

**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 15, 2025** at 9:30 a.m. via Zoom Communication Media Technology and in The Gator Room, 385 Village Drive, Poinciana, Florida.

Present and constituting a quorum were:

Peggy Gregory
Roy LaRue
Dr. Maneck Master

Chair
Vice Chairman
Assistant Secretary

Also present were:

Tricia Adams
Scott Clark *by Zoom*
Joel Blanco
Cherrief Jackson
Residents

District Manager
District Counsel
GMS Field Staff
Clarke Midge Control

The following is a summary of the discussions and actions taken at the January 15, 2025 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 at 9:31 a.m. A quorum was 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 being no comments, the next item followed.

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FOURTH ORDER OF BUSINESS**Organizational Matters**

- A. Review of Letter(s) of Interest/ Resume(s) for Vacancies in Seats 2 & 5**
- B. Appointment of Individuals to Fulfill Seats 2 & 5**
- C. Administration of Oath of Office to Newly Elected Supervisor**
- D. Election of Officers**
- E. Consideration of Resolution 2025-02 Electing Officers**

Ms. Adams reported that as a result of Board vacancies in Seats 2 and 5, the Board directed District management staff to send out a recruitment notice for potential qualified electors. A qualified elector must be at least 18 years of age, a citizen of the United States and the State of Florida, live within the Poinciana West CDD boundaries and registered to vote with the Polk County Supervisor of Elections. As a result of the electronic mail messaging system that advised of the opportunity, one resume was received in December from Mr. Len Kirschbrown, who was in attendance. Mr. LaRue questioned how long Mr. Kirschbrown lived in Solivita. Mr. Kirschbrown indicated that he purchased his home in 2010, became a permanent resident in 2012, was President of the Tennis Association, currently served on the Landscape and Infrastructure Committees and had an engineering background, working for Duke Energy for 32 years. During his career, he was involved with catch basins, piping and pumping and felt that he would be a good fit for the Board, from a mechanical side, as he performed inspections. In response to Ms. Gregory and Mr. LaRue's questions, he was not a licensed engineer and his current job activities did not preclude him from attending CDD meetings. Ms. Adams confirmed that there was no inherent conflict with Mr. Kirschbrown serving on HOA committees, but anyone appointed to the Board, would be subject to the Sunshine Law. Ms. Gregory voiced concern about two Board Members being in attendance at an HOA meeting. Mr. Clark advised that it was not uncommon for HOA members to be on CDD Boards, but they must avoid any interaction on the HOA side, if there were issues involving the CDD. They could sit and listen to the discussion at the HOA meeting but avoid participation.

Ms. Adams recalled that the two Board vacancies, were a result of no one qualifying through the general election process, for terms starting in 2024 and expiring in November of 2028. Dr. Master questioned why Mr. Kirschbrown wanted to be on the CDD Board. Mr. Kirschbrown indicated that he wanted to learn more about the CDD, because the CDD had a bad reputation. Dr. Master did not think of it as a bad or good reputation, as it was more about perceiving the CDD as an added cost that residents must incur on their Tax Bills, as when the builder created the CDD, it left the burden of building the infrastructure in the community, on

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future residents. Mr. Kirschbrown believed that residents were also paying additional maintenance fees of \$150,000 to have the CDD, as there were contracts for landscaping, attorney and engineering, that had additional fees attached to it. Dr. Master pointed out that there was a great deal of engineering work to be completed and whether it was split into three pieces or two, the total amount was not going to be different. Mr. Kirschbrown questioned why the CDD was hiring an engineering firm. Dr. Master explained that the builder had not turned everything over yet. Mr. LaRue pointed out that one of the main activities of the CDD, was not just maintaining ponds, but to issue bonds to support all of the infrastructure, because without a CDD, the builder must bear the cost. Mr. Kirschbrown questioned how the CDD verified that the bond money was spent on what the builder wanted it to be spent on. Ms. Adams explained that an Engineer's Report from a certified engineer, was prepared when bonds are issued, identifying the eligible improvements. Regarding the vacancies, the Board was not required to make a decision today. There was Board consensus to defer the appointment of a Supervisor, in order for staff to issue an additional recruitment notice and consider other candidates.

