

**MINUTES OF MEETING
HARMONY
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Harmony Community Development District was held on Thursday, April 24, 2008 at 9:00 a.m. at the Harmony/Greensides, 7251 Five Oaks Drive, Harmony, Florida.

Present and constituting a quorum were:

Robert D. Evans	Chairman
Greg Golgowski	Vice Chairman
Kenneth Peach	Assistant Secretary
Nancy M. Snyder	Assistant Secretary

Also present were:

Gary L. Moyer	Manager: Moyer Management Group
Brenda Wright	Moyer Management Group
Tim Qualls (by phone)	District Attorney
Steve Boyd	District Engineer
Todd Haskett	Harmony Welcome Center
Shad Tome	Harmony Development Co.
Several Residents	

FIRST ORDER OF BUSINESS

Roll Call

Mr. Evans called the meeting to order at 9:05 a.m. and called the roll.

SECOND ORDER OF BUSINESS

Approval of the Minutes of the March 27, 2008 Meeting

Mr. Evans stated each Board member received a copy of the March 27, 2008 minutes and requested any additions, corrections or deletions.

Mr. Boyd stated on Page 5 under the Engineer's Report, the first sentence should be stricken from the record as construction had not started as of last month. It has now commenced. Last month, we awarded the contract.

Ms. Snyder stated on Page 19, I asked "Is there a list of the prior submitted problems" and not Ms. Kassel. I also said "We do not see a list showing us that the matter has already been reported."

On MOTION by Mr. Golgowski seconded by Ms. Snyder with all in favor the minutes of the March 27, 2008 meeting were approved as amended.

THIRD ORDER OF BUSINESS

District Manager's Report

A. March 2008 Financial Statements and Requisitions

Mr. Moyer stated you received the March 2008 financial report. We are halfway through our fiscal year and we are under our expenditures. However, we still have some collections to be received from the Tax Collector on our non-ad valorem assessments as we are \$90,000 short. This is where we expect to be through March because they make a distribution to us in April. Those who do not pay their assessments go through the normal tax collection process where certificates are sold in early June. For the most part, we are right where we expect to be for this time of year, both on revenues and expenditures.

B. Invoice Approval #96 and Check Run Summary

Mr. Moyer stated the invoice approval 96 and the check run summary were included in your agenda package.

Mr. Evans asked does the Board need to take any action on the March 2008 financial statements?

Mr. Moyer responded the Board only needs to take action on the invoices.

On MOTION by Mr. Peach seconded by Ms. Snyder with all in favor the March 2008 Financial Statements, Requisitions, Invoice Approval #96, Invoices and Check Run Summary were approved as amended.

- **Website Update**

Mr. Moyer stated at this time, Ms. Wright will give you an update on the website and our complaint tracking system, both of which were implemented a couple of days after your last meeting pursuant to discussion at the last meeting.

Ms. Wright stated I heard from many of the Supervisors as well as Ms. Kerul Kassel who provided us some suggestions, which we implemented on the website. This week alone we received four or five complaints, which we forwarded to Mr. Haskett and Mr. Tome. We are working with the Development Company to resolve those complaints. Ms. Kassel said she tested the system and it worked "seamlessly". On the website, you can make a suggestion and report a

problem. Ms. Kassel and I worked on the confirmation page. When someone submits a request or complaint, there will be a window showing the information submitted, time and date the request or complaint was made and where the request went.

Mr. Evans stated good!

Ms. Wright stated one resident submitted a request for the Board's email addresses. I did not have a chance to transfer any e-mail addresses to the website, but I can certainly add this information.

- **E-mail Request from Resident**

Mr. Moyer stated I distributed to the Board a copy of an e-mail we received from Mr. Ray Walls who expressed concern about the residents paying for developer expenses for uninhabited areas within the District. We e-mailed him back and said it is one system where the developer pays the same amount for undeveloped lots as everyone else, especially relating to street lights as it benefits everyone in the community. Mr. Walls replied on Monday reiterating his desire for the District to break out the cost directly related to the developer and charge them; not the residents. However, there is a probability the residents will pay more because in many respects going back several years, the developer had not installed those systems and the developer was still being charged as if the system had been constructed. Maybe we did not do a good job of explaining how this system was set up, but I wanted you to have the letter. It is probably better to address this in the context of our budget discussions going forward. Nonetheless, this is something we will enter into the record on his behalf.

