

# MINUTES OF MEETING

## HARMONY COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Harmony Community Development District was held Thursday, March 25, 2010, 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
Steve Berube	Supervisor
Kerul Kassel	Supervisor
Mark LeMenager	Supervisor

Also present were:

Gary L. Moyer	Manager: Moyer Management Group
Tim Qualls	Attorney: Young vanAssenderp, P.A.
Steve Boyd	Engineer: Woolpert
Thomas Belieff	Dockmaster
Greg Gologowski	Harmony Development Company
Todd Haskett	Harmony Development Company
Larry Medlin	Bio-Tech Consulting
Jason Shafer	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 February 25, 2010, Meeting

Mr. Evans reviewed the minutes of the February 25, 2010, regular meeting, and asked for any additions, correction, or deletions.

Mr. Evans stated on Page 15 where it references the key deposit has remained at \$500, add "budget line item."

On MOTION by Ms. Kassel, seconded by Ms. Snyder, with all in favor, approval was given to the minutes of the February 25, 2010, regular meeting, as amended.
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**THIRD ORDER OF BUSINESS**

**Subcontractor Reports**

**A. Landscaping – Luke Brothers**

Mr. Shafer 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. LeMenager asked have you started trimming the crepe myrtles and meadow grasses?

Mr. Shafer stated yes, they are out in the square trimming crepe myrtles as we speak.

Mr. Berube stated the three tree rings are not done, and the Estates at Harmony are not finished. Last month you reported you ran out of mulch but more had been delivered. It has been three months on this issue. My bigger concern is that our contract for mulching is once a year. The mulching started in November and will now span into April. When we get to next year, will you start in November and carry to April or start in April?

Mr. Shafer stated we always run late on that work effort. Luke Brothers purchases mulch in bulk, and I am not sure they still think that is a better process than purchasing it in bags. It takes longer buying it in bulk.

Mr. Berube stated I notice other landscape companies bring in pallets of bags of mulch and your process looks very labor intensive by having to pickup the load of mulch, shovel it into buckets, and carry it to the application site.

Mr. Shafer stated yes, it is very labor intensive. It has taken quite a while and will be done soon.

Mr. Berube stated I distributed two pictures near where I live, at Bear Grass and Buck Lane. The problem began last quarter of last year, when we had a lot of chinch bugs and weeds. Your predecessor killed a lot of sod and started a sod replacement program. Now Luke Brothers killed these two places and sodded up to these two locations but never came back to redo them. A pallet of sod sat 10 feet from one of those areas, and these photographs are how those areas look today. They are irrigated and I do not know if they were left out of the contract but they look bad. I can understand the mowing crew might not know if it is part of the contract, but it seems to me the irrigation crew would mention it to the mowing crew that there is dead grass in that area.

Mr. Shafer stated I do not know how this got past me.

Mr. Berube stated this is a little pocket park between Schoolhouse and Bear Grass outside the park. There is an empty lot on one side and a house on the other side. It is a

continuation of sidewalk. The key is this area is irrigated. It was sort of green before and it was weedy during the sod replacement program. So they sprayed it with Round Up and killed it, just like in other areas. This area just never got replacement sod.

Mr. Shafer stated it will be fixed.

Mr. Berube stated there are also a couple other areas that seem to have been missed during the sod replacement program. One is in front of the main dog park along the outside of the fence at Cat Brier, and another one is starting at the west traffic circle going toward the school where the tree rings need mulching. There are significant areas on both sides of the sidewalk that have dead sod with chinch bug damage. I will leave it to Mr. Shafer to address.

Ms. Kassel asked do you fill in the area where you replace sprinkler heads that are gushing? There is one place in each dog park that I noted with Mr. Golgowski where there is a hole big enough to step in where dirt around the irrigation heads is missing.

Mr. Shafer stated I did review those with Mr. Golgowski and my crew is working on that now.

Ms. Kassel asked is it your policy to fill in those holes when you repair the irrigation heads?

Mr. Shafer stated it is. I do not know if he inspected that park prior to today or not. I do not know if there is a hole because the head was malfunctioning or if he actually repaired and the sprinkler hole did not get filled. When we repair something, it should be put back like it was.

Ms. Kassel asked did you fertilize by the dog park yesterday in that common area?

Mr. Shafer stated yes.

Ms. Kassel stated I noticed there was a lot of fertilizer on the sidewalk.

Mr. Shafer stated that was blown off at 4:30 p.m. I did it myself with one other crew member. I wanted to check to make sure that was completed.

Ms. Kassel stated the Board approved the first phase of a landscape improvement plan for installation in late March to remove dead plants and install new ones. Are we on schedule for that?

Mr. Shafer stated we are going to schedule that for the first of April. We will bring in a separate installation crew from Orlando so the crew onsite can continue their work on the project.

Ms. Kassel stated if you have any questions as you proceed, Ms. Pam LeMenager and I are available.