FIFTH ORDER OF BUSINESS**Approval of Minutes of the November 20, 2024 Audit Committee & Board of Supervisors Meeting**

Ms. Adams presented the draft minutes of the November 20, 2024 Audit Committee and Board of Supervisors Meetings, which were included in the agenda package and reviewed by District management staff and District Counsel. Corrections were provided by Ms. Gregory, which would be incorporated. Mr. LaRue requested a copy of the application form for a French drain to be included in the next agenda. Ms. Gregory asked if Mr. Clark was working on the License Agreement for the security fence on Pond P-16. Mr. Clark confirmed that he prepared a form of the agreement and forwarded it to the District Manager. Dr. Master questioned whether there was a deadline for the fence installation. Ms. Adams explained that the License Agreement provided permission for the HOA to install and maintain the fence, but there was no deadline for the installation, but at Dr. Master's request, Ms. Adams would find out when it was going to be installed. Ms. Gregory pointed out on Page 12, TM did want to turn over the facilities for free and wanted the HOA and not the CDD, to pay them \$26 million without an appraisal. Dr. Master questioned how the HOA would pay for something like this, since they could not issue bonds. Ms. Adams confirmed that the HOA had not requested any information or have any discussion

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with the CDD regarding any potential purchase of amenities. Mr. LaRue requested that the statement, *“When this was first contemplated six years ago, the appraisal for these facilities were worth \$21 million and now they were worth \$26 million,”* be stricken. Ms. Gregory pointed out that \$600 million should be \$100 million.

On MOTION by Dr. Master seconded by Ms. Gregory with all in favor the Minutes of the November 20, 2024 Audit Committee & Board of Supervisors Meeting were approved as amended.

SIXTH ORDER OF BUSINESS

Ratification of Audit Engagement Letter with Grau & Associates

Ms. Adams recalled that Grau & Associates (Grau) was ranked as the number one audit firm by the Audit Committee. In order for them to start on the Fiscal Year 2024 audit, their audit engagement letter, which was prepared in accordance with the Audit Agreement, must be approved by the Board, as it was executed by the Chair.

On MOTION by Mr. LaRue seconded by Dr. Master with all in favor approval of the Engagement Letter with Grau & Associates to provide auditing services for Fiscal Year 2024 in the amount of \$3,400 was ratified.

SEVENTH ORDER OF BUSINESS

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

Ms. Adams presented a Data Sharing and Usage Agreement between the District and the Polk County Property Appraiser, which was included in the agenda package, exempting judges and law enforcement personnel from public records disclosure. It was an annual agreement that would be in effect from January 1, 2025 through December 31, 2025 and staff recommended approval. It was substantially the same as what was approved last year, but there was a newly elected property appraiser.

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

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EIGHTH ORDER OF BUSINESS**Review of Proposals for Professional Engineering Services****A. Dewberry Engineers, Inc.****B. Rayl Engineering & Surveying, LLC**