Mr. Evans stated every year when we go through the budget process, Mr. Boyd provided us very detailed and comprehensive exhibits showing the properties assessed and those owned and maintained by the District. We follow a strict methodology analysis, by which the total amount of the assessments are distributed across the board for all the improved properties, regardless of whether the owner is the developer or a homeowner. You do not assess the County for the roadways or the District for the debt. You assess on a per acre basis. Once those assessments are allocated evenly across the board for all the improved property, it is broken down into each subdivision based on a methodology for each individual lot. This is the easiest process we can possibly go through and clearly communicate. When we get into the budget process and have a workshop, we will bring those exhibits. We update them every year. There is no magic to this, but when you allocate a certain Street Light Agreement to certain lots or get

into this matrix, it is cumbersome because there are shared benefits throughout the entire community. Because we do not have gates, the residents have access to all communities so they benefit from the street lights, parks and landscaping. This is the bulk of your budget. We try to make it as equitable as we can. If anyone is ending up unjust, it is the developer of the undeveloped properties because they are getting assessed the same rate and are carrying a heavier burden than everyone else until everything has been addressed. We will definitely address this at our budget hearing.

FIFTH ORDER OF BUSINESS

Engineer's Report

Mr. Boyd stated as indicated earlier, the improvements for the sidewalks are underway. They should be completed by the next meeting.

SIXTH ORDER OF BUSINESS

Developer's Report

Mr. Haskett stated I have the landscape maintenance specifications prepared by REW Landscape Corporation for maintenance of common areas within neighborhoods D2 and E. There is a correction, which will be amended prior to the Chairman's execution.

Mr. Evans asked is the cost \$1,100 per month for both areas?

Mr. Haskett responded yes.

Mr. Evans stated in our budget procedures, this proposal came in under what we originally anticipated.

Mr. Haskett stated correct.

Mr. Evans stated we will adjust the budget accordingly at the workshop for landscape maintenance.

On MOTION by Ms. Snyder seconded by Mr. Gologowski with all in favor the proposal from REW Landscape Corporation for maintenance of the common areas within the D2 and E neighborhoods was approved.
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Mr. Haskett stated I provided pictures of the basketball court and soccer field at Lakeshore Park. Construction is progressing well. We are still waiting for some equipment to arrive, which we designated the longest timeline for the equipment as it had to be ordered as it was more of the institutional type grade. Hopefully, the equipment will be delivered by next week. We are projecting to wrap up this contract the first week in May.

Ms. Snyder asked will all three fields be completed by then?

Mr. Haskett responded the concrete was just poured for the basketball court. In the bottom picture, you can see our Activities Director playing ball with some kids. This was a nice sight. The sand for the volleyball area will be installed today or tomorrow. They are doing the final grade on the soccer field tomorrow and installing the turf some time next week.

Ms. Snyder stated there is a lot of positive talk in the neighborhoods.

Mr. Haskett stated I think it will be a great improvement.

Mr. Evans stated good job.

Mr. Golgowski stated a lot has been done in a short time.

Mr. Haskett stated we will have it ready for the kids when they get out of school.

SEVENTH ORDER OF BUSINESS

Discussion of the Monthly Boat Report

Mr. Golgowski stated the Activities Report on the boat use was provided in the agenda package. Everything is proceeding as normal. However, the larger pontoon boat was out of service for a few weeks as it hit a floating object while in operation, which caused the boat to proceed forward when put into reverse. Fortunately, while Mr. Thomas Belieff, the Dock Master was waiting for an opening in the repair shop, he took the pontoon boat out of the water and was able to fix it himself. We ended up avoiding more time being taken up by having the pontoon boat out of commission and the cost of having it repaired by an outside vendor. Mr. Belieff did a great job.

Ms. Snyder asked is the pontoon boat still being repaired?

Mr. Golgowski responded no. It is back afloat and in service.

FOURTH ORDER OF BUSINESS

Attorney's Report

Mr. Moyer stated we skipped over the Attorney's Report.

Mr. Qualls stated I apologize for not attending the meeting in person, but I am in Tallahassee monitoring the legislative session and attending a meeting of the Taxation and Budget Reform Commission. There are several items on their agenda regarding CDDs. I look forward to making a report at the next meeting.

Mr. Evans stated we will discuss your recommendations on the Parks and Recreation Facilities Policy at the workshop.

EIGHTH ORDER OF BUSINESS

Supervisors' Requests

There not being any, the next item followed.

