

MINUTES OF MEETING
POINCIANA WEST
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Poinciana West Community Development District was held on Tuesday, March 19, 2019 at 9:30 a.m. at Mosaics, 388 Village Drive, Poinciana, Florida.

Present and constituting a quorum were:

| | |
|-----------------|---------------------|
| Charles W. Case | Chairman |
| Leonard Vento | Vice Chairman |
| Shirley Bzdweka | Assistant Secretary |
| Peggy Gregory | Assistant Secretary |
| Roy LaRue | Assistant Secretary |

Also present were:

| | |
|----------------|----------------------|
| George Flint | District Manager |
| Michael Eckert | District Counsel |
| Kathy Leo | District Engineer |
| Clayton Smith | Asst. Field Manager |
| Pete Deglomine | Clarke Environmental |
| Amy Solis | Clarke Environmental |
| Residents | |

The following is a summary of the discussions and actions taken at the March 19, 2019 Poinciana West Community Development District's Board of Supervisors Meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Case called the meeting to order and all Board Members introduced themselves. A quorum was established.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

THIRD ORDER OF BUSINESS

Public Comment Period on Agenda Items

There being none, the next item followed.

FOURTH ORDER OF BUSINESS**Approval of Minutes of the January 16, 2019 Meeting**

Mr. Eckert provided changes, which would be incorporated, noting that the minutes reflected the nature of the conversations and were not a verbatim transcript.

On MOTION by Ms. Bzdweka seconded by Mr. Vento with all in favor the minutes of the January 16, 2019 meeting were approved, as amended.

FIFTH ORDER OF BUSINESS**Staff Reports****A. Attorney**

Mr. Eckert reported the settlement offer for the ongoing litigation approved at the last meeting, was made through Jan Carpenter's office. There was no response from the attorney, although the initial reaction was not favorable. He was preparing the response and anticipated filing within the next 30 days. The legislature was in session and proposed legislation impacting CDDs would include:

1. Changes to the audit process, necessitating a rule amendment.
2. Providing that certain information related to contracts is not confidential or exempt from public records requirements and deleting a provision exempting trade secrets held by local government agencies from public records requirements.

Mr. Case asked if the District had trade secrets. Mr. Eckert explained a vendor was required to disclose what they provided to the District was a trade secret. Ms. Gregory suggested the District require a vendor with trade secrets sign a disclosure or waiver.

3. Filing the Financial Disclosure Form electronically with the Ethics Commission rather than the County Supervisor of Elections.
4. A requirement of two-thirds vote from the Board (four Board members) to issue bonds.

Mr. Eckert and his firm were monitoring the legislation and any changes to the Rules would occur the summer after the bills were signed by the Governor.

Mr. Case questioned the following:

- If there was legislation to require a property evaluation, would it significantly change the approach of the bond validation. *Mr. Eckert stated it depends on the language.*

- Streamlining the process for a newly established District to amend their boundaries. *Mr. Eckert explained when a District was newly established, the areas to bring into the District later would be identified, but it did not affect the PWCDD.*
- How far the District was from concluding the litigation. *Mr. Eckert estimated 90 days to file the response and according to Ms. Carpenter, it was questionable whether Taylor Morrison would agree to fund any costs incurred after they terminated the Funding Agreement, but assumed they would want an agreement when the final payment was made, releasing them from any further obligations. Mr. Flint would see Ms. Carpenter at the Poinciana meeting tomorrow and would ask her to update the Board via email.*

B. Engineer

Ms. Leo reported since the last meeting, GMS staff reviewed the pond status repairs and Mr. Smith would update the Board under his report. She would be working with Mr. Smith in the next month to create a punchlist as repairs were ongoing.

Ms. Gregory noted overgrown weeds, grass and 4-foot trees were growing out of the pond off of the 14th hole on the Cypress golf course. Mr. Case asked if the pond belonged to Hampton Golf or the Poinciana CDD. Mr. Smith reported it was Pond E-18 and only the southern end of the pond was owned by the Poinciana CDD. Mr. Case directed Mr. Smith to forward this to the Poinciana CDD Board.

C. District Manager

i. Approval of Check Register

Mr. Flint presented the Check Register from January 7, 2019 through March 11, 2019 totaling \$108,707.53. The detail was behind the Check Register. He stated there were a couple of transfers to the Debt Service Fund.

