

MINUTES OF MEETING HARMONY COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Harmony Community Development District was held Thursday, November 20, 2008, at 9:00 a.m. at 7251 Five Oaks Drive, Harmony, Florida.

Present and constituting a quorum were:

Robert D. Evans	Chairman
Nancy Snyder	Vice Chairman
Kerul Kassel	Supervisor
Mark LeMenager	Supervisor
James O'Keefe	Supervisor

Also present were:

Gary Moyer	Manager: Moyer Management Group
Tim Qualls	Attorney: Young, van Assenderp
Rick Gierok	Engineer: Miller, Einhouse, Rymer & Boyd
Brenda (Wright) Burgess	Moyer Management Group
Greg Gologowski	Harmony Development Company
Todd Haskett	Harmony Development Company
Shad Tome	Harmony Development Company
Residents and members of the public	

FIRST ORDER OF BUSINESS

Roll Call

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

Mr. Evans called the roll and stated a quorum was present for the meeting.

SECOND ORDER OF BUSINESS

Organizational Matters

A. Oath of Office for Newly Elected Supervisors

Mr. Moyer stated for the record, I am a Notary of the State of Florida and can administer oaths.

Mr. Moyer administered the oath of office to Mr. Evans, Ms. Kassel and Mr. LeMenager.

Mr. Evans called the roll to include all newly elected Supervisors and stated a quorum was present for the meeting.

B. Consideration of Resolution 2009-1 canvassing and certifying the results of the landowners election

Mr. Evans reviewed Resolution 2009-1 canvassing and certifying the results of the landowners election.

On MOTION by Mr. O'Keefe, seconded by Mr. LeMenager, with all in favor, approval was given to Resolution 2009-1 canvassing and certifying the results of the landowners election.

C. Consideration of Resolution 2009-2

Mr. Evans reviewed Resolution 2009-2 electing officers.

Mr. Moyer stated Mr. Golgowski served as Vice Chairman and Mr. Peach was an Assistant Secretary. You need to consider those positions.

Mr. Evans nominated Ms. Snyder as Vice Chairman.

On MOTION by Mr. Evans, seconded by Mr. O'Keefe, with all in favor, approval was given to elect Ms. Snyder as Vice Chairman.

Mr. Moyer stated traditionally any member who is not otherwise an officer, we recommend they be an Assistant Secretary. A motion for Ms. Kassel and Mr. LeMenager to serve as Assistant Secretaries would be in order.

On MOTION by Mr. O'Keefe, seconded by Ms. Snyder, with all in favor, approval was given to elect Ms. Kassel and Mr. LeMenager as Assistant Secretaries.

Mr. Moyer stated although you both have been attending these meetings for a while and you pretty well understand what the requirements are, there are a couple Statutes you need to be aware of. The first is Chapter 286, Florida Statutes, and is called the Sunshine law. Simply stated, that means no two members serving on the same Board can meet outside of a meeting that has been noticed for the public to attend to discuss anything about District business. All that has to be done here, open to the public in the Sunshine so the public and residents know what we are doing and how we come to those decisions. The second one you need to be aware of is the public records law. Everything you keep in your possession related to this District, if someone wants to see that information, you are required to let them see that information. Usually those requests come to my office as manager or to Mr. Quall's office as the attorney and registered agent. That does not mean that a neighbor may not come to your home and ask to see your records related to the District. We advise you to segregate whatever you keep from the District and keep that

separate. If someone wants to see it, you have to provide it and you cannot even ask why they want to see it. They have the absolute right to see whatever we have.

Mr. LeMenager asked who has this right?

Mr. Moyer stated anyone.

Mr. Qualls stated anyone for any purpose. They do not have to state a reason.

Mr. LeMenager asked they do not have to live here?

Mr. Moyer stated no. Having said that, there is no law that says you have to keep anything. We are the keeper of the official records of the District. If you do keep it, it is open for public inspection. Those are the two major Statutes you need to be aware of that directly affect you as Supervisors. When we get to a situation on a vote where there is a benefit that will inure to you personally, you have to disclose that and there are forms for you to fill out indicating a conflict of interest.

Ms. Kassel asked in the handbook where it discusses gifts, if a neighbor gives you a gift combined over \$100 for your birthday, do you have to disclose that?

Mr. Moyer stated if someone gives you a gift because of your role as a member of this Board in excess of \$75, you have to disclose. As an example, when we close on bond issues, at one time, the underwriter would take you to dinner to celebrate closing the bond issue and sometimes those were more than \$75. You would have to disclose that because a contractor doing business with the District who gave you that gift. As we go through this, we will try to give you more information as it relates to the role of the Board and the role of the District.