Mr. Haskett stated Mr. Shafer, Mike Couch and I met Tuesday and I discussed some issues with them. There are some areas in need of repair but I also raised the outlying areas not in anyone's view unless you take a walk along the fence. They came to realize their staffing is quite low in comparison to what it should be to accomplish the work they need to prior to the busy mowing season. Mr. Couch, who is Mr. Shafer's boss, committed to adding staff on a weekly basis until they get to the par level they need to be at to be sure everything is under control prior to the heavy growing season, which is probably a month away.

Mr. LeMenager stated I agree with that. I was going to ask if you were in financial trouble because we have not seen many crew members over the winter months.

Mr. Shafer stated no, not at all.

Mr. LeMenager stated I do not know that the area Mr. Berube raised is CDD. On the map, it is not part of the park.

Mr. Berube stated that is correct, it is not part of the park. It is part of the sidewalk easement.

Mr. LeMenager stated I think that is a home owner issue, not a CDD issue.

Mr. Berube stated we are irrigating it. It is the CDD sprinkler system, and there are three sprinklers in each of those blocks. That was my first thought, as well, but the sidewalk easement comes down on both sides of Buck Lane. When the sidewalks are irrigating along Buck Lane, so are those blocks. My first thought was they are attached to the lots, and until the lots are finished, this will not be addressed. But the sprinklers are in place and they are operational, so I am going by the sprinkler setup so I believe they should be maintaining along the sidewalk easements. Luke Brothers mows the grass, as well, but the sod was never replaced. If the CDD irrigates that area, then it makes sense that we maintain it.

Mr. Boyd stated that is CDD irrigation.

Mr. Shafer stated it was explained to me that we do up to the park and the park, not these two areas. We will get these added to our schedule.

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

Mr. Medlin 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.

Mr. Medlin stated ponds 27 and 24 are typical of what we are seeing with a couple different types of plants in the water along with algae making rings around the ponds. We have had pretty good success in a lot of ponds, but those two have been more difficult. Pond 24 cleaned up pretty well but it has slipped back over the past month. Pond 27 is getting better, but with the lowering water level and constantly getting a new shelf for the plants to start growing, it makes it challenging. Pond 18 had some bad algae but it has cleaned itself up recently, probably from the weather. We were going to try our new algacide on that pond, but since it is clean, we will wait until summer and see how it works. There are about six ponds where we are treating algae every two weeks. We are constantly treating them when they are a foot out before they get too wide.

Ms. Kassel asked is some of the slipping back due to the current weather conditions, or will you have additional difficulty as the weather warms up?

Mr. Medlin stated things will only get worse. As the water levels come up, it does make it a little easier. When water keeps dropping, we get a new shelf and spike rush starts growing, which is very difficult to treat. It is not one of the plants listed on very many chemicals, but we are treating it anyway. I am trying new things and there are four choices I can use. I have had good success on some ponds with those chemicals and they will stay clean for months. I know that some ponds will have to be treated every two weeks, which is our plan throughout the summer, perhaps even a third visit during the month so I can treat the littoral areas.

Ms. Kassel asked is there any native pond vegetation that could be planted that will help with the spike rush?

Mr. Medlin stated if it is thick enough, probably. Many of the ponds are planted but some of the plantings are sparse, which is the nature of the plants. It would help to plant more because they help bring out the nutrients from the water so that the spike rush does not have as much to take in and they would not grow as fast. With plantings, you have to take care not to treat the good plants trying to get the spike rush, so sometimes you have to leave it within the planted areas and just get it on the outside.

Mr. Berube stated last month I left some pictures with Mr. Haskett and Mr. Golgowski of the pond at Lakeshore Park that has a ring all the way around it. There are other outgrowths within the body of the pond.

Mr. Medlin stated they emailed the pictures to me, and that is spike rush and some bladderwort. It was out probably 15 to 20 feet when we first started. I started with the best chemicals we had available, and it pretty much eliminated the bladderwort but it was not able to get the spike rush in that pond. The water level has been dropping ever since. It will come up a little with the recent rains, but overall, a lot of ponds are really low. Last time I treated the pond, I used something different with a really high rate. I treated only half the pond to keep my margin of safety. I looked at it this morning and it is better, but it will take two more treatments. Then I will need to stay on top of it during the summer.

Mr. Berube stated this is a plant that is growing from the bottom and rising to the surface.

Mr. Medlin stated it likes to start at the shoreline and looks like it is from the banks. It grows from the bottom and detaches and then becomes a floating mat.

Mr. Berube asked is there some reason to not physically remove them, other than labor costs?

Mr. Medlin stated we have done some on Pond 19 because it was so visible and I was not having any luck getting the spike rush down. I started raking the side away from the golf course side. It looked good when I was done but two weeks later, you could not tell I had done anything. It has rooted and I am only pulling off the top later. I sprayed the soil a little to try to get it, but it is such a fine plant and it is hard to get a big rake in there. I did not think that effort was worth it, and I would rather try different chemicals at different application rates.

