection she has with the revised policies, is where they would designate these spots. She noted that when she talked to Sherry, when they approved it for the club it was supposed to be Lake Polk. It was never meant to be all the ponds.

Ms. Adams stated one thing that the Board might want to consider when it comes to designated fishing locations is they had a site visit from our insurance provider regarding alligator safety signs. The insurance provider met with our field services staff and went through all of the ponds at Poinciana CDD. They identified areas where there was generally open space, which they had perceived would be places where people were more apt to go up to the water's edge to view the pond because of the access. If the Board does want to consider revising the policies, the next step might be for fields staff to identify locations on the pond map where the alligator warning signs are currently installed and to confirm that those spaces are generally open tracts. She noted if those spaces are deemed to be places that the Board may consider allowing recreational fishing, the insurance providers suggest that we post signs explicitly allowing fishing, with key guidelines noted in the proposed policies, such as no wading, no swimming, no boating, etc. and that the provisions about safety risks be included. The signage would be a post with the alligator warning sign and then fishing guidelines.

Mr. McKelvey stated Joel, Brad Thompson from Floralawn, and himself visited a couple of ponds in E3. He agreed with Ms. Carpenter's concerns about some of the banks not being meant for people to stand on them. He stated that having designated fishing areas, which would minimize the danger of people falling into the pond directly, would be something they need to do.

Mr. Zimbardi expressed concern about the insurance provider's coverage on designated versus not designated fishing ponds. Ms. Adams stated that the insurance company was satisfied

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with this proposed policy in terms of that fishing is at your own risk, that these ponds are not designed for recreational fishing, that it's a habitat for dangerous wildlife. There is danger of drowning, there is danger of falling, there is danger of being contaminated by pollutants, etc. and all of these are real risks that people are taking on themselves.

Ms. Carpenter stated that with the insurance company's review, they would assume or push that they would cover an incident other than deductibles, but it ultimately is up to a judge.

Ms. Adams stated the Board can either keep the policies as they are, and that is the safest course of action, and that is the recommendation from staff, or the Board can consider revising the policies. If the Board wants to consider revising the policies, the next step is that staff would bring back a pond map with locations identified that potentially could be designated recreational fishing. Ms. Leo stated that those designated areas may need improvements to make them to be able to facilitate side slopes, water levels.

After discussion amongst the Board, the direction of the Board was for staff to bring back a map with proposed designated fishing areas for the Board and residents to review and comment on.

On MOTION by Ms. Nelson seconded by Mr. McKelvey with all in favor, Directing Staff to Bring Back Designated Fishing Areas for Board Review, was approved.

TWELFTH ORDER OF BUSINESS

Discussion of Stormwater Pond Water Quality

Ms. Adams stated that Supervisor McKelvey prepared a PowerPoint presentation on the Poinciana Stormwater Ponds. He reviewed the map that shows all the different ponds in Solivita and noted that their primary purpose is the stormwater retention areas, but they're really part of what makes Solivita special. He stated that a big reason why a lot of people moved into Solivita is because of the ponds and the wildlife.

Mr. McKelvey provided a breakdown of money that they are spending now. Last year they spent \$148,283 on aquatic control maintenance and they have 85 ponds in our area. That comes out to about \$1,756 per pond that they are spending right now. On midge control, they are spending a little over \$2,000 per pond on average. Some ponds will be a lot more than that, some ponds will be less than that. Midge control is not on all 85 ponds. He noted that they are

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pumping a lot of chemicals into the ponds to try to clear up the algae and the other issues. The grass in Solivita, some on the banks, and a lot of it's on our lawns and golf courses. When you get runoff and there are heavy rains here, our soils can only contain about a quarter of an inch of rain before they start getting runoff. They have excess nutrients. Our soils here contain a lot of phosphorus in Florida, so we're getting nutrients on our ponds, not just from the runoff but we're getting that from the natural soils. When the water temperature gets right and the wind blows and brings up the nutrients from the bottom, they get algae growths. When they treat the ponds and the algae dies as it's decomposing, it sucks oxygen out of the ponds, and so they get fish other wildlife killed. Having the algae in the ponds isn't really good for the ponds. It'll start to fill the ponds up, and they probably won't fill up during our lifetime, but if the Board is thinking long term, it creates a mucky bottom and all kinds of messes.

Mr. McKelvey stated that what they are doing now is planting littoral plants. Littoral plants have helped with erosion and they've helped with sucking up some of the nutrients. The fishermen love the littoral plants because it gives the little baby fish a spot to spawn and live and not get eaten up right away. They provide a good habitat for fish and shoreline animals. We're getting a lot of wildlife that can, you know, be in a protected area there and hide from the gators and the little fish can go in there. The littoral plants serve lots of purposes, but they can't do it all.

