

**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 17, 2024** 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
Ed Smith	Assistant Secretary
Greg Hindahl	Assistant Secretary

Also present were:

Tricia Adams	District Manager
Scott Clark\ <i>via Zoom</i>	District Counsel
Kathy Leo	District Engineer
Clayton Smith	Field Manager
Joel Blanco	GMS Field Staff
Cherrief Jackson	Clarke Midge Control
Stephen Amrein	SOLitude
Chris Reed	SOLitude

*The following is a summary of the discussions and actions taken at the January 17, 2024 Poinciana West Community Development District's Board of Supervisors Meeting.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

Ms. Adams called the meeting to order at 9:02 a.m. and called the roll. A quorum was present.

**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**

There being no comments, the next item followed.

**FOURTH ORDER OF BUSINESS**

**Organizational Matters**

**A. Administration of Oath of Office to Newly Appointed Supervisors (Ed Smith & Greg Hindahl)**

Ms. Adams recalled that Mr. Greg Hindahl and Mr. Ed Smith were appointed to the Board at the last meeting and received paperwork from GMS, which they successfully completed, in order to be compensated as Board Members and receive communication. Form 1, Statement of Financial Interests was also provided, which was required to be filed within 30 days of being appointed to the Board of Supervisors. Rather than filing it at the Supervisor of Elections office, there was a new filing process to electronically file with the Florida Commission on Ethics, which would be further discussed, later in the meeting.

*Ms. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Ed Smith and Mr. Greg Hindahl.*

**B. Consideration of Resolution 2024-01 for Election of Officers,**

Ms. Adams explained that after an election or an appointment, the Florida Statutes require that Board Members reorganize its officers, as evidenced by Resolution 2024-01. Currently, Ms. Peggy Gregory served as Chair, Mr. Roy LaRue served as Vice Chair and the remaining Board Members served as Assistant Secretaries. In addition, Ms. Katie Costa of GMS was serving as the primary accountant for this District; however, Ms. Costa was due to have a baby and would out on maternity leave within a couple of weeks and Ms. Patty Powers of GMS would be stepping in and taking responsibility. Therefore, staff was requesting that Ms. Powers be appointed as Assistant Treasurer and Ms. Jill Burns of GMS as Treasurer. Currently, Ms. Adams served as Assistant Secretary, for the purpose of attesting the Chair's signature and requested that Mr. Richard Hans of GMS, be added as an Assistant Secretary. Mr. George Flint currently served as Secretary. Mr. LaRue was in favor retaining the current officers and electing Mr. Ed Smith and Mr. Greg Hindahl as Assistant Secretaries.

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On MOTION by Mr. LaRue seconded by Ms. Gregory with all in favor retaining the current officers and electing Mr. Ed Smith and Mr. Greg Hindahl as Assistant Secretaries as evidenced by Resolution 2024-01 was adopted.

Dr. Master asked if they were appointing these individuals versus electing them, as the language in the resolution was for the election of officers. Mr. Clark agreed with the way that the resolution was written, as the Board was electing officers by a majority vote, but it was an appointment, to distinguish it from the election occurring with the general public versus an election of a Supervisor, that only occurs every other year during the election cycle.

#### **FIFTH ORDER OF BUSINESS**

#### **Approval of Minutes of the September 20, 2023 Meeting**

Ms. Adams presented the minutes of the September 20, 2023 meeting, which were reviewed by staff and the Board prior to the meeting and pointed out that the new Board Members were required to vote on them, as the only time that they could abstain from a vote, was when they had a financial conflict. Mr. LaRue questioned whether the accountant performed a Fund Balance Analysis as noted on the bottom of Page 8. Ms. Adams confirmed that there would be a page in the unaudited financials summarizing the District's investments.

Dr. Master MOVED to approve the Minutes of the September 20, 2023 Meeting as presented and Mr. Hindahl seconded the motion.