Mr. Golgowski stated spike rush is largely an aesthetic issue as much as anything. If you have plantings along the edge, you tend not to see the spike rush because it gets lost in the taller plantings.

Ms. Kassel asked do we need more pond plantings?

Mr. Golgowski stated yes.

Mr. Medlin stated when the material hits the surface, the sun hits it, decays it, and it creates some algae right there, and that is what makes it look bad.

Mr. Berube asked if we install plants, does that create a maintenance issue for you with maintaining them?

Mr. Medlin stated you need to choose the right types of plants so they maintain a uniform level, similar to the buffer of grass around each pond. We maintain that grass so little trees or shrubs do not pop up.

Mr. Berube asked the plantings that we have so far are not a maintenance issue?

Mr. Medlin stated no, it is a little more work but it is very doable.

Ms. Kassel asked if you are willing to spend time in labor for raking, are you willing to spend time on installing plants? If you are thinking of something labor intensive to correct the problem on a long-term basis that will require less expensive chemicals and less spraying, I wonder if part of the scope of your work could be doing some of those plantings.

Mr. Medlin stated there are 32 ponds, and it takes all day just to get around most of them. I cannot get around all of them in one day.

Ms. Kassel stated perhaps once a month, as part of your work effort, focus on one or two ponds to do some planting.

Mr. Medlin stated that is something we can talk about and look at later.

Mr. Berube stated I suggest you give us a proposal next month and perhaps we can work out a cooperative arrangement since we know your time is not free. We can enlist some volunteer help, but it is a big job and we understand that.

Ms. Kassel stated it seems like a better alternative for a long-term solution, that requires less expense on your part and on our part in terms of chemicals and less work, rather than constantly spraying chemicals if we can get an ecosystem that is working well and is aesthetically appealing.

Mr. Medlin stated I believe it is the goal overall to install plants on most all the ponds over time.

Mr. Golgowski stated their contract does address additional plantings, but it is an additional item outside their base contract.

### **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. LeMenager stated I am very pleased to see that someone finally used the sailboat.

Mr. Belieff stated there has been more interest in using the sailboat but the winds have prevented some use.

Mr. Berube stated I have attended Mr. Belieff's orientation twice, and he does a good job with that. The concern I have was raised by a resident. We tie up that sailboat in an area where people have to get wet to get to it. I think I understand why that is because it has a keel that hangs down and you cannot bring it any closer to the shore.

Mr. Belieff stated that is correct, and it also flips over easily.

Mr. Berube stated I think the boat would get more use if people did not have to swim to it. Do we need to modify the docks so we can bring that boat to the dock? What do we have to do make that boat more user friendly?

Mr. Belieff stated there is only so much dock space, and the sailboat seems to be better moored out in the water. It is easy to retrieve the way I have the ropes tied there. It looks like it is hard, but if you walk out a little ways, the water is only knee deep.

Mr. Berube stated to the average person who lives here, we are putting the boat out of reach. I understand that knee deep is not bad, but for people who are afraid of alligators and snakes in the water, that is a deterrent. We need to think about getting that boat more usable without going into the water.

Mr. Belieff stated I am always willing to retrieve the boat for them, unless you want to add on another section of dock, which you will need to do eventually. It is easier to leave the sailboat from the shore than from the dock.

Ms. Kassel stated I have a question on the welding work that was done.

Mr. LeMenager stated I think we all have the same question, repairing 28 trash cans at \$175 each.

Mr. Berube stated I thought this was a proposal and not an invoice since it was not approved by anyone. I wonder how we spend \$5,000 without approval.

Mr. Haskett stated these were the original trash cans that were installed 2003. In the center at the bottom is a grommet. These units have a door that opens up, and as the doors open and close, it had ground down onto the aluminum portion of the can. Over the years, it rusted away. We did some research on replacing the cans, which cost \$850 in 2003. This model is not made anymore and our current units would cost \$14,560 to replace all 28 cans. Instead of throwing 28 cans into the landfill, we researched repairing them. We came up with replacing the broken parts with stainless steel, which will not rust, and an

updated grommet to prevent metal on metal from creating the issue that happened in the first place. Instead of throwing away 28 cans, we repaired 28 cans.

Mr. Berube stated I did some of the same research and your pricing is correct. My concern is that we spent \$5,000. I agree that new cans are a lot of money, but I have a problem spending \$5,000 of the people's money patching up used trash cans and many of them still look terrible.

Mr. Haskett stated it is a process. You will see the majority of the components are cast aluminum and will not be rusting which is not aesthetically pleasing. I did not think it was necessary to get rid of 28 garbage cans. When we prepared this year's budget this issue was raised and budgeted for refurbishing of the trash cans, as well as the drinking fountains. This was budgeted to do this repair.

Ms. Kassel stated in the future, I think the Board would appreciate advance notice before it is done just so we know, even in an email before hand that you are going forward with this work and the associated cost.

Mr. Berube stated even in a tight budget year, I would recommend replacing them with the ARP cans rather than these Recycled Design cans, because these will continue to deteriorate.