Ms. Adams recalled that the District Engineer provided a letter of resignation but was serving on a month-to-month basis, at the pleasure of the Board. The Board directed staff to submit a Request for Qualifications (RFQ) for engineering services and as a result, two proposals were received, which were presented to the Board in November. One proposal was from Dewberry Engineers, Inc. (Dewberry) and the other from Rayl Engineering & Surveying, LLC. (Rayl). The Board reviewed the proposals at the November meeting and requested their current fee schedules, which were including along with the proposals in the agenda package. Mr. Clark explained that in an RFQ, prices were not submitted and the selection was based on experience. However, there was an exception when engineering expenses were expected to be \$35,000 or less, which the District falls into, which was why he was not opposed to the Board's request for their hourly rates. Mr. LaRue selected Rayl, as Dewberry charged an hourly rate of \$320, compared to Rayl charging \$225 per hour. Ms. Gregory agreed, as they did not need a \$320 per hour engineer, since there was not much engineering work to be completed. Ms. Adams pointed out that Dewberry had a senior engineer that led the project and a junior engineer attend CDD meetings. Ms. Gregory recalled the agreement having a 30-day termination provision. Ms. Adams noted that Rayl was the District Engineer for Lake Ashton, which was similar to this CDD. Mr. LaRue asked if the engineering documents were retained at GMS. Ms. Adams confirmed that there were some documents that Ms. Leo and her team could access but would request records that were not through public portals, such as as-builts. Ms. Gregory recalled that the last complete inspection Ms. Leo performed of all ponds was in May or June and would not need immediate service, unless there was an issue with a weir or water seeping out of a pond.

On MOTION by Ms. Gregory seconded by Mr. LaRue with all in favor selecting Rayl Engineering & Surveying as the number one firm to provide professional engineering services and authorization for District Counsel to prepare the form of agreement was approved.

Mr. LaRue requested that Rayl attend meetings in-person. Ms. Adams would request that they attend the first meeting in person. Ms. Gregory was amenable to Rayl attending by phone, if

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they were aware of the needs of the community and the same person attended meetings via phone or in person. Mr. LaRue questioned the lead engineer for Lake Ashton. Ms. Adams confirmed that it was Mr. Alan Rayl. Mr. Clark would prepare the form of agreement and provide to the District Manager the first part of next week.

NINTH ORDER OF BUSINESS

Ratification of Proposal for Pond 19-A Stormwater Pond Repair Inspection

This item was discussed under the District Engineer's Report.

TENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Clark recalled discussion at last month's meeting, regarding a loss of water in Pond 19-A. After the meeting, he spoke with the District Manager's office, to try to understand all of the details involved and to develop a timeline of what occurred. In April of last year, field staff and residents noticed that the pond level was progressively getting lower. At that time, Mr. George Flint initiated conversations with Taylor Morrison (TM), due to some work that was occurring in the Westview South CDD and dewatering that occurred across Cross Cypress Parkway, which lowered water levels. Mr. Flint requested a report and proposal from TM of what they were going to do about the lower water level. While waiting for the proposal, Junior Davis, the site contractor for Westview South, they did some cleanup work on the pond, due to the low water level, erosion and damaged sod, without notifying CDD staff, which was unacceptable. According to Junior Davis, the work was completed, but not to the satisfaction of the CDD. As a result, a proposal was requested from Ms. Leo, since she was familiar with the pond, to evaluate the repairs that were made and provide a report and recommendation for remediation work. Mr. Clark would then communicate with TM on what needed to be done and what professional or other expenses the CDD incurred, which they needed to reimburse the CDD for and the expectation that they would never do work on CDD property without permission. Ms. Gregory found it ironic that Mr. Clark and Ms. Adams had a timeline, as she requested, when this matter came to the Board's attention, to put a specific timeline in writing on what was occurring on Pond 19-A, versus Mr. Flint going onto Pond 19-A and having conversations that the Board did not know about. She was tired of the fact that all residents paid for all fees, charges, everything, but staff could not inform the Board what was occurring, as a courtesy.

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Furthermore, Ms. Gregory reviewed the permit on the property that was recorded in January, to verify that the CDD owned the property and not TM.