Mr. McKelvey stated that Floralawn, the landscape vendor, does not fertilize areas next to the ponds except Glendora, where they own all that grass on the sides. On E3 at the far end of it, there is the golf course. It banks right down to that steep wall. There's a big cave in on that wall that makes a natural funnel and runoff from the golf course come into our pond. He stated that they are kind of an urban area around the ponds here and this is a map that shows the amount of runoff you get. If you have an area like Solivita with lots of roads and you get a lot of rain, the amount of runoff that goes into the pond is drastically increased compared to undeveloped land. That's because you've got all the impervious surfaces like roads and sidewalks and driveways and houses so more of it's going to run off.

Mr. McKelvey stated that there is a possibility having some dialogue with the landscape committee, and there may be some things they could do to try to minimize some of this. Brad with Floralawn reported that some communities limit the times that they fertilize. Mr. McKelvey stated when they have the heavy rains, they maybe don't need fertilizer, and that's when you have the most runoff. Those are some ideas to explore. He noted that temporary or long-term aeration

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in some of the ponds might be a solution. Ms. Adams stated the key issue is the power supply. The aerators that were utilized here were solar powered and they were prone to failure and eventually they were all deemed defunct and removed.

Mr. McKelvey stated the big thing is if they can reduce the nutrient level that's going into the ponds, they still have to deal with stuff that is in the soil naturally, and they have to deal with the stuff that's already there. Because when they kill the algae and it goes to the bottom of those nutrients stay in the pond.

Mr. McKelvey stated one of the ideas to investigate is to create some buffer zones. That deals both with the difficulty of maintaining the lawns raised next to these steep banks that are difficult for Brad and his team to do. They're potentially dangerous areas for people to stand. It might be something they would consider with some plantings there that would discourage people from going there. You could mow the grass less frequently right next to the pond, but it's an education thing with the residents. He stated that they use algacides now, and they do kill off the algae, but you get the blooms. He stated that there are some bacteria and enzymes that you can use that break down organic matter. They break down the excess nutrients in the water, and they actually change them and they would help to balance it. He noted that Joel and he are working on exploring that option.

Ms. Nelson asked what the bacteria does that do to the fish. Mr. McKelvey noted that it would be a type of bacteria that specifically likes to feed off of the junk. There are also little fish and shrimp that you can put in the ponds that like to eat the algae. Ms. Nelson stated that there are natural things that they could do.

Mr. McKelvey stated that's an area that they would like the Board permission to explore some more and work to bring back some ideas for consideration and that they look at some other ideas besides the things that they are doing. Mr. McKelvey stated on E3 that they are exploring putting plants, there are some areas that don't have houses that they could experiment with doing plantings or in the short-term doing a no mow zone where they just let the grasses that are already there grow a little taller rather than trying to keep them mowed every week to see how that goes.

THIRTEENTH ORDER OF BUSINESS**Presentation of Draft Financial Audit
Report for Fiscal Year 2024**

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Ms. Adams stated that included in the agenda packet is a draft of the financial audit for Fiscal Year 2024. The annual audit of of the District's financial records is required to be undertaken by an independent auditor. This is the draft report. She noted that the letter and the report to the Board of Supervisors, states that the auditor asserts the District's financial records are in compliance with Florida Auditor General standards and there are no findings. There are no recommendations. There's no instances of noncompliance. There are no deficiencies in internal controls and no conditions which would constitute a financial emergency. She stated that this is a clean audit of the District's financial records. Ms. Adams stated she would be happy to answer any questions, should there be any regarding the content of the audit. Ms. Adams noted the Board is not approving the audit, they are accepting the independent audit. It will then get finalized and filed with the state.

Mr. Cameron congratulated GMS for the work they do to keep the audit clean. He asked why they received a draft and why are they not receiving from the CPA the final report.

Ms. Adams stated that depends on the timing. Typically, there's a draft that circulates to District management staff for review before the audit is finalized. If they have time before the deadline of June 30th, they like to present them to the Board to see if there are any comments from the Board of Supervisors or any questions. She noted that if their audit would have been done very close to the deadline, it could have been finalized and then the Board would accept the final audit report rather than accepting the draft audit report. She noted that it's a timing issue, it's February now and there's plenty of time to finalize it and get it filed.

Mr. Cameron asked for confirmation that they are accepting the draft and directing them to give us their final version. Ms. Adams stated the next steps would be that the report is finalized and filed with the state so you wouldn't see it again unless you looked on your CDD website where your audit is posted or other places that the audit is required to be posted.