NINTH ORDER OF BUSINESS

Audience Comments

Mr. Dick Wystra stated I live at 7040 Button Bush Loop. Is fishing permitted in the retention pond behind the homes on Button Bush Loop and Brackenfern Drive?

Mr. Golgowski responded our policy prohibits fishing on any ponds. In fact, there are signs posted to this effect.

Mr. Wystra stated I was under the assumption you could not fish.

Mr. Golgowski stated correct.

Mr. Wystra stated at some of our conservation meetings, there was discussion about no fishing being permitted, but I was informed by a neighbor fishing was permitted. This needs to be clarified. If there is no official policy, maybe there should be. I am not against fishing, but I want clarification.

Mr. Evans stated we will include this item in the next newsletter.

Mr. Moyer stated we will post a notice on the website.

A resident stated it appears signs were posted six to eight months ago and many of them have been destroyed. They were literally ripped from the ground and torn apart. I do not know who is doing this.

Ms. Gina McGinnis stated there have not been signs on that lake since I have been there and I have lived there since July.

Mr. Golgowski stated signs were not posted on this lake because it was a fairly closed pond and not subject to outside activity.

Mr. Wystra stated there seems to be some confusion. I just wanted to know as a point of clarification.

A resident asked is there a reason for the policy?

Mr. Golgowski responded there is a safety issue and interference with wildlife in terms of alligators. You are creating a distressed fish situation. Many people experienced alligators following their lure in. Eventually, they start making the connection between someone on the bank and something to eat.

The resident stated maybe this is why having the "*No Fishing*" signs made sense. When people understand the reason, maybe then they will conform to the rules.

Mr. Charles Pacetti stated I called the Sheriff's Department last weekend because I saw some kids' wake boarding in the big pond. I saw alligators in the pond. A Sheriff was dispatched who asked the kids to get out of the pond. Along with a sign saying "No Fishing", there should be a sign for no recreational activity in the lake.

Ms. Snyder stated we did not hear whether the kids were residents.

Mr. Pacetti stated I do not know if they were residents.

Ms. Sandra Sampson stated I live at 3332 Brackenfern Drive. I saw kids feeding the alligators in the pond. They were close to the water and throwing marshmallows. I called the Police Department, but by the time they got out there, the kids were gone. I do not know if they are still doing it, but they were out there after school between 4:00 p.m. and 6:00 p.m.

Mr. Evans stated this is your community and your neighbors. Sometimes when you see something like this, it is nice to ask whether they were aware of the policy. Many times, these kids do not know about the policy. This is a nice way to take the opportunity to tell your neighbors "You should not be doing this". Some of them will probably accept your explanation graciously, while others may not. Hopefully, they will be more on the gracious side. Thank you!

Ms. Kerul Kassel stated I think the residents are asking for signs on the ponds where there currently are no signs or even signs on the ponds where the signs were removed. At least there is some indication of what people are allowed to do. Maybe the signs should say "*No Fishing or Feeding of the Alligators*". There is also no water in the dog park. In order for owners to give their dog water, I have seen people take the hose from the dog wash and try to snake it over the fence. This is not good for the hose bib on the dog wash to be pulled in this manner. Maybe we can install a hose bib inside the large dog park. Lastly, I feel Mr. Walls request was based on the belief this was the legal obligation of the CDD. It may not be to the financial benefit of the residents. It appears Mr. Walls feels this is a legal requirement of the law for the funds the developer is responsible for to be separated from what the residents are responsible for. Do you know whether or not this is a legal requirement, Mr. Qualls?

Mr. Qualls responded landowners throughout the District pay assessments. I think Mr. Evans meant there was a lot of raw land owned by the developer and they pay a portion of their assessments based on the amount of land they own. I do not know if this answers your question.

Mr. Moyer stated his conclusion might be related to Condominium Law and not have anything to do with CDDs. I can say for the record, the way we are assessed is the way the vast majority of all Districts in the State of Florida assess. We are not doing anything out of the ordinary.

Mr. Evans stated we also go through an audit process every year as far as financial accountability for the District and the proper procedures.

Ms. Kassel stated I do not doubt what is going on here is okay, but I just want to make sure it is legal. Maybe there is an aspect of it, which needs to be addressed, according to the Florida Statutes.