#### **FOURTH ORDER OF BUSINESS**

#### **District Manager's Report**

##### **A. Financial Statements**

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

Mr. Moyer stated we received a distribution on March 15, and we are 49.25% collected. Last year at this time, it was 46%. This is following the typical pattern of the way assessments are collected in Harmony.

Ms. Kassel stated we are always a bit behind of when the developer pays their assessment. I wonder if we reflect that in the statement of revenue and changes in fund balance sheet.

Mr. Moyer stated it is reflected and we made that change. They are up to date in their payments.

Ms. Kassel stated generally we are not.

Mr. Moyer stated we had a timing issue last year where it always lagged a month, but we corrected that in this fiscal year so that it accurately reflects what we collected from the developer.

Mr. Berube stated in both the 2001 and 2004 debt service fund, the interest on investments is significantly behind for both funds.

Ms. Kassel stated there is a report that discusses what we receive.

Mr. Moyer stated we have had significant problems with US Bank as the trustee investing funds. This report shows that we are getting 0.1%, which is better than my other Districts that are getting 0%. Their explanation is because some other CDDs have difficulty making their semi-annual principal and interest payments, so from a liquidity point of view, they do not want to invest anything. We are addressing that through our attorneys and I have asked Severn Trent to get involved in this, although that is not their responsibility. We have been talking with the trustee for a long period of time. The trustee just will not invest funds given the current state of the investment world and their concern about liquidity. You are correct that we are significantly behind on that.

Mr. Berube stated when we prepare next year's budget, we need to pay particular note of that because the situation is not likely to change. We are almost \$20,000 behind our anticipated numbers at this point.

Mr. Moyer stated even if it were aggressively invested according to a schedule that corresponds with the semi-annual principal and interest payments, we would be earning 0.75%, so it would be somewhat better but it is still very low.

Mr. LeMenager asked why do we need to use US Bank?

Mr. Moyer stated years ago, there were many banks with corporate trust departments, some of which do not exist now, and most have been acquired by or merged into US Bank. There are not many banks left anymore that have trust departments. We did tell US Bank that we are going to start looking for a new trustee if they continue to resist investing these funds.

Mr. Berube stated it is noted that it is invested, but the yield is 0.00%, and that is not an investment to me.

Mr. Moyer stated no, it is not.

Mr. Evans stated these are short-term investments because they are only holding funds for a short period of time until we make the next principal or interest payment.

Mr. Moyer stated it is frustrating.

Ms. Kassel asked does the capital projects fund reflect that everything has been paid that is coming out of that fund?

Mr. Boyd stated it reflects all the construction costs. There is about \$12,000 of our fees that have been forwarded to the trustee that have not been paid from the balance that is shown.

Ms. Kassel stated we will be left with about \$68,000.

Mr. Boyd stated that is correct.

**B. Invoice Approval #119 and Check Run Summary**

Mr. Moyer 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 asked what is the payment to Vasari CDD of \$6.00 for?

Mr. Moyer stated that is another CDD and it was an expense that was billed to them in error.

Mr. Berube stated to take a load off Mr. Haskett's shoulders in the future, perhaps we set a limit on what is discretionary spending and what is not.

Ms. Snyder stated this item was already approved in the budget.

Mr. Evans stated we have a management company and their role is to make those decisions on a day-to-day basis. It is not for the Board to micromanage them. If it is something that has been provided in the budget, we need to let them do their job. I agree that we need some interface during the month, but this Board spends a lot of time reviewing these issues. I want to be careful that we do not limit them where they need our approval for every single item. I think they are doing a great job and I do not want to take away their initiative.

Mr. Berube stated I do not argue that but I think we all forgot this was included in the budget because the budget was done so long before the work was actually done. If we are satisfied that it is fine, I am ok with that.

Ms. Kassel stated it would be helpful if Mr. Haskett lets us know when it is coming up so we can be prepared for it.

Ms. Snyder stated just let us know that it has been budgeted and that it is being sent for our information.

Mr. Haskett stated that can be accomplished.

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

**C. Public Comments/Complaints**

Mr. Moyer 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. Kassel stated there were a couple things that were received earlier this month that are still outstanding: fence needs repairs, weeds need to be eradicated, and red ants. Have those things been addressed since they came in?

Mr. Shafer stated that has been partially completed. We sprayed the ants and I want to handle the ant beds in the dog parks in two ways. The best ant product is Top Choice but it is expensive and it takes several weeks to get into the soil, but it is a year-long residual. There is another product, Advion, which is a quick killer like Amdro and the ants disappear in a couple days. Immediately after I received that complaint, I applied both products. In conversation with Mr. Haskett, because of the dog's spring fling event, we thought it would be better to wait instead of applying that much chemical product until after the event.

Ms. Kassel asked is the product you are using toxic to dogs? If so, is there some way of putting out a notice that the park is off limits for a certain number of hours?