On MOTION by Ms. Nelson seconded by Mr. Zimbardi with all in Accepting the Draft Financial Audit Report for Fiscal Year 2024 was approved.

FOURTEENTH ORDER OF BUSINESS

Consideration of Duke Energy Aerial Easement along Marigold Avenue

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Ms. Adams stated District counsel will be presenting a proposed form of easement between the District and Duke Energy in order to relocate some of the power supply equipment to make way for Marigold expansion and improvements. Ms. Carpenter stated that they want to put some aerial lines and when the aerial lines are to be moved, they will go over a portion of the CDD property. They have the statutory right to put lines where they need to be. She noted that she renegotiated with the business person and the counsel for Duke to make sure that they got everything they needed in there. They agree that the CDD is not going to locate any trees or structures or anything new in there which we would not anyways as it's a conservation area. There were no prohibitions that would affect the use of this. Kathy Leo has looked at it as well. She noted that they have to get a revision to our permit since it's a conservation land so they have that they have this approved so when they get that they're set to go forward with their plans and we will not hold up anything up on the road expansion.

Ms. Leo noted that they are actually removing more poles than they're putting in. They will be bigger structures, but less of them. Ms. Carpenter stated that she would recommend the Board accept this item.

On MOTION by Ms. Nelson seconded by Mr. McKelvey with all in the Duke Energy Aerial Easement along Marigold Avenue was approved.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Carpenter stated they covered everything that we've worked on this month. The HOA communications and getting this easement done so there wouldn't be any hold up on that. Those are the primary things they worked on this month.

B. Engineer

i. Review of 2025 Fee Schedule

Ms. Adams stated the CDD has an ongoing agreement for professional services with GAI and this is an annual fee schedule that they publish. She asked for the Board to consider this fee schedule for approval and then moving forward, these will be the rates that are billed.

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On MOTION by Mr. McKelvey seconded by Mr. Zimbardi with all in the 2025 Fee Schedule was approved.

Ms. Leo had nothing additional to report at this time.

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. Monitor Central Florida Expressway – Poinciana Parkway Projects: Parkway Connector: Board direction was to keep this item on the list as it will affect CDD property.
2. Monitor Polk County Road Construction for Impact to PCDD Tunnels: Nothing active on this item right now, they are monitoring for design and for ultimate impact to CDD tunnels and any legal agreements that would be needed.
3. Review of Wetlands Owned by Developer and HOA: Item is not active. This is on hold until they receive an application or communication regarding a desire for the CDD to own the wetlands.
4. Review of HOA Improvements Installed on CDD Parcels: Item is on hold; they are waiting for the new Board.
5. Pond Water Quality: This is an ongoing priority. Mc. McKelvey is working with Joel Blanco to hone in on pond E3 and also bring back potential locations for no mow zones that could be considered in the future.
6. Educating Residents Regarding Beneficial Pond Vegetation and Best Maintenance Practices: Working to educate residents regarding beneficial pond vegetation, littoral plantings, and best practices. The Board approved a presentation to the landscape committee. They are also looking at potentially participating in Earth Day.
7. Eminent Domain Cypress Parkway: In process. Ms. Adams is not aware of any updates on this matter.

ii. Approval of Check Register

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Ms. Adams presented the Check Register for January 6, 2025 to February 10, 2025 totaling \$59,658.09. Immediately following your register is a detailed run summary.

Mr. Cameron questioned the \$341.98 reimbursement postage expense to Polk County Tax Collector. He asked if that comes out of the percentage that the CDD is already paying them. His opinion was that should be part of their cost. Ms. Adams stated they have the ability to collect postage reimbursement above and beyond the fee they charge for collection. She noted Polk County has been billing for postage reimbursement for the last few years.

Ms. Nelson stated the first item on the check register talks about conveyance, it says the item was done in November 2024. She asked what that was in reference to. Ms. Carpenter stated that Taylor Morrison has told them they are getting ready for another conveyance, so counsel sent them the information they need to provide the CDD.

Mr. Cameron asked if that is something they can look into when they do their contract next year, that their fee includes all their other expenses related to the collection. Ms. Carpenter stated that they collect it based on statutory authority.

On MOTION by Mr. Zimbardi seconded by Ms. Nelson with all in favor the January 6, 2025 to February 10, 2025 Check Register in the amount of \$59,658.09 was approved.

iii. Balance Sheet and Income Statement

Ms. Adams presented the unaudited financial statements through December 31, 2024, which was included in the agenda package.

Ms. Nelson stated on page two of the financials under the general fund, they have a negative balance so far for the budget for the attorney. She asked if that is because they had a bunch of contingencies come in and she had to do that up front.