Mr. Evans stated Mr. Qualls needs to cite the Statutes so we have a better idea what this is referring to. Sometimes people come up with an idea and then say this was not the way they interpreted it. If they say it is illegal, all you have to do is cite the statute. We have competent management and Legal Counsel to say whether or not it is applicable in this situation. Typically you have two accounts, one for your O&M and another for your debt service, which are separated because you have different purposes. The accountability is extremely high as far as the documentation. We know where every penny goes. There is no co-mingling between these runs. It is an open policy. The issue is for the allocation; a litmus test for the application, which has to be fair, equitable and defensible. This needs to be taken into account when you do your O&M assessments and your debt service across the board. One party does not take advantage of the other. It has to be easily explainable. I think we accomplished all of those requirements.

Ms. Jane Christianson asked is it possible to plant some shade trees in the dog park? I noticed some trees were added to the small dog park, which provide shade for the dogs to cool down. I know there are some regulations for the gas pipeline, but if my calculations are correct, the covered area with the water line is fairly close to the gas pipeline. The dogs need some shade as I have seen several dogs overheat, especially since there is no water. There is also no place for people to sit in the shade.

Mr. Evans stated we can certainly take a look at adding some trees.

A resident stated I applaud the improvements made at Lakeshore Park. It looks great. Everyone has been giving positive comments. However, it appears we should have a water feature in the retention pond or the big lake behind the pond as I feel the park is being under utilized from a visual aspect. Many communities like us make good use of their water features

by having bridges over their pond, fountains or lighting at night. Additionally, it is hard to tell Buck Lake is even there unless you look for it. People driving through looking for a lake are never going to find it, unless you happen to know to look at a specific place. Maybe we can make some visual clearings, not physical access to Buck Lake. We can clear some of the underbrush in those areas.

Mr. Evans stated you already have conservation easements in place around the boundaries of the lake and have limited locations for access. I think this is a great idea but I do not think we can go in there and do it.

The resident stated the reason this idea came up in the first place is at the far west end, there has already been one cut through within the last couple of years. There is a cable running across the front with orange markers, which provides a visual view of the lake. I am not telling you to cut down all the trees, but to clear some so people can see there is a lake there.

Mr. Evans stated we would love to, but I do not think we can.

Mr. Golgowski stated one project the Development Company is working on is a trail plan for this area of Harmony, between the ponds and the tree line. Perhaps, they can take advantage of existing openings or other features. I think you are correct. This area has not been used the best way it can be used.

The resident stated I live by there and look at the area all the time. There seems to be an opportunity for a minimal investment of enhancing the area. This is what we are all here for.

Mr. Evans stated you can come to the budget workshop as this is where everyone tells us what they want to do.

The resident stated it is all about spending our money.

Mr. Evans stated this is the reason for having the workshop. We put our budget in place for the entire year and look at any programs we think need to be incorporated; such as tree pruning and other long-term programs. Then we try to balance those. I know there are many restrictions with regards to any pruning or cutting within those currently existing conservation easements. Mr. Golgowski and I are trying to gain greater utilization of the lakes and access. It is a delicate process to work through, but we are very sensitive to this and would like to see the enhancements as much as anyone.

Ms. Snyder asked will teams outside of Harmony be able to utilize the soccer field?

Mr. Evans responded we will address this issue at the rule policy workshop, immediately following this meeting.

Ms. Wright asked can I post on the recreational page on the website no fishing is permitted in the recreational ponds and a reminder it is a second degree misdemeanor to feed the alligators in order to educate the residents?

Mr. Evans responded certainly. Mr. Golgowski may have some appropriate language.

Mr. Golgowski stated I will get together with Ms. Wright.

TENTH ORDER OF BUSINESS

Adjournment

There being no further business, the meeting was adjourned at 9:40 a.m.

Gary L. Moyer
Secretary

Robert D. Evans
Chairman

Notes for April 24, 2008 Harmony Meeting

AGENDA ITEMS FOR NEXT MEETING

- 1. Rulemaking Hearing on Boat Use (June Meeting)**
- 2. Distribution of Proposed Budget and Setting Public Hearing**

Brenda Wright

1. Add the Board's e-mail addresses to the website.
2. Add a notice regarding no fishing permitted in ponds on the website.

Budget Changes

1. Discussion of allocation for street lights, parks and landscaping.
2. Adjust budget for landscaping maintenance to include \$1,100 per month for neighborhoods D2 and E.
3. Planting trees in Dog Park to provide shade and a place for owners to give their dogs water to drink.