

MINUTES OF MEETING

HARMONY COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Harmony Community Development District was held Thursday, April 28, 2011, at 6:00 p.m. at 7251 Five Oaks Drive, Harmony, Florida.

Present and constituting a quorum were:

Robert D. Evans	Chairman
Mark LeMenager	Vice Chairman
Steve Berube	Supervisor
Kerul Kassel	Supervisor
Ray Walls	Supervisor

Also present were:

Gary L. Moyer	Manager: Moyer Management Group
Tim Qualls (<i>by phone</i>)	Attorney: Young vanAssenderp, P.A.
Steve Boyd	Engineer: Woolpert
Thomas Belieff	Dockmaster/Field Manager
Brenda Burgess (<i>by phone</i>)	Moyer Management Group
Greg Gologowski	Harmony Development Company
Todd Haskett	Harmony Development Company
Pete Lucadano	Luke Brothers
Mike McMillan	Luke Brothers
Larry Medlin	Bio-Tech Consulting
Rick Nipper	Toho Water Authority
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 6:00 p.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 March 24, 2011, Workshop and Regular Meeting

Mr. Evans reviewed the minutes of the March 24, 2011, workshop and regular meeting, and requested any additions, correction, or deletions.

Mr. Berube stated Mr. Qualls's name needs to be corrected on page 1. Page 12 under item C should read "we replaced the batteries." Clayburn is referenced on several pages and it should be Clay Brick.

Mr. Walls stated page 29 should read "I am fine replacing them around certain ponds provided that we have the assurance that most of the people who have property directly adjacent to those ponds do not want fishing." Page 32 near the bottom should read "they

are parking legally.” I made a comment about the stormwater management document, and the minutes are correct as written. I referred to one of the purposes of the stormwater ponds being recreational, and I misspoke because I did not have the document in front of me. I should have said it is an amenity. I had recreation in my head. The minutes are correct, but I should have said they are an amenity, so I want to set that straight in the record.

On MOTION by Mr. LeMenager, seconded by Ms. Kassel, with all in favor, approval was given to minutes of the March 24, 2011, workshop and meeting, as amended.

THIRD ORDER OF BUSINESS

Subcontractor Reports

A. Landscaping – Luke Brothers

Mr. Lucadano introduced Mr. Mike McMillan, who is the new project manager for Harmony. I introduced Mr. Gary Locke last month and we were going to try him in this position since he has been a long-term employee. Mr. Haskett has been extremely helpful in working with me on a daily basis in providing his feedback and both of us closely evaluating the program. We determined that Mr. Locke was not the best fit for Harmony and what Harmony needed. At the same time, I had been talking with Mr. McMillan, who has worked for Luke Brothers in the past. He has been a branch manager for us in our Jacksonville branch, in the north Hillsboro County branch, and also in our Las Vegas, Nevada branch when our company was doing a lot of work in that area in early 2000s. Mr. McMillan stayed on the West Coast and has been working for a large company called Brickman Landscape in West Palm Beach. We had a great opportunity to consider Mr. McMillan for Harmony, and he accepted our offer. Since that time, Mr. McMillan has been working closely with Mr. Haskett. Mr. McMillan knows the Luke Brothers standard and he clearly understood the Harmony standard and where the two meet. He has been aggressively working with Mr. Haskett to accomplish that over the past several weeks. So far we are getting things to where we want them and need them to be as we committed in our service plan.

Mr. Haskett stated there has been a dramatic change in the past two weeks. Mr. McMillan came in and immediately started making changes. He added some people and removed some people. He is training the crews, including riding the mowers to train them how to do certain things. We did a drive through today on half the property, and the results I saw were very encouraging. There are a few issues here and there, but they are

ones you can accept as part of the growing pains and daily routine of landscape maintenance. There are no major issues that I have to report. Irrigation issues come up from time to time and they are trying to work through some dry areas. Overall, there has been a huge improvement. I am very happy to report that, and Mr. McMillan is a great asset to the team.

Ms. Kassel stated I was not able to attend the March meeting so perhaps you already discussed this, but we have had problems with irrigation breaks and we were investigating the causes. Do we have any indication of what was going on or do we have any definitive answers?

Mr. Boyd stated I have not looked into that issue any further because we are waiting for more data. I am not aware of there being any new information.

Mr. Haskett stated the only things we were working on were the pumps and the soft-start controls of how that system works. We have not had any issues with mainline breaks, no more than usual. Now the issue is not having water when we need it, which is becoming prevalent more often than it has been. Today, there was no water. It is very disappointing to call Toho Water Authority and get the answer that it is not your watering day or they will get to it. It is not acceptable when you have new turf and landscaping. That has been their standard answer the last three times, but today I could not even get in contact with anyone.

Ms. Kassel stated we have a 24-hour period in which to water, starting Wednesday at 9:00 a.m. through Thursday at 9:00 a.m. Our sprinkler system did not go off at 6:00 a.m. this morning.

Mr. Evans asked are you saying Toho Water Authority is turning off the water source?

Mr. Haskett stated it is not being turned off but what is happening each time we advised them of it, the pumps are going down or there are electrical problems with the breakers, or other similar issues.

Mr. Berube stated either Mr. Rick Nipper or Mr. Brian Wheeler told me that in next year's budget, they are budgeting for a new control system for the irrigation water, which should eliminate all these on-again, off-again problems. It is my understanding they are not manually turning off the water because of it being the wrong watering day. The water is on all the time except when the control system goes down.

Mr. Rick Nipper stated yes, that is accurate. We are trying to find money this year to try to take care of this issue as soon as possible.

Ms. Kassel stated we had a huge main break on April 7, 2011, although it might not have been irrigation, which meant that the community did not have water for some time.

Mr. Nipper stated there are two different water sources. That was to the potable water distribution system.

Mr. Evans stated I think we had water pressure surges which caused a lot of breaks in the irrigation system when it would lose pressure and then it would come back. It hit a lot of heads on the dead ends and at a lot of the Ts. We incurred thousands of dollars in irrigation repairs as a direct result of that surge. There was a monitoring device that was incorporated to track the variance of the pressures and the impact that it might be having. What was the end result of that?

Mr. Haskett stated the pressure was jumping from 120 psi down to 20 psi or 30 psi within one minute. I do not know if that is an indication of their pumps going on or off, but we could have 12 or 14 different zones running at once when the pressure fluctuates, and their pumps cannot keep up with it. We have reported those and we will see what happens.

Ms. Kassel asked have we had any change since it has been reported?

Mr. Haskett stated we have not had any further mainline breaks. They claimed the problem was fixed, but they never said what the problem was. I only know in talking with some of the technicians at the pumps when they were asking for our help to get more water flowing in certain stages for the pump to kick on.