Ms. Gregory recalled with the insurance, there was discussion about Brown & Brown making a mistake and the District being charged \$5,000 by EGIS and asked if there was a binder for the \$5,000. Ms. Adams confirmed that there was an insurance binder for Fiscal Year 2024, as two insurance proposals for the Board to consider, were presented at the September meeting: one from EGIS or Florida Insurance alliance and the other from Brown & Brown. Ultimately, the Board directed staff to bind a policy with EGIS. Ms. Adams asked if the Chair wanted to add this item to the next agenda, in order to review the entire insurance binder. Ms. Gregory pointed out as long as the District had the money, she had no issues, but wished to discuss the CDs later in the meeting. Ms. Adams pointed out that all of the investments, including the money markets and State Board of Administration (SBA) purchases, were included on the investment page. Ms.

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Gregory questioned the \$15,410 paid out of the contingency that was supposed to be moved to the SBA, according to Page 10. Ms. Adams would provide clarification when the financials and Check Register were presented. Ms. Gregory recalled on Page 19, where there was an error in the Floralawn contract and wanted to the correct contract to be executed. Ms. Adams confirmed that the correct contract was executed as well as all of the new agreements and thanked Ms. Gregory for her due diligence. Ms. Gregory recalled on Page 13, where Mr. Clayton Smith referred to an amount of \$788 for the mowing of two ponds, with the removal of Pond LD1 and asked if everything was resolved. Ms. Adams confirmed that the maintenance did not include any property that was not accepted.

On VOICE VOTE with all in favor the Minutes of the September 20, 2023 Meeting as presented were approved.

#### **SIXTH ORDER OF BUSINESS**

#### **Consideration of Data Sharing & Usage Agreement with Polk County**

Ms. Adams presented the Data Sharing & Usage Agreement with the Polk County Property Appraiser, whereby the county agreed to not release any information of law enforcement officers or judges, which were exempt from the Public Records Law. The agreement started on January 1, 2024 and ended on December 31, 2024 and was an annual agreement. It was presented to the Chair for approval and filed with the county before the January 1 deadline. Staff recommended approval.

On MOTION by Dr. Master seconded by Ms. Gregory with all in favor the Data Sharing and Usage Agreement with Polk County was approved.

#### **SEVENTH ORDER OF BUSINESS**

#### **Consideration of License Agreement with Willis and Peggie Montgomery for Residential Drain Installation**

Ms. Adams pointed out that Mr. and Mrs. Montgomery, two residents of the Poinciana West CDD, submitted an application for a drain installation, with the drain line terminating on CDD property. The Poinciana CDD had a policy, including an application and an application fee, which was provided to the HOA, for the Architectural Review Committee (ARC) to review, when they received requests to install a drain line in a residential yard that terminates on CDD

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property. Mr. and Mrs. Montgomery received the application and completed it for the drain line installation and proposed where the drain line terminated, the installation of a pop-up emitter to deter erosion issues on the nearby stormwater pond where the water was draining. The application was forwarded to District Counsel, the District Engineer and field staff for review. Oftentimes, there would be a License Agreement, when there was an installation on District property, requiring the property owner to maintain it in perpetuity.

Mr. Ed Smith questioned the reason for the additional drainage. Ms. Leo did know but recalled in some of the earlier neighborhoods in Solivita, the builder installed soft drains into the lake, that had a four-inch perforated pipe; however, in areas that did not have soft drains, especially on the Poinciana side, where there was a need to direct the drainage, the alternative, was to have the drainage soak the lot, but it caused ponding. Over time, there were many issues with these soft drains, because they go into the side slope of the pond, causing erosion problems when there were low water levels. In that case, the solution was to install a pop-up emitter at the end of the sock drain, to force pressure in the CDD area. Dr. Master was not in favor of residents installing a drain, because the builder did not provide for adequate drainage, but questioned whether this was something the CDD should do, so there was consistency. Mr. Ed Smith voiced concern that the onus was being placed on the homeowner to rectify a problem that was created by the builder. Ms. Adams pointed out that staff was not asking the Board to consider a policy, but if the Board wanted one, staff would provide it and at this time, the Board was considering whether to accept or deny Mr. and Mrs. Montgomery's application. If the Board wished to approve the application, Mr. Clark noted that he would prepare a License Agreement, similar to one that was used for prior requests approved by the Poinciana CDD s. However, there was the question of whether the drainage was consistent with the overall lot grading and drainage plan.

