

MINUTES OF MEETING HARMONY COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Harmony Community Development District was held Thursday, July 29, 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
Larry Medlin	Bio-Tech Consulting
Thomas Belieff	Dockmaster
Brenda Burgess (<i>by phone</i>)	Moyer Management Group
Greg Golgowski	Harmony Development Company
Todd Haskett	Harmony Development Company
Jason Shafer	Luke Brothers
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 9:00 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 June 24, 2010, Workshop and Regular Meeting

Mr. Evans reviewed the minutes of the June 24, 2010, workshop and regular meeting, and asked for any additions, correction, or deletions.

Ms. Kassel stated in the regular minutes, on page 27 about two-thirds of the way down where A Resident is speaking, the sentence should read, "We are concerned about every little issue."

On MOTION by Ms. Snyder, seconded by Ms. Kassel, with all in favor, approval was given to the minutes of the June 24, 2010, workshop and regular meeting, as amended.

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. Shafer stated we had a pretty good month, but there are some areas that have some weeds that we will be addressing as well as removing dead plant material. We made great strides this month and made a vast improvement in the service level, but we do need to work more on those two areas. This month we saw a little bit of chinch bug damage, but it is nothing like what it was last year. We treated them and replaced the sod, so we will stay on top of them.

Mr. Evans stated the improvements have been very noticeable. I appreciate your commitment to stick it out and to take our comments and frustrations into account to improve. You kept your crews out here and you worked through it. Whether it is our personal life or business life, we have all been through challenges and challenging times. You never walked away. You stood here at our meetings and said you would figure it out and make it work. I compliment you on that. I know it is difficult and you took a good whipping here at a couple meetings. I, for one, greatly appreciate it.

Mr. Haskett stated I echo Mr. Evans's comments. They have come a long way since March and April. We see a lot of improvements throughout the property. Mr. Shafer acknowledged some areas that need improvement, but it is summer and the heavy growing season. We also need to take into consideration the dramatic weather changes we have had recently. We had a very wet winter, and summer arrived very quickly with not much of a spring. Now we are into a drought situation, which the turf shows sometimes. In our dealings with Mr. Shafer, they are always quick to respond to adjust the irrigation. They work with Mr. Golgowski often to keep the MAXICOM system adjusted and managed well. They did have very minimal chinch bug damage compared to last year, which shows the effort they did in the spring with preventative maintenance for insecticide. Overall they have improved greatly and the property is looking nice.

Mr. Evans stated I agree. I have been in land development for over 25 years, and I know how difficult landscape maintenance is. It is such a labor-intensive business, and that is really tough. You are not only dealing with the constant turnover of employees,

but you are also dealing with the weather and things that you do not have any control over. It is a balancing act. I do not ever expect it to be 100% perfect; it never will be because it is changing on a daily basis. I appreciate your commitment and please pass that comment to Mr. Lucadano. It has been a challenge but we worked through it and made some great strides.

Mr. Berube stated I have a slightly different opinion. I have some pictures that I will distribute. About three or four months ago, we started with some of the problems with the services from Luke Brothers. I have been paying careful attention to it, as has Mr. Haskett and a number of others. I agree with everyone's comments to date that the property has improved greatly overall. Their mowing cycles are better. Much of the maintenance on an ongoing basis is better. There are still a number of areas that need significant improvement, and we need to be careful as we go forward that we do not lose sight of them. They had a vast improvement after we started voicing our dissatisfaction, where they brought in additional people and things improved significantly. Now I see a leveling out and possibly a sliding back toward where we were headed before. Their employee counts look correct, but I have not been watching them every day. Nonetheless, I have been watching them very carefully. Picture #1 is Lakeshore Park, showing a tree ring where the clippings are getting into the tree rings. It is not just at this location where it is happening, and it is largely because side-discharge mowers are being used. The clippings are getting into mulched areas, and this is not an exclusive picture. To address this, some of the maintenance staff went into Lakeshore Park yesterday with mulch and they did a number of trees in that area that had a heavy buildup and they missed a few others. The point is that it would be better if you can keep the clippings out so that you do not have to go back and mulch.

Mr. Shafer stated this is an issue that we have addressed property wide.

Mr. Berube stated these pictures were taken Tuesday this week. Picture #2 is also in Lakeshore Park, right behind the restroom building, and the issue is weeds growing in the mulch, which Mr. Shafer already addressed. This is a wide-spread problem. You can go to any planter bed in this community and see weeds growing in the mulch. The maintenance crews have been edging along the mulch and literally cutting the weeds as they go. Can the person doing the weeding just reach down and pull up these weeds?

Mr. Shafer stated we have a mowing crew and a detail crew. If the mow crew stops to pull up weeds, they will get very behind because this community is huge. We separate those tasks.

Mr. Berube stated that is fine. I give you credit for addressing the weed issue in a lot of places, but it is a big deal. I have had several conversations with Mr. Shafer on this issue. It is a big place and the weeds are problematic.

Mr. Shafer stated the more we fertilize the plant beds, the more the weeds grow, so it compounds the problem. To help address this, every day the mowing crew is getting done earlier because they are getting better at what they do. Instead of them leaving the project, I take all of them and they assist the detail crew to keep up with these weeds. There are areas that had weeds earlier this week that do not have them now because of everyone pitching in and pulling weeds.

Mr. Berube stated picture #3 is one of the larger trees in the Estates. I think these are elm trees. The canopies need trimming and they need to be moved up.

Mr. Shafer stated I agree.

Mr. Berube stated virtually all of this species in the Estates are hanging like this. One branch is about one foot off the ground and the whole canopy is only about three feet above the sidewalk. That applies to virtually all the live oaks. They have started to address many of them. This picture is on Blue Stem.

Mr. Shafer stated that was one of the three areas we did not get to this month but we lifted the tree limbs everywhere else.

Mr. LeMenager stated I would add Schoolhouse Road to the list. I would like to say there certainly have been improvements. Are we getting \$41,000 worth of service yet? I am not sure. A month ago you did promise to get the canopies done, and as you have just said, you were not able to accomplish that yet. There are a few things that definitely need some improvement. The other area I was going to comment on specifically was that I think the sports field went without any care for at least 10 days at the beginning of the month, and it has been much more regular since then. The sports field is an extremely expensive investment on our part and should not be left to have tall weeds growing.

Mr. Shafer stated we applied fertilizer to the sports field in an effort to make it look better. In the beginning, it looked bad so we started to aggressively water it.

Mr. LeMenager stated it has improved. I only wanted to make that comment.

Mr. Shafer stated the sod was not getting watered enough and the fertilizer actually burned it. At that point, I left it alone for a couple days to let it come back up.

Mr. Berube stated this is not meant to beat up on Mr. Shafer. The landscape maintenance contract is the single most expensive thing we deal with on a monthly and annual basis. It is probably the most visible aspect of what is done here. It is important to everyone. I know you understand that. Picture #4 has a couple issues. The clippings are again getting into the beds, and this was taken at the entrance to the Estates. The second issue is the plant material behind the front plant material is yellow and thin. There is a widespread lack of vitality in much of the greenery that is on the ground. Much of it has improved dramatically, but there are a lot of these smaller bushes in the ground that appear yellowish and thin. They do not look vital and vibrant. Whether it is lack of water or food or something else in the ground, I do not know, but we all see it.

Mr. Shafer stated some of that can be due to the fertilizer. We fertilized all shrubs earlier this year and we will do it again. We just purchased a new machine that shoots fertilizer instead of doing it the previous way. It is mounted on the back of a Gator and we can shoot fertilizer all the way to the wall, and we can fertilize all plant material very rapidly.

Mr. Berube stated picture #5 is in the Drake neighborhood. There is a very prominent weed growing up in the middle of it, about three feet tall. At the left of that is another example of what should be green plant material and it does not look vital. I wonder if it is frost damage, based on what we saw in a number of other areas this past winter. I am not necessarily saying it is your problem, but it would be nice when there is an area of bare wood like that for someone to clip it down. There are a lot of those around. We discussed one on Five Oaks a couple months ago where the center of a green area is white. It needs to be cleaned up so the green can come back.

Mr. LeMenager stated to the extent that people see a weed or overhanging branches, you can always pull them out. I have taken to putting a pair of clippers in my back pocket so that when my wife and I walk around the sidewalks, if there are CDD trees that are hanging down too low, I am taking it upon myself to clip them.

Mr. Berube stated to what you said earlier, we are paying \$41,000 each month to have these services performed.

Mr. LeMenager stated I am not disagreeing with that.

Mr. Berube stated this problem started last November with mulching. Picture #6 is an unmulched tree ring and it is one of six opposite 3350 Catbrier between the sidewalk and the golf course area. Mulching is not done yet.

Mr. Evans asked do you meet with them once a week to review these kinds of issues?

Mr. Berube stated I rarely deal with Mr. Shafer. I normally deal with Mr. Haskett.

Mr. Evans stated Mr. Haskett is in direct contact with Mr. Shafer on a weekly basis. Is it that he is totally ignoring your comments or are these other things? I am trying to decide if we need to review all these issues. This is something that Mr. Haskett deals with and he works with Mr. Shafer, and you talk to Mr. Haskett regularly.

Mr. Berube stated I talk to Mr. Haskett on a regular basis. Earlier this month I provided a CD to Mr. Haskett with 72 pictures. About half of them were resolved.

Mr. Evans asked are we going to go over the other half?

Mr. Berube stated no, I have only three more. Picture #7 is another tree ring in that area on Catbrier. It is mulched but very lightly and you can see the weeds growing out of it. Picture #8 is of a dying magnolia at the Schoolhouse Road pumping station. It appears to be dry. That whole area appears to be dry, and in the past couple days, you have started replacing sod in that area because it turned significantly brown.

Mr. Shafer stated it had chinch bugs.

Mr. Berube stated there are several other magnolias in that area that appear to be dry. Picture #9 is the entrance to the Estates and you can see the sod turning brown. There is something wrong with the irrigation in that location because if you look beyond or to the side of the brown area, it is bright green.

Mr. Shafer stated that is Bahia in that location.

Mr. Haskett stated that area is not irrigated.

Mr. Berube stated then disregard that picture. Back to the issue, there have been vast improvements. There are still clearly a number of issues that are visible to most people who walk in the community, so that is why I bring it to your attention.

Mr. Haskett stated each month we see pictures of a particular weed, but the overall scope is being attended to and the property is looking good. To spend time at each meeting to go over a tree ring that has some grass in it or a weed does not seem like the best use of our time. You can bring things to my attention, and as you have seen, we get good results from Luke Brothers. It is a little disturbing to have these discussions every

month. You may say that it is not beating up on Mr. Shafer, but that is how I see it. They are doing a good job right now. If the grass was not being mowed like last year or if the irrigation was not functioning like it was last year, then I would agree. But the Board has given me the responsibility to keep Mr. Shafer accountable, and it is what I do on a daily basis. That is how we get results. You could go to anyone's lawn who sees it on a regular basis, but I could point out a number of things that are wrong in pretty much any yard. In a nutshell, overall it is fine. Unless there is a disaster, at the next meeting I would like to move forward.

Ms. Kassel stated I appreciate that Mr. Berube pays so much attention to detail and that he is on it and helping the CDD make sure we are getting our value from Luke Brothers. I appreciate that you bring to our attention the areas where you feel they are not complying with the contract. Something like this is good, but I agree with Mr. Haskett that spending 20 minutes or more every meeting to go over the small details is more than we need to do. I think they are getting the message and with Mr. Berube working with Mr. Haskett and providing a report like this at the meetings lets us know what the details are from your opinion, which is helpful.