Mr. Qualls stated I have been involved in situations where CDD Boards are being investigated by the Florida Ethics Commission. It is frightening for everyone involved. I provided a packet of information. The first is an outline of things I provided and it is a bullet-point overview of some of the key things to keep in mind. You are now public officers. It is no different than if you are the governor or the mayor, and I know you will take that seriously. There is a duty to recognize what the purpose of this District is. This is not a home owners association and it is not the alter ego of the developer. This is a local government with a single special purpose of managing public infrastructure, and that is it. Your job is to make decisions regarding that single purpose and that single purpose only. You have the duty to maintain the public trust. I included the Statutory citation. Besides the ethical potential repercussions, there are civil and criminal

repercussions for violating the Sunshine law. You can be subject to criminal charges and you will have to hire a defense attorney. My advice is, if you have to ask, it is probably wrong. The key is, are you having a meeting where District business is being discussed. The Attorney General said emails can constitute a meeting. In some of our Districts, there are websites with chats and other types of forums. If two Board members are on that and sending messages back and forth, that constitutes a meeting. If it has not been publicly noticed, someone could bring a formal charge for a member violating the Sunshine law.

Mr. LeMenager stated we do have a fairly active group here which some of us respond to from time to time. My thought is, clearly constituents ask us questions. Should we answer their questions but never respond to an email from one of the Board members? In other words, I should not respond to Ms. Kassel or Ms. Snyder but I am free to respond if it is posted by someone else?

Mr. Qualls stated yes, you can talk to your constituents and answer questions. A meeting is when two or more members of this Board get together and a meeting has to be noticed and open to the public.

Ms. Kassel asked Ms. Snyder and I can go shopping but just not talk about CDD business?

Mr. Qualls stated yes, you can. The appearance is important. Florida has the broadest public records law and Sunshine law in the country. It is something that is a challenge, but it also part of being in office.

Mr. Moyer stated there is one other nuance. You cannot use conduits to circumvent the Sunshine law. One of you cannot go to a friend and tell them what you think we ought to do at the next CDD meeting and go talk to another Board member and tell them what you think. That is a violation of the Sunshine law. Nothing prohibits you from talking to staff. We will not be conduits and you can talk to us about anything that will come before the Board.

Mr. Qualls stated these meetings are not just where the Board gets together to make decisions. These meetings are where the Board deliberates and it is the only place where the Board can deliver a decision. You cannot have meetings outside of publicly noticed meetings where you are deciding and deliberating issues that may or may not come up. We will answer questions that come up. I included a helpful link to the Commission on Ethics website. There is a duty to vote and a duty to participate. The second memo is an

outline of the Sunshine law. It gives the Statutory citations and some key language from the Attorney General and other case opinions. I also included a Q&A memo that Mr. van Assenderp drafted on what a CDD is and what it is not. There are other helpful articles that he drafted over time dealing with special assessments and other things related to Districts. I encourage you to read those. They are useful.

Mr. LeMenager asked are we allowed to develop a relationship with CDD Supervisors of other CDDs to get their input and experience? I am friends with some in Celebration.

Mr. Moyer stated yes, you can.

Mr. Qualls stated the key is that you cannot have a meeting with another member of this Board outside of these publicly noticed meetings.

Mr. Moyer stated you can meet with County Commissioners and members of other CDD Boards.

Mr. Evans stated one of the common challenges is Board members often receive an email that goes to all Board members. If you are going to respond, do not reply to all. Only reply to the person who sent the email. If you reply to all, that is a violation of the Sunshine law and that can be a very innocent mistake.

Mr. Qualls stated I look forward to working with you all. I am excited to have members of the Board who already know so much about what is going on.

Mr. Evans stated there have been criminal prosecutions of members of governmental bodies in the State.

Mr. Qualls stated that is correct.

Mr. Evans stated there may be conversations that you think are innocent and do not think they are harmful. You have to be so careful not to step outside the roles of what your duties are. The roles of Supervisors are very well defined and extremely limited. We have only one purpose. The District, when it was established, borrowed money with public bonds to build infrastructure. That is the sole purpose of the District, to build infrastructure. The second purpose is to maintain that infrastructure because we borrowed money to build it and it was built with public money. Outside of that, that is pretty much all. We are single purpose and we do not have the same powers as a County or City which has broader powers. This information you received talks about our single purpose.

The information that Mr. Qualls provided is extremely helpful, but we have very limited and very specific powers.

Mr. Moyer reviewed Resolution 2009-2, electing officers. We will complete the Resolution showing all the positions as previously approved.

On MOTION by Ms. Kassel, seconded by Ms. Snyder, with all in favor, approval was given to Resolution 2009-2 electing officers.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the October 30, 2008, Regular Meeting and Workshop

Mr. Evans reviewed the minutes of the October 30, 2008, regular meeting and workshop, and asked for any additions, correction, or deletions.

Ms. Snyder stated Mr. Evans called the roll at the workshop, not Mr. Moyer.

On MOTION by Mr. LeMenager, seconded by Ms. Kassel, with all in favor, approval was given to the minutes of the October 30, 2008 meetings, as amended

FOURTH ORDER OF BUSINESS

District Manager's Report

A. Financial Statements

Mr. Moyer reviewed the financial statements, included in the agenda packet and available for public review in the District Office during normal business hours.

B. Invoice Approval #103 and Check Run Summary

Mr. Moyer reviewed the invoices and check summary and requested approval.

Ms. Kassel stated I am curious as to why Aquatic Systems provides two invoices each month instead of one. They are both for the month of November and are for the same services.

Mr. Golgowski stated they may have been reprinted in error. We are not paying them twice.

Mr. Evans asked is one for the addition of lakes D2 and E and the other for the original contract?