Ms. Adams stated it's not a negative balance it's just a variance based on actual spending. Ms. Nelson asked if by the end of the year, it'll be balanced out. Ms. Carpenter answered it should be, yes.

Ms. Adams stated with the attorney fees, all of the fees are paid out of the attorney line item but ultimately, they have received offsetting revenue from time to time such as when Taylor Morrison reimburses for professional fees.

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Ms. Nelson stated on page number three of the general fund they also have a negative balance right now of property insurance. The actual is \$22,169 and we budgeted \$21,500. Ms. Adams stated when the Board adopts the budget, it's prior to when they receive the final insurance proposal for the upcoming fiscal year. So it's an estimate that the insurance provider supplies and sometimes it can change when the insurance binder is presented.

Ms. Nelson stated under the general fund there is a negative balance for contingency; they have spent \$73,750 and they only budgeted \$3,000. Ms. Adams stated that the Board approved a project for bank erosion repair and it was a very expensive project. The Board approved that project back in June or July but the expense was not realized until this current fiscal year. Ms. Nelson asked if that will be taken care of out of the surplus. Ms. Adams confirmed it would be. Ms. Adams stated that the Board considered their cash position before they approved the erosion repair.

D. Field Manager's Report

Mr. Blanco confirmed that he will look at the palm tree and the root system on Via Monte Napoleone and make sure that's protected. He reported that they removed plant debris and pressure washed the far-right drain of the Bella Viana tunnel. Field staff identified that the drains had an excessive amount of plant debris on the far-right hand side and some mud stains on the wall. Maintenance staff removed all of that plant debris and pressure washed the right-hand side of the wall as well as the drain area and the tunnel flooring. They reviewed the landscaping throughout the District and it does remain in satisfactory standards. At the end of the resident property lines as well as the banks the height levels are at an appropriate level as well as the edge grasses are a bit more contained during this dry season as they transition into the rainy season. Mr. Blanco reported that the first week of February Juniper fertilized the lawns at the resident home so they did experience a lot of algae blooms.

The landscaping vendor continues to mow along the easements bordering the retention walls, especially since they are in the dry season, notably PC2 and P16. The overgrown pond banks bordering the golf courses as well have been mowed during that dry season. He noted that a lot of them were found very overgrown, so they have been mowed during this dry season in preparation for the wet season. He stated that they will let them grow to appropriate height levels

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and let those edge grasses grow into that 3-to-4-foot buffer as they get into the summer rain. The dead cypress tree at B15 was removed by the landscaping vendor.

Mr. Blanco noted that several ponds were experiencing low water levels during the dry season with a lot of the edges exposed. They have been working alongside the vendor to get on top of the algae blooms. The littoral plantings on the resident side of E3 has been completed and a lot of the plants are starting to sprout. He stated that he removed a large patio screen and several articles of trash from the ponds while conducting his reviews.

Mr. Blanco reported that ponds in need of the alligator warning signs were reviewed and there was a map provided. There are 17 alligator signs, that's excluding the golf course.

Ms. Adams asked Mr. Blanco if he could address the Sorrento pond, they had discussion on under public comments?

Mr. Blanco reported that Chairman McKelvey and himself have been trying to come up with some solutions for the weeds that are overgrown. We're just spraying, they die, they come back, we spray, that whole process. There is something called phoslock, which binds the phosphate and it improves the water quality. He stated that it's immediate somewhat like the algaecide. There's another chemical called alum, which binds the phosphorus as well and it settles to the bottom. That does use a large amount of product for it to take effect. Those are two options to deal with the phosphorus.

- i. Pond Maintenance Report**
- ii. Midge Management Report**
- iii. Customer Complain Log**

Mr. Blanco presented the Pond Maintenance Report, Midge Management Report, and Customer Complaint Log which were included in the agenda package.

SIXTEENTH ORDER OF BUSINESS

Supervisor's Requests

Ms. Nelson stated that the Wildlife Advocates would like Board permission to install wood duck boxes. The boxes encourage wildlife. She noted that they have already put boxes at Lake Polk and they have been had quite a lot of success with it. She stated that Fred Greetham, who is a carpenter and an animal lover, is building all the boxes and the Wildlife Advocates will take care of all the expenses, maintaining it, and making sure everything's good. She stated that

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they need the CDD's permission to install it in certain areas and the Board would have to tell them what areas are okay. She asked for this item to be put on the next agenda.