Mr. Evans asked do you want to provide your best estimate as to what the overall irrigation repairs cost? Some of the irrigation repairs were not related just to that issue.

Mr. Haskett stated probably \$8,000 to \$10,000 in this budget year, which is extreme.

Mr. Evans asked do you think those are related to the pressure surges?

Mr. Haskett stated yes, absolutely.

Mr. Moyer stated we are \$10,186 over budget for irrigation.

Mr. Evans asked do the irrigation repair invoices distinguish between those that may be attributed to the pressure surges versus those that may be other issues, such as someone drove over a head?

Mr. Haskett stated yes, they are itemized.

Mr. Lucadano stated what we have done to make it better for Mr. Haskett and to provide better information for him is we designed an irrigation reporting form that is very specific to the Harmony property. The method we put together is when the inspection happens during the month, those inspection reports are provided to Mr. Haskett in real-time fashion. That report will indicate what zones were inspected and what repairs were made so that all invoicing will directly correspond to those inspection reports. I think that gives the District much better documentation and support on what the cost was, what the issue was, and when the repair happened.

Mr. Evans stated relative to the irrigation design, some places have dead ends, and that is where you will have most of the impact. If you have a great fluctuation in the pressure, those impacts will occur all along the lines, as opposed to just the sensitive T points where you may not have thrust blocks on a two-inch line or a one-inch line. Are you seeing any kind of consistency as far as where these impacts are occurring, or are they throughout the system?

Mr. Haskett stated it was specific to the connection to the valve. As it comes off the mainline at a 45° or 90° angle going to the valve, it snaps right at the mainline into that T. Every mainline break has been that way, even the telescoping coupling. Along U.S. 192, they just installed it before Christmas, and we had another spike in pressures, and that sleeve blew out. The plastic is very thick, but the pressure split it down the middle of a four-inch main.

Mr. Berube asked when you refer to valves, are you referring to the electric valves that turn the water on and off?

Mr. Haskett stated yes, for each zone as it comes off the mainline into a zone.

Mr. Berube asked are they hammering closed too much?

Mr. Haskett stated from what I understand from Rainbird, when the valve shuts too hard, it creates a hammer effect. According to them, the Rainbird valves are notorious for being slow closing while another zone comes on, so the pressures are equalized. We have not noticed anything like that yet.

Mr. Evans stated as it stands right now, hopefully the system is getting better and we are going to have to endure until Toho Water Authority takes corrective action.

Mr. Haskett stated if things change, we will definitely make you aware of it.

Mr. Evans stated then we will figure out who should receive the bill.

Mr. Berube stated my observation is that the irrigation water pressure is generally lower. Have you lowered the irrigation pressure on an overall basis?

Mr. Nipper stated I do not know what the distribution system was designed for. They are trying to achieve a certain psi for irrigation water. I will go back and look at our records. There is a control system that will see if the pressures are working, and I am sure they document that data. That control system is part of what we are looking to change out to a SCADA system to tell the pumps to come on automatically. The current system is a bit antiquated and is the system that was installed when the plant was built, prior to Toho Water Authority taking it over. We will bring it up to current standards.

Mr. Evans asked the data that has been collected for the variations in pressure, is it on a worksheet or a spreadsheet?

Mr. Haskett stated it is a graph over a week-long period. It registered the highest spike and the lowest spike.

Mr. Evans asked would you forward that to Mr. Nipper?

Mr. Haskett stated yes.

Mr. Nipper stated I am also interested in how many zones come on at the same time and how many pumps you have compared to the number of zones. I am happy to review that information.

Mr. Evans stated I will ask Mr. Haskett to share any other information that we have as far as the timing and sequence, when we noticed these spikes, so that Mr. Nipper can compare it with his data to determine if we can find a link where these events are occurring. It could be where they are testing the system at certain times or stages. It can be any number of things.

Mr. LeMenager stated I would like to compliment Luke Brothers on their reorganization. I have been personally walking to all the pocket parks, and they look substantially better than they used to look. I think it was a very good idea on your part.

Mr. Lucadano stated the parks team has been very effective. One change that Mr. McMillan made to that is he put them in an organized routine. The parks rotation generally takes the crew about three days, so Mr. McMillan put them on a weekly rotation of the main entrance features and monuments as well as the town square. We are now treating those areas as specialty park areas with weekly detail, trimming, weeding,

and trash pickup. We are providing more detailed service in the high-visibility areas for the residents than we were in the past.

Ms. Kassel stated there are two plazas that have round planting beds with annuals. I would ask you to look at those because it does not appear as if the material that was used is pursuant to the contract. They were planted some feet in from the edge. We would prefer not to have that kind of thing happen again.

Mr. Lucadano stated that is on our list to review.

Mr. Berube stated normally I am hard on Luke Brothers, but I am not this month because of their supervisory change. I spoke with Mr. Haskett last week, and he said he was very impressed. I have been watching, and there has been a general greening up. There are still some areas that I am not happy with, but I will give that some more time to work itself out because Mr. Haskett says that Mr. McMillan is working well. I saw him out on the golf cart this morning. Mr. Jason Schafer used to refer to getting around on a bicycle or a golf cart. There is no way of seeing this property better than getting on a golf cart the way you were this morning. I know it is nicer to drive around in a truck, but it is easy to miss a lot of things in that truck. If you can get on the smaller paths, things look a lot different from the paths than they do from the street. I think things are on an upswing and the property is looking good.

Mr. McMillan stated I want to say thank you to Mr. Haskett for helping me get acclimated with the property. I am moving around in my truck because I am trying to get the crews to be as efficient as possible in what they are doing. By next week, you will see me in one of our Gators working with the crews and handling issues on my own, especially if it is something I can simply handle myself rather than sending a whole crew back to address it. Whenever you see me on the property, please feel free to ask me any questions.

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 the second round of our plantings has been completed. This month we treated the ponds twice. My overall impression is that we have not had very many major problems. I think one or two ponds have algae, and the plants have been under control.

Ms. Kassel stated I spoke with someone from the County Extension office about pond maintenance. One of the things this person said is when you have a contract that says they need to treat, then they will treat whether the pond needs it or not. Perhaps when we redo this contract, we should say to treat when necessary and also create some guidelines as to when treatment is necessary, rather than just having a policy or a contract that designates monthly treatment.