Mr. Berube stated I agree with what Mr. Haskett said. This is after three months of watching what is going on. I hesitated before I did it for exactly that reason. In my opinion, we need to be careful in how much praise we give because I am confident that they are sliding back. I hear resident comments and I received several yesterday which I forwarded to Mr. Haskett of areas that I did not include in my review. Another example of where we are is that we have a number of live oak trees that are sitting along the street that are dead for the third month. Perhaps there is an action plan that I am not aware of, but if not, we need one. Most of the deficiencies that happen are supposed to be repaired within two weeks. It is a matter of bringing to the attention of the Board the things that I see. This is the last time it will happen.

Mr. Evans stated it is greatly appreciated relative to the oaks and trying to replace something in two weeks, but we are still trying to figure out why.

Mr. Berube stated I know.

Mr. Evans stated I had a similar situation on a project in Tampa that after four months, one whole side of a street died, about \$50,000 of oaks died right after they planted them. We thought it was defective planting. We went through a process of trying

to figure it out, only to find out that when they graded and filled the road, it had a high mixture of clay in the soil that no one detected was under the top soil. It created this artificial barrier under it that did not allow it to perk on this one side of the road. After 18 months of litigation and fighting with the landscaper and ending up with nothing, we determined that was the cause. I think to everyone's credit, they are working to try to find out what caused this issue because it is not project wide. Out of the thousands of trees we have, only about 20 have this issue.

Mr. Haskett stated we need to replace about six, and about 20 that just need to be pruned.

Mr. Evans stated it has impacted a very small percentage of them, but they are taking it very seriously to find out what caused it.

Ms. Kassel stated so we do not replant the trees when we have not resolved the problem.

Mr. Evans stated that is correct. We need to identify the problem, and everyone has an initial opinion. This goes back to our earlier meetings. We need to gather all the facts. Everyone has their area of expertise saying it was the herbicide or the irrigation or the weather or the way they were originally planted or a series of events that have taken place after the fact with too much mulch put on top of these rings over a series of years. There are many scenarios. There will be some discussion about replanting a lot of trees because some have become available.

Mr. Shafer stated we will continue our efforts. When I ride around in my truck, I do not see the things that I see when I ride around with Mr. Haskett in a golf cart.

Mr. Berube stated that is the point. Many people walk and ride their bicycles in this community and they see these things.

Mr. Shafer stated I now see things from your perspective.

Mr. Golgowski stated we have had the opportunity in the past month or so to have people looking at trees generally around the property, including the County Extension office, the University of Florida, and our own arborist. The one conclusion they had in common was that there is too much mulch being applied around the trees, resulting in heavy organic mats around the base of the trees, which allows water to be retained and it is not good for the tree. The arborist suggested not mulching ever again; he said that we have plenty. Even if it is grass clippings blowing in on bare ground, that is probably all

the mulch we need around these trees. The sod was laid after the tree was installed, which raises the ground up and created a bit of a drain around the base of the tree and that wants to hold water. Our policy and the mulch industry's policy is to bring in fresh mulch each year. I have not heard very many no-mulch advocates in the industry, but if there were any, they would be telling us to reduce the amount of mulch.

Mr. Berube asked are you saying the mulch is too deep?

Mr. Golgowski stated yes. It breaks down. If we raked it all out and brought new mulch in every year, we would probably be fine, but we do not have to keep adding to it. We need to have at least a six-inch clear zone around the trunk.

Ms. Snyder stated I thought the trees looked better at the second entrance.

Mr. Shafer stated they are pushing out new growth but there are about six that I do not think will survive.

Ms. Snyder asked do you clip off the dead material?

Mr. Shafer stated yes.

Mr. Haskett stated the advice of our arborist is to wait until December to do any heavy pruning on the trees, so we do not shock them anymore than they are now. In the agenda package for the developer's report, I included some trees that are not within the Luke Brothers area of service that have died or declined.

Ms. Snyder stated I agree that the grass clippings got in my tree ring at my house, but I never noticed it again.

Mr. Shafer stated we purchased an additional riding mower, and it shoots the clippings a long distance, which has contributed greatly. This was not an issue until we got that mower. Yesterday at the dog park, I showed my crew several trees that were completely covered by grass clippings.

Ms. Snyder stated this happened in the plant beds in front of my home. I had never had that happen before, and I have not had it happen again.

Mr. Shafer stated we put a block on the discharge shoot so it should not do that again. I would like to request authorization to proceed with the next phase of the plantings for the beds and seeding areas and the beds along the golf course at Five Oaks Drive.

Ms. Kassel stated we have not seen that in a number of months as a Board, probably since November or December. I think we need a reminder in terms of what will occur in those beds. I did not bring my copy and we have nothing to distribute to the Board.

Mr. Berube asked is the other planting complete?

Mr. Shafer stated yes. We had to pull some of the plants in phase 1, which we will replace during the work activities for the next phase. I have copies you can review.

Ms. Kassel stated this phase totals about \$3,700. Is all the plant material available that is proposed, so you will not need to make any substitutions?

Mr. Shafer stated yes.

Mr. Berube asked how long do you anticipate the work will take to complete, a month, less than a month?

Mr. Shafer stated a couple weeks.

Mr. LeMenager asked is this the right time of year to be doing this?

Ms. Kassel stated it is a very hot time of the year. I wonder if we should wait another month or two just because everything will need so much water.

Mr. Shafer stated I am inclined to agree with that.

Ms. Kassel stated we can approve it now for the work to be done in September. Or should we wait to approve it until September?

Mr. Evans stated it makes no difference.

Ms. Snyder asked if we wait, will it run into the next quarter?

Ms. Kassel stated we are already running into the third quarter anyway.

Ms. Snyder stated if it is going to die after they put it in, there is no point to installing it.

Ms. Kassel stated that is exactly my point. That is why I wonder if we should wait to approve this until September or approve it in August for the work to be done in September. We can also approve it now and tell them to wait to perform the work and then bill us accordingly.

Ms. Snyder stated I think we should approve it now.

Mr. Evans stated that will also give him time to schedule the work.

On MOTION by Ms. Kassel, seconded by Ms. Snyder, with all in favor, approval was given to phase 2 of the landscaping renovations for the beds along the golf course on Five Oaks Drive in the amount of \$1,069.50 and the beds and seeding areas in the amount of \$2,636.75.

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 we were able to spray the ponds three times in July, with the majority of that dealing with algae. Every pond has some level of algae right now. We are scheduled to be here twice in August, but I think I can do three, possibly four, treatments to try to stay on top of it better before it hits the surface. That will be our biggest challenge for the next couple months. Everything else seems to be stable as far as the buffer areas. We spent some time on how the aesthetics of the buffers look, cleaning weeds from the outfall structures. We are trying some new things on the spikerush. We cleaned up some areas, but unfortunately, I think that led to some of the algae in Pond 27. That is the largest pond and it has the most spikerush in it. When I was treating it yesterday, I noticed that it had the most algae than any other pond. It looked better two weeks ago when I sprayed it, but now it looks terrible. I believe it is an algae bloom from the decaying material.

Mr. Evans stated this is more of the peak algae time because of the weather conditions.

Mr. Medlin stated that is correct. You will get algae year round, but in the summer, it is more constant.

Ms. Kassel stated the pond scum that we have been treating is more cosmetic rather than a problem in terms of invasive or pond ecology, whereas the algae are a problem to the pond ecology.

Mr. Medlin stated the algae problem is not bad; it is more for aesthetics but it should never completely cover the pond year round. It should be maintained to as low a level as possible, which is best.

Ms. Kassel asked is that from an environmental standpoint, not from a cosmetic standpoint?

Mr. Medlin stated I was reading something from the St. John's website where they were trying to tell home owners who live on their managed waterways to learn to appreciate algae for the good things. But they did say that too much algae are a bad thing and should be treated, but for the most part, let nature take care of it. We have unnatural ponds here since they were dug. We do our best to put plants in them to make them as

natural as possible. The algae we are getting are not maintainable right now as much as a river would be due to the flowing water.

Ms. Kassel stated because we are supposed to be an environmentally friendly community, my concern is that we not over treat if it is just a cosmetic issue, that we treat when it is needed environmentally but not beyond that.

Mr. Medlin stated we are trying to strike that balance of both, and I think you can have both by keeping the good plants and eliminating the bad ones. Algae may be mostly aesthetics, but to the degree that it takes over the pond, we strive to keep it at its lowest possible level so that it will not hurt anything ecologically. The chemicals we apply do not last long in the water; they work very quickly and are broken down in a few days. It is not like we are dumping a lot of chemicals into the water that will have a long-term effect.

Mr. Berube stated it is clear that it is a living organism. As you go through the Estates, the pond on the left had a significant bloom on the top, nearly 50% of the surface area was covered. The pond on the right was open, clear water. Is there something unique about that pond? Is it happenstance?

Mr. Medlin stated if you dug two holes next to each other, they will be different. They do not filter the water. Even though these ponds are in the same general area, they all have a little bit different chemistry, and that could explain why some are different. With the chemicals I am using, I am having great success in treating spikerush in some ponds, but in others, I cannot seem to get beyond a certain point. I think that water chemistry is affecting what I am doing. Each pond is unique.

Ms. Kassel stated I think that pond on the left going into the Estates is on the border of a wetland, whereas the pond on the right is on the border of a hardwood area.

Mr. Berube stated that is my point; there are clear differences in chemistry because they are virtually side by side. One looked terrible and one looked relatively good.

Mr. Medlin stated the pond on the south side may have spikerush in it and the other one had spikerush in it but I was able to clean it out.

Mr. Berube stated it sounds like you are on top of it.

Mr. Medlin stated we are doing our best.

Mr. Evans stated at our last meeting, there was a discussion about some issues relative to the number of plants that were installed. Was that resolved?

Mr. Golgowski stated yes, I believe so. I toured the ponds with representatives of Bio-Tech looking at plants and counting plants. Many of these plants are pretty small, and as a result, they are often planted in groups of two or three in a hole. In my initial counts, I was counting them as one plant when, in fact, there were multiples of that. After touring the property, I believe they installed exactly what they said they did. They even provided an invoice from the nursery where they purchased the plants, which indicated that they purchased more, and I assume planted more, than what they invoiced the District.

Mr. Berube stated it was very deceiving at first. When we started reviewing this, it was nearly impossible to tell who did what. Mr. Golgowski and I had numerous conversations about this. Thirty days after installation, some are dead, some have sprouted, and some are in clumps so you really cannot tell. It would appear that in substance we received what we contracted for.

Ms. Kassel stated that invoice is not part of today's approval summary.

Mr. LeMenager stated we did not pay them last month, so we need to be sure to include that in our invoice approval this month.

Ms. Kassel stated we should not make them wait another month just to include their invoice in our approval package.

Mr. Berube asked how do we pay them?

Mr. Moyer stated you include that with your approval for this month's invoices.

C. Dockmaster/Field Manager – Buck Lake Boat Use Report

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. Belieff stated I want to thank Bill Fife, the activities director, for his help in the sailboat activities. We have a record number of people signed up for training this month. Residents are having a lot of fun with it.

Mr. LeMenager stated the report still shows zero usage.

Mr. Belieff stated it is a timing issue.

Mr. Berube stated we sent the Conservation Club out on a lake tour earlier this month, and everyone had a good time.

Ms. Snyder stated the report is only through July 10, which is probably why that sailboat usage is not included. I have been going out in the kayak, and Mr. Belieff is

always there and always helpful, getting the kayaks ready for us in the water and helping us out of the boat.