Mr. Shafer stated for the most part, no, it is not toxic. A dog would have to eat a large amount of it for it to be toxic to them. But to be safe, since there would be a large number of dogs in the park, we decided to wait until after that event. We treat the whole property for chinch bugs and the same product works for ants. It has just about worn off from the last application. Ants increase in activity after a rain, and that is when the complaint was received. We will treat all dog parks that way, using Top Choice for the year-long residual and Advion to get rid of them immediately.

**D. Discussion of Meeting Notice Publication**

Mr. Qualls stated as indicated in the memorandum in the agenda package and that I distributed, the legal requirement for these meetings is an annual publication. Though not required by law, we still advise you to continue what you are doing on the website and signs and other notifications.

Mr. Berube stated the reason I raised the issue was the matter of trying to save \$45 a month on a newspaper that is not widely read and is so far away. Now we know that we

are only required to advertise the schedule once a year, so this Board can decide whether to continue advertising on a monthly basis or just once a year as legally required.

Ms. Kassel asked does anyone in the audience check the Orlando Sentinel classified advertisements to know when the meeting is?

None responded.

Mr. Evans stated if there are no legal ramifications or requirements, I do not have a problem advertising just once a year.

Mr. Moyer stated there is a Bill pending in the legislature that would do away with newspaper advertisements altogether and would permit us to put notices on websites.

Mr. Qualls stated that is Senator Dean's bill. The reason why it will likely not become law, even though it makes sense and seems to be the right thing to do, is because it is an election year, and the newspaper lobby despises that legislation. Those up for election do not want to upset the editorial Board for their newspaper. It is something that some of our other clients have been trying to do for a long time. It is a tough sell, even though it makes sense. But the legal requirement is annual publication.

<p>On MOTION by Ms. Kassel, seconded by Ms. Snyder, with all in favor, approval was given to an annual meeting schedule advertisement in the Orlando Sentinel, with the addition of notice on the District's website, community signs, and email blasts.</p>
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Mr. Moyer stated we have always advertised the annual schedule in September before the beginning of your fiscal year, and that meets the annual requirement provided in the Statute. We have also advertised your meetings on a monthly basis in an abundance of caution. With the telecommunications that are available, we can address that.

Ms. Burgess stated I want to point out that we have different requirements for budget hearings, and you will see invoices for those advertisements. Those costs are anticipated in the budget already.

Mr. Berube stated that is fine.

Mr. Moyer stated I will provide a written report next month in your agenda package related to the elections we will have this year in this District. Ms. Snyder's and Mr. Berube's terms expire in November, and anyone who is interested in being a Supervisor needs to qualify with the Supervisor of Elections, just like you do for running for County Commissioner. There are two ways to qualify: by petition where you get 25 neighbors to

sign a petition supporting your candidacy and you pay \$.10 per petition, or you can go down during the qualification period and pay \$25. I believe the qualification period for the petitions ends May 21 at noon. If you qualify by paying the qualification fee, it is noon on June 14 to noon on June 18. We will have more information in the agenda next month.

## **FIFTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. Attorney**

Mr. Qualls stated Mr. vanAssenderp in our firm has some clarifications to make on a technical matter that I will forward to Mr. Moyer. Also on the notes to the financial statements under operation and maintenance, it lists R&M—common area. “Common area” denotes an HOA term pursuant to the Statute. It probably refers to a District facility, and it is a misnomer, but we want to clarify that language and will forward it to Mr. Moyer.

#### **B. Engineer**

Mr. Boyd stated I distributed several documents related to final closeout of the waterline project. Final retainage has been paid. The certificate of substantial completion states that the project is complete and releases them from other obligations, other than they maintain it for one year under the terms of their original contract. There is another document that is the intent is to convey the improvements to Toho Water Authority. The intent is that the CDD completed that project and still owns it, but the waterline will be conveyed so that Toho Water Authority will own it and be responsible for maintenance. Exhibit A is a legal description and shows where the waterline is located, and Exhibit B shows what physical improvements they are receiving. The last item is the easement agreement, which is a tri-party agreement between Birchwood Acres, the Harmony CDD, and Toho Water Authority. The waterline, as constructed, crosses both developer-owned and CDD-owned lands. This easement allows Toho Water Authority the right to access and maintain the waterline. I am requesting the Board approve these documents and grant the Chairman the authority to execute them.

Mr. Qualls stated I have reviewed these documents from the perspective of the District.

On MOTION by Mr. LeMenager, seconded by Ms. Kassel, with all in favor, approval was given to the easement agreement, the certificate of substantial completion, and the intent to convey, as discussed.

### **C. Developer**

Mr. Haskett stated there was a question last month about keys, how they were distributed and the deposits that are taken. There were 686 keys logged into our system, and we have 39 keys on hand. Over the past six months, 54 keys were handed out. No deposits were taken from what I could tell based on the data that the sales gallery provided to me. No third keys were distributed which would trigger the deposit for a key. Most of the keys that were distributed were attributed to recent foreclosed homes where the previous owners did not turn them in, so new keys were distributed. When the sales gallery hands out a key, they will ask for a deed or a lease, which is the process we are using. I suggest we look at a card access system in the near future to alleviate these problems. I have spoken with Ms. Burgess a few times on this issue, and they use a card access system in a few other CDDs. It streamlines things and eliminates a lot of issues with questions of access.