Mr. Walls stated I also looked into pond maintenance. I am sure that the people at the South Florida Water Management District (SFWMD) office and the County Extension office operate within the Sunshine Laws because as I understand it, we all contacted them separately. They provided me with two videos that I will provide to Mr. Moyer for his review and to distribute as necessary. They are not copyrighted so we can make copies. These videos are tutorials about stormwater retention pond maintenance. What I gathered from my research is that we are overdoing it. A lot of what we are doing is aesthetic more than necessary for stormwater maintenance. Going forward, as Ms. Kassel mentioned, we need to address our program to maintain the ponds on an as-needed basis rather than a continual basis.

Mr. Evans asked is a lot of the treatment you are doing pre-emptive or reactionary?

Mr. Medlin stated it is all reactionary. I look at every pond every month. Many times it is a drive-around. The ponds that have the algae and the ones I am treating are usually the same ponds or little areas. None of my chemicals will work before a plant is actually growing. They actually work better when the plants are actively growing.

Mr. Walls stated I think we are being reactionary to a higher standard than is necessary, from everything I have gathered. SFWMD was very helpful, but it seems we are doing a lot more than we need to do, in order to keep our stormwater ponds in a functional state.

Mr. Evans stated we have spent an enormous amount of time talking about the quality and appearance of our landscaping, and we have spent a tremendous amount of time chastising Luke Brothers over and over about the slightest little incident when it comes to landscaping. Aesthetics is a big issue in Harmony, so I would not totally discount aesthetics in the ponds because that is a factor.

Mr. Walls stated I would very much agree. The issue I raised last month is we are doing a lot of aesthetic maintenance on ponds that are not CDD ponds. Especially on

those ponds, I think we need to scale back and do only what is necessary for keeping the stormwater system functional. A lot of what we are doing to treat our ponds, according to the people I am talking to, is not necessary for functionality. I am not comfortable spending money on aesthetics for ponds that we do not own.

Mr. Berube stated Ms. Kassel and I attended a seminar a couple months ago and there were some pointed questions of the experts in attendance. The question I raised was if we should be spraying a lot, and the answer I received was that we probably should not be spraying. We need to attack this from a different perspective. On page 2 in the material I distributed, most owners associations and CDDs treat ponds in the same typical manner: spray the aquatic plants at the water's edge and treat for algae. That is exactly what we are doing. There is nothing wrong with that; it has been the accepted standard. On the next page, Florida Friendly is a little different: occasionally spray the undesirables and seasonally cut back on vegetation overgrowth. The question then becomes whether or not to spray for algae. What I got from that seminar is that a pond is not generally going to be harmed until 50% of its surface is covered by the algae. The looks of the pond may be undesirable for some people, and this is where we get into the aesthetics versus healthy pond discussions. The key is on page 3 under Pond Maintenance. There are a couple nicely done ponds with what appears to be jasmine along the water's edge. That does several things: it stabilized the bank of the pond, it makes it look pretty, it catches fertilizer running down the banks, and with the fishing issue, we may discourage some people from wanting to approach the ponds. Page 4 shows erosion control and page 5 shows some examples of nicely done shorelines, all of which is easily applicable to Harmony. The problem is that I do not know how we design a plan for this because our ponds are so different in where they are and how they look with different bank angles and other issues. If we agree on this, I would ask Mr. Golgowski for some recommendations. I have already discussed this issue with Mr. Golgowski and a little with Mr. Medlin. I do not know if we can simply ask these gentlemen to give us some ideas for the ponds, perhaps the ones that are bordered by houses first. It is easy to see when you look at our ponds that some do not look very nice. There is a certain amount of outcry from residents who want the ponds to look better, and Mr. Golgowski hears that more than I do. I think there is a demand for prettier ponds.

Ms. Kassel stated one of the things that page 3 shows is, not only is there jasmine but there are some unmowed pond edges. I am not suggesting that we have completely unmowed pond edges, but having pond edges that have some sort of growth. I recall Mr. Golgowski saying that the back side of the Birchwood pond was supposed to be left unmowed, or you can mow to a height of six or eight or twelve inches. It is not unpresentable but you are still filtering out a lot of the contaminants, fertilizers and things that will end up in the pond and create algae growth and the growth of other plants that we do not want. That is another Florida Friendly means to lessen the need for pond maintenance.

Mr. Evans asked is this material simply for our information or is there a proposal you are suggesting? Where are we going with this?

Mr. Berube stated I do not know how we make a proposal out of this because we have so many varying ponds that look so different in so many different places.

Mr. Evans stated identify what your objectives are.

Ms. Kassel stated as Mr. Walls discussed, one of the objectives is to start backing off from more extensive maintenance on the golf course ponds. The second thing is, can we create a plan as a CDD to have a more hands-off approach with more Florida Friendly maintenance plan?

Mr. Evans asked so are you saying that the golf course, as a property owner, should be treated in an inferior manner than the ponds that the CDD owns?

Mr. Berube stated no, I do not think so.

Mr. Evans stated no matter if it is the golf course, a home owner or another landowner, they are all property owners. You cannot look at them differently.

Mr. Walls stated I think the big difference is that we are maintaining something that we do not own. I am not sure we do that in any other setting.

Mr. Evans asked they are contributing to the CDD.

Mr. Walls stated the CDD does not come onto my property to mow my grass. That is what this similar to.

Ms. Kassel stated we have had discussions about this previously and all of the ponds are a system that is the stormwater management system. They all work together to manage stormwater.

Mr. Walls stated I am in favor of doing maintenance that will keep them functional as stormwater ponds but not for aesthetics. I do not think anyone can argue that is a lot of what we are doing. I do not see the need for us to do that for ponds we do not own.

Mr. Evans asked when you refer to aesthetics, do you mean algae?

Mr. Walls stated yes, and other plants that are considered invasive.

Mr. Boyd stated with algae treatments, if you wait until it is such an obvious maintenance problem, then it is more difficult to get rid of and there will be a really bad transition period.

Mr. Evans stated it is my understanding that we will end up with a lot of dead biomass.

Mr. Medlin stated if the algae get to over 50% and you want to decrease it down to less than 50%, it will take a lot of chemicals to knock it back. Plus it is treating a lot of algae at one time, which reduces the oxygen rapidly and causes fish kills. We would only be able to knock it back a little at a time. The spikerush and bladderwort that I spray are not listed as exotic plants but they are considered nuisance plants. There is no nuisance list, but aquatic managers like Bio-Tech and Water Management Districts have an understanding of certain plants that create a nuisance, such as cattails and Carolina willow. If you see how they grow, they take over everything. Spikerush and bladderwort are also like that; they take over and keep growing and shade out other plants, possibly clogging the outfall structures. All the ponds must have the outfall structures maintained to keep the stormwater levels maintained and so they do not clog and cause the pond to fill up.