Ms. Kassel stated I want to thank Mr. Belieff for helping me rescue a baby mockingbird on Sunday morning. It was sitting on the road on Five Oaks Drive, so I put it in the grass and came by later with Mr. Belieff. He found it, got a ladder and put it back in the nest where its mother found it right away.

Mr. Belieff stated I am continuing to work on the trash cans, and I hope to have that wrapped up by next month. I am trying to keep an eye on the pools because we have been having some issues. Mr. Haskett put up some signs, and that seemed to help. Mr. Berube looked at the gate and did some modifications, which helped this past weekend. I am there for a couple hours every day and it is amazing the number of people who come out here every day from U.S. 192 and do not live in the community. When I see them, I send them on their way. People have been standing on the gate or just break into it or jump over the fence right in front of me. The same thing happens in Ashley Park. Some people have really gotten onto me for just trying to implement the rules. They have said some very nasty things that I would never say to anyone, just for trying to enforce the rules.

Mr. Evans stated anytime someone gives you a problem, just call the deputy. Do not hesitate. You are extremely polite and very patient, but it comes to a point of tolerance. If they want to be belligerent, call the sheriff immediately and they will come out and remediate that situation very quickly.

Ms. Kassel stated if a few people get ticketed for trespassing, then the situation may change.

Mr. Berube stated the three of us got together last week and reinforced the gate latch itself. The gate has some issues on its own from people swinging on it or standing on it or breaking through it. It damaged the framework, so we refitted the latch and have stainless steel at the bottom. Now we have a pretty secure gate. Mr. Haskett had some signs made that specify if you go through the gate, you are trespassing. If you are there without the proper key and Harmony resident identification, you are trespassing. We may not be fully legal on the trespassing issue, but if we have to call a deputy, we should be able to refer to the signs. Pool security still has some problems.

Ms. Snyder stated I had a problem on Tuesday getting into Buck Lake with my key. I reached over and the inside worked but the outside did not. When I was coming out, it was still hard to open the gate. Perhaps it just needs some WD-40.

Mr. Belieff stated kids sometimes jam the locks. A week or so ago, Mr. Haskett fixed the latch on the gate at Ashley Park, and two days later, they had already jammed the deadbolt. People are always trying to find a way to jam the gates. I will lube the lock and take another look at it.

Mr. Berube stated the day after I repaired the gate latch, the next day someone had popped two screws out that were holding the striker. I glued them in this time. You can only make it so secure, and then they will go over the fence.

Ms. Kassel stated we need more painful enforcement.

Mr. Berube stated I agree.

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 to the credit of the community, for all practical purposes, we have collected 100% of our non-ad valorem assessments. On the expenses under all of the major categories of the budget, we are under budget for those major categories. We are in good shape as of the end of July.

B. Invoice Approval #123 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. Moyer stated I request that the Board add the Bio-Tech invoice that was in last month's agenda package but was withheld from the approval.

Mr. Golgowski stated I have copies of that invoice to distribute to the Board for your information.

Mr. LeMenager stated I noted the invoice from John Deere will be paid 50% by the golf course. That should be reflected in our approval. I had a question about the legal invoice for \$596.75. It was not clear to me what that was for.

Ms. Kassel stated my concern about that was, there was a lot of time spent on resolving that issue with the County, where they were billing us and they did not have the

right to bill us. It appears Mr. vanAssenderp spent a fair amount of time and our money to resolve an issue that has been going on for a number of years.

Mr. Berube stated that invoice was only about \$275, some small amount of money.

Ms. Kassel stated that is correct; it was a small amount of money. It just seems that a lot of time was spent to resolve an issue that was not problematic to us, and it is costing more in legal fees than the actual cost of the invoice.

Mr. Berube stated there was a point of the validity of the invoice coming from the County Commissioners.

Mr. LeMenager stated there are two invoices for that exact same amount, and we are talking about two different issues.

Ms. Kassel stated on that invoice, there are a number of entries that discuss the whole issue with the tax collector and the property appraiser. The amounts for \$617, \$621, and \$623 all involve that issue.

Mr. Qualls stated I talked to Mr. vanAssenderp regarding those issues since these are all his entries. He views these bills as another form of communication, so perhaps you should ask him the specific question. I do not have all the details and the background information but I know he has been working hard to make sure that the financial statements and issues with the tax collector and the property appraiser are all pursuant to law. It seems pretty detailed what he has done. If your comment is that he spent too much time doing it, then he will listen and consider what you have to say.

Mr. LeMenager stated my question concerned the last item on June 28. The way it is written, I am not sure what it is.

Ms. Kassel stated it is what preceded the memorandum he sent to us about the rules and policies for no trespassing.

Mr. Qualls stated that is the issue about what the rules say.

Ms. Kassel stated I believe it was the issue of no fishing in the ponds. I do not know how anyone else feels about spending more in legal fees than we paid to the tax collector and what we should do about it, or just leave it.

Mr. Berube stated it seems it was illogical to start a battle and spend more than the invoice. It seems to be a matter of principle. But how far do you drag principle and how much money do you spend related to it? Overall, I think the law firm does a pretty good job, but you make a good point.

Mr. Qualls stated no battle of any sort has been started. These things are all important. The County Commission is still sending you a bill for things that there is no privity between this Board and the Board of County Commissioners, so it is a nullity. It is the property appraiser who should be sending that bill. What is likely happening is the property appraiser is working with the County Commission, and the property appraiser is telling the County Commission they have a special bureau to handle this, so handle it for us. And the County Commission is sending you a bill, but there is no contract. It is a pretty simple legal principle that if you do not have a contract for something and they are sending you a bill, that bill is a nullity. It is a simple fix, and I have noted that you have questions on it. If anyone wants to call Mr. vanAssenderp and discuss it, he does view these bills as another form of communication with the client. I am sure he will be happy to take into consideration what you would like him to do.

Mr. Berube asked if the bill did not come from the County Commission and it came from the property appraiser, would we likely get the same bill?

Mr. Moyer stated yes.

Ms. Kassel stated that is not the issue. The issue is not whether or not we should pay that bill. The issue is who the bill is from.

Mr. Berube stated I understand that. We are paying the attorneys to force some County agency to change the way they submit the bill to us. I appreciate the attention to detail since I am a detail person. It is at least \$1,500 and how much of our residents' money do we spend to run through the semantics of where the bill comes from?

Mr. LeMenager stated I am thinking that Mr. vanAssenderp's point is we cannot legally approve paying a bill that is a nullity, as pointed out. He is covering us if someone comes back to us and says we paid this bill but there is no legal basis to do so. I think that is what he is doing. It has nothing to get them to do it the right way but it has everything to do with, as a public body, you cannot pay bills that do not exist. Anyone could send us a bill for anything, but we cannot pay it if it is not appropriate.

Mr. Evans stated that is a good point.

Ms. Kassel stated Mr. Moyer manages a number of CDDs that pay this same bill. Their attorneys have not taken any issue with it. I understand that there is a legal issue. I wish Mr. vanAssenderp had said that this is an issue he wants to try to resolve and he will

put a ceiling on it if we so choose. I do not know if it has even been resolved yet. We certainly spent a lot of money resolving an issue that we did not feel was a problem.

Mr. Qualls stated I understand that. It is an issue that I raised in May. I do see your point and I will talk about it with Mr. vanAssenderp. I think Mr. LeMenager is correct that it is important. Other Districts may not see the issue. The contract you have is with the property appraiser and he is supposed to provide these particular services. Now the Board of County Commissioners is sending a bill. Other CDDs pay it and it may not seem like a big deal, but as attorneys, we are concerned that sometimes it is the little things that can get clients into trouble. I am not saying this will lead to that. It is good that he is paying attention to those details, but he views this as a form of communication. I am sure if one of you wants to reach out to him and discuss it, you might find a courtesy discount in the next bill.

Mr. Evans stated I think it is Mr. vanAssenderp being thorough, and I cannot fault him for that.

Mr. Berube stated I agree.

Mr. Moyer stated just so the Board understands, to the degree that this is customary in Osceola County and the County Commission and the property appraiser want to stay with that process, my concern as your manager is that we get this on the tax roll. I do not want to play games for a couple hundred dollars and have them say to us that we did not go through the proper channels with the County assessment department, which is a County department, so we will not be putting your assessments on the tax roll anymore. That is the other side of the story. I think we need to get it right. I will continue to do what I think this Board would want me to do, and that is to get our assessments on the tax roll. We will worry about working out the details later.

<p>On MOTION by Mr. LeMenager, seconded by Ms. Snyder, with all in favor, approval was given to the invoices as presented, including the Bio-Tech invoice for additional plantings in the amount of \$3,274.95 that was tabled at the June meeting, and noting that 50% of the John Deere invoice will be paid by the golf course.</p>
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C. Comments and Questions on the Proposed Budget for Fiscal Year 2011 and Discussion of Government Accounting Standards Board (GASB-54)

Mr. Moyer stated we picked up on all the discussion items from last month, although there is still one minor tweak that I need to make where we are showing reserves for self

insurance. We keep adding to that and we agreed to cap it at \$50,000, representing our deductible. The number is right but we still have the header indicating it is self insurance. I will make that change to your budget before it comes back to you in August. I think the other items are covered. We also provided to the Board some information on GASB rules dealing with the handling of funds and fund balances that we discussed extensively. Basically that parallels what we indicated last month; to the degree you encumber a fund, you encumber it. You can set aside a reserve for a specific purpose and the most flexibility that you can have, that can only take place in the general fund, would be not to allocate it to a reserve but to simply let it remain in fund balance. That is something the Board might want to address as we go through the discussion of the budget at the public hearing next month, and that is, how much restriction you want to put on these fund balances.

Ms. Kassel asked can we call them assigned?

Mr. Moyer stated if you assign it, that is the same as setting it aside for a specific purpose. If you leave it in unassigned fund balance, to the degree we need to transfer money into any of your budget categories, the Board has the discretion to do that.

Mr. Evans stated it gives us more flexibility.

Mr. Moyer stated having said that, if you have a reserve for several hundred thousand dollars and the Board needs to move it to another place, you can go through a process to do that. Generally the intent and what the public would reasonably expect this Board to do is, if you put money into a reserve for a specific purpose, that you will use it for that specific purpose.

Mr. Berube stated to recap, right now it is unassigned.

Mr. Moyer stated most of it is unassigned.

Mr. Berube asked your recommendation is to leave it that way?

Mr. Moyer stated yes.

Ms. Kassel stated I think we are relatively fiscally responsible on this Board, but my concern is that as the constitution of the Board changes as time goes on, Board members may choose to spend money on something else that we are setting aside for refurbishments on capital items. Then we will get a big assessment when we have to pay for those things later.

Mr. LeMenager stated I understand that. I think you are absolutely correct; the Board can do that. My understanding in discussing that with Mr. Ray Walls, who is running for a seat on this Board, because he does this for Orange County, GASB 54 means you do what Mr. Walls mentioned earlier. You start at zero every year and make a determination as to how you are allocating your reserves for the future year. While during the course of a year, you are saying you are not going to spend that money this year, Ms. Kassel is correct that the Board can spend the money any way they want.

Mr. Berube stated actions have consequences.

Mr. LeMenager stated that is true. We are very small compared to Osceola County and Orange County, but you are absolutely right that a future Board can do that. The only comment I was going to make regarding a specific amount, especially seeing the revised numbers from our engineer, I see we are talking about putting a reserve for renewal and replacement for \$35,000 to set aside. Given that some of these facilities are already several years old, I would actually suggest if this is for the future, we should start at a higher amount. We do have \$260,000 in undesignated cash. I wonder if we should call the irrigation improvement project a reserve. That is money we intend to spend next year.