Mr. LaRue pointed out if they did not have a procedure, residents would dig a ditch and install the drainage themselves and felt that installing a pop-up emitter and having residents enter into a License Agreement, was a good solution. Dr. Master asked where this was a problem in Poinciana West. Ms. Leo confirmed that this was not just a problem in Poinciana West, necessarily and Poinciana was a few years ahead of Poinciana West, because of the build-out dates. In her opinion, the pop-up emitter solution was a good one because they did not want residents or their contractors doing repair work on the pond bank and would have the same life as the pipes going into the side slope, without the damage to the side slopes. Ms. Gregory

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reported that she and her husband checked the drainage on every pond in Poinciana West and discovered that there were no French drains. The Montgomery's drainage was done the correct way, but a resident on San Raphael did trenching in their backyard, because an ex-Board Member told them to put in a French drain and recommended charging homeowners \$100, if they wanted to install a French drain, but not charge engineering and legal fees. Mr. LaRue agreed, but felt that this was the most preferable solution, in order to address the issue and deter residents doing installations on CDD property without permission. Mr. Ed Smith wanted a solution that was simplistic to the residents but did not want to have a fee. Ms. Adams clarified that staff was not recommending that the Board adopt a fee at this time and was only requesting that the Board consider the Montgomery's request. Dr. Master asked if the Poinciana CDD charged residents a fee. Ms. Adams confirmed that there was a fee, in order to recoup administrative expenses.

Mr. LaRue questioned whether there were any guidelines that residents needed to follow. Ms. Adams confirmed that guidelines were included with the application and would provide it to the Board for consideration at a future meeting along with the engineer's drawing of the pop-up emitter. Ms. Leo advised that the request from the Montgomery's was self-explanatory, which was for a four-inch HDPE pipe that the homeowner would install. She recommended that it have an 8-inch cover and for the emitter to be installed along the edge of the bank, with some grass remaining. Dr. Master questioned whether an inspector would verify whether the drain and emitter were installed correctly. Ms. Adams explained that the application would be forwarded to field services staff, to inspect the installation and flag any concerns, as it was important for the District to maintain the property in accordance with Water Management District standards. Once the application was approved by staff, it would be presented to the Board. Dr. Master questioned whether the CDD had a policy for the encroachment. Ms. Adams confirmed that the Board had not adopted any such policy and recommended that the Board approve a License Agreement, if they approved of Mr. and Mrs. Montgomery's application for the drain line installation.

Mr. LaRue MOVED to approve a License Agreement with Willis and Peggie Montgomery for a drain installation on CDD property and authorization for District Counsel to prepare the same and Mr. Ed Smith seconded the motion.
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Mr. LaRue wanted to consider a \$100 fee, as some expenses would be incurred. Mr. Ed Smith questioned what the \$100 would cover. Ms. Adams explained that it would be to recoup professional fees for preparation of the License Agreement and engineering diagram. Mr. LaRue felt that \$100 was reasonable for the initial set up, but not for any ongoing fees. Ms. Adams incurred for professional fees. Ms. Leo pointed out that most of the applications were standard, but some would require additional review time. Ms. Adams requested that the motion be amended to include the \$100 fee and asked if the District could collect it outside of having a Rule Hearing. Mr. Clark confirmed that it could be collected without a rule hearing. because it was for a reimbursement versus a user fee.

On VOICE VOTE with all in favor amending the prior motion for a License Agreement with Willis and Peggie Montgomery for a drain installation on CDD property and authorization for District Counsel to prepare the same, to include a \$100 reimbursement fee was approved.
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**EIGHTH ORDER OF BUSINESS****Review of Drain Installation at 675 San Raphael Street**

Ms. Adams reported that a Poinciana West CDD Board Member, informed staff about a drain being installed on CDD property without CDD permission, which was an encroachment issue. Field services staff investigated it and provided a diagram showing an approximation of the drainage ditch and the type of drain that was installed. Dr. Master pointed out that the drainage ditch was not at the back of the property and was actually on the adjoining property and there are two violations: one for the CDD encroachment and the other for it being on the adjoining property. Mr. LaRue indicated that it was not the CDD's responsibility and the adjoining property owner could do what they wanted. Dr. Master asked if the HOA was doing anything about the violations. Ms. Adams confirmed that the violation was not reported to the HOA. Mr. Clark advised that some Districts adopted rules with penalties and fees for an encroachment on CDD property, but he takes a hardline approach and recommended that a certified letter be sent to the owner, demanding that they remove the encroachment. However, in order to save on costs, District management staff could send the letter. Ms. Gregory noted when all of the digging was occurring, the owners of both lots were not home, as it was a holiday and she spoke to the contractor. They informed her that they were instructed by a former CDD

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Supervisor to install a French drain, because the owner of the property had water backing up onto their lanai. The contractor advertised in *Reflections Magazine* and the CDD Board Member recommended them. Ms. Gregory requested that staff send a cease-and-desist letter to the contractor and inform the former CDD Supervisor to stop providing this advice.