Ms. Adams apologized for missing that Ms. Gregory requested a timeline, as it was completely her fault. After Mr. Clark requested a timeline, she prepared one, which she could provide to the Board. Mr. LaRue requested that it be included in the next agenda package but questioned what Mr. Flint was doing on Pond 19-A, without informing the Board. Ms. Adams confirmed that field staff was performing routine inspections and informed the District Engineer in July, that the pond was lower than it should be. At that point, the District Engineer provided as-builds and maps to field staff, to look into this matter, which they did and on August 26th, field staff informed Ms. Adams that it appeared that it was caused by dewatering that was occurring outside of the community. Ms. Adams then notified Mr. Flint, as she never encountered this situation and asked for a recommendation, as he worked with CDDs for decades and was familiar with who was in charge of a nearby project. Pictures and a map were requested, which he forwarded to TM on October 2nd. Ms. Gregory voiced frustration that Mr. Flint was informed immediately, but the Board was never told about it, until it was discussed in November. Ms. Adams pointed out that nothing was hidden from the Board and everyone had all of the same information. Mr. Clark clarified that in his review of the documents, there were some comments going back to April regarding the lower pond level, but it was the dry season when pond levels were expected to be low. However, in July when the water level continued to be low, after they were in the rainy season, field staff became alarmed, which resulted in field staff performing inspections, taking photos and were informed about a project under construction across Cypress Parkway, involved dewatering. It was intended that TM would present a proposal that would be considered by the Board at the November 20th meeting, to remediate the situation, but they did not provide it and instead, started doing the work without notifying anyone.

Resident Mary Ann Bull of 354 Vestrella Drive, who lived on Pond 19-A, clarified that not only was Pond 19-A was low, but Pond 19-B, across Solivita Boulevard, was also low, but not quite as drastically. Mr. Blanco pointed out that there was a conservation area that divided the pond. Ms. Bull noted that she lived on Pond 19-A for five years and noticed water levels receding two Summers ago. When Mr. Blanco inspected it recently, he deemed that it was a drastic loss in water levels, as it was 15 feet below the normal level. There was a watermark on the weir and the current water line, was at the bottom of the weir. Mr. Blanco recalled in April,

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that the pond was low, but during that timeframe, many ponds were low. He made a note to monitor it during the rainy season, but once Ms. Bull contacted her in the middle of Summer, he measured the pond, as he expected it to rise, but it failed to do so. Mr. Blanco then researched to see what the issue was, by inspecting the pond periodically and speaking to the District Engineer, versus informing the Board. Mr. LaRue expected the Board to be informed if there was a problem, even if they did not have all of the details. Ms. Gregory understood what Mr. Blanco was trying to do but wanted to be notified immediately about a problem and that they were working on it. Dr. Master wanted further communication with the Board, so there was no confusion. Ms. Gregory asked if all 31 ponds owned by the District were checked twice per month. Mr. Blanco confirmed that it was manageable to inspect all 31 ponds twice per month, as it was not the size of the scope of the Poinciana CDD. Ms. Adams clarified that as soon as this issue was reported on July 29th, Mr. Blanco not only communicated with her, but he also communicated with Mr. Clayton Smith, the prior Field Manager.

There was Board consensus for Ms. Adams to provide a written timeline to the Board and in the future, staff inform the Board of any issues and that Mr. Clark copy the Board on any communications. Mr. LaRue asked if the community across the street had a permit to dewater the pond. Ms. Gregory indicated that she reviewed 65 pages of permits and if they were for dewatering, they were marked, but according to Mr. Clark, there was not a specific dewatering permit. Mr. Clark would verify this with Ms. Leo. Dr. Master asked if there were legal ramifications, if TM did not have the right to dewater. Ms. Gregory confirmed that the CDD would receive reimbursement of all funds spent, but suggested having staff contact Junior Davis to request a copy of their permits. Mr. Clark pointed out that he contacted the attorney for TM to request this information, but at Mr. LaRue's request, would request a copy of their dewatering permit and provide to the Board at the next meeting.

On MOTION by Mr. LaRue seconded by Dr. Master with all in favor the approval of a proposal from GAI for an inspection of the work that Taylor Morrison completed on Pond 19A in the amount of \$1,500 was ratified.