Mr. Evans stated we have allocated \$60,000 to spend with the anticipation of recapturing \$30,000.

Mr. Moyer stated we can show it either way. We can actually move it into a line item and say we will spend \$60,000 on irrigation and take it out of reserves, as long as it is budgeted for.

Mr. Evans stated we can budget just \$30,000. We would not spend that money unless we knew we were getting the \$30,000 back.

Mr. LeMenager stated it is not really a reserve; it is something we are planning on spending. Those are my two comments on the budget. Otherwise, it is a pretty good document.

Mr. Moyer stated on the issue of these reserves and the one thing I have some sensitivity to, in terms of them being undesignated, a future Board can use it for anything. We are thinking they may use it for capital replacements or to cover unforeseen damages. The one thing you need to be careful of, depending on who is on the Board, they can take that money and assign it against the non-ad valorem assessments and drastically reduce the assessments one year. Then you are back to having no reserves for any purpose.

Mr. Evans stated then you pay a severe price in the years to come.

Mr. Moyer stated it goes both ways. My comments assume that we are going to continue to have Board members who are fiscally responsible and would not do that. If you get a Board that wants to show the community how much they saved the residents by reducing their assessments, that would be the way to do it.

Mr. Evans stated we are considering increasing the reserve for renewal and replacement of the infrastructure, which is tied to Mr. Boyd's report. Do you want to increase it from \$35,000 to \$45,000?

Mr. LeMenager stated I suggest we start off with \$100,000. It is 2010 and some of these facilities are already five years old. Mr. Boyd, did you prepare the report on remaining useful life or useful life from zero?

Mr. Boyd stated it is on the useful life from zero, accumulating reserves.

Mr. LeMenager stated we have not accumulated anything yet.

Ms. Kassel stated I think we have.

Mr. LeMenager stated no, we have not.

Ms. Kassel stated not specifically. We have a total of \$260,044.

Mr. Evans stated that is Mr. LeMenager's whole point. We have this balance of money that we have earmarked internally but not officially designated.

Ms. Kassel stated so now we can officially designate it.

Mr. LeMenager stated we should not be thinking we have \$260,000 we can spend.

Mr. Boyd stated I think these are pretty accurate figures. We just did the alleys. The sidewalks will continue to be maintained in good condition. For the most part, this report can be looked at as useful life from this point forward.

Mr. LeMenager asked would you be happy with \$45,000 as a starting figure? My point is, is the report based on now or from a year or two ago.

Mr. Berube stated I think the \$45,000 is a floating number because of the various expected life spans of these facilities. I agree with Mr. LeMenager's suggestion of designating \$100,000 because effectively that is about two years' worth of reserved based on Mr. Boyd's report, and we are certainly two years into this program.

Ms. Kassel stated we are seven years into most of the community.

Mr. Berube stated if you go that many years, then the amount should be \$300,000.

Mr. LeMenager stated if you do not include the irrigation, we have almost \$300,000 because we will receive half of the irrigation expense as a reimbursement. I have no problem in saying we want to set aside \$100,000 for renewal and replacement. As this gets to be a better document, we can consider it on an annual basis.

Mr. Berube stated a year from now, we will have another year of history. We can look at it to see what it took for the previous year.

Mr. LeMenager stated I want to be responsible. Having \$260,000 in undesignated funds is a large amount of money. I can see why people would argue that our non-ad valorem assessments should be going down if we have that much.

Ms. Snyder asked what if we took that \$30,000 from the irrigation reimbursement and add it to Mr. Boyd's figure for the renewal and replacement and made the designation \$65,000?

Mr. Evans stated I think these are two different things. One, we are looking at needing to generate \$45,000 or \$50,000 each year for renewal and replacement. Once we have the funds allocated next year, then we need to budget for a contribution to that fund. Mr. LeMenager brings up a good point. We have x amount of dollars that we can internally mark what we would do with that money. We have \$50,000 that is going for the insurance deductible and several other line items. If this accumulated for the last five years, there is your \$250,000 that the Board needs to accumulate funds to be able to fix things that will come up in the future. I think we are right on target for what we truly need long term so that we are not caught behind the curve.

Ms. Kassel asked are you proposing not to increase the renewal and replacement?

Mr. Evans stated no, I am saying that is really where the rest should go.

Mr. Berube stated we have already accumulated five years of these numbers in undesignated cash.

Mr. Evans stated a lot of this is nomenclature. If we have x amount of dollars available for certain applications, if we designate a specific amount of those funds for a specific purpose, by Statute and by accounting rules, that is the only thing it can be used for.

Mr. Moyer stated that is correct.

Mr. Evans stated that is the allocation. What we are discussing is how we would use these funds without having our hands tied. We understand we have a certain amount of

money. If we allocate the balance, which is close to \$250,000, we envision that is for a long-term maintenance program. But we do not want our hands tied because something can come up that could be more than that, and we will need to shift some money around. It might be more than the \$250,000 plus the \$50,000 that we allocate in one year. If a hurricane comes through here, we will have significant damage.

Mr. Moyer stated we can probably make the argument that it is for renewal and replacement.

Mr. LeMenager stated I was going to make the same comment. In that case, we will just accelerate some of the things on Mr. Boyd's list.

Mr. Evans stated you can argue both points. I think you bring up a good point, as does Ms. Kassel, that a future Board could strip this account because it looks good politically but it is disastrous from a financial accountability standpoint. Most people, unless you really delve into this, will not understand all this.

Mr. LeMenager stated that is why I would start at \$100,000 now and then we can add \$50,000 into it each year. Then we have a stronger base. It is a question of where we start. My concern is, someone quite legitimately may say these are tough economic times and the District has \$260,000 that is undesignated so why are you not lowering our assessments. That is a valid argument someone could make, while we are sitting here discussing some funds should be a lot higher because we have not set aside money for years in order to do some things. It is how people view it. We are trying to be fiscally responsible and we are not trying to accumulate a large amount of money.

Ms. Kassel stated we are trying to be ready so that we do not have to assess the residents thousands of dollars.

Mr. LeMenager stated that is correct. We are trying to do this so that 10 years from now, we do not have a significant special assessment on every lot.

Mr. Evans stated since it goes on the tax bill, it is not a matter of whether or not it will get paid. In essence I think what we are saying is that after a closer examination of our financial status and a closer examination by Mr. Boyd of what they perceive are our long-term repair and replacement obligations, this District sits in a very enviable position.

Ms. Kassel stated there was an article in the Orlando Business Journal about a month or so ago about all the CDDs in Osceola County that are in default on their bonds, about \$6 billion are involved.

Mr. Evans stated they did not do what we are doing.

Mr. Berube asked are we designating \$100,000?

Mr. LeMenager stated I would like to see \$100,000 in the next version of the budget and also a clarification as to this irrigation process. Clearly, we will have public discussion at our next meeting on this.

Ms. Kassel stated this does not necessarily have to be a line item, but there should be a note.

Mr. Moyer stated it will have to be taken from fund balance. I reconsidered what I said to Mr. LeMenager a moment ago. If we put this as a line item, we will exceed our revenues of the budget, which is fine because it will come out of fund balance anyway.

Mr. LeMenager stated no, we still have this reserve for self insurance that is not an expense. You can easily turn that into \$10,779. That is my point; you can make this the balancing number.

Mr. Moyer stated you are correct.

Mr. LeMenager stated you can put \$30,000 for the irrigation replacement and just change this number. This is not an expense.

Mr. Moyer stated I understand.

Mr. LeMenager stated we will still balance.

Ms. Kassel stated I thought that was the money that was going into our renewal and replacement fund.

Mr. Moyer stated we are talking about a pool of money that is being allocated to various items.

D. 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.

Mr. Berube stated one of the entries is for the interactive splash pool. A number of the outlets do not seem to be shooting.

Mr. Haskett stated they are not shooting. Over time, the diaphragms within two of the valves are not activating. I placed an order for the parts, and it takes about three weeks to receive them. The fountain has not had a good checkup since 2006, but Mr. Belieff and I work on it from time to time to keep it going.

Mr. LeMenager stated it is a pretty popular facility.

Ms. Snyder stated there is one item on here that is noted for CDD Board discussion on the request for the maple tree that is dying on Beargrass.

Ms. Kassel asked will that be addressed under Mr. Haskett's report?

Mr. Haskett stated yes.

FIFTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Qualls stated Mr. vanAssenderp sent a memorandum on trespassing signs. It is both a civil and a criminal violation for a trespass, especially after you have warned them. That might scare them a little, but I would advise since it is a criminal offense, as Mr. Evans said earlier, please call a deputy. Do not put yourself in any sort of harm. If you have any questions on the memorandum, please let me know.

Mr. LeMenager stated I think the clear message of the memorandum is that the little No Fishing signs we have now do not really mean anything.

Mr. Qualls stated that is correct.

Mr. LeMenager stated personally, I have no problem with some fishing being allowed in the ponds that are in non-residential areas. I recognize that it is not a universally held view. I do think the one thing we are in agreement on is that we cannot let the current situation go on with a sign that the sheriff will not enforce because it is not an appropriate sign. I think that has been demonstrated in court.

Ms. Snyder stated then we need an appropriate sign.

Mr. LeMenager stated if it is the Board's desire to prohibit fishing in every single pond, then yes, we need the right kind of sign. In reading the document carefully, I think you have to be careful in how you word the sign. I think we want to prohibit people from doing anything in the pond and not to prohibit people from walking around the ponds. I cannot help but notice that Mr. Golgowski has installed some nice path signs. The edge around Long Pond is now an official walking path, which it should be. We need to be careful how we do these signs. Clearly, the current situation is unacceptable. We cannot have the sheriff come out and say he cannot enforce the sign. We need to take some action with respect to signs to make sure we are in compliance so that the sheriff can actually take some action. We can discuss the issue of whether or not people should be able to fish in Long Pond and disagree on that. Should you be able to fish in ponds behind people's houses or behind the school or in the Birchwood neighborhood, I agree

that you do not want people to be able to disturb others in what are pretty private ponds. There are two issues that I see.

Ms. Kassel stated I propose that we lower the age to allow kids to fish at Buck Lake. We have a dock there and it is specifically built to allow people to fish there. I think we should lower the age to 10 and as unsightly as they will be, we should put signs around the ponds for safety and other reasons. If we allow residents to fish in the pond, then we allow anyone to fish in the pond, whether or not they are from Harmony. That is one of the big issues I have with people fishing in the ponds, aside from the bigger issue, which is safety. It is not just the alligators but the grade inside the ponds.

Ms. Snyder stated I agree with that. One thing I was concerned with was lowering the age for the dock, and I think that has to be done. There are so many kids here who really enjoy fishing. I know Mr. Belieff has special groups to fish, and these kids then want to come down to fish on their own, but they cannot get in there.

Mr. Berube asked do we have an actual rule?

Mr. Qualls stated I do not see one.

Mr. LeMenager stated I appreciate that it says 16 on the sign, but I want to know if that is in our actual rules. I do not know if it is a rule or just something we decided because it seemed like a good idea at the time.

Ms. Kassel stated there is a difference between the rules that we adopt and the policies that we set. I think what is posted on the sign is a policy that was set prior to this particular Board, and we can change that if we choose. The rules were made general to some extent, so that we can set policies beyond the rules to further regulate use.