Ms. Kassel stated last month we discussed having a combination where you change the lock to a push button and it gets changed frequently.

Mr. Evans stated this issue lends itself to more discussion. Ms. Kassel has raised issues about the dog park with people accessing the dog park who are non-resident members. We have a mechanism where non-residents can pay an annual fee and use all the facilities, or they are residents or renters within Harmony. We are trying to monitor who is coming and going in the dog park. We also have issues with people coming into the swim club late at night and causing disturbances. We may be able to address a lot of these issues by exploring a card access system. It may be that you register your pet to receive a card in order to have access to the dog park. Otherwise, you have no reason to be in the dog park. You will also be able to regulate access to the pools because you can put a timer on them and they will be activated during operational hours of the pool. There are a lot of benefits we can achieve by going to a card access system. I think you all raised a great point last month.

Mr. Berube stated I raised the issue because of the invoice for 50 keys, and after researching a year's worth of invoices, I found that about every three months, we

purchase 50 keys. In a six-month span, we purchased 150 keys. The dollar amount is insignificant, but if that is the ratio with our 508 addresses, we have a lot more keys out there than people who live here. I think the problem is when people move, they keep their key, and there is no control of them coming back to use these facilities. If Mr. Belieff asks if they have a key, they can produce one. To Mr. Haskett's point, I would dispute their recordkeeping because I have gotten keys to replace lost ones at the welcome center, and no one asked if I was a resident on two occasions.

Mr. Evans stated we are all seeing a learning curve on ways to improve because we are starting to see the cause and effect. I would like to explore card access systems and the pros and cons. I think it will solve a lot of problems and it can be paid for with capital improvement funds. I think it will really help us address the repeated issues.

Mr. Berube stated we can have the cards deactivated after six months or a year and announce to everyone what they have to do to have their cards reactivated. We would have tighter controls.

Ms. Kassel stated we have to think about who will administer that. Will it be Mr. Belieff or someone else?

Mr. Berube stated first, we need to determine cost and then we can decide on the administration of it.

Ms. Kassel stated that is part of the cost.

Mr. Evans stated just look at the savings we would have in vandalism and repairs.

Mr. Berube stated my wife raised the concern that kids dive into the pool. If someone from outside of Harmony get in, dives in the pool and gets hurt, we may have a lawsuit by a non-resident because our security was not good enough.

Ms. Kassel asked are we indemnified?

Mr. Moyer stated we have limited tort indemnification.

Mr. Berube stated they key issue is the security of the whole area, and Mr. Qualls discusses that often on government bodies regulating public access. I think we need a card access system.

Mr. LeMenager stated I agree it is worthwhile to look at, and probably something to include in next year's budget.

Ms. Kassel stated we can pay for it from capital projects.

Mr. LeMenager stated I realize that, but when that fund is gone, then any capital improvements will be funded strictly by the developer.

Mr. Berube stated reality is by the time we investigate these systems, it will be time to consider it for next year's budget. It does not need to happen immediately but we need to quell the activities that are going on here by non-residents.

Mr. LeMenager stated cards are the best long-term solution.

Mr. Berube stated we can carry this over to the dog parks where people do not get a card unless they register their pet.

Mr. LeMenager stated I am pretty sure we cannot restrict access to any of the parks strictly on the basis of whether or not someone has a dog.

Ms. Kassel stated if they have an access card, they can get in.

Mr. Evans stated that is what we are trying to determine. We are trying to get pet owners to register their dogs. I agree with Mr. LeMenager that you cannot prohibit a resident from accessing the dog park just because they do not have a dog. When they come in to pickup their access card, that gives them the opportunity to register their pets. Everyone will have to register for a card, and we might be able to accomplish two things at one time.

Mr. Berube stated we will get some pricing and have that as a future discussion item. Last month we discussed the painting project, which should be getting started soon.

Mr. Haskett stated it is underway.

Mr. Berube stated many of our structures, including ones in the dog park, like the columns, are getting beat up. The foam structure needs some patch work. The bases are stucco on many of the columns, and the vast majority of those metal corner beads are rusting because the paint is gone. They look bad up close. All the gazebos need that repaired and we need to consider how the town square is looking with rusty corners.

Mr. Haskett stated we did some repairs four years ago.

Ms. Snyder stated right away, they started rusting out again.

Mr. Berube stated if you just put a coat of paint over those metal corner beads, that will not fix it. There is polish available that can be used.

Ms. Snyder stated that did not repair it, either.

Mr. Berube stated if we are going to repair these, it needs to include a rust conversion process, and it comes in a can. You spray the rust area, it turns to black and you have to paint it. If we are going to do these, that needs to be part of the price quote.