Dr. Master pointed out that the resident did not have access to the pond and the only access they had was across someone else's property. Ms. Adams recommended having the property surveyed or that staff take measurements, because the drawing was only an approximation and there was a question on exactly where the drain terminated, since it was bordering several properties. A survey would cost less than \$1,000. Mr. LaRue did not feel that the District should be spending money on a survey, until there was a legal issue; however, if it was on CDD property, it needed to be addressed by the District. Dr. Master felt that the people installing the drain should be responsible for obtaining the survey, but there should be something in the agreement stating that there was a survey requirement. Dr. Master questioned staff's impression. Mr. Blanco confirmed that it was encroaching on both CDD property and the neighbor's property line, based off of the Property Appraiser's website, plat and measurements, but typically the crest of the bank and where that bank starts, was usually where CDD property starts; however, if the Board wanted to be 100% sure, he recommended that it be surveyed, since he could not go onto private property to measure the lot. Dr. Master felt that it was the responsibility of the homeowner to show staff the survey.

Ms. Leo questioned where the end of the pipe was located. Mr. Clayton Smith confirmed that there was an open French drain, but it was not on the drawing, which was why staff needed to monitor these things. Ms. Adams asked if District Counsel had a recommendation, since the legal boundary was not 100% clear regarding the encroachment. Mr. Clark pointed out that the lack of surveys, escalate these situations into huge problems and in prior requests, he recommended a survey, if the homeowner did not believe that it was on CDD property. Dr. Master felt that this was a unique situation, where someone who did not have access to the pond was trying to get a pipe to the pond and people who had access to the pond, were trying to get access to it and in both cases, they should have obtained a survey. Ms. Gregory preferred that staff request a copy of the property owner's survey and for field staff to inspect it, before sending the letter, because the owner did not know as was not a process or procedure that was advertised all over Solivita and voiced concern that the owner had to spend several thousand dollars, only to



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be misinformed by a former Supervisor. Mr. LaRue agreed. Dr. Master anticipated it costing \$1,000 to trench and install a pipe and not thousands of dollars.

Ms. Adams requested a motion directing staff to obtain further information and a survey from the homeowner. Mr. LaRue questioned who would work with the homeowner to verify or validate the information. Ms. Adams indicated that staff would take the survey or as-built drawing to determine the property boundaries. Mr. LaRue questioned the next step, as there needed to be information on where the pipe terminated. Ms. Leo explained that lots had pins on the corners, which field staff could locate and make a determination, based upon the information provided, but if they could not find them, field staff could base it off of other items. Ms. Adams stated that the information would be brought back to the Board to consider the next step. Mr. LaRue proposed having Mr. Clark send a letter, if staff determines that it was an encroachment, instead of placing this item on the next agenda and the Board discuss it. Ms. Adams pointed out that the Board could authorize District Counsel to send a letter, in the motion, if an encroachment was identified. Dr. Master preferred providing the homeowner with a solution before sending a letter. Ms. Leo recommended that the owner be advised by staff through a letter, if staff determined that it was an encroachment and inform them that the CDD was in the process of reviewing a policy accepted by the Poinciana CDD and that they use the form provided by the HOA to prepare their application and follow the standards. Dr. Master felt that was reasonable. Mr. LaRue requested that a timeframe be included on when the violation must be remedied. Ms. Adams would request that the information be provided in time to publish the next agenda.