Mr. Qualls stated in rule 4.2, which is in the set of rules that were most recently adopted, it addresses the use of facilities by children. It indicates soccer, volleyball and basketball facilities, but it says children must be under adult supervision to use the facilities. There is a similar rule for pool use, rule 3.1(d), that says children must be under adult supervision to use the swimming pool. I do not see a specific age mentioned. There is another set of rules that was adopted well before this Board, and I will check those.

Mr. LeMenager stated it is more of a liability question. I appreciate what you are saying, and that is the argument we had last month when Rich was making his comments. It comes back to what are we really. My view is that we are really the department of parks and recreation. We can say all we want, but because of the way this CDD is

structured, that is what we are. I think it is very important that we give young teenagers or kids who are not yet teenagers plenty to do. Otherwise, they will get into other mischief.

Ms. Snyder stated I agree. They use the facilities.

Mr. Berube stated regarding the No Trespassing signs, if you read that document, before we decide to put them up, we need to be careful. One of the things I noticed is that for any area you want to protect, you have to post it every 500 feet. That is a lot of signs in many areas. It will be easy in some of the ponds, but how do you count 500 feet on some and what happens if you go around a corner?

Ms. Kassel stated it is probably linear feet.

Mr. Berube stated that may well be.

Mr. LeMenager stated we have a lot of ponds, though.

Mr. Berube stated yes, we do. If we post them all, we are looking at a significant investment in signs, not to mention the aesthetics. We have a lot of signs already and most of them look pretty good. It gets to the point when you have too many signs. If you look at Lakeshore Park where the sundial is, there are between 7 and 11 signs there for various things. How much is too much? If you put up a sign that says No Trespassing, then you get into the same problem we had with the pools. Who is the traffic cop? How much do we rely on Mr. Belieff to be policing all this? It is fine to have rules.

Ms. Kassel stated that is what we are doing so that the sheriff can enforce it. Of course, we should check with the sheriff to be sure they will enforce it if we have those signs.

Mr. Berube stated that is only in response to a call.

Ms. Kassel stated I have been told by someone who is familiar with the sheriff's office that they will not enforce it. How far apart are the current signs at the ponds?

Mr. Golgowski stated they are random.

Ms. Kassel stated we can start with certain ponds around people's homes and make it a staged implementation. Not all the signs have to be installed at the same time. We can stage it over a period of a few months, but I do not think it will be that much money. Yes, there is an issue of appearance, but what is the alternative?

Mr. Moyer stated based on some of my experience with other CDDs, a resident could not call the sheriff to say someone is trespassing. A representative of the District will have to make that phone call and will have to swear out the complaint for trespass.

Mr. Berube stated typically the first thing they get is a trespass warning. The sheriff gets their name and address and other information, but it has no effect for a first-time violation. If they come back a second time, then there is a record of that trespass. There is a process of doing that. I still think it is the peoples' ponds. I appreciate everyone's comments that sometimes this gets out of control. But I think we are dealing with public land and the peoples' areas. I have a hard time shutting it all off. To Mr. LeMenager's comment, you have to give the kids places to go. I suspect if we stagger the signage on the ponds, we will drive people from a newly signed pond to an unsigned one, and I do not know where it will end up.

Ms. Snyder stated hopefully it will drive them all to Buck Lake where they are allowed to fish.

Ms. Kassel stated we have a facility for the purpose of fishing.

Mr. Berube stated maybe so.

Ms. Kassel stated you fish out on a boat if they do not want to fish on the dock.

Mr. Berube stated maybe the fact that Buck Lake is gated off, it becomes a matter of easier enforcement because you need a key to get in. Maybe that is why people are fishing at the ponds, because they cannot get through the gate at Buck Lake.

Ms. Snyder stated I think we need to find something where these kids can do things outside. They are all outside now.

Ms. Kassel stated there are currently a lot of things they can do. There is basketball, volleyball, and other things.

Ms. Snyder stated there are so many kids who are interested in fishing.

Mr. Berube stated to that point, a resident mentioned to me that if we are going to allow fishing in the ponds and if we are contemplating signing it at some expense and some aesthetic value, why not put in a fishing dock in some of the ponds. It does not have to be anything extravagant.

Mr. Evans stated we have multiple issues. What are we going to do at Buck Lake? Are we going to remove the sign that says there is an age restriction because there really is not one?

Mr. Berube stated I am fine with that.

Mr. Evans asked is that where we are headed for Buck Lake?

Ms. Snyder asked are we saying there is no age restriction?

Mr. Evans stated there is not one now.

Ms. Kassel stated there is no rule with an age restriction, but we have a policy.

Mr. Evans stated that is what I am trying to get to. Are we going to change and implement an age restriction at Buck Lake, and what is it going to be, for kids without adult supervision?

Ms. Kassel stated 10 years old.

Ms. Snyder stated I agree with that.

Mr. Evans asked is there anything in our rules that dictates an age?

Mr. Qualls stated the rules do not define an age. They just say "children."

Mr. Evans stated we can establish a working policy that defines a minimum age of 10 years old at Buck Lake without adult supervision.

Mr. LeMenager stated that is awfully young. What kind of liability does that open for us?

Mr. Berube stated I have an 11-year-old nephew who just moved here, and he is more than capable of going down there and going fishing.

Ms. Snyder asked that does not mean they can take out a boat, does it?

Mr. Evans stated no.

Mr. Berube stated boats are a separate issue.

Mr. LeMenager asked do we even need an age statement on the sign?

Mr. Evans stated that is my point. The only way they can get to Buck Lake is with a key, and their parents have to give them the key.

Mr. Berube stated we are not their nannies. If the kid has a key or even if they do not, they will still go over the gate.

Mr. Evans asked do we still need to establish an age? We are not the parents. The only way they are getting access is with a key from their parents.

Mr. Berube asked why not eliminate the age and just put "children?"

Mr. Evans stated we need to be specific and come up with an age or leave it out altogether.

Ms. Snyder stated I would go with 10 years old.

Mr. Evans stated we either list an age, or we let the parents be the parents.

Mr. Berube stated it is up to the parent to be the parent. Kids run around the community everywhere. We do not restrict where they run around. They are outside skate boarding. They can run through traffic. They can go on the ponds. They can climb trees. We have a community that encourages people to move here so the kids can walk to school. A lot of them walk to school alone, and that is fine. They walk down the street in traffic.

Mr. LeMenager stated the other issue I raise is, there is a gap over there with direct access to the lake anyway. A kid of any age can walk right down to the lake through the E neighborhood. I would take the age statement off the sign.

Mr. Evans stated if we want to amend our policy, I will ask for a motion to that effect.

On MOTION by Mr. LeMenager, seconded by Mr. Berube, with all in favor, approval was given to remove the age restriction from the sign at Buck Lake.

Ms. Kassel stated I think we should similarly remove the age limit at the dog parks. Kids come down all the time.

Mr. Berube stated we also have an age restriction at the pools.

Mr. LeMenager stated I understand why there is an age restriction at the pools.

Mr. Berube asked why?

Mr. LeMenager stated a kid can drown.

Mr. Qualls stated the current rules say that children must have adult supervision at the pools and at the other facilities such as basketball and volleyball. What you are doing now is making a motion to have a policy that will be reflected in the minutes. It is a policy and not a rule, so it will not really do anything. I would suggest that while I think this discussion is helpful and useful, what we have done here is legally meaningless because I cannot do anything with that.

Mr. LeMenager stated we are removing the age restriction from the sign at Buck Lake so we have removed one impediment to kids wanting to fish.

Ms. Snyder stated I would like to discuss the age restriction at the dog parks. I agree with Ms. Kassel that we should remove the age limit at the dog parks.

On MOTION by Ms. Kassel, seconded by Ms. Snyder, with all in favor, approval was given to remove the age restriction from the sign at the dog parks.

Mr. Evans stated let us wrap up the discussion on the ponds. The internal ponds were designed for stormwater management. They were never designed for people walking back and forth and hanging out on the edge of the ponds. They were not built for fishing ponds. It happens that there is fish in them, but they were never designed for people to access them. We have a fishing location, so we will let them go fish. If it turns into a real problem, we will address it then. The retention ponds were designed and built for a specific purpose. Just because there is fish in there does not mean we are going to open all the retention ponds for fishing.

Mr. Berube stated in next month's Harmony Notes, perhaps we can mention what we have discussed in this meeting and maybe encourage people.

Mr. LeMenager stated I would like more public feedback before we make a final decision. All we have in attendance are three or four residents in the audience.

Ms. Snyder asked are we opening this for discussion again?

Ms. Kassel stated we dealt with the age issue at Buck Lake. Now we are dealing with allowing fishing in the ponds or not, whether we get the signs and enforce no fishing or we do not enforce it. Mr. LeMenager is suggesting we request feedback from the community before we decide.

Mr. Berube stated now that we have changed the age and lifted the restriction for kids at Buck Lake, I am happy to write an article for next month's Harmony Notes, telling people we changed the guidelines for use of the dog parks and the use of the Buck Lake dock for fishing, and encourage them to stay out of the neighborhood ponds for all the reasons we have discussed. Hopefully with a little encouragement, we can guide people where we want them to be. The Harmony Notes come out the first of every month, so you should get yours in the mailbox in seven or eight days.

Ms. Kassel stated I would still like to look into what the cost of the signs would be and how many we will need. Then if we decide to go that route, we will have the information.

Mr. Evans stated I agree.

Mr. LeMenager stated what we have now does not work. You cannot just put up a sign for no fishing because Mr. Qualls just told us that it does not mean anything. We either get rid of the signs, or we put up signs that have some enforceability.

Mr. Qualls stated I have a couple things for you to consider. One, the sign sort of has a dual purpose of (1) keeping people out if you were to call the sheriff and (2) putting people on warning that if they are in there and something does happen, they have been warned. It is an interesting debate and no one likes the legislators to legislate morality or for people's stupidity, yet people will not hesitate to sue. Two, I think what we are running into is the fact that we have rules, we have policies, and we have Board discussions about those rules and policies. If the Board makes a decision to do something with a sign and that sign is not consistent with the rules, I am not quite certain those signs are enforceable anyway, with the exception of No Trespassing signs that conform to State Statute. It is something to consider that maybe over the course of the next several years, if this continues to be a problem, you may want to consider adopting some kind of formal rules. That really is the process that gives teeth to these kinds of decisions. I am not at all suggesting that needs to be done now. I understand it is a lengthy and sometimes laborious process. Rules do give teeth. Policies are meaningless and incredibly hard to enforce.

B. Engineer

Mr. Boyd stated I provided a revised sidewalk assessment to the Board. When we did this work in 2008, we had about 104 locations that required a priority 1 or 2 repair. This report has about 67, so it is about two-thirds of what we had two years ago. We are identifying areas with category 1 and category 2 repairs, which are hazards and need to be repaired. Category 1 is $\frac{3}{4}$ inch or greater vertical or horizontal upset. Category 2 is anything from $\frac{1}{2}$ inch to $\frac{3}{4}$ inch, pursuant to the policy that was established. The report identifies the locations and the priority level. We will ask Severn Trent to provide a proposal for this work. The repairs should be less than they were two years ago since there are fewer locations to repair. The good news is, the trees are growing and maturing, but the bad news is, the trees are growing and pushing up the sidewalks.

Ms. Kassel stated the sycamores are the worst.

Mr. LeMenager asked do we need to authorize the repair work?

Mr. Moyer stated the work that was done last time was done by a young man who was looking for summer employment. He did a pretty good job for the most part. That is

not available this year. Severn Trent actually does have employees who do sidewalk grinding, but I suspect that will not be at the same rate that we paid this young man two years ago. I will bring back a proposal to the Board, unless you want to authorize an amount not to exceed, and I will work against that amount. Otherwise, I will just bring back a formal proposal.