Mr. Evans stated let us look at this in a risk-versus-reward standpoint. There is a suggestion that we should not be treating for algae as often. What are we spending annually for treating algae?

Mr. Berube stated \$18,000 for all pond maintenance.

Mr. Evans stated if we reduce it by half or some nominal amount for the treatment of algae, and then we do have a major algae bloom that takes over, they will have to come back out and treat for that to avoid the risk of it clogging up the drainage system in advance of a storm event. What is the risk of that happening? We have saved a little, and we are all in favor of saving money where we can when it is prudent, but there is a risk factor. If the algae cover too much of the pond, there is a potential for a fish kill when

you go to treat it. There may be a large dead biomass and if there is a rain and a flushing, it will get into the control structures and can clog it or impede the functionality of the stormwater system. That will create flooding or other kinds of issues. In this analysis, we consider the risk versus the reward. Will we save \$9,000 but run the risk of a failed system in some capacity? I do not know the answer to that, but it needs to be considered as you discuss this issue.

Mr. LeMenager stated I agree. The most important person who has addressed this issue is Mr. Boyd. This is the stormwater management system. We have had one terrible water event with Hurricane Faye, and our system worked perfectly. Aesthetics and other things aside, the only people in this room that I will trust to make a decision are the people who are professionals in this field. I appreciate that we are trying to educate ourselves as much as possible, but the system was designed, it had a severe test, and it worked wonderfully. Let us not necessarily change that. We will have more hurricane and storm events.

Mr. Walls stated I do not want you to think I have a plan that we should follow because I am an expert in this field, because I am not. I know what I have read about this, but I am suggesting that we review what we do, which I think is a good thing. Perhaps we should have someone come from SFWMD who deals with stormwater ponds. They have people who can come here and look at our systems.

Mr. Berube stated Mr. Golgowski knows of an expert, Mr. Jim Thomas, who can also address this issue with the Board.

Mr. Golgowski stated the approach we have been taking in managing the ponds is more than just stormwater, right from the beginning. First of all, they are holes in the ground and they are artificial systems. We are trying to steer them toward a more natural system that is in balance. If we ever get to that point, then maybe we can take more of a hands-off approach and let it operate naturally. We are managing them for stormwater, and all they want you to do is provide a hole in the ground and an outfall, and let the water move as the engineers designed it. I think we have been guiding the bank growth and the edge of the pond growth to provide nutrient uptake through plantings in the ponds. As a bonus of doing that, we have improved habitats and are seeing water birds and other wildlife that many people find desirable. There are a lot of invasive plants that are constantly threatening to displace the natives, and if that happens, we will lose all that

wildlife. There may be a nice grassy bank with some Asiatic jasmine, but it will not be a Florida system. It will always be an artificial system. Our goal until now has been to have a mowing plan that is light on the banks, especially where they are against the conservation areas on the back of ponds where we do not mow the banks as much as the top of the bank, to try to trap the runoff. We are not planting them as some of the pictures show because it is an expense to plant the edges. As a result, it looks a little ratty sometimes, but the mowing helps. There are programs available, and Mr. Thomas has pioneered a philosophy of aquascaping the water to provide nutrient uptake, wildlife habitat, water quality improvement, and nicer aesthetics. You cannot just manage the ponds for stormwater treatment, and we have not ever done just that.

Ms. Kassel stated if Mr. Thomas is available, perhaps he could attend a meeting and make suggestions for our stormwater ponds.

Mr. Golgowski stated I will ask him.

Mr. Qualls stated I feel the duty to mention something that everyone touched on briefly. The question presented that I am interested in is, may a CDD utilize public funds in the management of water systems on ponds that it owns as well as private lakes. The answer is yes, but only if the management of those private lakes is necessary for the CDD to continue managing the CDD-owned water system. I would say that the funds used in the management of the private ponds should only be used to the extent necessary to enable the CDD to perform its duty of maintaining the CDD-owned water management system.

Mr. Walls stated given that advice, we really need to look at the type of work we are doing on ponds that we do not own. If it not absolutely necessary to keep the stormwater system functioning properly, then we need to stop doing it.

Ms. Kassel stated I am sure Mr. Thomas can provide some suggestions for us.

Mr. Walls stated I think we are all in agreement that some of what we are doing is for aesthetics.

Mr. Berube stated that is correct.

Ms. Kassel stated it is not just for aesthetics. There are other things included.

Mr. Walls stated I agree, but I am talking about this one issue of spending funds on ponds that we do not own. It is not that I am out to get anyone. It is a matter of this is

CDD money from everyone who owns property in the CDD, and we should not be using that money to enhance other people's property.

Mr. Tome stated as a representative of that property owner, I will say a couple things. One, the calls that we receive in our office about the ponds are never about functionality; they are always about aesthetics. People call us about that on a regular basis if there is something to be called about on the ponds. Second, as a payer into the CDD, we are just as concerned about the aesthetics as much as any of the residents are. It is important that there be a level of aesthetics that is not harmful to the ponds or going over and above, which I do not think we have done by any stretch, especially over the past couple years in pulling back the manner in which we are treating the ponds. I will also point out that we are downstream, so what is coming to us is coming from ponds that are owned by the CDD or coming off lands from other property owners within the CDD that ultimately end up in those ponds. It is all one system that the CDD maintains.

Mr. Walls stated I hear what you are saying, but I could get weeds in my yard that are coming from my neighbor's lawn, but I cannot make him pay to fix that.

Mr. Tome stated you could also look at it that we could install a weir that would stop water flowing, which we could not and would not do. I see what you are saying, but the point you have to see is also from our point of view. What is coming to those ponds is coming via ponds that are owned by the CDD.

Mr. Walls stated if there is a deficiency on my lot that is my fault, it is not the CDD's job to come fix my house. I own the property and it is within the CDD boundary, but the CDD is not going to pay to make my house look better. All I am saying is that if you own it, it should be your responsibility to make it look as nice as you would like it to be. If you are receiving complaints, then that is not really my problem.

Mr. Tome stated the owner of those ponds has an agreement for the CDD to maintain those ponds because they are all part of one system. Therefore, we expect that those ponds will look equal to the other ponds in the other neighborhoods, simply due to the fact that what is coming to us is coming through CDD ponds.

Mr. Walls stated I disagree wholeheartedly.

Mr. LeMenager stated there is a contract in place, so if you disagree, ask for a copy of the contract to review.

Ms. Kassel stated it is my understanding from what Mr. Qualls said that the CDD is obligated to maintain the ponds on the golf course for stormwater management purposes. Beyond that, doing anything additional is outside the responsibility and outside the allowable expenditures of the CDD.

Mr. Qualls stated that is correct. The fundamental overriding principle is that you do not use public funds to maintain private property. To that extent, Mr. Walls raises a good point as it relates to his yard. The analysis is that you can maintain privately owned ponds only as necessary to maintain the CDD-owned ponds. If you spent a lot of money to maintain the CDD ponds but the issue is upstream so you are not ever getting to the issue, then you could expend those funds on the private ponds if necessary for the CDD ponds.

Mr. Evans stated as a point of clarification, from what Mr. Golgowski described, the aesthetics is merely a byproduct of a function of the ponds.

Mr. Golgowski stated that is correct.

Mr. Evans stated if you are going to sacrifice aesthetics, you are going to impact the function. What we are doing is maintaining the function, and the aesthetics is just an additional benefit versus the objective.

Mr. Golgowski stated that is correct. I think we need to keep Mr. Boyd's comment in mind, that this is a unified system. My house and my neighbor's lawn are not a system. They are totally separate. He can do what he wants on his property and I can do what I want on mine. That is not the case with the ponds. The ponds all have to be managed together, so I do not know if that is a good analogy to compare lawns to ponds.

Mr. Walls stated I think two lawns that are adjoining are the same as two ponds that are adjoining. Getting away from that, we just said we are paying to spray plants that are not on the invasive species list because it looks bad.

Mr. Golgowski stated that is not the case. They are noxious plants. They are not on the exotic invasive plant list, but they are noxious plants that will bring down a pond.

Mr. Walls stated the bottom line for me is we need an expert in the field who is independent, who can tell us what is an aesthetic type of activity and what is not.

Ms. Kassel stated he can tell us what are the best pond practices for our ponds specifically.

Mr. Boyd stated that is not clear cut as far as treating for aesthetics or not. If you do have an algae bloom, then it becomes more than an aesthetic issue. It will affect the chemistry of the pond.

Mr. Walls stated I fully understand, but I want to have someone who is independent come here and give us a full assessment of what we need to be doing.

Mr. Evans stated we have an engineer who has been on this project since the very beginning, and that is his expertise.

Mr. Walls stated I do not know that his expertise is in the area of stormwater.

Mr. Evans stated he has far more expertise on these stormwater ponds than anyone else in this room.

Mr. Walls stated that may be the case, but I would like to find someone independent.

A Resident stated if you look long enough, you will find someone to give you the answer you want to hear.

Mr. Berube stated the reason for me bringing up this issue was never intended to cease what is currently being done. All of these enhancements shown in these pictures add to what is going on with the ponds. We spent money over the last couple years on plants at the banks of the ponds, and any additional plantings on the water's edge have two benefits. One, they are aesthetically pleasing, and two, they will help the water quality. Putting more plants in and around the water suck up the nutrients and limit the algae. This is not purely spending money to make the ponds look pretty. This enhances what Bio-Tech is already doing, and it is generally a common practice. Having said all that, Mr. Golgowski can invite Mr. Thomas to a future meeting for further discussion because apparently this needs more clarification.

Mr. Walls stated I agree.

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. Berube stated Mr. Belieff and I have the solar boat operational, and most of the credit goes to him. We have one small issue that we discovered today. Mr. Golgowski is going to track down the solar boat part supplier. We need one little gauge and once we install that, the boat looks operational and we will be able to put it in the water and then make a decision if we are going to encourage people to come use the solar boat or sell it.

I do not think we will get much for it if we sell it, but at least it will be operational and hopefully reliable. We have not spent much money doing these minor repairs.

Mr. LeMenager stated it is nice to see that we used more than two kayaks twice.

Mr. Belieff stated with the weather warming up, they will be used much more often.

Ms. Kassel asked what is the item for disciplinary actions unfortunately necessary?

Mr. Moyer stated that will be addressed later on the agenda.

D. Toho Water Authority Representative Update

Mr. Evans stated we have a number of questions related to the Toho Water Authority facilities, particularly with the notification letter that was sent recently. There seems to be a lot of concern, be it warranted or not, but we are really just trying to understand it. A lot of questions have been directed to this Board to try to find an answer. These questions were directed to various members of Toho Water Authority. We are just trying to get answers directly from Toho Water Authority, and Mr. Nipper is here to answer them. One of the questions related to the building of the plant, and the question raised was, is the plant built to standards. It is my understanding that the plant was designed, engineered, permitted and built based upon the standards at that time. We are interested in the basis for the warning letter. Please expand on that point.

Mr. Nipper stated I joined the company in 2007, but the plant was built in 2001 and 2002, and it did meet the standards at the time.

Mr. Evans stated we are receiving notices in the mail that say if we drink the water every day for 70 years, you might get cancer. I do not care how you read it; it is alarming. Anytime you receive a notice like this, you have to wonder how long it has been occurring. This is one of the questions that I have been asked. Have the TTHMs always been at this level?

Mr. Nipper stated no. The rules of the EPA were set in 2003, and the water quality was still below those thresholds. They lowered the numbers again in 2004 and 2005, which is what triggered the compliance issues.

Mr. Evans stated ever since that plant has been in operation, you monitor a number of elements, and the TTHMs are one of the elements you are monitoring. There were pre-existing standards at that time, but they were higher.

Mr. Nipper stated that is correct.

Mr. Evans asked was the level of the TTHMs consistent at a certain level throughout the whole duration that the plant has been operating?

Mr. Nipper stated I do not think we ran samples before of TTHMs because they were not required. They were consistently below the limits prior to the rule change. They were probably always there, just like every other water system in the United States. Apparently they came up with these numbers after some research. When they discover something that is an issue, it is dealt with and regulations are put on utilities companies and utility plants.

Mr. Evans stated these standards were lowered in 2004 or 2005, but Toho Water Authority still has not been able to address the problem on a consistent basis in six years.

Mr. Nipper stated they addressed it consistently for about 15 months in 2007. In 2004 or 2005 when the standards changed, a letter was mailed to everyone. Then Toho Water Authority came out to Harmony to explain what was happening. When I joined in 2007, they were still delivering the filters. Then we changed the chloramines in the water, and chlorine reacts with the organics in the water. Ammonia should be used first, which is the idea behind using chloramines. For 15 months, that seemed to work really well. Since we met on April 4, 2011, we already had the engineer out when we first found out we had a problem, and we tried to figure out what was happening. When the plant was modified to get the chloramines after those standards were lowered and we provided the filters, we added ammonia and chlorine to remove sulfites. The chloramines were supposed to react in the tank. Part of the problem is the distribution system that we discussed previously; the longer it is in the tank to react with the ammonia, it breaks the ammonia down and becomes nitrified, which causes other issues, including the taste and odor you were experiencing. I hope they are now better than they were. What we discovered was an area in the tank was not getting the mix, which is one theory with the engineer. We are planning to start the new process next week, which is to take out of the equation the part that is not mixing well and add chlorine to meet the sulfite demand. There is no rule for sulfites, but we also want to take care of the taste and odor issues by removing sulfites. If we use just enough chlorine, chlorine likes to go after the sulfite and organics such as magnesium, calcium, iron, and so forth. We will add a small dose of chlorine. Where we used 2.5 milligrams (mg), we will now use 1.5 mg through the pumps to get a good mix and then feed ammonia right afterwards, prior to hitting the distribution system.