Ms. Bull reported that two people were working on the Pond 19-A weir yesterday. Ms. Gregory noticed it as well and requested an update from Mr. Blanco, as there was a proposal to

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patch the seam on the 19-A weir box. Mr. Blanco confirmed that the work was completed yesterday. Ms. Gregory voiced concern with not being informed that people were walking on the weir with shovels and after some phone calls, she was informed that GMS staff was doing work for Mr. Smith. Ms. Gregory did not want this work to interfere with the \$1,500 that they were paying Ms. Leo to perform a complete inspection. Mr. Blanco was asked by Ms. Bull whether the weir box had anything to do with the dewatering and he informed her that it did not. According to Mr. Smith, if a weir box was leaking from the seam, it had nothing to do with the dewatering, but agreed that it should have been left unattended until after the inspection, which was scheduled for today. Mr. Blanco pointed out that the proposal was approved at the November meeting, he requested the work to be done prior to this meeting, which included removing some vegetation. Ms. Bull noted there were tree weeds in the pond, which Floralawn was removing, but asked why they were throwing the dead material into the pond. Ms. Gregory was informed that they were laying the material next to the pond and coming back out with a wagon to remove the sticks and relocating it to the conservation area. Mr. LaRue requested that staff work with Floralawn to remove the trees from the pond, as this was unacceptable. Mr. Blanco would speak to Floralawn.

B. Engineer

There being no comments, the next item followed.

C. District Manager**i. Approval of Check Register**

Ms. Adams presented the Check Register for September 1, 2024 through December 31, 2024 in the amount of 928,913.18, which included the detailed invoices and Check Run Summary. There was a large payment from the transfer of tax receipts to the Trustee, in the amount of \$666,908. Ms. Gregory pointed out that there were many credits and subtractions. Ms. Adams explained that there were some voids. Mr. LaRue asked if GMS was going to offer direct deposit, so there were no check issues. Ms. Adams was not aware of any plans, but would verify this; however, there were fraud protection services on the bank account. Ms. Gregory recalled a request that she made yesterday, for six months' worth of bank statements that she had not received, to see what the monthly charge for fraud alert was. She further wanted GMS to consider using ACH, versus writing six checks per month, as it takes three and a half minutes for

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it to go through ACH. Dr. Master agreed, as it was ridiculous for people not to use ACH. Ms. Adams would forward the bank statements and see if GMS could offer ACH.

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

ii. Financials

Ms. Adams presented the Unaudited Financials through the end of December 31, 2024, which were included in the agenda package. Ms. Gregory pointed out in July, there was a total investment balance of \$829,311, \$788,000 in November and \$719,000 in January. There was also a money market earning 5.15% and a 12-month CD with Bank United with a balance of \$151,481; however, she did not know if interest was accruing monthly or had a term of 12 months. In addition, there was a \$150,000 CD, that was supposed to mature at 4.5% on July 31, 2025; however, the investment summary showed the wrong interest rate. Ms. Adams would make this correction. Ms. Gregory further pointed out that there was currently a \$110,247.71 difference between the investment pool in between July and January and questioned whether this amount was included in the \$719,000. Ms. Adams explained that until tax revenues were received by March, the District was using surplus funds to pay bills, but as they were needed, they were moved back and forth from the investment accounts. No Board action was required on the financials, but tax receipts were received in December and the District was well collected at this time of year. The Board did an excellent job of controlling expenses and the November payments for debt service that were due for interest, were made and there were some special calls.

D. Field Manager's Report

i. Field Manager's Report

ii. Pond Maintenance Report

Mr. Blanco presented the Field Manager and Pond Maintenance Reports, which were included in the agenda package. GMS staff continued to review ponds throughout the District. There was a significant drop in algae blooms in ponds throughout the District, especially frequent algae blooms in Ponds P-21 and P-22, but the blooms were containable. Ponds experiencing excessive edge grass overgrowth, were frequently sprayed and he asked the

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landscaping vendor, to mow several of the pond banks, to assist with the overgrowth containment. It was unknown if the spray treatments were effective, but some decreased in size, with thinning and browning, which were all indicators that the treatment was taking effect, especially with Ponds P-8 and P-16.