Mr. Golgowski stated they were added to the same contract. I will research that.

Ms. Kassel asked who holds the assistant dockmaster cell phone?

Mr. Golgowski stated Mr. Belieff holds it and he dispenses it when he has an assistant come out to help him.

Ms. Kassel stated some of the references on engineering report, there are things described that I would like to have a better understanding of, for instance 5/23 closeout.

Mr. Gierok stated if you are referring to the expense report, that is our field engineer's monthly report for that month. The two checked items were the only charges associated with that invoice.

Ms. Kassel stated Spies has two invoices for the same product for the same period.

Ms. Snyder asked could that be for different pools?

Mr. Haskett stated that is correct.

Ms. Kassel stated before the first OUC bill, there is a highlighted line and it looks like it is the same report two pages across from each other. It is the compilation of all the bills. If there is some other way of doing that, rather than highlighting it, I would appreciate it. You just cannot read the highlighted portion in this report.

On MOTION by Ms. Kassel, seconded by Mr. LeMenager, with all in favor, approval was given to the invoices as presented.

FIFTH ORDER OF BUSINESS

Attorney's Report – Update on Adoption of Proposed Rule Relating to Memorials in Public Places and Establishing Pool Rules

Mr. Qualls stated my report indicates there would be some discussion on a policy governing donations. There was a snafu in the advertising, so the public hearing on those rules will now be held in December. I recommend we table this until that time.

Mr. LeMenager stated there is a new fence that was put up and it appears as though some of it is on CDD property. Does that constitute a gift?

Mr. Qualls stated probably not pursuant to the policy that the Board considered at the last meeting. That dealt with plaques and park benches to memorialize a person or an event. I did not see anything about the fence. The policy has not yet been adopted and I do not know if that was a gift or not.

Mr. Evans asked were there any additional changes to those policies since our last meeting?

Mr. Qualls stated no.

Mr. Evans asked the policy is pretty well finished and we just need to meet the advertising requirements?

Mr. Qualls stated yes. I provided a description of the plaques that would provide some uniformity. Ms. Snyder suggested we attach what that might look like, so I will change references to dimensions and direct you to the exhibit regarding the plaque.

Ms. LeMenager stated if you write guidelines with respect to gifts, I think you need to consider things the developer does for free. They are still considered gifts. The developer paid for installation of the bat house. At a certain level, that is a gift to the CDD. I would caution you when you are drafting these, we need to make sure we are talking about gifts not only from private people but when the developer does something without expecting reimbursement, that is still a gift.

Mr. Qualls stated that is a good point. I will revisit these.

Mr. Evans stated this policy was primarily intended for memorials.

Mr. Qualls stated that is correct. That is how it started.

Ms. Kassel stated we may want to limit this policy to memorial gifts.

Mr. Evans stated that is my point. That makes it easy for the residents to understand. At the previous meeting, we discussed moving forward for the benefit of a past resident. We are looking at the design of the plaques and we wanted to move along with the approval of the bench to keep in line with these policies. We wanted to design a plaque and the Board generally consented to move this process along and not delay it. We discussed coming up with the design for the plaque. Has anything happened on the design of a standardized plaque?

Mr. Tome stated yes. Does Ms. Kassel still have it?

Ms. Kassel stated no, I returned it. I would have kept it if I had known.

Mr. Evans stated when we approve this policy, I would like to have that plaque.

Ms. Kassel stated we can provide that to you.

Mr. Tome stated it is a 3" x 8" plaque.

Mr. Evans stated it sounds like we can continue to move forward. I think it is a great policy to implement and I do not want to drag it out any longer. The consensus of the Board was to move this along quickly. There is no reason we cannot move forward and get costs for these and find a supplier for the plaque.

Mr. Haskett stated Ms. Kassel initiated those things.

Ms. Kassel stated the cost of the plaque is being incurred by the donors, so there is no cost to the CDD. The developer is donating concrete and installation, so there will be no costs to the CDD at all.

Mr. Evans asked have you located a supplier?

Ms. Kassel stated yes, there is a firm in St. Cloud who has aluminum/brass plaques that is designed specifically for outdoor use. It is applied with an adhesive like liquid nails so it is very durable. There is a standard wording of four lines, which simply says, "In memory of," the person's name, with perhaps another line, in this case "Dear Friend and Neighbor" and the date of the dedication.

Mr. Evans asked can we get a prototype before the next meeting?

Ms. Kassel stated yes.

Mr. Qualls stated I can include language in the policy about the plaque as approved by the Board. Then we do not need to include a picture of the plaque. It sounds like the plaque has been chosen, and for uniformity, I will include that language, which it sounds like the Board will approve at the next meeting.

Ms. Snyder stated there is supposed to be a memorial in January. If we delay this until the next meeting, does that afford us the time to complete this before the memorial?

Ms. Kassel stated the plaque has been ordered and the bench arrived yesterday, so everything will be ready to be installed by the January memorial service.

Mr. Tome stated when the policy was created, there were costs associated for the bench, concrete and plaque, but at the time a plaque was not specifically selected. Whatever that final cost is should be reflected in the policy and we will need to update the number. If someone is donating a bench, the thought was that the CDD would purchase the bench and contract for the concrete installation, rather than having the individual purchase the bench and the plaque. When the costs were designed on how much that donated item will be, we did not include the cost of the plaque.

Ms. Snyder asked have the costs change?

Ms. Kassel stated yes.

Mr. Qualls stated the donation has to at least cover the actual costs of material and labor. You can always donate more.

Ms. Kassel stated we need to include shipping and tax.

SIXTH ORDER OF BUSINESS

Engineer's Report

There being nothing to report, the next order of business followed.

SEVENTH ORDER OF BUSINESS

Developer's Report

Mr. Haskett stated at the last meeting, A Cut Above tree service attended and spoke about the pruning project. He has defined his scope of service, which I distributed to everyone. Mr. Stansell and I have been working on this and there is an exhibit attached indicating all the neighborhood street trees, dog park, the neighborhood pocket parks, downtown square and the main entrance as well as a few trees at the second entrance. He originally proposed \$22,500 for the entire property, which consisted of 1,800 or 1,900 trees. We reduced it to 1,094 trees for a proposal of \$14,000.

Ms. Snyder asked are the lines that are not red alleys?

Mr. Haskett stated that is correct.

Ms. Snyder asked will all streets be pruned?

Mr. Haskett stated yes.

Ms. Kassel stated it looks like there is a street in the D neighborhood that is not included.

Mr. Haskett stated in the Drake neighborhood on Indian Grass, the trees are nettle oaks and they are very slow growing and there are very few of them so they are not included in this scope of work. In D2 and E where no lines are colored in, there are no trees there yet.

Mr. LeMenager stated on Cat Brier, two trees at one of the former model homes has been severely pruned, perhaps by the owners, and it is out of keeping with all the other trees. We need to make it clear to the residents that the CDD is taking over management of the trees between the sidewalk and the curb for the benefit of everyone to be sure we have a good look for everyone. I think someone should make it clear in our newsletter what the policy is on tree trimming.

Ms. Snyder stated I think that has to be stated specifically because someone will then want their grass mowed also. We need to make sure we say something about the trees and CDD property.

Ms. Kassel asked who owns trees? The CDD or the home owner?

Mr. Evans stated trees on CDD property are owned by the District.

Ms. Kassel asked if a tree dies, the District is responsible to replace it?

Mr. Evans stated yes, between sidewalk and the curb but not on their lot. They are still responsible to maintain the grass.

Ms. Kassel stated this needs to be explained to the residents because there is not a good understanding of that.

Mr. Evans stated it is addressed in a lot of the documents but they interpret it differently. We can put a notice in Harmony Notes that there will be a tree pruning operation performed by the District.

Mr. LeMenager stated there are a number of regular things you have in each newsletter. This might be something to include every month, a statement about how trees are maintained.

Mr. Tome stated this will give us the opportunity to write an article on it.

Mr. LeMenager stated clearly as part of my campaign to win this seat, that was one thing I suggested, which is that the CDD take control of all its properties, including minor streets. I think that is one thing we can do to make our town look much better. We cannot do anything on private property but the areas between the sidewalk and the curb, we could have that mowed. We need to cost that out but I think it is a good use of what we are doing and I think we can do it for very little extra.

Ms. Kassel stated not having experience with this amount of tree trimming, I do not have the information to know if this is a reasonable cost or not. I think it would not hurt us to get one other bid so that we have a better idea what might be suggested by a different arborist. I know we want to get this done, but there is no urgency with this. I also want to know what we propose to do and how often we propose to do this. Is it piecemeal, is it done all at once, is it done once a year or twice a year? We need to know our plan on an annual basis for taking care of this.

Mr. Evans stated this is not an every year event. We want to thin out the canopy to protect the health of the trees. I do not envision doing this every year. Regarding doing it all at once, once they mobilize, it is better to do it all at one time.

Mr. Haskett stated they will need ten days to complete the work.

Mr. Evans stated they indicated a preference for a certain time of year.

Mr. Haskett stated that is correct, and that is during the winter. Now until January or February is the best time. To address Ms. Kassel's comment about receiving other proposals, I received in September 2007 and revised in May 2008, REW proposed 604

trees, which was the main boulevards, and their cost was \$12,080 for 604 trees. That is not comparing apples to apples so it was not considered as part of this proposal since they do not hire arborists, and this proposal is from an arborist. The service we receive from A Cut Above clearly exceeds what REW proposed.

Ms. Snyder asked can we find out an estimate what they think ongoing maintenance will be?

Mr. Haskett stated \$22,500 was the original proposal for the entire property and we reduced that almost in half. We want to cycle different areas of the property on an annual basis so that you are not paying \$22,000 every year. We will cycle the linear parks and other parks that are not addressed in this proposal.

Mr. Moyer stated we did budget \$15,000 for tree trimming so this is within the budget.

Mr. O'Keefe asked can we ask this arborist to give an estimate of when routine cutting will be? We need to make sure we will have the trees that are blooming will not be affected by this and can he tell us how many years between trimmings?

Mr. Haskett stated he did that in his original proposal. I will provide that at the next meeting.

Mr. LeMenager stated I would like to move forward. It is extremely important to protect what is our most visible asset. Trees make the community and that is your first impact. I agree that we want to do some future planning, but you only need to drive down some of the side streets and the sycamores look terrible. That needs to be addressed. That is huge with respect to the visual impact of the town. You cannot walk down the street without ducking.

On MOTION by Mr. LeMenager, seconded by Ms. Snyder, with all in favor, approval was given to the proposal from A Cut Above Tree Service in the amount of \$14,000, as described.
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Mr. Evans stated our next meeting is December 18 and he may have this complete by then. Please find out the answer to the other information we requested and have it available for the next meeting.

Ms. Kassel asked was this budget line item considered a one-time item or will we need to include it as an annual line item rather than once every few years?

Mr. Evans stated we will know more when we get to our budget process. After they have done the prunings, they will tell us how often they recommend for pruning. We will assess that when we go through our next budget cycle. This was an issue that was brought up a year ago but we had not budgeted funds for it. We will address it as one of our needs during our next budget.

Mr. LeMenager stated we will also be discussing a plan for the future, but we need to get these trees trimmed now.

Mr. Haskett stated I was asked to look into pool lights for the Swim Club and the process for the photo matrix has been accomplished. We are estimating we will need a quantity of seven light fixtures with four poles. I do not have prices from the bids that I am receiving. I just received the photo matrix late last week. Now we can move forward and get proposals.

Mr. Evans asked will these lights still be dark sky compliant?

Mr. Haskett stated yes. It is a standard shoe box light similar to what is at the Toho Water Authority lift stations. They are dark sky compliant. The issue I am running into is how the designer for photo matrix utilized the planter beds with palms in them. I need more time to provide this information.

Mr. LeMenager asked the fence that was installed on CDD property, did the CDD approve the installation of the fence that has gone up at the entrance to the community?

Mr. Tome stated we are under the impression that there is an agreement that has been in place between the developer and the CDD for improvements done to CDD areas. For example, the street trees along the boulevard that are in place today. That will eventually be a front lead walk to Town Center, including retail shops. There will be other improvements that are done to that area by the developer to enhance that area for purposes of using it for walking or landscaping improvements. This was done in a way to enhance the entryway and we worked within our area. There is a small area that crosses a landscape bed to tie into the back column that goes out to U.S. 192, so aesthetically it looked like it continued the transition from a four-rail fence to a three-rail fence. As we went beyond that, the fence ran along where the Bahia and St. Augustine sod transitioned so it would be primarily out of that area so that it could be a walkway and so we could continue with the trail program rather than waiting for the market and economy to improve when we have the critical mass to begin to build the Town Center. Initially it

started out as a means to enhance the difference between front entrance and the secondary entrance so it did not look like there was not a continuation.

Mr. LeMenager stated I would like to express my concerns about the fence. Clearly a marketing campaign has begun with respect to the green nature of our community. One thing is that we are using recycled PVC to do fences and we have saved 2 million milk cartons. You installed a wooden fence that does not match the other fences. While it is nice that we have received a fence, will it now have a high level of maintenance associated with it as opposed to PVC?

Mr. Tome stated PVC was put in place to be a permanent, long-standing item and this fence was looked at to be temporary. When conditions present themselves to allow for commercial to be built, that front entry will look different at that time. Right now you see a sea of grass and the fence was designed to break that up and be a temporary fence. We looked at the cost differential and for a temporary fence, it was three to four times more to use fully recycled PVC rather than what we used. We worked hard for a year to get the green certification to market going forward. We have not abandoned our philosophy and our guiding principles that we worked hard to create, but we had to look at it and determine the best use of dollars to spend for a temporary situation. When the market changes and Town Center is built, there will be shops and store fronts and sidewalks, and it will look totally different than it does today.

Ms. Snyder stated I would like to see us put something in the newsletter because everyone online is talking about horses and no one really knows but everyone is wondering. It is almost a negative feeling and people complain that the developer never lets us know anything.

Mr. Tome stated until we know fully what we are doing and how we are doing it, some things will be done when we decide where the line is for the fence. We are not trying to keep information from the community.

Ms. Snyder stated that is what the perception is. Include something saying that a fence is going up with news to come later. Now everyone knows there is going to be a barn put up and horses will be there. I do not think we want a negative to be communicated.

Mr. Tome stated I do not disagree, but we are not done with the picture yet so let us get it done before we tell everyone what it is.

Ms. Snyder stated then put that in the newsletter.

Mr. Tome stated all I would be saying is we are thinking about some things. We only have certain levels of approvals.

Ms. Snyder stated but you did put the fence up and I am not sure I want a barn out there. You need to say something because we have been told a barn is going there.

Mr. Tome stated I am not sure who told you that.

Ms. Snyder stated I am trying to tell you what is going on in the neighborhood. I would like to know.

Mr. LeMenager stated while we appreciate that there has been great cooperation with the developer and the CDD, when we do something as major as change our front entry, that needs to be discussed first before we install a fence and get everyone questioning what is going on. We are saying to let us know before you do something that major to our property.

Mr. Tome stated you are correct as it relates to CDD land, which is less than 2% to 3% of the area where that fence is installed today. We understand the communication issue and when the full story can be unfolded, we will share it.

Ms. Snyder stated then let us know that. People see the fence.

Ms. Kassel stated I heard about the possibility of horses being there because a neighbor went to the people installing the fence and asked. Apparently the people installing the fence mentioned horses.

Mr. Tome stated if I am putting up a three-rail fence and have done that for 15 years, he is going to think something will usually go behind that fence. But that does not mean that there is.

Ms. Kassel stated if you do not want to start rumors, you might indicate that to the person who is putting up the fence.

Mr. Tome stated we tell all our contractors not to communicate with neighbors, prospects and guests. We have a permit from the County to install a fence and that is all we have. We wanted to see an enhancement to the entryway and it was a vision of one of the owners, and that is how it began.

Ms. Kassel stated it was just a suggestion. A couple meetings ago, a proposal was brought to put mulch in the playgrounds and we have not heard anything about that so I would like an update.

Mr. Haskett stated I did some research on that, as did the engineer. There are three different products with rubber material. It costs three times as much as the mulch, and the rubber matting was six times more than mulch. I will bring a revised guideline for products and will revise it to the typical cypress mulch.

EIGHTH ORDER OF BUSINESS

Monthly Boat Report

Mr. Golgowski reviewed the monthly boat report as contained in the agenda package and is available for public review in the District Office during normal business hours.

Mr. Golgowski stated Mr. Belieff reported that there are tears in the carpet on both boat. It does not look good and it is a safety hazard. It is a very labor intensive job and you have to strip the deck before you can recarpet. We are getting proposals to do that, including one from him, and I will have those for the next meeting. It will be at least several thousand dollars to address. He also reports we have had some difficulty with a few residents who want to fish at the dock after the park is closed. He has spoken to them several times, and they ignore his comments. Is there a response we can give him?

Ms. Snyder stated I have been attending the neighborhood watch committee meetings. The police want to know things like that. They will show up.

Ms. Kassel asked can they enforce that if there is no Statute?

Ms. Snyder stated there is a sign that says no trespassing 30 minutes after dusk.

Ms. Kassel stated that is private property.

Mr. Evans stated it is not CDD property.

Ms. Kassel asked does the private property owner need to make the call?

Mr. Evans stated anyone can call the police since the sign is posted.

Mr. Golgowski stated that was his question. Should he go right to the sheriff?

Mr. Evans stated just call the sheriff directly.

Ms. Snyder stated the sheriff wants interaction with the community. If you see anything out of the ordinary, they encourage you to call. They are waiting for the calls.

Mr. Golgowski stated the Board approved hiring Mr. Belieff full time as a parks manager/dockmaster. I provided a job description for dock operations but also as the first responder for other activities in all the parks. That is for your information as well as the benefits package that Severn Trent offers as an employee of Severn Trent.

Mr. Evans stated one thing I think you should add to the job description is that it should include a written report and a presence at CDD meetings to give an update. It

should be a written report on what he has been doing for the month. If we are paying him to do hands-on work, he should prepare the boat report and he should have a written report of activities to include in the agenda package. I think there was a discussion to add part-time assistants. Is there any conflict of interest if it is a Board member who is the part-time dockmaster? They would be precluded from voting on anything to their direct benefit relative to that role.

Mr. Qualls stated I do not foresee a conflict at this point, but I would like to check some Statutes to make sure. Is it a voluntary basis or a paid position?

Mr. Evans stated it is a paid position.

Ms. Kassel asked can we make the doggie pots, which are currently full, one of his responsibilities to be sure the receptacles are emptied and the bags are replaced regularly?

Mr. Golgowski stated this did consider contractual obligations done by others as far as maintenance of the parks, such as cleaning the bath houses and maintenance of the pools.

Ms. Kassel stated the replacing of the bags and cleaning the doggie pot receptacles have not been consistently addressed. If it is not Mr. Belieff or whomever we hire, then it will need to be addressed.

Mr. Golgowski stated he can speak with the contractor.

Mr. Haskett stated REW is the contractor.

Mr. Evans stated it sounds like she does not care how it gets done but that it gets done. Since he will be assisting, he can help make sure it gets done.

Mr. Tome asked who will Mr. Belieff report to? Who is his supervisor?

Mr. Evans stated the District Manager.

NINTH ORDER OF BUSINESS

Supervisor Requests

Ms. Snyder stated when the columns were fixed, they were painted and I wonder if we have a warranty on that. I was walking by and noticed there is a square on Cat Brier and Beargrass where a whole chunk has come away. It does not look like someone hit it but it just came away somehow. There are other corners in the area that needs attention. What did we do and did it work?

Mr. Haskett stated due to the galvanized metal corner beading, moisture has gotten in behind the stucco and works its way through. We did an application two years ago with

rust preventer to help control it, but it will be an ongoing maintenance issue by painting. As we move forward, there is plastic corner beading that will prevent any further damage.

Ms. Snyder stated I would like you to look at that one with the chunk missing.

Mr. Haskett stated in neighborhood pocket parks, they seem to need more upkeep for damage. They are addressed periodically.

Ms. Kassel stated we discussed last month about the high school swim club having an agreement with the CDD for use of the pool. Is there any update?

Mr. LeMenager stated swimming season is over so you do not have to worry about it for a while, but it is a good question.

Mr. Tome stated several residents go to the high school and they have keys so it is an informal gathering where they have spoken to the others on the team. If the District wants to do it, I think it is a great idea but there has been nothing done formally or informally.

Mr. Qualls stated the policy allows someone to bring up to eight guests. If someone on the swim team wanted to invite some friends, they can do that.

Mr. LeMenager stated we are talking about an organized practice for the freshman team and I am sure some of them live here.

Mr. Qualls stated I am not sure there is a violation even if you are having a formal practice. Our policy does not make a distinction. I can speak with the swim coach and ask for a *quid pro quo* and I think this can be handled in a friendly manner. But perhaps someone else would get better response than me as the attorney calling.

Mr. LeMenager stated I am happy to talk with the swim coaches.

Ms. Snyder stated the more it is used, the better value it has.

Ms. Kassel stated there are a number of sidewalk areas like Long Park where the sidewalk is uneven. I will catch my foot on them and they are at least an inch uneven.

Mr. Evans stated we went through a very extensive sidewalk repair program less than a year ago, so these must be new.

Ms. Kassel stated these are within the last six months. What do we do when these come to our attention?

Mr. Evans stated we repair it. We did an overall assessment but if something is that obvious and of that magnitude, we just correct it. We do not need to do an assessment a year later. The assessment was a catch-up and we knew there was settling on the

sidewalks. All the sidewalks were built at the same time so we have a good handle on it. If there is something you notice, we should just fix it.

Mr. Gierok stated there were two areas that we did see and I requested a quote from the contractor. I will find out where that is and I will follow up to see if it was repaired.

Ms. Kassel stated it was not fixed, and there are one or two other areas that need to be repaired.

Mr. Moyer stated you can mark it on a map and send it to us. We know the vendor and we will take care of that.

Ms. Kassel stated I would like to request that we move our meetings to evening hours so that more residents can attend if they want to. They may not but I would like to give them the opportunity.

Mr. Evans stated we have talked about this a number of times. One of the things you run into is additional costs for some of the professional staff because it is outside of normal business hours. If we move to evening hours, perhaps we have meetings every other month instead of every month and have them in the evenings. We budgeted a certain number of dollars for meetings to be held during the day. If you want to move it to evenings, then I suggest do it once a quarter or every two months and have meetings every two months in the evening. Most of the business we do now is administrative. There are no new major projects. Everything is pretty much on auto pilot. The manager is authorized to pay the bills and they are authorized to perform certain levels of work. We can have the meeting on December 18 at 9:00 a.m. but going forward, if you want to change them, we can go to every other month and have them in the evenings.

Ms. Kassel asked in other words, we will meet six times a year in the evening and not meet at all in the morning.

Mr. Evans stated that is correct.

Mr. LeMenager stated if there is a need, we can always call a special meeting.

Mr. Evans stated that is correct.

Mr. Moyer stated for things like the sidewalk that come up, you do not need to wait for a meeting to raise that. Just let our office know.

Mr. Evans stated that is a good idea. They are already authorized to implement procedures that we have approved expending these funds for. They do not need to come back to us. Sometimes they do, but they do not necessarily have to. The tree trimming is

within the scope of the budget and we have already decided we need to perform the work. If they wanted to, they could already have implemented this program because they were authorized to do that under their normal umbrella for maintenance services.

Mr. LeMenager stated Mr. Moyer is involved with a number of CDDs. Is it typical for CDDs not to meet monthly?

Mr. Moyer stated it depends on where they are in their life cycle. It is not out of the ordinary to meet bimonthly. Some Districts are constrained in terms of monies and budgets and they did not want to raise assessments. Part of the solution to that was to meet bimonthly or quarterly.

Mr. LeMenager stated we can discuss it next month and take this month to think about it. I am not in favor if it added to our costs. I think meeting bi-monthly is a good solution in terms of cutting costs. It is not a bad idea at all.

Ms. Kassel stated I would like to table the discussion of this item until December.

Mr. Evans stated we will add it to our agenda for December.

Ms. Snyder asked where are we with the community garden?

Ms. Kassel stated I have a series of petitions signed by some residents that I will distribute. We did not get to all the residents. This is a preliminary questioning of some residents, of people who are interested in seeing a community garden in Harmony. They signed this petition requesting the CDD put some effort into creating a community garden.

Mr. Evans asked did they say what property the CDD should put it on?

Ms. Snyder stated I thought the CDD was going to come back and say what an appropriate place would be.

Mr. Qualls stated I recommend to the Board, since there is no precedent that I can find, the CDD has a single purpose, and this garden has to fit within that single purpose. The Board needs to determine if it does or does not fit within that purpose.

Mr. Evans stated I have had experience with community gardens and CDDs for 12 years. If you are taking CDD funds and putting them into an amenity and it is only for the benefit of a select number and not all the property owners, you are on thin ice. A resident can come up and say they are paying for this project but they do not get the benefit of it. CDD lands were designated as parks. It is a very delicate issue. In other communities, they do it within the HOA where their guidelines are far more flexible than those of the

CDD, and it is on land they own. As far as the District trying to put a community garden on their property, it is a precarious approach to take because I do not know how you regulate it and include everyone and not exclude someone.

Ms. Snyder stated it sounds like we should go to the HOA and drop it from the CDD.

Mr. Evans stated the CDD has a single purpose, which is maintenance of infrastructure. The park, the roadways, the landscape, the Swim Club are all infrastructure. A community garden is not infrastructure but it is a created amenity, so that is a gray area. When you try to implement something along that line, it is a gray area. I get criticized for being conservative about what we can and should do, but it is in an abundance of caution. If there is another avenue for the garden, I think you should pursue that. I support the idea, but not on CDD property.

Ms. Snyder stated at the meeting before that, I thought I heard about someone going to see about an appropriate place. I recall discussing HOA property and I asked how do we get HOA property for this.

Mr. Evans stated I tried to express the concern that it is stepping outside the realm of the single purpose for the CDD. We are very limited in our authority. The repercussions are pretty severe if we go outside our authority.

Ms. Snyder asked how does the HOA get property?

Mr. Evans stated the HOA does not have any property. You need to find where the property is, who will fund it, who will maintain it and will operate it. I do not know of any District property that is conducive to do this. I do not think this is an issue for the District, but I am not sure who to direct it to.

Mr. Tome stated as the developer, we felt a bit in limbo, too, and we have been waiting for direction from the Board to make that determination once and for all. That will help us be able to look for some property that will work and we can explore the alternatives. We have been waiting for final direction from the Board. We encourage those who are interested to come to us and we will explore other opportunities

Ms. Kassel stated I would like to discuss opportunities with the developer. The book we received mentions that even unfinished records should be made available to the public because of the Sunshine law, so I am hoping what we can do is get a copy of the minutes posted before they are approved. The bat house was an issue with some residents and they would have liked to have known about that decision and they would have liked to

have contributed an opinion on that decision before it was made by the CDD. I would like to allow the residents to see what went on at the meeting sooner than after we make decisions from the previous meeting.

Mr. Moyer stated before you approve these minutes, they are not official and they have no weight. They are notes of what happens at these meetings. We need to be careful putting documents out there that represent the consensus of this Board that have not been approved by the Bared. We generally do not do those types of things. We wait until the Board approves the minutes and then they truly become public because we have to file them with Osceola County.

Ms. Kassel asked is there some other way to let the residents know what was discussed at this meeting before the next meeting when the minutes are approved?

Ms. Burgess stated this was discussed after the budget workshop. I asked if I can include the draft minutes of the previous meeting when the agenda is posted on the website. Our policy is that once the agenda packages are delivered to you Board members, that information becomes public record and at that point those minutes can be posted on the website. People have access to them about a week before they are approved. As Mr. Moyer explained, we do not release copies of these minutes until they become public record. The draft minutes are included behind the agenda for the next meeting, and once they are approved, they are posted on the Minutes page.

Mr. LeMenager stated this gets to the issue of communication and not wanting to be surprised and that was the issue with the bat house. I think we all agree this was a great idea but at least one couple thought this was the most horrible thing they had ever seen. We did not have a feeling for that when it was originally presented to the CDD. I think it comes down to people wanting to know things ahead of time. We are not saying we do not support what the developer is doing, but people want to know things ahead of time.

Ms. Kassel stated they want to know with enough time to get read and respond to it.

Mr. Evans asked did you say you are posting the draft minutes or that you could post them?

Ms. Burgess stated I am already doing that. The Board approved me doing that and I have been doing that for three or four months.

Mr. Evans stated so the public can see them the same time we see them.

Ms. Burgess stated that is correct. It sounds like they want to know about any issues that anyone is going to bring before the Board to vote on before the meeting. There is no way of us doing that unless we start posting the agenda package on the website. Anything that the developer or anyone else brings up at the meeting, you hear about it at the same time the public hears about it. The only way for people to participate in those decisions is for them to participate in the meetings.

Mr. LeMenager stated perhaps the solution is for the developer and others to give us some advance notice of the things they might be proposing at the next meeting. My feeling is, from our constituents, they would like to know about it.

Ms. Kassel asked is there any reason why we would not post the agenda and package on the website prior to the meeting?

Ms. Burgess stated there is no reason we cannot do that. It is just a matter of getting the information posted and if it is too large, we will have to break it down into several parts. We could post the agenda package less all the invoices.

Mr. LeMenager stated I do not think posting the invoices is necessary.

Mr. Evans stated we will have the agenda, the minutes and the financial statements.

Ms. Kassel stated as residents, we can just post something to the yahoo group saying that it is on the website and if they want to comment on anything that has come up at the previous meeting that may come up for a decision at this meeting, here is your opportunity. It would be helpful to remind them that the minutes are posted and provide the website address.

TENTH ORDER OF BUSINESS

Audience Comments

Ms. Pam LeMenager stated I want to be sure you know about the soccer field repairs that are needed.

Mr. Tome stated yes and we are working on getting those repaired.

Ms. LeMenager stated congratulations to the new Board.

TENTH ORDER OF BUSINESS

Adjournment

The meeting adjourned at 10:55 a.m.