Mr. Haskett stated the issue is they are rusting from the inside out, and applying it to the surface will not correct the problem. We need to get to the root of it, and it is a little more involved than applying something to the surface and painting it. The work would be to renovate them, which would include chipping off the corners and re-edging them with a vinyl material. There is a process we can go through and we can get bids. For structures such as the dog park pavilion and gazebos and the columns in the pocket parks, my suggestion is to use a stone product rather than stucco. The ones done in brick have had no problems from the beginning.

Mr. Berube the one at Brackenfern looks like cement and it looks good, too.

Mr. Haskett stated I mentioned last year that we can do them in dry stone or something similar going forward.

Mr. LeMenager stated I suggest we simply remove them and put a nice plant there. Do we need columns in tiny parks in the middle of neighborhoods? Or is it pleasant enough just to have some green space.

Mr. Berube stated the vast majority of the columns that have problems are in the town square and the dog parks.

Mr. LeMenager stated I am thinking of the one in Primrose Willow that is falling apart. Why do we need two columns in a small park on Primrose Willow?

Mr. Berube asked do we have the ability to remove infrastructure? I do not think so. I think we need to maintain it.

Mr. Qualls stated I think sometimes maintenance includes removal.

Mr. LeMenager stated I do not think it adds anything aesthetically pleasing to that little park by having two little columns.

Ms. Kassel stated I think it does add something.

Ms. Snyder stated I think it does, too.

Mr. LeMenager stated they are nice to have, but there is a price to keep and maintain them.

Mr. Berube stated right now rust is an aesthetic issue, but later it will damage the structure and it will be a major expense to replace or repair.

Mr. Haskett stated a year ago, the development company had a maintenance person who did some maintenance to all those columns at no cost to the District, including washing and touching up paint. We no longer have that person as a result of the company's downsizing, which is why you are seeing these issues coming up. It should show you what the development company has done in the past. We can provide some proposals to do this work.

Mr. Berube stated since Ledesma is on property, I think a painter can do these repairs. Ask them for an estimate to make them look nice.

Mr. LeMenager asked do we have a schedule to replace the mosaic pool tiles that are beat up?

Mr. Haskett stated not at this time, but it was raised several months ago. It is time at the swim club to peel the mosaic tiles off and replace them. Some have been causing hazards, and now there is a State law that if a pool tile is chipped and not replaced, the pool can be shut down immediately. It is beneficial to have all the tiles replaced at once which will also improve the looks of it.

Mr. LeMenager stated when you do that, I suggest you remove the rocks to avoid the temptation for children to throw them.

Mr. Belieff stated the damage lately is from throwing lawn chairs or sitting on the edge with the chairs in the pool.

Mr. Berube asked when you are looking for contractors and suppliers, do you look at the Harmony residents business directory to see if we can use someone who lives here? I know there is at least one pool service company and if they live here and are as good as anyone else, we should use them.

Mr. Haskett stated yes, and if they meet the insurance requirements, I am happy to utilize them. Our pool service has been here from the beginning and they do an incredible job. I have competitively priced pool services over the years and others do not come close to what we are being charged.

## **SIXTH ORDER OF BUSINESS**

### **Supervisor Requests**

Mr. LeMenager stated we have gotten into the habit of people forgetting that we have a monthly agenda, which has a deadline in order to receive information to get to the Board. Every month at these meetings, we receive more and more paperwork that is distributed at the meetings. We are expected to read and analyze this information in order

to make decisions at this meeting, and that is ridiculous. Last month, I voted in favor of painting the swim club, but I would not have voted in favor of it if it had been in the agenda and had I been able to look at the swim club. I looked at it afterwards, I do not think it needs painting. I agree it needs some touch up. The trellises need painting but not the building. To the degree that we are being asked to review and approve things and make substantive decisions, people need to remember we meet once a month and there is a deadline to include materials in the agenda package for our review. We are a diligent group and we do our advance work so that we will be in a position to make good decisions at the meeting, but we need to get away from the habit of thinking it is acceptable to put a stack of papers in front of us.

Ms. Kassel stated we discussed last month collecting money for repairs for damage to the boat. I wanted to know how that went.

Mr. Berube stated there were invoices from Advanced Marine that I forwarded to the District office.

Ms. Burgess stated I was out of town on a family emergency for two weeks, and I am still trying to catch up.

Mr. Berube stated I provided two newsletter samples to everyone for neighboring communities. We have spoken before on the need to communicate with the people who live here. Harmony Notes is a developer newsletter that we do not have access to, as well as e-blasts. I had some past experience with a newsletter publishing company, Focus Community Publications, and I distributed some samples from two communities. The product we would get is on ledger-size paper folded in half. They accept local advertisements from local residents and businesses. It would be a community newsletter. I am not sure this is a CDD function. One of these samples is published by the CDD and the HOA, and the other is published by the HOA. I am raising it here because this body would be the easiest one to get it done and control the content, but it always come down to the money. These are published at no cost to us except for delivery, which is \$.32 per house, rolled in a plastic bag and hung on the front door. It can be produced monthly or quarterly. We discuss how to get information about many things to the community and there are always questions but we have no easy way of getting information to the residents and many times it is stale. This is a communication vehicle. Whether it is done by the CDD or the ROA, we should discuss it. For 508 houses, it will cost \$160 per issue.