Mr. Evans stated I would rather see a proposal.

Ms. Snyder stated I would, too.

Mr. Evans stated otherwise, we are just picking a number out of the air.

C. Developer

Mr. LeMenager stated I see the developer has a number of proposals. One comment one of my constituents had was regarding the repair of the pool. I see it is in the long-term projections to fix the pool. We have the problem with the huge number of broken tiles. When I went on my walk this morning, it dawned on me what the problem was. The pool was built wrong. Who came up with putting all those tiles in there in the first place? I am thinking of other pools where I have lived. Whose idea was it to put all those little tiles along the edge? That should just have been concrete from the beginning and then we would never need to have this discussion regarding the broken tiles. It is my understanding that the condition of the pool now could lead to action by the County Health Department and say it is not safe anymore, and they can shut down the pool.

Mr. Haskett stated that is correct.

Mr. LeMenager stated so the Health Department can shut down the pool because it is not safe, and yet we keep talking about new projects and other things. The pool is a very important facility. I do not know if we should be talking about a longer term project to resurface the pool. It strikes me as a waste of money to replace tiles. I do not understand why we installed tiles in the first place because they will get broken. I think we should be considering a project where we get rid of all the tiles, especially all the tiles around the edges, and just resurface it with concrete or whatever the appropriate material is. If we just replace tiles, we will need to do it again someday. We should design it so there are no tiles around the edge. Are there tiles around the edge in Ashley Park?

Mr. Haskett stated yes, tiles are a requirement by the State of Florida during construction. It creates a visual between the finish and the edge of the pool. If you jump in or are walking out, that is why you see a tile edge at the steps. The lap lanes have tile down the center, the trough area has tile around it, plus the trough background is all tile

for easy cleaning. The material used for the pool itself has to stay moist; otherwise, it will deteriorate.

Mr. LeMenager stated I will take a look at other pools because I am sure that the lips on other pools do not have tile in such a way that it is the main thing that will get broken.

Mr. Berube stated I think we are dealing with two different problems. The tiles along the top edge are a construction issue having to do with the coating, and they are cracked. When you look at the tiles along the edge steps, there are a lot of chips in them. Kids will take the stones in the pool area and start chipping away at the tiles. We watched that happen in front of the parents. Sometimes the stones will end up in the pool. There are very few cracked edge tiles. Most of them are chipped and they have been patched with epoxy to keep them from getting sharp. The lower you go in the water and the lower the steps are, there are very few chipped tiles because the kids cannot get down there and pound on the tile with the stones. There are no chips and no broken tiles in the lap lanes because it is virtually impossible for kids to get there with the rocks. If we are going to redo this pool, I think we need to look at those plantings and change them. They do not look good for most of the year. We also need to get rid of the rocks and get some other sort of ground cover. We should do a sprucing up in general when we redo the tiles and get rid of the rocks because they are an attractive nuisance for the kids.

Mr. LeMenager stated I am not making a proposal that we do anything specific. What I am saying is we talk about the problems at the pool month after month, and the fact that it could be shut down but it seems to not get addressed. I realize we are waiting for winter, but we do have one of the most popular facilities in town that could get shut down any day because we have chipped tiles.

Mr. Haskett stated it can get shut down at any point if there are exposed or open tiles. Tiles that are broken are not exposed. As Mr. Berube said, they are repaired with epoxy so therefore, the pool will not get shut down. As long as it is monitored, the pool is safe to swim in and I do not anticipate the pool being shut down. All the cracked or broken tiles should all be repaired at this point. I have proposals to replace the tile. I presume that the Board would not want to shut down the pool during the busy season for this work, so that is why I have not brought it for your consideration. It would seem that fall or winter is more appropriate to perform this repair. It is being addressed but now is not the right time for the work.

Ms. Kassel asked does “resurface” for the pool mean the entire cavity of the pool rather than the apron around the pool?

Mr. Boyd stated when I put this together, I was thinking about resurfacing the primary surface of the pool, not so much the tiles.

Ms. Kassel stated perhaps something needs to be added to this report that we will need to replace the tile every five to seven years.

Mr. Haskett stated I agree with Mr. Berube that we need to make some revisions to the pool. The rock was obviously a bad idea.

Ms. Snyder stated so the rock was the bad idea, not the tile.

Ms. Kassel stated the tile is required.

Mr. Haskett stated kids get a hold of the rocks and start throwing them.

Mr. Berube stated it used to amaze me. The kids would be sitting in the pool on the steps and chip on the tiles, right in front of their parents.

Mr. Haskett stated that pool takes a tremendous amount of abuse. It has stood up very well for all the abuse that it gets.

Mr. Boyd stated the figure I included in the reserve report had the assumption that we would hand replace the tiles at the same time as an overhaul. What is not included is periodic tiling.

Ms. Kassel stated periodic maintenance is not included in reserves. That is where we are talking about replacement and major refurbishment.

i. Lakeshore Park Swing Set Proposals

Mr. Haskett stated the last swing set I brought a proposal for was about \$6,000 for four swings in two bays. I have a new proposal for two swings in a single bay for \$1,925.28, installed. If you look back at the images I submitted, there are two signs in the Lakeshore Park area that can be relocated elsewhere in that playground, which will give you enough room for two seats installed in that area without having to install additional safety zone mulch plus excavating and everything else associated with it.

Ms. Kassel stated the proposal says that it does not include site preparation, foam material, or borders. Are you saying that is not necessary?

Mr. Haskett stated that is correct. The mulch in Buck Lake grounds does need to be freshened up to keep that safety zone of fall impact ratio. Currently there is mulch in the area that we are proposing that needs to be freshened up a little but nothing dramatic.

Mr. LeMenager asked do we need more? Do we need swings in this particular location?

Mr. Berube stated if you recall, there was a survey that the development company sent out, and about two-thirds of the residents who answered the survey said that they viewed it as a positive. At the time the survey was done, the question was if we wanted to spend \$6,000 on the swings at the beginning of this budget. Now we are almost at the end of this budget year, and we are looking pretty good. Just because we have money does not mean we need to spend it. When you look at the recreation amenities, you will notice that it is pretty popular; a lot of people go there. Most of the facilities that are there are for small kids. I think the swings would give the slightly older kids and even some adults the ability to swing. Are the swings for smaller kids more money?

Mr. Haskett stated I did not have time to research it this morning. It is probably \$100 more.

Ms. Snyder asked is that for a baby seat?

Mr. Berube stated yes, for a baby up to 3 or 4 years old. It has a seatbelt in it. There will be two swings and part of this is for the kids and maybe adults. Most of the swing sets, especially if you have four swings, you will have at least one devoted to the smaller kids. When I look at what is going on at the water feature, there are a lot of small kids running around in that water. I have to think they will be part of the target audience for the swing set. The other thing Mr. Haskett raised is that we can monitor this from your front window. You can see how many people are using the swing set. If it is really popular, we can put another one in at Ashley Park or some other place. It is a starting point.

Mr. LeMenager stated when the voluntary kindergarten is moved over there, we will have more kids wanting to use it.

Mr. Berube stated that is exactly right.

Ms. Kassel asked what is the weight limit on these swings? Are they meant for children?

Mr. Haskett stated children and adults.

Ms. Kassel stated if they are meant for children and adults, I presume that an adult swinging on them will not void a warranty. Is there a warranty?

Mr. Haskett stated yes, there is a warranty and I will find out the length.

Mr. Berube stated there are two proposals and the major differences appeared to be pricing.

Mr. Haskett stated that is correct; it is pretty much the same equipment in shape and color.

Mr. Berube asked do both companies seem equal?

Mr. Haskett stated yes.

Mr. Berube asked it will be financially safe to take the lower proposal?

Mr. Haskett stated there is quite a bit of difference in shipping, and Miracle is a local installer.

On MOTION by Mr. Berube, seconded by Ms. Snyder, with all in favor, approval was given to the swing set proposal from Miracle Recreation Company for installation in the Lakeshore Park playground area, with one of the swings being a child swing.
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ii. Proposed Dog Park Trail Between the Dog Park and Schoolhouse Road

Mr. Golgowski stated the trail plan that we worked on a couple years ago originally called for a trail connection between the dog park westward to Schoolhouse Road. We have been building a ball field at the elementary school. As part of that, we have been able to get the contractor to agree to help us out with constructing this trail from the dog park to Schoolhouse Road. It runs on top of the gas pipeline. The developer is proposing to construct this, but part of the land involves CDD property, including the dog park, which is why we are bringing this item to you. The dog park and as the diagram on the second page shows, the fence that marks the edge of the dog park will get moved in. The trail runs along the side where the hedge is on the right side and it will get moved in about 12 feet or so to allow construction of this path. The path will be a shell surface. We will probably also install another entry point into the dog park at the west end of this fenced-in area so that people coming from the Green neighborhood will have access to that park. At the far end, it will continue to be a shell path at the Schoolhouse end. I expect we will work with our residents in perhaps getting a bridge across that ditch. Initially it will be a culvert with fill to allow access. The work will be done by the developer by the people doing the work at the ball fields.

Ms. Kassel asked all the costs will be borne by the developer for the costs associated with moving the fence and installing this trail and installing a new gate at the west end?

Mr. Golgowski stated that is correct.

Mr. Berube asked is the terminating point at Schoolhouse Road?

Mr. Golgowski stated yes.

Ms. Snyder asked are there going to be doggie pots along the trail?

Ms. Kassel stated there will be one at this end, and there is one at the Schoolhouse end, not far away from that.

Mr. Berube stated no, the closest one will be near the traffic circle.

Ms. Snyder stated we should make it easy for dog owners so that there is not a problem.

Ms. Kassel stated we have one on Schoolhouse Road across from Primrose Willow by the water feature, one across from Pond Pine by the sundial, and one in the middle. We could actually move that one because it is really not needed there and it could be moved to the Schoolhouse side of the park.

Ms. Snyder stated just to prevent any problems with that area not being covered.

Ms. Kassel stated I think this will be a boon to have this for the school kids to walk across.

Mr. LeMenager stated this is a great idea.

<p>On MOTION by Mr. LeMenager, seconded by Ms. Kassel, with all in favor, approval was given to authorize the developer, at their expense, to relocate fencing at the large dog park and to install a gate at the west end, in order to construct a path along the gas line.</p>
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iii. Proposed Tree Planting within CDD Parks

Mr. Golgowski stated a nursery not too far from us is liquidating, and we have the opportunity to purchase plants from them at a discount. It is a tree nursery, so there are fairly substantial trees that are in pots, with a 2-inch or 3-inch caliper diameter and perhaps 10 feet or more above the pot. They are not what we would specify for being on the main streets, but they are not much smaller than that. We have an opportunity to perhaps beef up some of the pond plantings. One diagram shows an area along Five Oaks on the east side toward Cat Lake and putting in perhaps 12 trees in clumps to provide some shade at the benches in that area. It is somewhat of an unshaded walk to Cat Lake along that Long Park path. Looking at the west entrance area of the pond in the corner of Dark Sky Drive and Five Oaks, we would like to install a group of cypress trees along

Five Oaks at the edge of the pond, and on the far end, install clumps of oaks to provide a backdrop and a buffer between the houses in that neighborhood as well as to increase the wildlife corridor. There are also a couple parks where some trees have died that we can replace. There may be an opportunity for some of the internal streets with secondary trees that have been lost that we can replace, as well. Normally trees like this would cost between \$85 and \$100 per pot. We have a negotiated price of \$55 per pot. We are proposing that the CDD purchase the tree and the developer will take care of the installation.