Mr. Evans stated most people are not going to understand what you just said.

Ms. Kassel stated for 15 months in 2009 and 2010, you were in compliance, but then the levels spiked again.

Mr. Nipper stated that is correct. It is an annual average amount. Because it is a long-term issue, if it spikes to 100 but the next time is 20, it is still below 60, which is why the EPA gives you that latitude because it can spike. You are trying to measure parts per billion, which is another issue and things can happen in laboratories.

Mr. Evans stated it is my understanding that TTHMs are naturally occurring within a large geographic area of Central Florida.

Mr. Nipper stated they are not naturally occurring; they occur in combination with the chlorine.

Mr. Evans stated it is a reaction.

Mr. Nipper stated that is correct.

Mr. Evans stated this is not just an issue for Harmony.

Mr. Nipper stated that is correct.

Mr. Evans stated this issue applies to a large geographic area of the State. Do all the other plants have the same problem?

Mr. Nipper stated St. Cloud had the same problem. They had to invest a huge amount of money, which is one of the systems we are considering if this does not work. We are already looking at capital projects for the plant, but none of them are inexpensive, and there will be a potential direct impact for rates and impact fees.

Mr. Evans asked is it a technology issue or is it a facility issue?

Mr. Nipper stated our engineer is pretty confident, and I am confident in the engineer, that this system will work. We have been fast tracking it and we are putting in taps on 20-inch lines right now. They ran into a slight problem with parts, but I believe we are still going to start next week. We will collect data throughout the distribution system for the whole process. Toho Water Authority will do whatever it takes to get this right. We are trying to do it as cost effectively as possible. Safety is always first and we need to get the water to the level it needs to be. Mr. Brian Wheeler and staff are committed to that. Technology does not occur overnight. If we need to invest in a capital project, it may take 10 or 18 months. In the meantime, I think the system, even with the changes, will still be within the parameters.

Mr. Evans asked is this a short-term solution or a long-term solution?

Mr. Nipper stated we believe this will be a long-term solution. In everything I have researched about chloramines, this looks like it will work.

Mr. Boyd asked how long will it take?

Mr. Nipper stated I estimate within 60 to 90 days. The EPA has given us six months for a pilot test. There is one other adjustment that we can consider doing during the pilot test. If after 60 or 90 days we are still not stable, then we will look at the other option to add on a small piece to mix inside the tank if we have to, before we need to consider big-ticket items.

Mr. Boyd asked what kind of capital items are you considering?

Mr. Nipper stated a membrane or a carbon system, as an example. We are spending money now to commission a consulting firm separate from the one performing these current tests. The manufacturer has offered to provide bench testing, but they prefer to have independent bench testing because then it will really tell you if it will work. The last thing we want to do is spend money until we know it will work. We will have some independent testing, even though we are expecting our first plan will work, and we are preparing in case it does not.

Mr. Berube stated Mr. Walls and I attended a meeting with the Toho Water Authority Board of Supervisors two or three weeks ago. For the first time, I think they are supporting us. We had a good repore during and after the meeting with all of them. I had a higher level of confidence than I ever had before, that the Board supports this. They told us in no uncertain terms that this will roll forward and they are not backing off this until it is fixed. There may be a capital issue that might take some time if they need a significant amount of money, but I believe they are behind it. From what I am seeing in the reactions, we are looking good. We have been waiting a long time for this. I see more action now in the last four weeks than we have seen probably in five years. Toho Water Authority really does a stellar job. When that water main out here broke, there was someone here within 15 minutes and the rest of the crew showed up in about 90 minutes and started digging. They spent most of their time looking for the pipe that they needed because it was a different size than what they had in their inventory. I understand they had to go to Orange County in the middle of a Sunday night to get pipe and fittings.

Mr. Nipper stated through that, we discovered a weakness that we had to address with the distribution system so that it does not happen again. There is no real loop there so we might be looking at a secondary line.

Mr. LeMenager stated that brings up one the questions that I raised with Mr. Boyd that I intended on raising at this meeting. We just recently finished our system by putting in a loop through marshes what was supposed to prevent water outages. This project was one of the first things we approved after Ms. Kassel and I were elected to this Board. Yet the whole thing did not work. Why did we spend \$250,000 to finish the loop?

Mr. Nipper stated there is no system that is perfect. We just lost 20,000 customers last year or the year before because of a line that broke right outside the water plant. It has to go somewhere. There are things you can do to make it better, but my experience has been that the line will break right before you fix it. In this case, the water line broke right before the loop.

Mr. Boyd stated there is a plan where town center is, to bring a second line down to tie into U.S. 192 in a separate location, which will help to provide more redundancy.

Mr. Berube stated the piece that broke was a tail off the mainline that was there for future expansion. It was a 20-foot length of pipe coming into that big field in the front with a cap on the end. The pipe broke down along its length, similar to what we were seeing with the irrigation breaks.

Mr. Boyd stated if that break had happened on Five Oaks Drive, the loop would have saved it and you would not have had that problem. It is a matter of where the line fails.

Mr. LeMenager stated I asked Mr. Boyd where our system is, and I see that it is not clear on the map that he brought, but it is about where the “o” is in “Harmony.”

Mr. Berube stated about one-quarter mile east of the high school and one-quarter mile in from U.S. 192.

Mr. LeMenager asked am I correct in assuming that this water treatment facility was paid for originally by the Harmony CDD?

Mr. Boyd stated there were two bond issues when the Harmony CDD was established. One issue built the streets, utilities, and drainage infrastructure within the District. There was a separate bond issue for the improvements for Phase 1A for water and wastewater treatment plant. The debt for that bond was part of the takeover when Toho Water Authority accepted the plant, and they assumed that debt. The assessments

you pay today do not apply toward the water and wastewater plant. The CDD did facilitate the construction.

Mr. LeMenager asked when was it turned over?

Mr. Boyd stated 2003.

