

**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 Wednesday, **January 19, 2022** at 9:30 a.m. via Zoom Communication Media Technology and in the Starlite Ballroom, 384 Village Drive, Poinciana, Florida.

Present and constituting a quorum were:

Peggy Gregory	Chair
Roy LaRue	Vice Chairman
Dr. Maneck Master <i>(via Zoom)</i>	Assistant Secretary
Joseph Clark	Assistant Secretary

Also present were:

Tricia Adams	District Manager
Scott Clark <i>(via Zoom)</i>	District Counsel
Kathy Leo <i>(via Zoom)</i>	District Engineer
Clayton Smith	Field Manager
10 Residents <i>(via Zoom)</i>	

*The following is a summary of the discussions and actions taken at the January 19, 2022 Poinciana West 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. 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 were no public comments.

**FOURTH ORDER OF BUSINESS**

**Approval of Minutes of the November 17, 2021 Meeting**

Ms. Gregory requested a status report on the alligator signage. Ms. Adams noted an update is included with the Field Manager's Report.

On MOTION by Mr. Joseph Clark, seconded by Ms. Gregory, with all in favor, the Minutes of the November 17, 2021 Meeting as presented, were approved.

**FIFTH ORDER OF BUSINESS**

**Consideration of Data Sharing and Usage Agreement with Polk County Property Appraiser**

Ms. Adams presented a Data Sharing and Usage Agreement with the Polk County Property Appraiser to establish terms and conditions under which the District could acquire and use Polk County Property Appraiser data except those exempt from public records disclosure. Law enforcement officers, judges and certain other classifications were exempt. This was a standard agreement. Mr. Clark added that Polk County usually scrubbed out confidential data.

On MOTION by Ms. Gregory, seconded by Mr. LaRue, with all in favor, the Data Sharing and Usage Agreement with the Polk County Property Appraiser, was approved.

**SIXTH ORDER OF BUSINESS**

**Consideration of Contract Agreement with Polk County Property Appraiser**

Ms. Adams presented a Non-Ad Valorem Contract Agreement with the Polk County Property Appraiser, charging an administrative fee to place the CDD debt service and operation and maintenance (O&M) assessments on the Tax Roll. According to the terms, 1% of the amount levied on the Trim Notice or Tax Bill was collected.

Ms. Gregory noted it was ironic that the county charged 1% or \$11,300 for the privilege of including their assessments on the Tax Bill and \$300 to mail tax documents. Ms. Adams explained there were two different divisions in Polk County assessing fees associated with the administration of taxes. The Polk County Property Appraiser's fee was 1%, which was included in the administration portion of the budget. The Tax Collector also retains a portion before the

funds were transmitted back to the District. Ms. Adams noted that it was an efficient way of collecting assessments.

On MOTION by Mr. LaRue, seconded by Ms. Gregory, with all in favor, the Contract Agreement with the Polk County Property Appraiser, was approved.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Proposal for Stormwater Needs Analysis**

Ms. Adams presented a proposal from GAI Consultants (GAI) for a Stormwater Needs Analysis, which related to a new State Law for all Special Districts to report to the county with a template and criteria under the Florida Statutes by the end of June 2022. It then requires reporting every five years. A legal memorandum regarding this requirement was provided by District Counsel. GAI's cost estimate was \$13,000.

Ms. Gregory asked if the county would refund or grant a rebate if they filed this report and if every five years they would suggest improvements for the stormwater management system. Mr. Clark noted there were only rumors of appropriations this year in the state budget and potential grant money to help with stormwater improvements and rehabilitation, but he had not seen it yet. Ms. Leo explained that the requirements and template established by the State was a 17-page document and at the request of the Poinciana CDD Board, this CDD would not be in their analysis and would provide their own report. Ms. Gregory requested clarification on how the \$13,000 was determined. Dr. Master questioned the total hours of work included in the \$13,000. Ms. Leo estimated 100 total hours for the first year. Ms. Adams commented that all CDDs were facing this issue and this was among the lower amounts of proposal she has seen; however, this item was not budgeted as the budget was adopted prior to the establishment of this law. Mr. LaRue requested upfront information for all projects going forward. Dr. Master voiced concern about Ms. Leo taking two months to inform the Board on how the \$13,000 was derived. Ms. Gregory requested an exhibit to the proposal.

Mr. LaRue MOVED to approve the proposal for the Stormwater Needs Analysis in substantive form and delegating Ms. Gregory to approve the final form and Mr. Clark seconded the motion.

Mr. LaRue requested Ms. Leo keep track of her time. If she did not exceed \$13,000 worth of work, the District should not have to pay the full amount. Ms. Leo advised that doing it that way would entail a detail review of the invoices, causing more time administratively. Mr. LaRue assumed Ms. Leo had timecards to keep track of their time working on projects. Ms. Leo agreed to keep track of her time.