Mr. Cameron asked about the status of Lake Polk and Lake 8. He noted that they are still owned by Taylor Morrison and asked if there are plans for those to be turned over to the CDD. Ms. Carpenter stated Taylor Morrison has told counsel that they're going to have another conveyance, but she has not received the specifics yet. She stated that hopefully by the next meeting they will know more.

SEVENTEENTH ORDER OF BUSINESS Other Business

There being no comments, the next item followed.

EIGHTEENTH ORDER OF BUSINESS General Audience Comments

Resident (Bob Monica) apologized to the group for his comments during the meeting. He applauded the Board for taking the first step regarding the fishing regulation. It's been out there for 25 years, and for 25 years nobody has done anything. He thanked Ms. Nelson specifically because she's worked very hard to move this item along. He stated that his life's work was in operating and managing large real estate operations, specifically hotels and resorts. He noted that he has a lot of experience in risk management. He stated that lawyers and insurance carriers will always tell them not to do something because there is risk involved. He stated that they cannot avoid risk because you cannot foresee every possibility of what can go wrong. Disney has an army of lawyers that gave the same advice that the Board has been given for the past 25 years about our ponds. They did not foresee some young kid breaking the rules, wading into a pond and getting eaten by an alligator. There was risk. Doing nothing didn't work for them there, they paid through the nose and there was a child lost. He stated that the most important phrase is, "Did the operator exercise reasonable care?" Meaning it doesn't matter what your policy was, it didn't matter what you wrote on paper, but did you exercise the care to anticipate what could have gone wrong and take some preventative action. He stated that regardless of what the policy is here, for 25 years the practice has been that there's a fisherman in almost every pond every day here. There's nothing you can do to enforce it and I understand you don't have a police force. He stated that there are five exits and entrances to this property, and not one of them has a sign that says, "No fishing." He stated that he hasn't seen a newsletter that has the CDD policy on it. He

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stated if the Board comes up with a policy, he will support it, their club will support it, the HOA will support it. He applauded the fact that the Board is stepping forward and doing something.

Resident (Sharon Burns, 328 Sorrento) stated the ongoing problem is they can do whatever they want. Previous owners, they were fine. The concern is the longer this continues, the lower the pond, the grass has gotten double in size and it's attached to the bottom of the pond now. Can they be something sent to the people that are living there, the new owners, the original owners are no longer there. Is that something that could be done to help alleviate and maybe not have this ongoing problem? I think it's going to continue now because they really don't care anymore, the new owners. I don't think they are aware of the issue. I hate to have more money going into the pond, but something has to be done because the end of the pond near our house is going to be choked out in a very short period of time because the growing season is starting. This last rainstorm I thought it was going to detach and go forever down the other end of the pond it hasn't. It's attached right to the edge of the pond now, so it's not going to go any farther. Hopefully, whatever you're going to do on E3, we can piggyback for our pond, or at least part of it, to see if something can be done. All of us pay for a pond view and right now, I'm getting a grass view and it's aggravating.

Ms. Adams stated that there is some private property that is not part of the CDD boundaries and Ms. Burns is concerned about how they're maintaining their property as well as the shoreline. This is a pond that's under our maintenance program and is receiving treatment, but she's in particular concerned about how the private property owners outside of Solivita are performing maintenance. She noted that they might want to get some input from District Counsel on anything the District can do.

Resident (Sharon Burns, 328 Sorrento) stated when they built the new house between the two other existing properties, they bulldozed all the remnants of the construction grass down into the pond and I gave you pictures of the grasses.

Ms. Adams stated the CDD doesn't own that private property, but they are responsible to maintain the pond. Ms. Carpenter noted that the CDD is responsible to maintain the pond under the permit. So she believes that gives them jurisdiction to say it appears that you're put things into the pond, you're not mowing, etc. Ms. Carpenter and Ms. Adams will coordinate to create an informational letter to send to the specified addresses.

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Resident (Rose Kerr, 389 Sorrento Road) stated I live on Sorrento, just like Sharon. Juniper blew the leaves up onto our grass. They're doing the right thing.

Resident (Lynn Kennedy, 3716 Via Monte Napoleone Drive) stated that Juniper is supposed to blow the leaves onto the grass, and then it's supposed to be mowed and it goes down and feeds the grass. That's why it's disappearing.

NINETEENTH ORDER OF BUSINESS

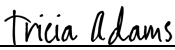
Next Meeting Date – March 19, 2025, 12:00 P.M.; The Gator Room

Ms. Adams stated that the meeting was scheduled for March 19, 2025 at 12:00 p.m. at this location.


TWENTIETH ORDER OF BUSINESS

Adjournment

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

Signed by:


Secretary/Assistant Secretary

DocuSigned by:


Chairman/Vice Chairman