- **Consideration of Proposal to Hydroraking of Pond 16 (*Item 10Dv*)**

At the request of the Board, Mr. Blanco presented a proposal from Solitude for the hydroraking of Pond P-16, due to the excessive or constant overgrowth of edge grasses, in the amount of \$52,000. Ms. Gregory was not in favor of approving it, as she could hydrorake it for \$5,000. Mr. Blanco agreed that this amount was excessive for one pond. Ms. Adams pointed out that this was not a recommendation from staff. Mr. Blanco indicated that the alternative was to continue with their current treatment plan and allowing nature to take its course. Ms. Gregory agreed.

- **Pond Maintenance Report (Con't)**

Mr. Blanco reported that GMS staff reviewed all of the landscaping areas throughout the District. While reviewing the ponds, the downed tree on the easement on Pond P-1, was removed by the landscaping vendor. The landscaping remained in satisfactory standards, with clean and tidy easements at the end of resident property lines and bank levels at appropriate height levels. The mowing had been more frequent during the dry season for the dry ponds, since there had been little to no rain and less sprinkler use. The dry pond on P-3 was scheduled for another round of mowing in the month of January. Pond P-1 could not be mowed, as it had several areas where there was some mud and the mower could get stuck. They were looking at alternatives to get the pond bank mowed, without using a big driving mower and to confirm that maintenance staff removed the vegetation in both of those outlets for P-1 and P-2, which was approved at the last meeting. Pond P-19 was discussed at length. Ms. Bull questioned what the next step was. Ms. Adams indicated that after the inspection, they would determine the next step. Mr. LaRue recalled that Mr. Blanco was going to work with the landscaper, to get this pond corrected. Mr. Blanco explained that the vegetation could produce algae and if there was any evidence of it, he would schedule a treatment for this pond. Ms. Bull recalled two treatments on this pond. Mr. Blanco confirmed that the treatments were for weeds, which ordinarily would decay in high water levels, but since water levels were low, Floralawn had to mow to clear it up. Ms. Bull

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asked if the sod should be removed. Mr. Blanco confirmed that it was dry Bahia, which looked brown in the dry season, but would turn green in the Spring rains when there was sufficient water. Ms. Gregory preferred that it not be removed for now and that they wait for the inspection by the District Engineer and for the rains, because if it needed to be removed, it would be part of the legal process against TM. Mr. LaRue requested that it be part of Ms. Leo's report, as to whether or not the grass should be removed. The November Aquatics Treatment Log was not included, because the notebook that the aquatics vendor was taking notes on, fell into a pond during a treatment. However, he had notes for the December report, which he would forward to the Board or include it in the March agenda package.

iii. Midge Management Report

iv. Customer Complaint Log

Mr. Blanco presented the Midge Management Reports and Customer Complaint Log, which were included in the agenda package. Mr. LaRue asked if there were any midge complaints. Ms. Gregory pointed out that it was too cold for midges. Mr. Blanco confirmed that there were no midge complaints.

v. Consideration of Proposal to Hydroraking of Pond 16

This item was discussed.

TENTH ORDER OF BUSINESS

Supervisor's Requests

There being no comments, the next item followed.

ELEVENTH ORDER OF BUSINESS

General Audience Comments

Mr. LaRue thanked Ms. Bull for attending this meeting. Ms. Bull was thankful that actions were being taken.

TWELFTH ORDER OF BUSINESS

Other Business

There being no comments, the next item followed.

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THIRTEENTH ORDER OF BUSINESS


Next Meeting Date – March 19, 2024; The Gator Room

Ms. Adams reported that the next meeting was scheduled for March 19, 2025 at 9:30 a.m. in The Gator Room.

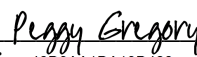
FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Dr. Master seconded by Ms. Gregory with all in favor the meeting was adjourned.

Signed by:


Secretary / Assistant Secretary

Signed by:


Chair/Vice Chairman