On VOICE VOTE with all in favor, approving the proposal for the Stormwater Needs Analysis in substantive form on a time and material basis in a not-to-exceed lump sum amount and delegating Ms. Gregory to approve the final form, was approved.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Property Conveyance  
from Taylor Morrison to Poinciana West  
Community Development District**

This item was discussed before Staff Reports.

**NINTH ORDER OF BUSINESS**

**Consideration of Proposal for Stocking  
Pond with Gambusia and Grass Shrimp  
for Midge Control**

Ms. Adams presented a proposal from GMS for stocking Ponds with Gambusia and Grass Shrimp for midge control in the amount of \$2,940. These ponds were targeted based on their history of having more midge problems than other ponds. There were 21 acres of ponds and each pond would have 100 Gambusia and 500 Grass Shrimp per acre. Mr. Smith recommended stocking Ponds #8, #9 and #5, which comprised of 23 acres, instead of Ponds #22, #21, #15 and #8 (which were originally in the proposal) and GMS would cover the extra 2 acres.

Ms. Gregory asked if the decision to change the fish stocking from pond locations was made this morning and if they had an invoice or bid that was accurate. Mr. Smith explained the proposal was based on Ponds #8, #9 and #5, which were treated before the Clarke contract changed. He did not have the exact pond acreage for Ponds #22, #21, #15 and #8. Mr. LaRue questioned the basis for the original proposal and if it was based on the complaint log, as last year, there were three complaints on Pond #6 and two complaints on Ponds #8 and #21. Mr. Smith stated that Ponds #22, #21, #15 and #8 were recommended based on complaints. Pond #6 was already stocked. Mr. LaRue voiced concern about receiving a proposal with no background,

suggested spending \$5,000 to stock all ponds and requested a table. Dr. Master wanted to understand the results of stocking one pond before stocking additional ponds. Mr. LaRue requested a status report on the midges.

After further discussion, there was Board consensus to defer this item to the next meeting so Mr. Smith could obtain further information on options for different levels of stocking ponds and supporting documentation for priority ponds.

- **Consideration of Property Conveyance from Taylor Morrison to Poinciana West Community Development District (Item 8)**

Ms. Adams presented an email message from Taylor Morrison regarding the process to convey three parcels from Taylor Morrison to the Poinciana West CDD. District Counsel, the District Engineer and the District Manager recommended that the Board discuss the process to follow and funding options for maintenance of the parcels. Mr. Clark received a request for additional parcels and recommended that the Board discuss what it was comfortable with as a process before taking over responsibility of new parcels. Mr. Clark pointed out that he needed the following:

- Deed for the parcel being conveyed.
- Title work and title insurance with some nominal amount.
- That the District Manager and District Engineer conduct an inspection of the parcels to be conveyed and provide a cost to maintain as some parcels had dry pond areas that required mowing, which was not budgeted for.
- Taylor Morrison to pay the maintenance cost through October 1<sup>st</sup> when the new CDD budget was in place.
- Know the status of the permit for the stormwater ponds and for Ms. Leo to determine that the permit was in good standing and all requirements of the Water Management District were met, including the delivery of plans and as-builts, if available. If not, they should be requested.
- Ensure that the properties were transferred into an operational phase in the permit.

Mr. Clark advised there must be some investigation before staff would come to the Board and recommend conveying of the parcels by the District. There was a cost for the investigation and it was not unusual for the CDD to require the developer, who requested the conveyance, to pay those expenses.

Discussion ensued and the Board addressed the following:

- Dr. Master asked if the stormwater ponds were ever treated and if not, whether they should be treated before conveying them. Mr. Clark stated it was part of the discussion.
- Mr. LaRue asked if this was the first time that they had a request from Taylor Morrison to transfer property and if they had an established policy. Ms. Adams stated that the District did not have a formal process and would confirm with Taylor Morrison if there would be any further proposed pond conveyances. Ms. Leo clarified that there would be future conveyances of wetland/conservation areas.

Ms. Adams noted that this matter was not time sensitive and offered to include all information presented by Mr. Clark into a checklist to present to the Board at the next meeting regarding a process. She asked if the Board was interested in requesting funding for the maintenance of the parcels for the next fiscal year and staff hours.

*\*\*\*Due to audio issues, there was a pause in the discussion\*\*\**

Dr. Master preferred that the developer conveying the parcels bear the cost before the turnover. Mr. LaRue favored the turnover occurring at the end of the fiscal year so the District would be budgeted for next year. There was Board consensus to defer this item so staff could bring back a checklist based on input from District Counsel and the District Engineer for consideration at the March meeting to approve the process for property conveyances.