Mr. Berube asked what is your suggested quantity of trees?

Mr. Golgowski stated maybe 35 or 40 trees.

Ms. Kassel stated every time we walk by the soccer field in Long Park, people are sitting under the trees and not using the bleachers because they are metal and they sit out in the sun and are very hot. If we can get trees of that size, perhaps we can utilize some in that location. I am not sure if Mr. Haskett will be addressing that in his tree report or not.

Mr. Haskett stated Mr. Tome and I drove around last week and made the same suggestions that Mr. Golgowski is recommending.

Mr. Evans stated Ms. Kassel had requested more trees in the dog park at one time.

Ms. Kassel stated we got some but we sure would not mind more.

Mr. Evans stated I am not opposed to getting 100 of them for \$5,500.

Ms. Snyder asked if we purchase a larger quantity, will they give us a better price?

Mr. Golgowski stated we can always ask them.

Mr. Evans stated I would take what we can get.

Mr. Berube stated we will need to move money if we are going to purchase them.

Mr. Evans stated we have money to do that in this year's budget.

Mr. Berube asked will we take it from various landscape line items?

Mr. LeMenager stated when I reviewed this proposal, I drove up and down Five Oaks Drive. I do not support spending more money on that side of the community, which will not be occupied for another 10 years. It would be great if it were sooner, but I am not sure in the current economic environment that we should be talking about planting trees along Five Oaks, which are for the enjoyment of a fairly small number of people. I did not, however, realize that we had the opportunity to take advantage of someone's going-out-of-business sale, which is very attractive. My main comment I wrote when I reviewed

this was that this was cool but it is a capital expense, not a maintenance item or an upgrade. Let us take advantage of an opportunity. Putting in a row of cypress trees sounds like a nice idea. We have \$68,000 left in capital funds. If it is the desire of the Board to do this, I will support it if it is a capital expense. It is clearly not part of our regular budget.

Mr. Berube stated it can go either way when you change things. Would this not be an improvement to what is already here?

Ms. Kassel stated I can see the argument for it being an upgrade.

Ms. Snyder stated part of it is and maybe part of it is not.

Mr. Evans stated I had several thoughts. We have a carry-forward surplus from this year's projections of about \$40,000. We just spent \$2,000 on the swing. We just spent \$3,600 on the additional plantings.

Ms. Kassel stated I thought that was part of the budget.

Mr. Evans stated no, it is not part of the carry-forward surplus.

Mr. Berube stated it is part of the budget but we are looking at what we have left.

Mr. Evans stated that is correct.

Ms. Snyder stated I thought the cost for the plantings was already designated.

Ms. Kassel stated it was not designated, but I thought we had amounts in the landscaping budget to allow for the refurbishment of plantings.

Mr. Evans stated that is correct, but we have not spent that amount. In other words, for what we have not actually spent, we are looking at about \$40,000.

Mr. Berube stated he does not want to go through this entire budget and end up with a negative amount.

Mr. Evans stated that is correct. There were a number of things that we raised at the beginning of this fiscal year that were things we would like to do. We decided to wait until we got closer to the end of the fiscal year to see what funds we would have leftover for some of these projects. We discussed kayaks. We discussed the swing set and we mutually agreed to hold off on that. Ms. Kassel spent an enormous amount of time on the landscape enhancement, and we said that we would schedule it over a period of time. Now is that time. If we have an opportunity, especially when we are getting free labor, to get a lot of trees, I would like to see a lot more trees at Long Park and Lakeshore Park.

Mr. Golgowski stated our offer for free labor was for installing about 35 trees.

Mr. Evans stated even if we pay Luke Brothers a certain amount to install these trees, we have an opportunity to buy a lot of good trees. We need to replace some of the street trees that were alley trees for the side streets that we obligated ourselves to do. There are a number of those we need to replace. There are a number of things to consider, where now is the time to decide if we are going to take advantage of an opportunity to purchase trees at half price or less and act on it.

Mr. Berube stated let us remember that while part of this is optional for enhancements, some of it is required by our covenants. We have a number of dead trees that we are required to replace.

Ms. Kassel stated if we purchase up to 100 trees, we have only discussed areas for about 30 of them. It will take time to figure out the other locations and get them installed. Should we expect a proposal at the next meeting for locations for the balance of the trees?

Mr. Evans stated yes, give us a list of where you think they will be most applicable and give us some ideas of where they will fit. We will prioritize them starting with the ones we need to replace and then start working our way down the list.

Mr. Berube asked how much does it cost to install a tree, \$100 or \$200?

Mr. Golgowski stated we will ask Luke Brothers to work with us and I can get a proposal from them.

Mr. Berube stated you were offering free installation of 35 trees, and we are authorizing 65 additional trees. Over and above the \$55 for the cost of the tree, what is our cost likely to be for the additional 65 trees? Could it be \$50 per tree?

Mr. Golgowski stated yes, at the most.

Mr. Berube stated so we are looking at another \$3,000 or so.

Ms. Snyder stated let us go back and see what we can get as discounts for the trees if we purchase them in higher increments.

Mr. Berube stated I am conscious of the budget. I do not want to blow through it. We are discussing what we want to do. I think the Development Company will offer to install more of these as time goes on. I want to know the commitment if we proceed with this.

Mr. Evans stated probably about \$7,500 by the time we purchase the trees and cover whatever the additional labor will be.

Mr. LeMenager stated to the extent you are talking about replacement trees, that is a reasonable expense, but we do not have that many replacement trees. This is an

unplanned expense. They are new trees and it should come out of the \$68,000 in the capital fund.

Mr. Evans stated there is \$68,000 in the Series 2004 bond issue, which is for phase 2. Those funds should be spent on that phase and nowhere else. Those were the funds we used to connect the waterline. If you are going to redirect them, that is where they need to be going.

Mr. LeMenager stated clearly, what is being proposed is a capital expense.

Ms. Kassel stated it is an invoicing issue.

Mr. Evans stated I think we are splitting hairs. The landowners here are entitled to the same privileges as the landowners anywhere else.

Mr. LeMenager stated I am not disagreeing with that. Every time we talk about spending money on something extra, I want to bring this Board back to the fact that the reason there is only \$68,000 left in capital funds, and there are a lot more expenses than that, is because it was this Board that made decisions on spending. To the extent this Board was controlled by the landowner, i.e., developer, up until recently, that is not our fault.

Mr. Evans stated that is not the point. The funds from the Series 2004 bond issue were specific in nature as far as what they could be spent on in the geographic area and the type of infrastructure. That goes back to the engineer's report when these bonds were issued.

Mr. LeMenager asked does that not include landscaping?

Mr. Evans stated yes, it did, but we just ran out of money. We have \$68,000 left in that fund. The expenditures in that bond issue were highly monitored. We had a finite amount of money and we stretched it as far as we could go to get the things done that were necessary. We have \$68,000 that is still left for capital improvements within the phase 2 areas that are identified in that engineer's report. That is a different discussion. What I am referring to is the carry-forward surplus, the money from this current fiscal year that we have leftover, based on the actions of this Board to save, conserve and prudently manage the funds that are available to the District. You have an opportunity to do some of the things we have wanted to do from those savings, and this is cash that we currently have. Those are the funds I am talking about using.

Mr. Berube stated I agree with Mr. LeMenager's comment about the area down here, but when you look at it and the number of trees that will be installed, it is hardly worth separating it out from the overall project and taking it out of the remaining \$68,000 of capital funds. It is a very small amount of money, but you are right; that area is separate.

Mr. Evans stated no, it is not. The landowners in that area are contributing the same amount on an equitable basis as is everyone else, and that goes into the general fund budget. Those are the funds we are discussing, those leftover from the general fund budget, not from the capital improvement funds. Regardless of the landowner, everyone is entitled to the same benefits. If we take the money that everyone contributed and shift it to one area and we will charge that area double for it, that is not what we are about.

Mr. Berube stated I am saying to leave the \$68,000 alone because even if you allocate this, it is a small piece of the \$68,000. The overall project that we are proposing is likely to cost about \$7,500. Even if it is \$10,000, I still think that is fine. This community is its trees.

Mr. Evans stated you bring up a good point. With the \$68,000, we will always be talking about wanting to enhance something that will come from those funds. We have discussed fishing and more opportunities, which is in that phase. That is another conversation that will be coming up in the next several months or next year about where we should spend those funds to get the most out of that money. That is my suggestion, that we keep the \$68,000 in the capital fund and then look at what we can do with some of these enhancements out of the general fund surplus and go from there.

Mr. LeMenager asked are these trees in pots now?

Mr. Gologowski stated yes.

Mr. LeMenager stated so we will purchase trees and keep them in a nursery area until we figure out where to install them all.

<p>On MOTION by Ms. Kassel, seconded by Ms. Snyder, with all in favor, approval was given to authorize the purchase of up to 100 trees at the negotiated rate not to exceed \$55, with a total expenditure amount including the purchase of the trees and installation in the locations discussed, not to exceed \$7,500 paid from the general fund.</p>
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iv. Discussion of Requested Street Tree Replacements

This item having been discussed in conjunction with item 5iii, the next item followed.

v. Miscellaneous Items

Mr. Golgowski stated we submitted the application for the irrigation upgrade that we discussed last month. An opportunity came up since the last meeting and the Toho Water Authority approached us with a water conserving program that they have been directing residential users to install moisture sensors. We have been approached by them to have that done. The program has some left over and they want to install some at locations that are not at houses. We did take advantage of that at no cost to the District but there is a potential savings as a result of this effort. They were installed at each of the seven neighborhood parks that are offline with the MAXICOM system and also the landscaped areas at Ashley Park. It is another opportunity to save some money in irrigation costs.

SIXTH ORDER OF BUSINESS

Supervisor Requests

Ms. Snyder stated I would like to find out the status of the kayaks.

Ms. Kassel stated we do not have any proposals for them yet.

Mr. Berube stated all we did was discuss it.

Ms. Snyder asked did we request four and they recommended two?

Ms. Rachel Garwood stated four would be great but two would be fine.

Ms. Kassel stated we discussed two at the last meeting; that was how many Ms. Garwood requested. Originally we thought they each cost \$500, but they actually cost about \$1,000.

Mr. Golgowski stated my understanding was we were going to include them in the fiscal year 2011 budget.

Ms. Kassel stated we could do that, but we do not have to.

Mr. Berube stated we could purchase them this year.

Mr. Evans stated let us request some proposals for the next Board meeting.

Mr. Berube asked did we decide on two extra kayaks or four extra ones?

Ms. Kassel stated two is what was requested.

Ms. Snyder stated four were originally requested, and then they decided two would be enough.

Ms. Garwood stated I indicated two additional kayaks would be fine. We need a total of four rather than two.

Mr. LeMenager asked may we suggest that private individuals be allowed to use their own kayaks on the lake?

Ms. Snyder stated there is a problem with that, either in the rules or something that says you have to wash it off with a certain chemical if you take it in and out of the water. That applies to boats so I presume it also applies to kayaks.

Mr. Golgowski stated my understanding is that you may bring in a hand-carried craft, such as a canoe or kayak, but it does need to be cleaned. The issue is cross contaminating a body of water with weeds from the boat.

Mr. Evans stated there is a provision in the Development Order that addresses that, and I think there is a provision in the licensing agreement. I do not recall the language in the licensing agreement.

Mr. Golgowski stated it allows for the hand carrying of boats.

Mr. LeMenager stated people have asked us this before.

Ms. Snyder stated I thought there was an issue in going from one body of water to another where it could carry something.

Mr. Berube stated it could carry aquatic weeds and invasive pests into the lake.

Mr. Golgowski stated what I have advised residents is that they may hand carry their boat in, but they need to check with Mr. Belieff and not just show up. He needs to know who is out on the lake.

Ms. Snyder asked is there space for another one if someone wanted to bring their own?

Mr. Golgowski stated we do not allow storage.

Ms. Kassel stated so we will wait to receive proposals at the next meeting and decide what to do on the kayaks.

Mr. Berube stated security of the pool has become a big issue. We have discussed the potential of changing to key cards or some other kind of security devices. Last month, I realized there was some resistance to securing the dog parks. The only reason we included that in the proposal was because I thought we wanted to encourage registration of pets. There seems to be a move away from that. What that does, if we eliminate the chain link gate or the need to secure a chain link gate, it changes the whole complexion of what we are going to secure with key cards. It becomes significantly less money. I want to know what direction the Board wants to proceed so I know where to go with this proposal.

Mr. LeMenager stated I absolutely love the proposal you brought last month. I thought the fact that it is so easy to slip out one deadbolt and insert another one was a great idea. I was a little hesitant when we first started discussing new keys, but my opinion changed very quickly. To the extent we can do that at the pools and Buck Lake, I think it is a great idea. Over the years, everyone and his brother has a key.

Mr. Berube stated Mr. Belieff has been confiscating fake keys as he encounters them.

Mr. LeMenager stated I think it is a wonderful idea.

Mr. Berube stated I agree. That is the fanciest system, but it is also the most expensive. My point is today, I can have the proposals redone, but what doors and gates do we want to secure? Today, I am thinking we want to secure the Swim Club pool gate and the Ashley Park pool gate. Are we going to close off the second gate to Ashley Park because of the access problems?

Mr. Haskett stated yes.

Mr. Berube stated the problem with gates is, the more you have, the more there are for people to damage. There is only one at the Swim Club and there will be only one at Ashley Park. We have two bathrooms at the front of the Swim Club that are always locked because we do not want public access. As part of this, it would be relatively simple to designate them for resident access only by use of a key or a card, and then those could be used. They are accessible from the street, facing Town Square, but they are always locked. We pay to maintain them on a regular basis, but they are always locked because we do not want the public using them. Do we secure those? We have them and they are a CDD facility but they are always closed. I think we should provide resident-only access through the keys. The last two gates, eliminating the dog parks and everything else, would be the two restrooms at Lakeshore Park. They are currently open to everyone now. Should we secure them, as well?

Ms. Snyder asked the locked bathrooms at the Swim Club are off the street?

Mr. Berube stated yes, when you come in the front of the Swim Club, not through the gate, there are two in the swimming area itself but off the sidewalk on the street side when you come in that building, there are two bathrooms right there. They are always locked and they are separate from the ones in the pool area.

Ms. Kassel asked can you use the same keys as you use to get into the other bathrooms?

Mr. Haskett stated no, they are keyed separately. We only open them for special events currently, like the Dark Sky Festival.

Ms. Snyder stated I never knew they were there.

Ms. Kassel stated I would not include them. It would be a substantial cost and no one is using them now anyway. They can come into this building to use the bathrooms.

Mr. LeMenager stated I would not include those.

Ms. Snyder stated if you are a resident, you can use them.

Mr. LeMenager stated we are talking about not including those and just keep them for larger community activities.

Mr. Berube stated I am not sure we should unlock them even then, because usually we have outhouses to use.

Ms. Snyder stated I do not think we knew they were there. Are they included in the count when you order outhouses?

Mr. Haskett stated yes, we have little signs pointing to the restrooms.

Mr. Berube stated the other facility is the one at Lakeshore Park. Do you want to let everyone use those bathrooms and leave them unsecured and wide open?

Mr. LeMenager stated yes.

Mr. Berube stated the last one is the gate down to the docks.

Mr. LeMenager stated lock it up.

Ms. Kassel stated I agree, lock it.

Ms. Snyder asked does the second gate need it?

Mr. Berube stated the one to the boats is separate.

Mr. LeMenager stated the key would not work there.

Mr. Berube stated that is correct.

Ms. Kassel stated we are talking about the two pools and the gate at Lakeshore Park.

Mr. Berube stated that is correct. If we go with the IntelliKey proposal, which looks so good, all of the costs will be reduced dramatically, but you will still have the cost of the keys themselves, which are \$30 each versus potentially \$3 to \$5 for a plastic card. The advantage of the plastic card is, we could note on that card a name, address and picture. When we change to some new security at the gate, all these keys that are out will suddenly be unusable. The identification option might not be necessary. I can tell you that

the cost of providing the current population of Harmony with a key or a card will be six times more money for the keys.

Mr. Evans asked when these current keys are given to residents, are they charged for them?

Ms. Snyder stated no.

Ms. Kassel stated not unless they request additional keys.

Mr. Evans stated we pay either \$25 or \$50 for the access keys.

Ms. Snyder stated that is if you have to have it replaced.

Mr. Evans stated no, that is to begin with. When you close on a unit, they charge you for that key.

Mr. Berube stated my proposal was going to be \$50 for a key.

Mr. Evans stated then I can get as many as I want. There has to be a fee for every key, so now you have a tendency not to lose it.

Mr. Berube stated that is exactly right.

Mr. LeMenager stated that is true. When something is free, it has no value.

Mr. Berube stated it has a greater tendency to walk away. That is how it is with the keys now.

Mr. Evans stated you have an easy way of tracking how many keys each family has. If you have a family of four and you want four keys, there will be a cost for those keys. When they turn them back in when they sell their house or move away because they are reusable, you refund their deposit.

Mr. Berube stated there is no doubt that the IntelliKey proposal is the most up to date. There are other options available that are more technologically sophisticated, but IntelliKey has been around for a long time. The big holdup with them, to me, was the initial cost of the keys. For 500 keys, we have to pay \$15,000. That becomes a pass through if we are going to collect a deposit on the keys.

Ms. Kassel asked are we charging a deposit for the keys or are we charging for the keys? I think there are a lot of families where \$50 for a key right now might be a hardship.

Mr. LeMenager stated I would be concerned about that.

Ms. Kassel stated if they turn in their current keys, we will not be able to use them, but it shows they are somewhat responsible.

Mr. LeMenager stated I think they definitely turn in their current key to get a new one.

Mr. Berube stated then it has no value.

Ms. Kassel stated it does because if you lose it, you will have to pay \$100 for the next one.

Mr. Evans stated if the keys cost \$30, we can tell them they can save \$20 per key by turning in their current keys, for their deposit. You can find a balance. Anything that is free has no value.

Ms. Kassel stated I agree. But people have a key that is free now, and now we are going to charge them for a key and we will have a lot of residents who will be upset by that.

Mr. Berube stated that may be, but there are other things that go on with those keys. As an example, we were at the pool a couple weeks ago and there was a woman there who was swimming and she had a key. My wife started talking to her. As it turns out, she does not own a house here. She just bought a house in Sweetwater, which is in St. Cloud. Her real estate agent lives here and was kind enough to give her a key and let her use the pool because they are friends. She had her own key. I know that happens. My neighbors moved into a rental house on Beargrass Road and the rental agent gave them one key. They went to the Welcome Center to do the right thing, and they were told they were entitled to two keys but it has to come from the real estate agent. There is a certain amount of abuse because the keys are free and they get passed out. We can hassle with the cost of the keys, but I am looking for focus. Now I know we are going to secure three facilities. If you want, I will get revised proposals for the IntelliKey and for a plastic card access system, and we can discuss that further because now we have a focus. Does that work?

Mr. LeMenager stated yes.

Ms. Snyder stated I think we should talk about residents, not owners. I own four homes here and I rent some of them to tenants. My renters have keys to the facilities.

Mr. Berube stated we can call it the keys that are assigned to a particular house or location. I mean renters and all residents.

Mr. LeMenager stated we cannot limit it just to owners.

Mr. Berube stated I agree, we will have a certain number of keys per house. I have the direction of the Board and I will proceed.

Mr. Moyer stated I do have a resident who would like to address this topic.

Mr. Evans stated that is fine; they can do that under Audience Comments.

Ms. Kassel stated we are not making a decision about this now, in terms of spending the money. We are just getting proposals, but we can certainly hear those comments during the Audience Comments portion of the meeting.

Mr. Berube stated I was just looking for focus on which direction we wanted to go.

Mr. LeMenager stated I was definitely a convert to your idea about the keys last meeting.

Ms. Snyder stated I want to learn more about it.

SEVENTH ORDER OF BUSINESS Audience Comments

Ms. Kassel stated there is a three-minute time limit for audience comments. It does have a signal at the end of the three minutes.

Mr. George Schiro asked is this meeting being recorded today?

Mr. Moyer stated yes.

Mr. Schiro stated I submitted a request to Mr. Moyer and I was under the impression that he was going to bring it to the Board's attention as part of the agenda, but apparently that is not the case. I told Mr. Moyer that I wanted to appeal one of the motions that was made at the April 29, 2010, meeting. On the basis of that appeal, I require a verbatim transcript of that meeting. Perhaps the attorney can address this.

Mr. Qualls stated if you want a verbatim transcript, it would be your responsibility to bring a court reporter to the meeting. The Attorney General's office has concluded that the minutes of Sunshine Law meetings need not be verbatim transcripts of the meetings. Rather, the use of the term "minutes" in Section 286.011, Florida Statutes, contemplates a brief summary, series of brief notes or memorandum reflecting the events of the meetings. That is from an Attorney General opinion 82-47, which also cites 91-175-cc. I can provide the rest of that cite to you after the meeting.

Mr. Schiro stated there is a part of the law that requires a statement to be made in meeting notices stating that if someone asks to appeal a motion, that verbatim transcripts will be provided.

Mr. Qualls stated no, it states that if you want to appeal a motion, it might be a good idea to keep in mind that it will be good to have a verbatim transcript of the meeting, so bring a court reporter to the meeting and get your transcript made.

Mr. Schiro asked if you do not know if you want to appeal a decision until after the meeting has actually transpired and you did not bring a court reporter with you, then you are out of luck?

Mr. Qualls stated yes. I have actually gone to court and forgot to bring a court reporter. When I went to appeal, I had to base it on the written motion since I did not have a written transcript of the hearing. That is common course and it is not unusual.

Mr. Schiro asked so you cannot appeal anything and expect a verbatim transcript on anything that you did not anticipate?

Mr. Qualls stated no, if you want to appeal something, there is no requirement that in order to have a lawful appeal, you need a verbatim transcript.

Mr. Schiro asked how do I go about a lawful appeal?

Mr. Qualls stated we can discuss that after the meeting. There is a formal process to go through that is described in Chapter 120, Florida Statutes.

Mr. Schiro stated I brought to Mr. Berube's attention that the meeting notice is missing that information. I was surprised you did not bring that up. Is that something that should be fixed?

Ms. Kassel stated we have exceeded the three minutes.

Mr. Schiro asked is he going to respond to my question?

Mr. Evans stated he is not required to respond. This is for audience comments.

Ms. Kassel stated he can respond to you after the meeting.

EIGHTH ORDER OF BUSINESS

Adjournment

Ms. Kassel stated I will not be at next month's meeting. I will endeavor to attend by phone.

The meeting adjourned at 11:40 a.m.

Gary L. Moyer, Secretary

Robert D. Evans, Chairman