Mr. LeMenager asked what was the basis for building a one-tank system as opposed to a two-tank system, other than the fact that it met the bare minimum requirements of the Statutes at that time? Was cost part of the real reason?

Mr. Boyd stated there is a phased approach to any infrastructure development. Phase IA was the plant to build capacity up to about 500,000 gallons per day of water flow for the community. It was designed based on current standards for water quality. The water quality coming out of test wells was tested, and the previous system was designed to provide treatment in accordance with DEP standards at the time. When that plant went into operation, it met all of the rules and criteria in effect at that time. If the CDD had continued to own that plant and go into an operating phase, the Harmony CDD would have turned into the water utility eventually had Toho Water Authority not taken it over. There would have been additional bonds issued over time to start to upgrade that plant over time. Once the takeover happened, then all of those future phases were assumed by Toho Water Authority and not the CDD.

Mr. Walls stated I am pretty conservative in spending money, especially when it is the people's money. I hope this solution works and there are no other issues. When we talk about having a large impact in Harmony for a future phase, I can forewarn you that it will be a big issue.

Mr. Nipper stated I am sure it is. There was a decision made to remove the organics from the water, but when the impact fee cost was raised, that was a big issue.

Mr. Boyd asked with the system that is going in now, assuming it works, will the flushing stop?

Mr. Nipper stated we are flushing an incredible amount of water right now. It should be reduced by at least half, and the chemical will be less. During my time in Palm Bay, you could get a 1.5 mg per liter and still have a good 1 mg per liter. The minimum is .6 mg, but we try to keep it at 1 mg. When you see it start dropping off, you will see a burn like we did before to flush out the ammonia because it starts nitrifying over time. One of the disadvantages of chloramines is it is a solid secondary disinfection, but ammonia is a

nutrient and it breaks down. It is not harmful at all, but it starts making the chlorine less effective. If you put the same amount in over time, it starts being less effective unless you flush it over about four or five days. We will provide notices to residents in advance when we do that, because you will notice a difference in taste. You will always notice a little bit of color. Once we get the quality under control, we will work on the taste the best we can with the aesthetics and the sulfides. We are trying to centralize our customer service and communications, and I will not ignore anyone who emails me. We have a computerized management maintenance system, so we can make sure every complaint or request is tracked. We want to make sure we are addressing that is an issue, not just in Harmony but anywhere. We track every customer complaint or concern.

Mr. LeMenager asked how can you track every customer complaint when you do not even have a complaint line? I called the number provided and talked to some people who were from the electric company, Kissimmee Utility Authority (KUA). They said that Toho Water Authority does not actually have a complaint line but lets customers call KUA who passes on the message back to Toho Water Authority. The person I spoke with was a little miffed at all the calls he had been receiving. He said they will take complaints but that you do not have your own complaint line.

Mr. Nipper stated KUA handles customer service after hours so when someone calls, they forward that to our customer service line. Then we enter the work order and are supposed to follow up the very next day. Did you get a phone call?

Mr. LeMenager stated their system does not work. A water problem is not an option in their menu. That is the problem. I called KUA when the water went out. I did the automatic reporting for a problem. I received an automated phone call back saying that the problem had been fixed. I finally got through to a person and asked how they can say that the problem has been fixed because there is still no water. He did not realize it was a water problem.

Mr. Nipper stated thank you for that comment. I will address it with them because we pay them to provide customer service.

Mr. LeMenager stated he did not have very nice things to say about Toho Water Authority. I have a follow-up question for Mr. Boyd since he made a comment on something about which I was not aware. At one point, it was considered that the CDD would go into the water utility business and would become the utility.

Mr. Boyd stated when the CDD was originally established, there was no Toho Water Authority. There was the City of Kissimmee, and beyond the City of Kissimmee, all the utilities were private. The CDD contemplated having to be the utility operator because there was no other option, which no one wanted to do and it would not have been in the best interests of the residents. A better option was having a public utility take over the system, which happened in 2003.

Mr. Berube stated Toho Water Authority came out of KUA and some other combined water utility.

Mr. Evans stated we appreciate Mr. Nipper attending our meeting and answering our questions.

FOURTH ORDER OF BUSINESS

Public Hearing for the Adoption of an Amendment to Chapter 1, Rule 1.5 of the Rules of Procedure Relating to Access of Public Property, Namely Parks and Recreation Facilities for General Use and for Special Events and Functions

Mr. Evans stated I will open the public hearing for the amendment to the rules of procedure related to access of the District's public property. The Board received a draft based on our earlier comments. We will hear comments from the Board first and then from the residents.

Ms. Kassel stated section 2.3 says "fishing is prohibited in designated ponds" pursuant to an attached map, but there is no map that has been provided to us. Section 4.3 cites rule 3.2 which is not below; it does not exist. Section 4.5 says "residents may only bring a maximum of eight guests to the pool." Is that per family or per resident? I think that should be explicit.

Mr. Berube asked do you prefer per family or per resident?

Ms. Kassel stated that is up for discussion. I am just pointing out that it should be explicit. My thought is that it should be per family unless they are having an event for the pool, which they have designated through a reservation.

Mr. Walls stated we will probably have to define "family."

Mr. Qualls stated I will make the change to eight guests per family.

Ms. Kassel stated Section 6.3 appears as part of Section 6.2. Those are my only comments on the draft rules.

Mr. Walls stated page three addresses the identification that a home owner needs to show. My only issue is that only the first two really certify proof of ownership. The rest do not certify proof of ownership. I think the big differentiation is the people who own their homes and those who lease their homes. If you lease your home, then we want to get that lease agreement so we know when to deactivate your card. I think we need to be specific in what we are requesting from home owners that they need to provide something that actually shows they own the home. Perhaps we use just the first two items and get rid of the rest.

Mr. Berube stated I think the school identification was suggested because we will issue cards to kids so they can get into the dock area and so 16- and 17-year-old kids can get into the pools. Those do not prove ownership.

Mr. LeMenager stated remove items 3, 4, and 5 but leave item 6 so that the office staff in Celebration can use their common sense.

Mr. Berube stated I agree with that.

Mr. Walls stated on the same page for Contracts, it references a pool use agreement. Do we actually have one of those?

Ms. Kassel stated I believe it is going to be created for this purpose.

Mr. LeMenager stated we have a form now for people who want to use the pool.

Mr. Haskett stated yes, before you are issued a key. The form is on the website at the back of the Harmony Swim Club policy.

Mr. LeMenager stated I am not sure it is being enforced.

Ms. Kassel stated it is possible the staff at the Sales Gallery is not having these forms completed.

Mr. Walls stated Section 5.6.4 says that if there is damage to District property that exceeds the damage deposit relating to boat use, then the Event Organizer shall be charged for the property damages. I think in this case it applies to all users of the boats rather than an event organizer.