<p>On MOTION by Mr. LaRue seconded by Mr. Ed Smith with all in favor authorization for staff to send a letter to the property owner of 676 San Raphael Street requesting further information such as a survey to determine if there was an encroachment and facilitate a License Agreement, if necessary, for the Board to consider at the next meeting was approved.</p>
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**NINTH ORDER OF BUSINESS****Ratification of Fiscal Year 2023 Audit Engagement Letter from Berger, Toombs, Elam, Gains & Frank**

Ms. Adams stated per the Florida Statutes, each year the District was required to undergo an annual independent audit and presented an Engagement Letter from Berger, Toombs, Elam, Gains & Frank to provide auditing services for Fiscal Year 2023, which was signed by the Chair. The Board previously approved a five-year audit service agreement and the fee that they proposed was \$3,650, which was in accordance with the approval from the Board for the agreed-on pricing for five years and the budgeted amount.

On MOTION by Dr. Master seconded by Mr. LaRue with all in favor the Engagement Letter with Berger, Toombs, Elam, Gains & Frank to provide auditing services for Fiscal Year 2023 in the amount of \$3,650 was approved.

**TENTH ORDER OF BUSINESS****Staff Reports****A. Attorney****i. Presentation of Memorandum on Board Ethics Training**

Mr. Clark presented a Memorandum stating that beginning January 1, 2024, the Florida Legislature required each elected or appointed officer of a Special District to complete four hours of ethics training each year, on certain topics including code of ethics, Chapter 112, Sunshine Law and public records. Links were included in the memorandum on online courses from the Florida Ethics Institute, Office of the Attorney General and Florida Institute of Government. Staff was discussing the details such as providing a package instead of Board Members purchasing a course individually. Mr. Clark took one course last week and thought the training was helpful for new and long-standing members but recommended that the new Board Members take a course sooner rather than later. In 2025, there would be a new question on the form for 2024, asking whether the training was completed. As Ms. Adams stated earlier, there was a new filing process to electronically file with the Florida Commission on Ethics versus paper, which should be easier and more convenient.

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**ii. Approval of Resolution 2024-02 Authorizing Reimbursement of Costs for Ethics Training**

Mr. Clark presented Resolution 2024-02, authorizing the reimbursement of costs for the ethics training. Currently, the only items that Board Members were paying for, was the \$200 meeting fee and violations under certain circumstances. There were several questions on whether the disclosure form changed, as in the last Legislature Session, the legislature required that municipal officers such as City and County Commissioners, file Form 6, which was much more specific on the disclosure of financial information. Rather than comply, many City Commissioners throughout the State were resigning. Fortunately, Board Members on CDD Boards were not subject to it. Dr. Master asked if the entire Board could be trained at one time. Ms. Adams pointed out that some Districts were scheduling a workshop for this purpose, which Board Members could be compensated for attending. Ms. Gregory asked if the workshop must be noticed and there must be an advertisement in the newspaper. Ms. Adams replied affirmatively. Mr. Clark found it convenient to take the training at his own pace, but if the Board wanted to have a workshop, staff could schedule one. Ms. Adams noted that the training links that Mr. Clark provided were free, but in some cases, there may be a fee.

On MOTION by Mr. Ed Smith seconded by Mr. LaRue with all in favor Resolution 2024-02 Authorizing the Reimbursement of Costs for the Ethics Training was adopted.
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**iii. Status of Ponds 19A and 19B Acquisition**

Mr. Clark recalled at the September meeting, the Board approved the acquisition of stormwater parcels from Taylor Morrison (TM), subject to his approval of the closing documents and the District Engineer providing a written report and recommendation on the acquisition and the repayment of all costs and professional fees when the closing occurs. Since that meeting, Mr. Clark went back and forth with developer's counsel on the form of the permit transfer and they accepted all of the requested edits. Updated cost numbers were provided to them, which was \$1,500 in excess of the \$15,000 deposit that they paid. The Board was now in the position of closing on this matter and the developer was prepared to sign the document that the Board approved and to wire the money for the additional cost. When this was reported to the Chair, Ms. Gregory asked for a detail of the cost, which was included in the agenda package, along with documentation of the \$15,000, which was deposited into the District's account. There were also

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several pages outlining the professional fees for Fiscal Years 2022, 2023 and 2024. The first two-page document included the legal fees, with annotations marked in red from accounting staff on where it was accounted for in the District's financial record. The next page had the engineering expenses related to the parcel conveyance as well as an invoice that was sent to TM by the District's accountant on January 4<sup>th</sup>, showing total fees of \$16,689.27; \$11,524 in total legal fees and \$5,165.27 in total engineering fees, minus the deposit of \$15,000 and the amount due to be wired to the District at closing, which was \$1,689.27. The District's banking information was redacted from this document, but the invoice that was provided to TM, included wiring instructions. Mr. LaRue asked if TM was going to pay the additional \$1,600. Ms. Adams did not expect there to be any issues, since TM was successful in wiring funds when the Poinciana CDD recently closed on property.