Ms. Gregory questioned the following:

- Why there were \$4,600 in charges for Floralawn 2, LLC and whether the District had a contract with Floralawn 2. *Mr. Flint confirmed it was the Floralawn contract for mowing the CDD common areas such as around the ponds.*

- Who the District was tutoring for \$2,500 through NewAgeTutors, LLC. *Mr. Flint indicated the Board entered into a contract with VGlobalTech to update the District's website to comply with the American with Disabilities Act (ADA) and would research the legal relationship between NewAgeTutors and VGlobalTech.*
- Questioned the November statement for Hopping, Green & Sams, which was \$7,700 and a charge on the December statement for \$342.05 for a general counsel monthly meeting. *Mr. Eckert explained it was for a general counsel monthly meeting matter. Mr. Flint would provide an itemized bill to Ms. Gregory and include future itemized bills in the agenda package.*
- Why Polk County Circuit Courts charged a recording fee. *Mr. Eckert explained it had to do with releasing the assessments.*
- Why checks were not processed electronically. *Mr. Flint explained checks were cut in-house, as opposed to an Electronic Funds Transfer which is more expensive than a paper check.*
- If legislative updates provided by Hopping, Green & Sams in the newsletter was through a subscription. *Mr. Eckert stated the District paid Hopping, Green & Sams to monitor the legislation and provide updates to the Board. The time of monitoring was spread across all the Districts. Ms. Gregory did not want to be charged if nothing affected the CDD. Mr. Case pointed out monitoring legislation was a large part of the Hopping, Green & Sams contract.*

Ms. Bzdweka moved to approve the Check Register for January 7, 2019 through March 11, 2019 and Mr. Vento seconded the motion.

Mr. LaRue and Ms. Gregory dissented due to not receiving the details of the legal invoices. Mr. Case felt there was adequate detail.

On VOICE VOTE with Mr. Case, Ms. Bzdweka and Mr. Vento in favor and Mr. LaRue and Ms. Gregory dissenting, the Check Register for January 7, 2019 through March 11, 2019 was approved (Motion Passed 3-2).

ii. Balance Sheet and Income Statement

Mr. Flint presented the Unaudited Financial Statements through February 28, 2019, indicating that \$281,000 of the \$291,000 in assessments were collected. Residents had until March 31st to pay their assessments and any tax bills that were not paid would go to a tax certificate sale in June. Administrative expenses, actuals versus prorated were under so the District was in good shape.

Mr. Vento asked on Page 2, whether \$2,500 for Information Technology was due to the ADA issues. Mr. Flint replied affirmatively. He added that at the end of the year, staff may provide a budget amendment if total expenses exceeded the budget. In the meantime, the Board would approve the Proposed Budget in May and set the date, place and time of the public hearing, which was typically in August. The Board would have June and July to discuss the budget. Mr. Case believed the District was on target with the budget.

On MOTION by Mr. Vento seconded by Ms. Bzdewka with all in favor the Unaudited Financial Statements through February 28, 2019 were approved.

D. Field Manager**i. Field Manager's Report**

Mr. Smith presented the Field Manager's Report, which was included in the agenda package.

Mr. Case questioned the definition of "*as needed*," with respect to the dry ponds and who would make the determination that it was needed. Mr. Smith explained the criteria was for low maintenance as the owner wanted it to look like a grassy field with no tall weeds and nothing surrounding storm structures. They will continue monitoring it. Mr. LaRue asked if Mr. Smith was preparing criteria on what was needed. Mr. Smith would be a part of it with Floralawn monitoring. Mr. Case was satisfied as long as Floralawn could get a machine into the area to keep it maintained and thanked Mr. Smith for working with Floralawn. Mr. LaRue requested standard operating procedures and requirements for maintaining the dry ponds. Ms. Gregory would include an explanation to residents in *The Reflections* newsletter. Mr. Case suggested including this information on the CDD website.

Mr. Smith distributed a checklist, noting the majority of items were completed; however, a number of items could not be completed because of an extremely wet winter. The remaining

items would be handled by Floralawn over the next couple of weeks. Skimmer repairs were ongoing throughout the community because mowers could deteriorate the edge of pond banks. He will purchase the skimmer material, have it cut down and placed onsite or in storage instead of having a contractor pre-make the material and bring it onsite. There was no major damage, as only a 2 or 3 foot section on each skimmer needed to be repaired. The purpose was to bring it back up to full specs. Mr. Case asked if Floralawn items should be completed on a regular basis. Mr. Smith did not know if Floralawn was responsible for the back of the weir, but since it was not maintained in a long time, Floralawn was doing the work at a low cost.

Mr. Case requested the District Manager review Floralawn's contract to see if trimming was included. Mr. Smith stated the contract was not explicit. Mr. Flint noted many easement areas were not next to where Floralawn was mowing and the District Engineer performed an annual inspection to identify issues. Since GMS was taking over field management services, going forward GMS would be responsible on an as needed basis with Floralawn's assistance. Ms. Gregory asked if any exceptions were made for "*as needed*," and in the event it was needed, who would do it and how much would it would cost. Mr. Flint replied when the Floralawn contract was being renewed, it could be addressed.

Mr. Smith presented the treatment reports from Clarke. The ravine was evaluated, which was actually a ditch where there used to be a tree and was the responsibility of the HOA. Ms. Gregory questioned who was on the HOA Board, as she was on the golf course at least three days per week and nothing was done since January. Mr. LaRue stated three Taylor Morrison employees were on the HOA Board. Ms. Gregory asked if the Taylor Morrison representatives were on the Board when this item was first discussed. Mr. Deglomine acknowledged the area looked neglected but was the responsibility of the HOA. Mr. LaRue agreed with Ms. Gregory and suggested speaking to the HOA Manager to find out why the HOA was not maintaining it.

ii. Customer Complaint Log

Mr. Smith presented the Customer Complaint Log. Mr. Case stated he received a call from the resident at 586 Villa Park Road on February 27th and when he went to the house, there were a swarm of midges around the soffits and around the front door. The resident was dealing with this issue for five years and Mr. LaRue asked why. Mr. Smith stated he did not know, but since it had complaints, the Board could consider it in the contract. Mr. Case questioned what

other ponds were in the contract. Mr. Flint replied Ponds 5, 8 and 9. Mr. Eckert stated the Board historically treated ponds where there were unresolved complaints and it would be cost prohibitive, based on the current budget, to include all of the CDD ponds. Mr. Deglomine stated he did not recall someone from Villa Park Road calling on a regular basis for five years. Mr. Case agreed with Mr. LaRue that it was time to review all ponds. Mr. Flint stated he would bring a proposal to the next meeting.

Mr. LaRue stated when he looked at the pond bank and if it was a gradual slope and sunshine was going through the water, there would be worse weed and moss problems. Green slime that had bubbles in it meant it was decaying, which was what midges needed so they needed to understand the mitigating circumstances, whether it was because the moss had not been controlled and why some ponds were fine and others were not. He gave Clarke a failing grade on midge control. Ms. Gregory stated she and Mr. LaRue received the phone calls because they were told no one listened to previous calls and asked if the bulk of the midges were only on Ponds 5, 8 and 9. Ms. Gregory suggested asking an agricultural school and Polk County to evaluate the ponds to determine why midges were in specific areas and ways to eradicate them. Mr. Case agreed and asked Mr. Deglomine to explain why the District contacted the University of Florida. Mr. Deglomine explained that Polk County performed a study, concluding that Clarke was doing everything they could.

Ms. Solis of Clarke explained the following:

- Clarke contracted with Dr. Ali of the University of Florida to survey all of the ponds in Poinciana. There were more problems with the ponds in the Poinciana CDD than Poinciana West, which was newer and had better water quality.
- Water quality issues were addressed before and the CDD considered nutrient reduction with chemicals to lower the phosphorus in the ponds.
- Midges thrive on nasty water. There were water studies and the result was algae in the ponds. Algae and midges are the number one indicator of water quality. These were not meant to be healthy ponds. They were retention ponds, absorbing all of the draining and runoff. The ponds were being treated with Abate®, which had temephos as the active ingredient, the larvicide used for the lakes.

- Polk County performed an analysis two years ago based on resident complaints and reported this was the most that any community was doing to try to combat midges, which were a Florida problem because of deep phosphorus lakes.
- Water quality treatments weren't always meant to be 100% effective and eradication of the midges was impossible.