Ms. Kassel stated we should discuss this at our next meeting.

**SEVENTH ORDER OF BUSINESS**

**Audience Comments**

Ms. Jane Christenson stated I have a question on the dog park. I see the landscapers out all the time and he said they treated for ants before the spring fling. Was that in order for the spring fling could occur? There are over three dozen ant mounds and it is getting dangerous. There is a whole section of the left curbed side of the dog park used to be mowed to at least five feet to keep the blackberry bushes away from the fence. Since that has not been done, there is an area of 20 x 80 feet of seedlings of prickly berry bushes that are scratching the dogs. Is there a way to get rid of them?

Mr. Shafer stated yes, we did get that message and we will mow off the side of that fence and keep that buffer area. We will spray next to the fence and keep the ants out that way. It is not toxic to dogs.

Mr. Mike Hubbard stated we live in Ashley Park and are relatively new residents. First, whenever I have served on a Board, we had a resolution that for anything that comes in late, we did not vote on it. That was never a problem because everyone knew the policy. Second, my wife and I walk a lot many times a day and everyone of the landscapers we have dealt with, wherever we have been walking, has been extremely courteous, kind and friendly. If they are blowing, they stop what they are doing until we walk by. I think they are doing a fine job. Third, I received a letter a couple months ago about paying \$69 to the CDD. Since we just bought the home, I was not sure if it had been paid by the bank. I called and left a message if I was supposed to receive a bill or an invoice, but I never heard back from anyone.

Mr. Evans stated that was not the CDD.

Mr. Moyer stated I had a long conversation with someone on that issue, so it might have been one of your neighbors. That is not a CDD issue but that is the Ashley Park Association.

Mr. Hubbard stated I just want someone to send me a bill. I called and no one got back with me.

Ms. Kassel stated your CDD assessments are paid on the County real estate bill, but you also receive another bill from the Harmony HOA and one from Ashley Park HOA.

Mr. LeMenager stated Sentry Management manages Ashley Park.

Mr. George Schiro stated regarding access cards, you need to take into account they need to be waterproof. Regarding the CDD having an opening, I would appreciate if the developer would send an e-blast about the openings coming available. Regarding ponds and algae, how many ponds are there?

Mr. Golgowski stated about 35.

Mr. Schiro asked how many are in residential neighborhoods?

Mr. Medlin stated three or four.

Mr. Schiro stated that means 90% of the ponds are on the golf course, which means that \$100,000 or more of CDD money is used to maintain the golf course ponds. We have talked about this before. Can we get them to focus primarily on the residential ponds first?

Mr. Berube stated we do not spend \$100,000 on pond maintenance.

Mr. Schiro stated we have according to some past statements I have seen for golf course pond maintenance.

Ms. Kassel stated no, we pay \$1,500 per month on pond maintenance.

Mr. Berube stated that may have been the past, but you need to consider that this Board has changed its complexion.

Mr. Schiro stated I just know that this company is spending time maintaining golf course ponds and I would like them to focus on residential ponds. Three facts were established by Mr. Evans and Mr. Moyer on the public record during the December 2009 meeting: (1) the CDD has a license agreement with the developer to utilize Buck Lake,, which is necessary since the residents of Harmony do not own Buck Lake; the developer owns Buck Lake; (2) under the provisions of the Buck Lake license agreement, the developer has given the residents permission to use developer land where the dock is; and (3) this arrangement is possible because there were two willing parties to the agreement—the developer and the CDD. Every CDD meeting, like this one, includes time set aside for Supervisor requests and this is the time when they can make their own wishes heard. This is one of the perks of being a CDD Supervisor. I have questions for Ms. Kassel. Since you were elected as a CDD Supervisor in November 2008, during how many meetings have you had the opportunity to make a comment under Supervisor requests?

Ms. Kassel stated as many meetings as I have attended.

Mr. Schiro stated that is 16 meetings. During how many meetings did you actually make a Supervisor's request?

Ms. Kassel stated most of them.

Mr. Schiro stated at least 12 meetings. The requests you have made include looking into defects in the sidewalk, tree cutting, doggie pots, doggie bags, dog parks, questions on the CDD website and other issues. We know you currently keep your horses on developer property for free. After almost a year and a half as a CDD Supervisor, why have you never made one statement as an official Supervisor request for the CDD to consider licensing that same area from the developer for use by all residents for the use of their horses?

Ms. Kassel stated it never occurred to me to do so.

**EIGHTH ORDER OF BUSINESS**

**Adjournment**

The meeting adjourned at 10:35 a.m.

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Gary L. Moyer, Secretary

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Robert D. Evans, Chairman