## **TENTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. Attorney**

Mr. Scott Clark reported information on the expired Interlocal Agreement entered into between the Poinciana and Poinciana West CDDs for proposed acquisition of the amenities, as requested by the Chair. He recalled that the Board took action to terminate the agreement at a prior meeting, but the agreement terminates on its own terms after three years if no amenity bonds were issued. As of this time, the bonds were not issued and recommended that the Board not take action on the Interlocal Agreement as the agreement terminated by its own terms in November of 2019.

#### **B. Engineer**

There being none, the next item followed.

**C. District Manager**

**i. Approval of Check Register**

Ms. Adams provided an option for paperless agenda packages to save on printing and shipping expenses using iPads at future meetings. Mr. LaRue preferred to continue receiving hard copy agenda packages but would like electronic paychecks. There was Board consensus.

Ms. Adams presented the Check Registers from November 11, 2021 through January 11, 2022 totaling \$868,329.14. There was a large check of \$824,000 transmitting debt service fees from the operating account. Ms. Gregory requested more detail in Invoice #116 from GMS as this was work performed on Ponds #12 and #7. Pond #12 had an underdrain that a resident installed in their yard and wondered whether they repaired where the resident ended with their drain. Mr. Smith confirmed that the resident stopped at their property line and in order to prevent District property from eroding further, it would be best for maintenance staff to run the drain under the ground out into the pond. There were many locations like this and most of them were repaired. In his opinion, it would be nice if the HOA granted resident approval to have a French drain installed around their yard and coordinated with the CDD to connect it to the pond versus it ending at the resident's property line and flowing down the bank.

Ms. Gregory MOVED to approve the Check Register as stated above and Mr. Joseph Clark seconded the motion.

Dr. Master noted that he did not receive his November paycheck. Ms. Adams stated it was mailed to the address his agenda package was mailed to and would follow up.

On VOICE VOTE with all in favor the Check Register as stated above, was approved.

**ii. Balance Sheet and Income Statement**

Ms. Adams presented the Unaudited Financial Statements through December 31, 2021. The Board has done a good job controlling expenses as prorated expenses compared to actual expenses were under budget.

**D. Field Manager**

**i. Field Manager's Report**

Mr. Smith presented the Field Manager's Report. For the pond conveyance, there were contingencies. Since Taylor Morrison indicated that they wanted to convey property, he would obtain updated quotes as part of the conveyance process. More data would be provided on the fish at the next meeting. They had the material for the pond bank awareness alligator signage and would schedule installation as soon as possible. Each pole would have two signs. A map showing the locations was provided at the last meeting. The Pond Reports were provided. Overall, for this time of year, conditions were good and the ponds were clean. Four ponds had Hydrilla. According to the Midge Report, the midge treatment changed.

**ii. Customer Complaint Log**

Mr. Smith presented the Customer Complaint Log. There was a complaint regarding a dead alligator, but it turned out to be a large clump of algae, which was cleaned up. The remaining complaints were addressed.

Mr. LaRue questioned the cost of the conveyance for the three ponds. Ms. Adams had no information as staff just started the research process and would present it at a future time. Mr. LaRue asked if the Grass Shrimp were surviving. Mr. Smith explained that the Grass Shrimp lived at the bottom of the pond and help deal with midges that live on the bottom and clean up the pond. He could not say for sure that they were surviving without trying to net them. Mr. LaRue asked about the condition of Pond #6. Mr. Smith stated it was in good shape as far as algae and the shoreline grass cleared up. Mr. LaRue agreed that it improved significantly.

**ELEVENTH ORDER OF BUSINESS**

**Supervisor's Requests**

There being none, the next item followed.

**TWELFTH ORDER OF BUSINESS**

**General Audience Comments**

Resident Ken Ryan suggested that the breakdown of the contract presented to the Board include the engineer's cost per hour, so the Board did not have ask any questions and the \$13,000 made sense. If it did not make sense, he recommended finding another engineer to do the work. In addition, he requested that the breakdown be provided to the Board at the March meeting. Mr. Steve Mizel of Torino Lane complained about the meeting running 15 minutes over



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the scheduled time and suggested moving the meeting time to 9:00 a.m. Resident John Harris thanked the Board for their time and interest in working on the resident's behalf and suggested that the Board create an RFP with very specific items such as the purpose, who was involved and cost. Resident Amy LaRue requested Poinciana West CDD residents attend the next Poinciana CDD meeting to make themselves known. Resident Susan Goldlewski was glad Pond #15 was included for midge control. It was the first pond near the gatehouse and was an embarrassment. In her opinion, not everyone with midge issues called in a complaint. The number of complaints was not a true gauge of the midge problem; however, it was a quality-of-life issue.

**THIRTEENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**FOURTEENTH ORDER OF BUSINESS**

**Next Meeting Date – March 16, 2022**

Ms. Adams stated the next meeting was on March 16, 2022 at 9:30 a.m.

**FIFTEENTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Ms. Gregory seconded by Mr. Joseph Clark with all in favor the meeting was adjourned.

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman