

# **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 19, 2009, 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

Also present were:

Tim Qualls	Attorney: Young vanAssenderp, P.A.
Steve Boyd	Engineer: Woolpert
Brenda Burgess	Moyer Management Group
Thomas Belieff	Dockmaster
Greg Gologowski	Harmony Development Company
Todd Haskett	Harmony Development Company
Shad Tome	Harmony Development Company
Tim Nicholson, Sr.	Luke Brothers
Residents and members of the public	

## **FIRST ORDER OF BUSINESS**

### **Roll Call**

Mr. Evans called the meeting to order at 9:00 a.m.

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

## **SECOND ORDER OF BUSINESS**

### **Approval of the Minutes of the October 29, 2009, Meeting**

Mr. Evans reviewed the minutes of the October 29, 2009, regular meeting, and asked for any additions, correction, or deletions.

Ms. Kassel stated the top of page 7 should read “thanks for the hardware cloth around the trees.”

Ms. Snyder stated also on page 7 at the bottom there was reference to an e-blast regarding chinch bugs, and I have not seen it.

Mr. Tome stated we did not receive any notification to send an e-blast from the contractor.

Mr. Nicholson stated we have CDD issues that we need to handle as a priority, and I will be working on the timing of chinch bug spraying with Mr. Tome for a later time.

On MOTION by Mr. LeMenager, seconded by Ms. Kassel, with all in favor, approval was given to the minutes of the October 29, 2009, regular meeting, as amended.

**THIRD ORDER OF BUSINESS**

**District Manager's Report**

**A. Financial Statements**

Ms. Burgess reviewed the financial statements, included in the agenda package and available for public review in the District Office during normal business hours.

Mr. LeMenager stated we are going to be reinvesting our funds in the debt service and capital projects funds in the amount of \$3 million. Do you know what kind of rate we will get?

Ms. Burgess stated I do not know. I will ask the accounting manager if he has an update, and I will email that to all of you.

Ms. Kassel stated on the 2001 debt service fund, we received revenue that we were not expecting to receive this early. The actual amount is much higher than the year-to-date budget figure and I am wondering why that is. Were we paid something in advance?

Ms. Burgess stated I am not sure. They may assume that since we do not start receiving any tax disbursements until December, they do not accrue anything until December. We bill the developer on a monthly basis, and it appears we collected that, but for some reason, the accountant did not accrue that amount, which they should be accruing one-twelfth of the balance. I do not believe they are accruing that the way they should. I will check into this also and email the answer to that question to the Board.

**B. Invoice Approval #115 and Check Run Summary**

Ms. Burgess reviewed the invoices and check summary, which are included in the agenda package and available for public review in the District Office during normal business hours, and requested approval.

Mr. LeMenager stated one of our constituents mentioned something to me and I started looking at what we are spending our money on. We are spending a lot of money every month just maintaining the boats. I am starting to wonder if we actually need this many boats. If we look at usage as provided in the monthly boat report, do we ever have two being used at once? This is another month where we are spending \$2,300. I am not saying to get rid of them; perhaps we put a couple in dry dock until the community grows.

Ms. Kassel stated this month was a lot cooler and people may not be using them as much. I wonder if anyone has looked into leasing boats instead of owning and maintaining them ourselves. Could that be a more cost-effective and less-troublesome option?

On MOTION by Ms. Snyder, seconded by Mr. LeMenager, with all in favor, approval was given to the invoices as presented.
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**C. Public Comments/Complaints**

Ms. Burgess reviewed the complaint log as contained in the agenda package and is available for public review in the District Office during normal business hours.

Ms. Snyder stated there are two HOA issues on the log. Were they forwarded to the HOA?

Ms. Burgess stated yes, they were forwarded to Mr. Tome. Because we took the phone call, we logged it in. We did want to note on the log that we are not going to provide any follow up because it is not a CDD issue.

Ms. Kassel stated two months ago there was an issue called in where someone requested compensation because he had replaced his sod for chinch bugs.

Mr. Tome stated a resident sent an email saying that his yard was now infected but nothing has ever come from it again.

Ms. Kassel stated I do not see it on this log. We wanted to see the last few months of issues so we could see if issues came up, we could see a history.

**D. Consideration of Resolution 2010-01 Amending the General Fund Budget for Fiscal Year 2009**

Ms. Burgess reviewed Resolution 2010-01 amending the general fund budget for fiscal year 2009. We have 60 days after the close of the prior fiscal year to do any amendments to your budget. The Auditor General requires us to do that if you exceed any of your budget line items. Because we awarded a new landscaping contract and we revised some of the budget line items, some numbers were off. As you review the attachment to the Resolution, some of the numbers that we spent monies on last fiscal year were zero because you did not have those particular line items. We wanted to cleanup those line items and going forward, you will have all of those line items in the budget. We also exceeded the budgeted amounts for attorney and engineering fees, as well as a couple other line items. We need to move some of the monies around from line

items where we did not spend as much money to cover these overages. Part of the overage for attorney fees were related to rulemaking that we went through last year, and with the alleys and landscape bids, there was a lot of extra work done by the engineer and the attorney that we did not anticipate in last year's budget. Those are the only major maintenance contracts, so looking to fiscal year 2010, we do not anticipate that we will have that kind of an overage in those categories. Upon approval of this Resolution, we will be able to present to the auditors a final adopted budget where we did not exceed any line items. It is a true up of your budget.

Mr. Evans stated many CDDs do not go into the detail that we go into on breaking down all our line items. When you try to breakdown our budget in that great a detail, you will have some that are over and some that are under, so we are just adjusting it so that none of them exceed the budget. Some of them may have been invoices that were coded to a multitude of incorrect line items. This also gives us a better tool for forecasting next fiscal year's budget.

On MOTION by Ms. Snyder, seconded by Ms. Kassel, with all in favor, approval was given to Resolution 2010-01 amending the general fund budget for fiscal year 2009.
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#### **FOURTH ORDER OF BUSINESS**

#### **Staff Reports**

##### **A. Attorney**

Mr. Evans stated I received an email relative to some proposed new language to the Statute related to CDDs and assessments.

Mr. Qualls stated I am aware of this legislation, and I believe it is in a Senate bill. Mr. vanAssenderp is looking into it and we have a meeting setup with the proponent of the legislation to sort out any differences and to make sure the language will not do anything to harm CDDs in Florida.

Mr. Evans stated I read the language and it is disturbing.

Mr. Qualls stated I believe for tax certificate investors who purchase tax certificates, I think it will call into question the lien status of CDD liens, which are first-priority liens, and that is disturbing. It is something we are aware of and something we are working on through the legislative process.

##### **B. Engineer**

Mr. Boyd stated I wanted to respond to a concern that was stated last month about one of our invoices. I reviewed my time records for that, and there was a notation that I

made on the draft invoice that two hours needed to be removed from the invoice before it was issued. That did not happen and the invoice was sent including those two hours. I will make sure there is a credit on the next invoice that goes out to reflect that.

Mr. Boyd stated the water line construction is nearly completed. Pressure testing should be starting tomorrow. We will have as-built drawings from the contractor around the first of December. I have the first two pay applications that I will forward to the manager for payment. The first is through October 25 in the amount of \$36,166.50 and the second is through November 25 in the amount of \$3,595. At the December meeting, we anticipate processing the final pay application for the total contract value of work.

Mr. Boyd stated Jr. Davis is ready to begin work on the alleys. Mr. Tome will send an e-blast notice to the community on when the alleys will be repaired. They anticipate starting work the week of December 7. The notice will essentially tell residents not to park their cars with a portion of it hanging over into the alley because they will be coming through to make those repairs. They should wrap it up in about two weeks.

**C. Dockmaster/Field Manager**

Mr. Belieff 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 reviewed a proposal to replace the motors in the boats in the amount of \$12,500.

Mr. LeMenager stated I appreciate that it is nice to have a backup boat. But in looking at the activity report, in the last two months, the 20-foot pontoon boat has been used 10 times. The 16-foot pontoon boat has been used 3 times. The 18-foot fishing boat has been used 11 times. The solar boat has been used once. We are talking about a huge amount of money to be spent for this tiny amount of usage. I appreciate that we like to advertise that boating is one of the amenities of the community, but this is crazy. I would like to see a report on how many times two boats have been out at once. This is not a lot of usage and it does not make financial sense.

Mr. Golgowski stated we wanted to be prepared in the event the Board wanted to move forward with the program and have boats that operate properly and to have a reliable backup.

Mr. LeMenager stated I am not disagreeing that it is a great idea to have a boat. But we need to think about how many boats we need and look at how much we are actually

spending on them. If you average this out to a cost per trip, it must be \$50 to \$100 per trip and that does not make sense.

Mr. Golgowski stated I think part of the decline in usage has been the unreliability of the boats and people have been stuck in the lake, so Mr. Belieff makes the rescue.

Mr. LeMenager stated then perhaps it makes sense to have one really reliable boat and put the rest in dry dock.

Mr. Belieff stated these boats are not made for commercial use.

Mr. LeMenager stated define commercial use. Thirteen trips in two months does not strike me as commercial usage. It strikes me as low recreational usage.

Ms. Kassel stated it is not necessarily indicative of the entire year. Now that we require a deposit, use has dropped of a little because people have not gone through the process. I agree that the boats are an expensive facility and perhaps there is some way, short of having just one boat available, to reduce the expense by looking at leasing boats versus outright owning the boats. We have the boats and most of the repairs are to the pontoon boats, which are the ones taken out most frequently.

Mr. Belieff stated we have cameras but kids still jump over the fence. We had just replaced the carpets on the boat and I cannot see specifically who because there were people coming and going, but some kids started a fire on the brand new carpet. I chased off over 15 kids on Saturday, and they are all jumping over the fence. They are trying to power shift the boats and some of the damage is not caused by people using the boats appropriately.

Ms. Snyder asked what is the status of the gate we discussed to try to keep people out after hours? Do you have any idea how many people were prevented from using the boats because of the repairs?

Mr. Belieff stated I am not sure but at least there is an alternative if one is down.

Mr. Steve Berube asked is there enough electricity to provide more lighting?

Mr. Golgowski stated we can always add more lighting, but in keeping with the Harmony theme, we have stayed away from overlighting areas.

Mr. Berube stated we have an attractive nuisance and cameras that are semi useless in the dark. It is costing all of us increased maintenance on the boats.

Mr. Evans stated I think Mr. LeMenager brings up a good point, that we need to look at the utilization of the boats. It is not just a simple question of how often are they being

used, but are they not being used to their capacity because of their constant breakdowns. It sounds like there is greater demand for use; however, that demand may be hindered because of unreliability. I think that is what we need to look at. We need to look at if there was an increase in utilization and a much more pleasant experience by having boats that are reliable.

A Resident stated it is quite annoying. We fish a lot and it takes a lot of time to pack all our gear and then go out, only to have a boat that is not reliable and breaks down.

Mr. Evans stated if you do not believe the boats are going to be reliable, there will be a reluctance to want to use them. We have such a great facility and we need to spend some time looking at how to maximize the utilization of those assets. It is not a simple question or a simple answer. I would like Mr. Belieff and Mr. Golgowski to look at the usage over the past year to determine the usage and trend. They are just giving us this proposal today as information, not for our action today. We need to give it some consideration. If we want greater utilization of the boating facilities, then we need to entertain the idea of replacing the motors.

Ms. Snyder stated several months ago, we approved certain repairs to the boats, one being of a lesser amount for the controllers. If we had approved the more expensive repair, would that have taken care of the issue we are now looking at?

Mr. Golgowski stated the repairs kept us going, and they may last for several years. If we had replaced the motors at that time instead of repairing them, I cannot say for sure that we would not still need to make these repairs.

#### **D. Landscaping – Luke Brothers**

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

Mr. Evans asked do chinch bugs become more dormant in the fall?

Mr. Nicholson stated yes, and like other bugs, they dig in deeper to stay warm in the winter. The activity right now is not as urgent as it was in August and September.

Ms. Snyder stated a resident asked me when the dead trees are going to be replaced.

Mr. Nicholson stated I will work on that with Mr. Haskett. Anything on the main boulevards are replaced upon request. If they are in a park and I have confirmed it is dead, I will get approval from Mr. Haskett before we remove the tree.

**E. Aquatic Plant Maintenance – Bio-Tech Consulting**

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

A Resident stated my friend and I used to see alligators in our pond but we have not seen him lately.

Mr. Golgowski stated they are still there but I would imagine they are submerged. They come out to sunbathe when they are cold. As the air gets colder and the pond stays colder than the air, they will come out into the sun.

The Resident stated I saw someone coming out to remove them.

Mr. Golgowski stated we have had perhaps six alligators removed in the past seven years. When there is an issue with an alligator becoming too familiar with people, they will generally start to cause a problem. We will call in a State trapper, and the one assigned to this area will come out and remove the alligator. It is at a pretty low frequency. Anyone here is able to call the trapper if they see an alligator that is aggressive, but if they respond, they will notify us whenever they remove any alligators.

**F. Developer**

Mr. Haskett stated you received an email last week from the manager's office related to the geo-thermal heater for the pool. The main unit of the pool heating for the Swim Club went out, and the issue was related to an exchange coil. It was something that could not have been detected in Symbiont's semi-annual inspection. It was a failure of the coil and was a fluke. It was not under warranty since the warranty was for five years and the unit was installed over six years ago. Therefore, I contacted Mr. Moyer and we discussed the replacement. The unit has been ordered and it is scheduled to be installed on November 30. There are actually two units for the geo-thermal heater, and it was the main unit that went out. The main unit has all the components and command units that make the system operate. The secondary unit attempts to keep the pool at a reasonable temperature to take the chill off. They did some rewiring to accommodate the situation, but the secondary unit is incapable of heating the pool.

Ms. Kassel asked is it possible to replace the coil?

Mr. Haskett stated no, it is actually four coils in one unit, a coil within a coil. When the breach happened, a coil ruptured that allowed pool water to infiltrate, which took out the compressor and condensers and the main components. By the time you figure parts

and labor, it would have been close to the same amount as to replace the whole unit, plus now we have the longer warranty.

Ms. Snyder asked has there been any thought given to an extended warranty?

Mr. Haskett stated I can check into that to see if they offer something like that. I tried to research what the original cost of the geo-thermal unit was, but it was bundled in with the whole pool package, so I was not able to compare this price to what we paid when it was originally installed.

Mr. Haskett stated regarding the fence at the dock, that is still on my task list and I will move it up to a higher priority since there is more activity happening at the lake. There are a couple manufacturers that I am getting information from since this is not an off-the-shelf item for the gate. I will provide some information soon, and if I receive it prior to the next meeting, I will email it to everyone.

Mr. LeMenager stated I know that along U.S. 192, there is some building going on.

Mr. Tome stated it is the frame of a sign that we will be installing. This is a developer cost for marketing purposes. These were included in the macro CDP that we recently did.

## **FIFTH ORDER OF BUSINESS**

### **Supervisor Requests**

Ms. Snyder stated some residents have mentioned to me that the cement drainage structures in the yards need to be pressure washed. I am not sure if this is a CDD issue or an HOA issue. Some are washed and some are not, and the ones that are not look really bad. The television station gives us watering days and is that for this County?

Ms. Kassel stated you can water from Wednesday at 9:00 a.m. to Thursday at 9:00 a.m., and then on Saturday at 9:00 a.m. to Sunday at 9:00 a.m.

Ms. Snyder stated some of the Harmony property has been watered at times other than that.

Mr. Haskett stated we have new turf being installed, and there is an exception for new landscaping. We are also trying to work with South Florida Water Management District on their guidelines and rules when it comes to our Maxicom system. It is all computer controlled and weather updated and it is more intelligent than we are when it comes to irrigating, but it is being limited by the scheduled watering dates and it cannot do its job to its full capacity.

Mr. LeMenager asked do those rules apply to reclaimed water?

Mr. Haskett stated yes, any type of water.

Ms. Kassel stated what comes out of our system is still potable water.

Mr. Tome stated we will address the pressure washing of the drainage structures through an e-blast and the Harmony Notes. I think there is an opportunity to explain what to use, how to do it, and how not to kill your grass.

Ms. Kassel stated at the end of the meeting last month, we discussed No Trespassing signs but we never came to any action on whether or not we need signs there.

Mr. Evans stated we do not need any signs because they are public roads. The properties are private, but it is a different question. There were deputies at the scene but I do not know what happened.

Mr. Berube stated it went nowhere.

Ms. Kassel asked do private landowners need to post any no trespassing signs on their property? Or is there an implicit no trespassing on undeveloped lots?

Mr. Qualls stated as the attorney for the District, which is public lands, I have not researched those issues relating to private property.

Ms. Kassel stated the signs that were there have now been removed.

Mr. Evans stated they were construction related signs because it was a designated construction site.

Mr. Qualls stated I would be surprised that there is a requirement or a duty on the landowners to install no trespassing signs. I do not have one on my yard and I do not think I am in violation of any Statutes. To me, that is a choice of a private landowner. There could be some benefit to installing the signs because you are putting everyone on notice that if you are on this property and you get hurt, that is your problem because we told you not to be here. I do not think there is a duty to do so.

Ms. Kassel stated I know that you cannot prosecute someone for being on your property unless you have posted it properly, in the State of New York.

Mr. Qualls stated it is difficult to prosecute when the deputies do not file a report. There are multiple issues and there are several ways to try to prevent that from happening again.

Mr. Berube stated I think it was a one-time event. I do not think it is a huge issue and it has not happened again.

Ms. Kassel stated I am not talking only about that property but all kinds of things that might happen in other properties.

Mr. Berube stated we can get sign overload and people will start to ignore them. The issue is who will enforce them.

Mr. Tome stated part of the reason for the sign being removed is for marketing for interested purchasers. If there is a big sign telling people to stay out, people will keep driving and not even look at it.

Ms. Kassel stated we received a landscaping proposal last month and the Board wanted a month to think about it. Pam LeMenager and I went through the community with Mr. Nicholson. We received a palette of native plant materials from Mr. Golgowski, so Ms. LeMenager and I reviewed areas that would be appropriate to change out to more natural plants. We wanted to save the CDD money by relocating some existing plant material to replace ones that were doing poorly, and then we are proposing to install new material to replace the dead material. The proposal has some additional areas that need attention, and with the new areas and better plant materials, the cost is pretty reasonable. There are other areas we will consider for the future. This proposal is for \$13,500. I do not know what additional money was included in the budget for unscheduled maintenance.

Ms. Burgess stated for groundcover, there is \$3,000 for unscheduled maintenance. There is a landscaping miscellaneous services amount of \$10,000 for one-time landscape maintenance expenses, either not included in the budget or that we did not anticipate.

Mr. LeMenager stated we heard excuses for years regarding the original landscaping, and perhaps we were taken advantage of with the previous company in terms of what we received versus what we paid for, considering how shabby things look now. I like Luke Brothers saying that if they plant these, the plants are guaranteed for as long as they have the landscape maintenance contract. That means as long as they are here, there will never be anymore cost to us. The community in general does not look very good. It could certainly have a lot more interest. I am swayed that this is a good idea to do, because we will not have this expense again as long as we keep Luke Brothers. The landscaping has gotten run down and it does not look as good as it used to. This is not a bad idea in terms of an investment. The number one thing that helps sell homes and helps all of our property values is people being impressed with the community and buying property. I have always been a champion of spending money on trees because that is always people's

first impression, and the same with this. We want people to see that our community is kept up well, as well as seeing all our other facilities.

Mr. Evans stated we discussed replacing street trees, and they were to be replaced with comparable size and quality of the existing trees as opposed to replacing them with smaller trees. Where is that estimate? That is a program we have already said we want to move forward with, and there will be quite a bit of expense involved in that.

Mr. Tome stated we did the survey and it has been mapped. We did not have a precise estimate of the number of trees, but the concern with trees not on the main boulevards is that there is no irrigation to those yards and you would not be able to solve the problem of replacing those trees. We were concentrating on the main boulevards where if a home is in foreclosure and there is a new buyer who is making efforts to bring it back to an acceptable standard, then we will look to replace that tree. The disadvantage is we will not receive the price benefit of a bulk replacement. The issue did not go any further because of the discussion of trees not on a main boulevard and the irrigation issues.

Mr. Evans stated we have already determined that we need to replace some of these trees, and I do not know the cost estimate to do that. We now have a proposal for \$13,500 and we do not have it in the budget. We are going into the second month of a new fiscal year, and we have a category of \$10,000, which is supposed to carry us for an entire year, and we have \$3,000 in groundcover to carry us for an entire year.

Ms. Burgess stated there is also another category, a separate miscellaneous operation and maintenance line item for \$20,000 anything else that was not anticipated in any other category. This is the beginning of your fiscal year.

Mr. Evans stated we just had an expense of \$16,000 for a pool pump that we did not anticipate.

Ms. Kassel asked is there anything extra budgeted for trees?

Ms. Burgess stated there is \$2,000 for unscheduled maintenance.

Ms. Snyder stated we also have two budget items for tree services and tree trimming.

Ms. Burgess stated Tree Services is for the certified arborist who does 10 feet and above. Tree Trimming includes the existing contract with Luke Brothers plus an additional \$2,000 for 10 feet and below.

Ms. Snyder asked can we use that to replace trees?

Ms. Burgess stated yes, it is unscheduled maintenance and it is related to trees, so you could use that \$2,000 for tree replacements. There is also the \$10,000 miscellaneous budget line item for any other miscellaneous landscaping expenses.

Mr. Evans asked do we want to spend our entire groundcover budget and miscellaneous budget on one proposal right now going into the second month of our fiscal year? Or do we want to be a bit more conservative and wait a few more months to see if there are any unforeseen expenditures that come up? Do we fix the pool pump or do we want to replace groundcover? Or do we want to address the trees before we consider the groundcover?

Ms. Kassel stated we can do some areas and leave other areas for later in the year.

Mr. Evans stated it is a lot to think about. Whatever excess funds we have, I like to hold on to them because there will be things that break. The pool pump is a perfect example. This landscaping is selective, but fixing a pool pump is mandatory. The boat falls between selective and mandatory. This landscaping is more optional.

Ms. Snyder asked what if we pared it down and selected some locations that were a higher priority?

Ms. Kassel stated Long Park is where many people walk every day and there are many beds from the Five Oaks Circle to Schoolhouse Road along Cat Brier where beds have been in poor shape for years.

Mr. Evans stated I think it is a great idea and I complement you on the magnitude and effort that went into compiling the presentation. But I come back to the financial management aspect. Do we want to spend money on beds right now at the beginning of this year? We have allocated only a certain amount of money and do we want to spend all of our money on this proposal right now? Or do we want to spend part of it now and hold the rest in abeyance until we get further into the fiscal year to determine if there will be any other surprises? When we prepared this budget, we did it very cautiously. That is why we had to amend our budget from last year. We did the best we could to estimate in all of these categories. We did not have an assessment increase this year and we are closely monitoring expenses. It is not an enhancement that we budgeted for.

Ms. Kassel stated we also have the \$50,000 reserve.

Mr. LeMenager stated we have significantly more than that, close to \$400,000.

Ms. Kassel stated we specifically budgeted \$50,000 as a cushion.

Mr. Evans stated we have a self-help remedy in the event there is a disaster. We have some money set aside that allows us to fix all of that stuff that is not covered by insurance. Because we have the capacity of self help, we have a lower insurance cost. That is one component. We also have an operating fund with monies set aside to pay the bills before we receive monies from the tax collector. We do not touch those two funds. We need to work within the framework of the budget that we have. If it makes sense and we want to phase this in, that is a decision for the Board to evaluate. We can spend it now, we can phase it in, or we can address it later in the year. Personally, my approach is ultra conservative for any kind of enhancement.

Mr. LeMenager stated I appreciate Mr. Evans's comments. This is an issue that we have been working on for several months. It is a matter of a situation that has developed over a long time, probably exacerbated by the change in landscape contractors. Things went downhill during the transition to Luke Brothers. I am still swayed by the argument that we have Luke Brothers for at least three years. This is a one-time cost and we will not have any expenses for at least three years, assuming we retain them for the renewal period and into the future. It is a matter of timing, but it does not strike me in terms of a huge amount of money to be phased in over three years.

Ms. Kassel stated I propose that we phase the installation so that we wait until January for the first installation and then wait until April or May, providing the planting period is appropriate, and then wait until September to do the balance. Then we are phasing in the cost over the year but yet we are still seeing some improvements over the year. In case some big expense comes up, we can always delay installing the balance of the phases.

Mr. Evans asked shall we revisit this in December and you can prioritize the areas that you think are the most appropriate?

Ms. Kassel stated yes. I would ask the audience to speak up and let us know areas that you think would be priorities for these plantings.

Ms. Burgess stated last year my community had extensive frost damage, and I would like to confirm with them that frost damage is covered under their free replacement guarantee. I would hate to have that not covered, and everything you install in January freeze at the end of the month.

Ms. Kassel stated I will confirm that with him.

Ms. Snyder stated I agree with phasing it in every quarter and seeing where we are before we proceed.

Ms. Burgess stated you will also see the community's response to the plantings.

Mr. LeMenager stated we have had four meetings where one Board member has not shown up. What is the status of the fifth member of this Board?

Ms. Burgess stated we have not received any communication from him. We are not sure where he is. Until there is a resignation letter, he is still considered a member of the Board.

Mr. LeMenager asked do we have any knowledge that he still lives in Florida?

Ms. Burgess stated the Development Company was trying to locate him, but I have not heard.

Mr. Tome stated it is my understanding that he still lives in Florida. We have not received any returned mail or anything to indicate otherwise.

Ms. Burgess stated so he is not disqualified because he has moved out of State. We have no knowledge that he has moved out of State.

Mr. LeMenager asked what is our legal position with respect to a Supervisor who has abandoned his position?

Mr. Qualls stated the Statutes do not cover abandonment. The Statutes address when a Supervisor resigns, and at that point the Board selects a replacement to carry out the remainder of the term. That is not something that is optional. It is something the Board "shall" do. It hinges upon a resignation. Is it because Mr. O'Keefe cannot be contacted? I can look into it and give a report in December. Maybe there is some precedent for a Board member who is not fulfilling his obligations.

Ms. Kassel asked is it possible to contact him?

Ms. Burgess stated we can certainly contact him and ask what his intentions are.

Mr. LeMenager stated we took our seats one year ago and we had a nice speech outlining our duties and responsibilities. It has been four months and he has been ignoring those obligations. What is the position of the law?

Mr. Qualls stated the law does not address that directly.

Mr. Evans stated he either leaves the State or resigns. We will try to contact him and see what his intentions are.

Mr. Dennis deMaria stated we purchased a home here last year and we moved here from Massachusetts. We enjoy this community and we want our fellow northerners to consider moving to Harmony because they will get more than just a home here. The facilities that you provide are of great interest to them, as well as the flowers and the landscaping. I know you have to assign costs to budget items, but your facilities and landscaping are what bring people to the community. They want to swim in the pool every day in February or go for walks on the trails. As you assign dollar values to those facilities, I think this community is in a development stage in its youth. It is growing. We invested here because we saw that it would be a good investment for us.

Mr. Evans stated it is a delicate balance.

Mr. deMaria stated you are correct and we are marketing this community as best as we can.

A Resident stated my father would like to know the relationship of the District to the 3E Corporation.

Mr. Evans stated 3E Corporation originally owned this property many years ago until Birchwood bought the property. They were the ranchers.

Ms. Kassel stated I would like to hear from the audience as to your thoughts on the landscaping proposal we discussed.

Mr. deMaria stated we had family and friends visit, and they were so impressed with the area. It is a great community and the landscaping is the color in the portrait that puts it all together. They commented on how beautiful the flowers and the trees are. You should continue that program.

The Resident stated we have a huge problem of people in my neighborhood not picking up after their dogs and they let them run loose off a leash. I go out with my dog at night and we were almost attacked by another dog running loose.

A Resident stated these dogs are allowed to run outside and do their business, while the owners stay in the house, and then they call them back in after a period of time. We have called animal control several times, but by the time they arrive, the dog is back in the house.

Mr. Berube stated I think we as the community notice the deficiencies in the flower beds, but to someone driving through in a car, they do not see those same things. Overall the community looks good. I realize we have a tight budget because you did not want to

raise assessments, and that is an admirable thing, but I think the more important item is the most noticeable thing in the community is the dead sod. I understand they are replacing it and that ties them up, but until that is complete, it will tie them up and it is an extensive project. One thing I notice as I cover this community is the dead sod and trees that need to be replaced, which are more eye catching than plant beds. As you drive in your car, the area really looks pretty good. I would love to have fresh flowers every where, but because we are balancing the budget, I think the community looks pretty good.

**SEVENTH ORDER OF BUSINESS**

**Adjournment**

The meeting adjourned at 10:20 a.m.

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Gary L. Moyer, Secretary

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Robert D. Evans, Chairman