

**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, **March 16, 2022** at 9:00 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	Assistant Secretary
Joseph Clark	Assistant Secretary
Mayra Skeete	Assistant Secretary

Also present were:

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

*The following is a summary of the discussions and actions taken at the March 16, 2022 Poinciana West Community Development District's Board of Supervisors Meeting. *Due to a technical issue with the audio, the start of the meeting was summarized based on District Manager's notes.*

FIRST ORDER OF BUSINESS

Roll Call

Ms. Adams called the meeting to order and called the roll. All Supervisors were present.

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 January 19, 2022 Meeting

Ms. Adams presented the minutes for the January 19 Board of Supervisors meeting. She noted it has circulated to Board members via electronic mail for review. No comments or corrections were received.

On MOTION by Mr. Joseph Clark seconded by Dr. Master with all in favor the Minutes of the January 19, 2022 Meeting as presented were approved.

FIFTH ORDER OF BUSINESS

Consideration of Stormwater Needs Analysis Report

**The meeting recording started at this time.*

Ms. Gregory recalled that a proposal from GAI Consultants (GAI) for a Stormwater Needs Analysis was approved subject to further cost review at the last meeting and placed this matter on hold as she wanted to do further research on the legalities of whether a licensed engineer needed to prepare the Stormwater Needs Analysis. Mr. Clark reviewed the documents and confirmed that it did not need to be prepared and certified by a licensed engineer and all that was required was an inventory of stormwater facilities and a projection of future needs. Ms. Gregory volunteered to prepare the Stormwater Needs Analysis utilizing District Engineer's Reports that were on the CDD website as well as asking the Field Manager questions. No funds would be expended. Mr. LaRue was disappointed that the District Engineer did not state that the report did not have to be signed off by a certified engineer.

On MOTION by Mr. Joseph Clark seconded by Mr. LaRue with all in favor authorizing the Chair to prepare the Stormwater Needs Analysis was approved.

SIXTH ORDER OF BUSINESS

Discussion of Property Conveyance Checklist/Procedures

Ms. Adams presented Procedures for Acquisition and Acceptance of Common Area Property from Developers as requested by the Board at the last meeting. The developer would be responsible for any professional fees associated with the evaluation of the parcels, preparation of legal documents and document review by District Counsel and the District Engineer. Mr. Clark advised the developer that the Board was preparing a methodology and recommended that the District have a process for property conveyed from the developer to ensure that the title was good and all costs were paid. Discussion ensued and the Board addressed the following:

- Ms. Gregory asked whether the CDD had to take property upon request. Mr. Clark advised that the District did not have to unless the property was an integral part of the stormwater system as the District was obligated to maintain the stormwater and should either own or have easement rights.
- Dr. Master voiced concern about the warranty in the event of an unforeseen circumstance. Mr. Clark recommended that the taking of all properties be accompanied by a new budget year to ensure that the maintenance costs were budgeted. Ms. Leo confirmed that there would be documentation to ensure that the project was built in accordance with plans, specs, contracts and warranties as part of their application.
- Mr. LaRue asked if the developer agreed to pay all costs. Ms. Adams believed that they would as it was not uncommon for the developer to pay for expenses associated with property conveyance. If the Board was satisfied from a policy perspective, staff would notify Taylor Morrison about the procedures so they could gather the information with the likely conveyance date of October 1, 2022 to sync with the Fiscal Year 2023 budget.
- Ms. Gregory asked why this conveyance needed by October 1, 2022 versus next year. Mr. Clark explained that conveyances occur according to the progress of the construction and there was no legal requirement. It was simply a practical matter.
- Dr. Master wanted to ensure that the transfer conformed with any new codes or changes in codes. Ms. Leo advised that what was in the ground was built per code and there have not been substantial changes to stormwater facilities. The code was not as important as the inspection.

- Mr. LaRue recalled that the HOA stopped treating a pond behind an existing parcel off of Glendale because they thought that it was transferred to the CDD. Ms. Adams explained that there was some confusion by the HOA, but they were informed that they own it and were responsible for maintenance.
- Dr. Master questioned the amount of funds to be budgeted for maintenance. Ms. Adams stated that Mr. Clayton Smith would provide an estimate for aquatic vegetation control, midge management and landscape maintenance.
- Ms. Gregory voiced concern about expending funds and time without having an agreement from Taylor Morrison. Ms. Adams explained if the Board approved the procedures in substantial form, they would be provided to Taylor Morrison with the caveat that the general acceptance date would be October 1, 2022 and one year of maintenance expenses should accompany the final compensation to the District before this item was placed on the agenda.
- Mr. LaRue asked if the District would be paying all professional bills until the property was turned over. Ms. Adams replied that Taylor Morrison would pay a deposit of \$2,500 and any costs would be netted against that amount. Mr. LaRue felt that \$2,500 was minimal and would not cover those bills. Ms. Adams stated that in the documents was a caveat that any costs in excess of the deposit amount must be paid in full before the property was conveyed. The \$2,500 was the anticipated fee and it could be increased to \$5,000. Ms. Gregory proposed setting the deposit at \$2,500 per parcel and that District Counsel and the District Engineer separate their costs into general matters and parcel turnover. Mr. LaRue requested that each party provide an estimate of costs. Ms. Leo and Mr. Clark confirmed that \$2,500 per parcel was sufficient.
- Mr. LaRue asked how many parcels Taylor Morrison was turning over. Ms. Adams stated that they requested the turnover of three parcels and asked Taylor Morrison to confirm the number of future parcels. Ms. Leo believed that the last parcels to be conveyed were the wetland conservation areas.
- Ms. Skeete asked when Taylor Morrison was expected to leave. Ms. Adams replied that it depended on residential real estate market conditions. They recently provided a replat for their last phase of development at PCDD. Ms. Gregory

suggested waiting to see what the next year presented and addressing everything at one time. Mr. LaRue agreed.

- Dr. Master wanted to speak with the builder, explaining the Board's preference to receive all parcels together.
- Ms. Skeete felt that the Board was not ready to make a decision at this time as they did not understand what they were voting on.
- Ms. Gregory requested a revised document, total price and number of parcels for the May meeting.

After further discussion, there was Board consensus to change the Procedures for Acquisition and Acceptance of Common Area Property from Developers to reflect the deposit amount of \$5,000 per parcel, including one year of maintenance funding to accompany each parcel and a notation on the bottom that all parcels pending conveyance would be presented at the same time and the developer would be made aware that the general target date for acceptance was October 1, 2022 or later. A revised document would be provided to the Board at the May meeting for further discussion.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being none, the next item followed.

B. Engineer

There being none, the next item followed.

C. District Manager

i. Approval of Check Register

Ms. Adams presented the Check Register for January 12, 2022 through March 7, 2022 totaling \$220,729.08. There was one revision regarding engineering hours that were inadvertently billed to the Poinciana West CDD that should be billed to the Poinciana CDD. Ms. Adams noted the large transfers of funds as Solivita residents pay their tax bills to the District's account and there is a transfer to the Trustee's account in order to make bond payments.

On MOTION by Dr. Master seconded by Ms. Skeete with all in favor the Check Register as stated above was approved.

ii. Balance Sheet and Income Statement

Ms. Adams presented the Unaudited Financial Statement through January 31, 2022. No Board action was required. The total Fund Balance for the General Fund was \$811,687. The Board has done a good job controlling expenses as prorated to actual expenses were almost \$19,000 under budget.

iii. Presentation of Arbitrage Rebate Calculation Report

Ms. Adams reported that AMTEC prepared the Arbitrage Rebate Calculation Report for the Series 2017 bonds as required under the Internal Revenue Service (IRS) Code. Based upon their computations, no arbitrage rebate liability existed and the District was in compliance with tax code regulations. Dr. Master pointed out that the working capital was expected to get higher interest rates than the past two years. Ms. Adams explained that the District's investment accounts, money market accounts were regulated differently as prescribed by the State. The tax exempt bonds have multiple regulatory authorities such as the IRS but were not anticipating an arbitrage issue in the future. The arbitrage rebate calculation is reported to the Board annually.

On MOTION by Mr. LaRue seconded by Dr. Master with all in favor the Arbitrage Rebate Calculation Report as prepared by AMTEC was approved.

D. Field Manager

i. Field Manager's Report

Mr. Clayton Smith presented the Field Manager's Report. The alligator warning signs were installed at pre-determined locations by the insurance company; however, two were moved based on resident requests. One facing a house was moved 10 feet. Mr. LaRue asked for updated pricing on the conveyances by the next meeting. Mr. Clayton Smith planned to have prices by the budget meeting but offered to provide prices earlier for the standard maintenance of all ponds, midge, aquatic and landscape maintenance. Regarding the condition of the ponds, there were a couple of algae blooms, but some of the known problem ponds were under control.

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

Mr. Clayton Smith presented a spreadsheet with the number of acres per pond, complaints and price for fish stocking. Most of the midge complaints were in 2019. There was currently fish in Pond #6, which decreased the number of complaints. Based on the number of complaints, field inspections and feedback, he recommended stocking 1,000 Gambusia and 500 Grass Shrimp in 25 acres of ponds including Ponds #1, #5, #7, #9, #15, #21 and #22 at a cost of \$3,500. Ms. Adams noted \$8,000 in contingency funds that could be used for this expenditure.

Mr. LaRue proposed stocking the four ponds that had complaints in the past two years and Pond #6 due to recent complaints. Dr. Master voiced concern with residents feeding alligators and fishing on the ponds and along with Ms. Skeete, favored stocking the ponds that Mr. Clayton Smith recommended as preventative maintenance. Ms. Gregory voiced concern about spending funds on Grass Shrimp as they did not know whether or not they survived. Ms. Adams stated that the recommendation for the combination of 1,000 Gambusia and 500 Grass Shrimp per acre was based on best practices for Central Florida ponds for midge management. Mr. Clayton Smith noted that the cost to include Pond #6 was \$140 for a total amount of \$3,640.

On MOTION by Mr. LaRue seconded by Mr. Joseph Clark with all in favor the proposal for Ponds #1, #5, #6, #7, #9, #15, #21 and #22 with Gambusia and Grass Shrimp for midge control in the amount of \$3,640 was approved.

Dr. Master reported that the stench from the ponds was horrible in different parts of Poinciana West, but it improved after a week of constant rain. Mr. Clayton Smith noted the end of February was when they had a lot of filamentous plumes.

iii. Customer Complaint Log

Mr. Smith presented the Customer Complaint Log. Mr. LaRue applauded Mr. Clayton Smith for being flexible to residents with the alligator signs. Dr. Master had a neighbor who complained about the mowing and questioned who to call. Ms. Adams directed residents to the phone numbers on the CDD website.

Ms. Adams noted that today's meeting was moved from 9:30 a.m. to 9:00 a.m. to allow ample time for Board discussion and asked if the Board wanted to permanently change the

meeting time to 9:00 a.m. Since this item was not on the agenda, Ms. Adams requested public comments. There were no audience comments.

On MOTION by Dr. Master seconded by Mr. Joseph Clark with all in favor moving the time for the Fiscal Year 2022 meetings from 9:30 a.m. to 9:00 a.m. in the Starlite Ballroom was approved.

Ms. Adams would distribute the Proposed Budget at the May 18th meeting and asked if the Board wanted to schedule a workshop on May 16th or 17th to review the budget prior to the meeting. Mr. LaRue preferred to wait until the regular meeting to discuss the budget. There was Board consensus to not hold a workshop.

EIGHTH ORDER OF BUSINESS

Supervisor's Requests

Ms. Gregory voiced concern about increases in contracts being approved without the Board's knowledge and advanced notice and requested more transparency and checks and balances. Examples were the 20% increase in *Technology/Website*, which she believed was due to the utilization of *GoDaddy*, SEC filing charges, and Ms. Leo's contract to perform engineering services. Ms. Leo was hired in 2017 on an interim basis and there was no agreement. Ms. Leo charged \$295 an hour, billed \$320 an hour and in January increased it to \$330 an hour, which the Board did not discuss. Ms. Gregory noted that hiding in a 20-page contract was no way to do business. Ms. Adams explained that multiple factors contributed to website maintenance such as web hosting and content management. Technology included expenses such as the implementation of the Zoom webinar during the pandemic. The Board authorized continuing to utilize the Zoom webinar option in order to allow residents, Board Members and staff to attend meetings remotely. Regarding the engineering contract, Ms. Leo has a current agreement with her firm that was developed through a public Request for Qualification (RFQ) process.

Ms. Gregory requested that the Board take its time versus rushing through these budget meetings and review the contracts as well as negotiate a lower price contract with GMS since the District was paying the same amount as the Poinciana CDD who had 12 meetings per year. Dr. Master asked if their attendance at meetings was 10% of what they actually do or 90%. Ms. Adams noted that meeting attendance is a significant factor and deferred to Mr. Flint who sets District Management fees. Dr. Master felt that the Board needed to look at the big picture and if

the service was being provided as an efficient rate. Mr. LaRue agreed and felt that the Board needed to look at items individually, start negotiating contracts and go out for bids so they had a baseline. Ms. Adams asserted that the variance between the current budget and proposed budget is obvious when the budget is presented and there was no attempt to hide any information. She made every effort possible to be transparent and wants the Board to feel comfortable with the information and how the budget is presented. When the budget is presented, Ms. Adams would review items line-by-line, pointing out the actuals, what was adopted last year versus the proposed amount and if there was an increase or decrease. After further discussion, there was Board consensus for Ms. Gregory to negotiate the District management fee with GMS and present to the Board.

NINTH ORDER OF BUSINESS

General Audience Comments

Resident Susan Goldlewski of Irvine Ranch Road requested that all ponds in Poinciana West be stocked with Gambusia and Grass Shrimp as there were ongoing midge problems, even though there were no complaints.

TENTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

ELEVENTH ORDER OF BUSINESS

Next Meeting Date – May 18, 2022

Ms. Adams stated the next meeting was on May 18, 2022 at 9:00 a.m.

TWELFTH ORDER OF BUSINESS

Adjournment

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


Secretary / Assistant Secretary

 5-18-22
Chairman / Vice Chairman