Ms. Gregory preferred to have actual amounts versus estimates. Ms. Leo indicated the actual invoice amounts were provided. Ms. Gregory questioned why there was a red annotation showing that a \$2,000 permit was not billed yet, as she received a bill yesterday from GMS. Ms. Leo explained that the estimate was for items beyond the closing, such as the permit transfers, which were more than she expected and items that were still updating. Ms. Adams pointed out that Ms. Leo provided an estimate of her fees to finish out the project and the \$2,000 to be collected from TM, was for future bills related to permit documents and updating the pond map. Dr. Master questioned what happened if the actuals were higher than the estimate. Ms. Adams recalled the District Engineer confirmed that the actuals were not going to be more than the estimate, as the Board wanting to ensure that the total amount of legal fees to complete the project, was not going to be more than the \$11,524 that was estimated. Mr. Clark confirmed that it would not be more than a few hundred dollars to bring the project to completion. Ms. Adams pointed out that the information was provided for informational purposes and no Board action was required. Ms. Gregory asked if she needed authorization to sign the documents. Mr. Clark stated that the authorization was included in the prior action that was taken in September. Ms. Gregory requested that the documents not be recorded and property not be transferred over. until she received notification from GMS that the money was paid in full. Mr. Clark expected that the monies would be paid to the title company handling the closing and he would receive the closing instructions.

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**B. Engineer**

There being no further business, the next item followed.

**C. District Manager****i. September 2023 Financials**

Ms. Adams distributed the Unaudited Financials through the end of September 2023 at the Board's request, which was the end of the Fiscal Year. Ms. Gregory voiced concern about the misplacement of some of the expenses on the conveyances on the engineering side, which showed zero on the month-to-month reporting for several months. Ms. Adams confirmed that the reporting was correct and there would be an independent audit.

**ii. Approval of Check Register**

Ms. Adams presented the Check Register for September 9, 2023 through January 7, 2024 totaling \$430,404.78, which included the General Fund, money market account and payroll as well as the detailed invoices and Check Run Summary. The last time that the Board reviewed the Check Register, there were some questions and field service staff discussed with the Board, an invoice from SOLitude that had been miscoded to the Poinciana West CDD instead of the Poinciana CDD, which was corrected. There was also an ongoing issue related to the District's financial record, where the bank continued to assess fees. GMS received confirmation that the bank cleared up that software glitch and all of the bank fees that were canceled, would be refunded, thanks to the due diligence of the Chair.

On MOTION by Dr. Master seconded by Ms. Gregory with all in favor the Check Register as stated above was approved.
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**iii. Balance Sheet and Income Statement**

Ms. Adams presented Unaudited Financials through November 30, 2023. No Board action was required. As of November, some revenue for the District was received from the Tax Collector. Operation and Maintenance (O&M) fees were retained in the General Fund and the portion for debt service, was transmitted to the Trustee in order to make principal and interest payments. This Board did a good job of controlling expenses, as the pro-rated administration budget at the end of November was \$25,193 and the actual spending was \$21,399. The pro-rated budget for field expenses for maintenance of the stormwater ponds, mowing and midge

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management was \$36,987 and actual spending was \$27,105. Regarding the debt service for Series 2017R-1 and R-2, interest payments due in November, were paid and in May, principal and interest payments would be due at a later time. As reported at the last meeting, interest earnings were much higher due to current market conditions. On the month-to-month spending, some expenses like insurance, were paid once a year, whereas monthly landscaping services, were paid monthly. A new page was added, which was the investment summary. Ms. Gregory questioned why it took five weeks to transfer money out of Florida Prime account into a CD that earned higher interest. Ms. Adams confirmed at the Board's direction, monies were transferred out of Florida Prime on October 19, 2023, which was earning 5.6% interest and a six-month CD earning 5.25% and 12-month CD earning 5.5%, were purchased on October 25<sup>th</sup>. Dr. Master pointed out that it took from October 19<sup>th</sup> to October 25<sup>th</sup> to complete the transaction, which was too long. Ms. Gregory agreed as she could purchase a CD in five minutes. Dr. Master requested discussion at the next meeting on the CDs, as they would be five months into a six-month CD.

**D. Field Manager's Report**

**i. Field Manager's Report**

Mr. Clayton Smith presented the Field Manager Report, which was included in the agenda package. Staff continued to monitor and inspect the ponds for contracted maintenance services such as aquatics, landscaping and midge control. Overall, they had a very rough dry season, as there were months without rain, at the beginning of the season, which led to algae blooms, due to the low water levels, which increased the nutrient loads. Now they were later in the dry season and it was a wet winter, which helped with the treatment. They were working with the vendors to ensure that they were addressing issues as much as possible. The current situation was much better, as they had some ponds where water levels were high, creating a lot less algae blooms. SOLitude would stay on top of it. At the recommendation of the District Engineer, they were allowing a fringe of grass to grow along the edge of the pond to prevent erosion and provide a habitat for smaller fish that eat the mid larvae. Although some residents did not like to see the grasses and preferred to have a clean shoreline, it did provide a long-term benefit. The State was implementing practices, especially in the South Florida area, where not only did they allow grasses to grow in the water, they also left a 3-foot buffer from the water up the bank, completely unmaintained. However, this was a drastic step that he did not recommend and preferred to allow the beneficial grasses to grow in. As far as the landscaping, the vendors were

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keeping on top of everything. Since it was not raining as much, they were only mowing once every other week. The ponds that were received from TM, were added to the maintenance schedule. There were actually some improvements in the overall look of them, as there was a great deal of shoreline vegetation and they were taking efforts to remove some of the excessive grasses, while leaving the beneficial ones.

**ii. Pond Maintenance Report**

Mr. Clayton Smith presented the Pond Maintenance Report from SOLitude, which was included in the agenda package. With staff coordination, their report was more readable, which was in line with what they received for years from Clarke, with some added details. There would be a treatment report each month, showing algae grasses and submersed weeds, for ponds that were just inspected that did not require treatment. One of the big treatments that they had, was for some planktonic blooms late in December, which was something that they definitely did not want and should be handled as quickly as possible. Mr. LaRue questioned what was done to the grasses. Mr. Clayton Smith explained that shoreline grasses were treated on Ponds 1, 2, 3, 4, 5, 6, 18, 19A and 19B and submersed weeds were treated on Pond 8. They do not treat ponds, unless something was present on the water.

**iii. Midge Management Report**

Mr. Clayton Smith presented the Midge Maintenance Report from Clarke for October, November and December, which were included in the agenda package. They were treating the ponds that were contracted or requested and a larvicide was applied once a month. Mr. LaRue asked if they were treating Ponds 5, 6, 8 and 9. Mr. Clayton Smith confirmed that they treated those ponds, as well as ones that they were directed to treat when there was a complaint or heavy midge presence. Mr. LaRue requested that Clarke provide the ponds that were treated versus the distance that they used the fogger, which Mr. Clayton Smith would provide.

**iv. Customer Complaint Log**

Mr. Clayton Smith presented the Customer Complaint Log, which was included in the agenda package. The first complaint from October, was sent to the vendor. The complaint reported by Ms. Gregory on October 31<sup>st</sup>, regarding algae/grasses on Pond 8, was forwarded to Clarke to treat. The remaining complaints were from November 13<sup>th</sup> to December 23<sup>rd</sup>. Ms.

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Brenda Lewis reported the planktonic algae on Pond P5, which was treated and additional grasses, which they spoke to the vendor about and were going to push those back slightly. There was some concern that the pond may completely get overgrown, but that was not the case, because the ponds have a shelf around the edge of them, which the shoreline grasses cannot go past. After the shelf, it drops off, 25 to 30 feet. They want to allow the grasses to remain, but not get completely out of hand. Dr. Master recalled an email exchange with a resident in December, which Mr. Blanco handled, but it was not included on the log. Mr. Clayton Smith acknowledged that the resident should have been included, but it was handled and introduced Mr. Blanco, who would be assisting him. Ms. Susan Goldberg reported a dead bird on Pond P2, but when staff went out to the pond, the bird was gone and no further action was taken. The grass clippings in the pond was handled by the HOA, as it was an HOA pond. The smell and green film/scum, was due to the planktonic algae, which was reported to the vendor the week of 12/20. They looked at the pond again in January and there was still some algae, so it was treated again.

Mr. LaRue requested a spreadsheet for the last three years of all midge complaints, so the Board could address which ponds needed to be treated, as well as a summary of what was done for midges, if there was a complaint and which ponds were treated. If people needed to call a number to get onto the complaint log, Mr. LaRue also requested the number that they should call, as a complaint made in December, was not included on the log. If they did not have an active log that was correct, they were treating ponds that they should not be treating and were getting the wrong results. If a pond was not treated in three years, because it was stocked with fish and shrimp, it should be removed from the chemical rotation. Mr. Clayton Smith did not recommend removing ponds, because the approach to managing the ponds worked best when the pond plantings, treatments from Clarke and the fish stocking were in place. Mr. LaRue indicated that out of 22 ponds, four were treated with chemicals, but if they were stocked with fish and shrimp, eventually those ponds should be in same shape as the remaining ponds. Mr. Clayton Smith would ask Clarke to explain this further. Mr. LaRue also requested an organizational chart for the three major services, with phone numbers in two weeks. Dr. Master questioned what Clarke did after they received a complaint. Mr. Clayton Smith explained that anytime there was a complaint specific to a pond that was not on the contract, Clarke would go out as soon as possible to kill the adults, by interrupting the spawn, so they could not lay eggs. Ms. Gregory recalled for the last few months, Mr. Clayton Smith was not happy with the SOLitude billings



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and were going to talk to them. However, the October billings were easier to read with the specific ponds and asked if Mr. Clayton Smith was satisfied with what he asked them to do. Mr. Clayton Smith confirmed that he spoke to Clarke and the October bill was in the format that he wanted, which was more simplified. There was even more detail in the November one, which he was happy with. Ms. Gregory agreed, as the invoices were easier to read.

#### **ELEVENTH ORDER OF BUSINESS**

#### **Supervisor's Requests**

Dr. Master and Ms. Gregory requested that the meeting room be warmer in the future.

#### **TWELFTH ORDER OF BUSINESS**

#### **General Audience Comments**

Ms. Adams opened the public comment period, since earlier in the meeting, residents were unable to sign onto Zoom. Resident Barbara Lewis of 699 Villa Park Road, was a seasonal resident that lived in the community since 2006 and had an issue with the pond that she lived on, as it did not have any road access. In November, she found out the right people to complain to, who provided an explanation to her, which helped and she showed pictures of her pond from November and today and requested that her pond be taken care of, because she paid for a waterfront lot and would like to one day sell it as a waterfront lot. She lived on a lake in Pennsylvania and in the summer, they had to do chemical treatment on invasive species to get rid of them. Mr. LaRue asked if Ms. Lewis was happy with the treatment she was getting. Ms. Lewis pointed out that she was not happy because the algae was getting worse. They treated the algae in December, but they never treated the weeds, which were now 2 to 3 feet tall. She was told that Mr. Chris Reed would stop by whenever her pond was treated. Resident Joann Barnette of 782 Via Como Street, a new resident, noted that there was a treatment for the weeds, but when the landscaper comes out to spray, residents were not notified. It was very potent and killed many plants. In addition, many residents had pets and it could be harmful to them. Mr. Clayton Smith asked if they were spraying it on a lot or in the pond. Ms. Barnette stated it was being sprayed on the grass. Mr. Clayton Smith pointed out that this was an HOA issue, as the CDD only maintained the ponds. There being no further comments, Ms. Adams closed the public comment period.

#### **THIRTEENTH ORDER OF BUSINESS**

#### **Other Business**

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There being no comments, the next item followed.

**FOURTEENTH ORDER OF BUSINESS**

**Adjournment**

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

DocuSigned by:

*Tricia Adams*

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Secretary / Assistant Secretary

DocuSigned by:

*Peggy Gregory*

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Chairman / Vice Chairman