As an engineer, Mr. LaRue, concluded out of 22 ponds, three were being treated for midges and 15 ponds did not have midges. He suggested looking at the 15 ponds to understand why they were healthy. Mr. LaRue asked if some ponds were used for irrigation and if Pond 6 was stagnant. Ms. Solis confirmed none of the ponds were used for irrigation. Mr. Case recalled reclaimed water was being used for irrigation.

- The ponds were considered for using a holistic approach, such as adding a littoral zone; however, it was costly to plant around the perimeter of all ponds.
- The reclaimed water that was used for irrigation had nutrients that contributed to the problem with the midges. Retention ponds were not designed to treat the water before it discharged to the wetlands. Retrofitting the ponds to treat the water would be costly.

Mr. Case recalled the Poinciana CDD purchasing two aerators and stocking two ponds with fish on a trial basis. One pond in the PWCDD was also stocked with fish. Mr. Deglomine stated there were several options to eradicate midges, including larviciding, ultra-violet larvicing, fish and aeration. Ms. Gregory asked if DEET was being used. Mr. Deglomine stated the midges were not biting and noted the products they use were specifically for midge control. Ms. Gregory wanted to communicate to residents what results, trials and tests they were doing. Mr. Deglomine offered to provide reports. Mr. LaRue wanted to understand why the algae was not being controlled enough so the Board could understand what was going on and how to control it. Mr. Case suggested changing the mix of chemicals in the fogger to a stronger component as the current mixture was ineffective. Mr. LaRue requested the information before the next meeting and a quote for Pond 6 off of Villa Park Road.

Mr. LaRue questioned the response time for a complaint, as Rochelle Quinn called on February 27th, but no one treated the pond until March 14th, which was well over two weeks. Mr. Deglomine explained algae treatment was every two weeks, but they responded to complaints as soon as possible or five days at the most. If the pond was not under contract, it was not

considered a priority. Mr. Eckert stated Clarke's contract was generally based on an acreage amount and suggested the Board approve a treatment or two until the May meeting, if there was money in the budget. Mr. Flint confirmed there were adequate funds in the budget.

On MOTION by Mr. LaRue seconded by Mr. Vento with all in favor adding Pond 6 to the midge treatment program was approved.

SIXTH ORDER OF BUSINESS

Supervisor's Requests

Mr. LaRue asked if the ponds were treated for algae. Mr. Deglomine confirmed all ponds were treated for aquatic invasive vegetation every two weeks. Mr. LaRue asked how soon they expected the algae to die after it was treated. Mr. Deglomine indicated it died quickly. Ms. Solis stated if it was bubbling, it was recently treated, but after it was treated, it could come back because of heat and water temperatures. At Mr. LaRue's request, Mr. Flint stated he would forward Clarke's contract for the Board's information.

SEVENTH ORDER OF BUSINESS

General Audience Comments

Susan Godlewski, Irvine Ranch Road, recalled algae and midge problems in Pond 20 three years ago. When she complained it was treated; however, there was occasional midge growth on the clean ponds and times when midges swarmed around houses on the pond, but not houses across the street. It was a seasonal issue. Ms. Gregory pointed out with midges there was an influx of spiders.

EIGHTH ORDER OF BUSINESS

Other Business

Mr. Eckert confirmed VGlobalTech was the registered business name for NewAgeTutors, LLC.

NINTH ORDER OF BUSINESS

Next Meeting Date – April 17, 2019

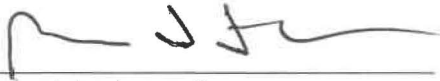
Mr. Case suggested meeting every two months, unless there was pressing business, with the next meeting occurring on May 15th. After further discussion, the May meeting was scheduled for May 7, 2019 at 9:30 a.m.

Mr. Deglomine mentioned that Ms. Solis was taking another position with Reedy Creek Mosquito Control. Ms. Solis appreciated working with the Board and the management company. Mr. Case stated he was sorry to see her leave and wished her luck in her future endeavors.

TENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Vento seconded by Mr. LaRue with all in favor the meeting was adjourned.



Secretary / Assistant Secretary



Chairman / Vice Chairman