Mr. Qualls stated I will change that to be Boat User.

Mr. Evans stated Section 1.11.4 says “a renter in inside the boundaries of the District” and probably should read “renter living inside.” Section 2.2 says this provision is subject to legal review. When you use the word “restrain,” do you mean legally restrain or

physically restrain? It is the sentence “including injunctive relief to enjoy or restrain any person.”

Mr. Qualls stated it is a legal term. The Statute uses the word “restrain” but the intent is not physical restrain.

Mr. LeMenager stated it is similar to a restraining order.

Mr. Qualls stated yes.

Mr. Evans asked Section 3.1.4 regarding the documents for a renter, should we require a driver’s license? It mentions one or more of the items below unless it is someone under age.

Ms. Kassel stated it should be a driver’s license and one of the other items.

Mr. Evans stated yes, because there is a picture on the driver’s license.

Ms. Kassel stated I think that is a good idea.

Mr. Walls stated I agree.

Mr. LeMenager stated I think that is a bit excessive. When someone moves here, not many people immediately change their driver’s license. It is nice that we have these rules but the reality is people do not change their license right away.

Mr. Evans stated it has a picture on it.

Ms. Kassel stated that is correct. We want to see the driver’s license because we want to verify that the person presenting the utility bill is actually the person renting the house.

Mr. LeMenager stated I have no problem with accepting the driver’s license to prove it is the same person. If they have not changed it to the Harmony address but they have a lease with their name on it, I think that should be fine.

Mr. Walls stated they can have the picture identification but have something else that shows the Harmony address with their name.

Ms. Kassel stated it says a driver’s license with the name of the renter and proof of address of residency within the boundaries of the District. The driver’s license does not need to have the Harmony address, but they need to provide a driver’s license as well as something else that shows the Harmony address.

Mr. Berube stated the proof of address can be something other than their driver’s license.

Mr. Walls stated perhaps we can indicate just a picture identification.

Mr. Berube stated everyone has a driver’s license.

Mr. Evans stated Section 3.4 refers to contracts. Should it read all persons prior to “boat and/or pool use” or does it matter?

Mr. Qualls stated yes, that is how it should read in that section.

Mr. Evans stated on the second line where it refers to a pool use agreement, should refer to pool use agreement “and/or” boat use agreement instead of just “or.” The same thing is on the next line where it should read “pool and/or boat.” Relative to event logistics, Section 7.4, we raised that we have five calendar days prior to an event. They have to register or schedule these 15 days in advance, but then we give them a five-day window prior to the event to do certain things. Should we change that to 10 days prior to the event? They can schedule them a minimum of 15 days in advance. If they do not perform within that timeframe, then it opens that facility for someone else to use. If someone schedules an event for a weekend, if five days prior to that they fail to perform by either failing to submit a damage deposit or proof of insurance, that will preclude someone else from using that facility for that weekend.

Mr. LeMenager asked has this issue ever come up with anyone who wants to reserve a facility?

Mr. Moyer stated no, that has not been a problem. When they request a reservation, we make them post the deposit. We have it on record and receive it with the reservation form. By the time I sign the approval, it is not an issue.

Mr. Qualls stated if you are requiring it at the time they organize it, we can just state that in the rule.

Mr. Moyer stated that makes sense, that they post a deposit at the time they reserve the facility.

Mr. Walls stated then you do not schedule it until you receive a deposit.

Mr. Moyer stated yes, that is how it works.

Mr. Evans stated philosophically we have discussed the fishing issue. The way the rule is drafted, fishing is prohibited in designated ponds, which means we need to designate those ponds.

Ms. Kassel stated my impression is that it was prohibited in all ponds of the District.

Mr. Evans stated that is how it currently is.

Mr. LeMenager stated no, it is not that way currently; there is no prohibition.

Mr. Evans stated there is no allowance for it, either.

Ms. Kassel stated whether it is allowed or not, that is what we are currently deciding.

Mr. LeMenager stated I can agree with the wording that is included because then we can designate them all, but it gives us the opportunity to address it in the future when the owner association's rules are no longer promulgated to perhaps change those.

Mr. Evans stated this issue has had a lot of debate and discussion. Let us discuss it and come to a conclusion so that we can adopt whatever language is appropriate. I have heard both sides of the discussion and I have been right in the middle of the debate. When the residents read these rules, they have to interpret them. They are going to have to determine if it is permissible, if it is permissible in some ponds, and if so, which ponds. If you leave the door open that it is permissible in certain ponds, then who is going to play referee when they just show up? They will say they heard they could fish in some of these ponds and they will ask which ones they can fish in and which ones they cannot. Once you open that door, are we going to post all the ponds for No Fishing but tell them they have to go down the street? I am trying to think about how we are going to effectuate enforcement of what you are proposing.

Mr. Walls stated I think that is very difficult. The problem is that if you prohibit fishing in all the ponds, then you need a referee. You need a referee in any case. As I said last month, I think that is a big waste.

Ms. Kassel stated I spoke with representatives from the sheriff's office, and the sheriff is very happy to come here.

Mr. Walls stated that is fine, but I think it is a big waste of police resources. That is my personal feeling. Mr. Qualls was going to research if we can prohibit people from fishing in ponds and trespass them for that but at the same time allow them to do other activities at the pond. Is that something we can do?

Mr. Qualls stated yes. I was reviewing these with Mr. Kenza vanAssenderp, and the rule needs to talk about District-owned ponds. I do not know if that helps limit the scope for anyone to feel better. The trespass Statute simply says that if someone does not have a license or is not invited to be at a particular location, then that constitutes trespassing. I am not sure what other activities people will be doing in the ponds other than fishing that would be prohibited.

Mr. Walls stated the issue I have is that some of our ponds have trails adjacent to them, and people like to walk around the ponds. People like to sit on the bank and look at

the wildlife. What we would essentially be setting up is if we prohibit fishing in these ponds, we will say it is fine to walk around or sit or stand at the pond but if you have a fishing pole in your hand, you are considered a criminal and you need to leave. I think that is very tenuous as far as enforcement. I would very much dislike a scenario like that. I will leave it to Mr. Qualls's legal opinion as to whether or not we can do that, but it seems like a difficult stance to take to say that people can do certain activities around a pond but we will kick you out if you are carrying a fishing pole.

Mr. Qualls stated Mr. Walls raises excellent points, but that is not what the rule says at this point. It merely says not to fish in the ponds. There is the rule above it that tries to be broad enough that says unauthorized use of District-owned facilities will result in a charge of trespass and violators will be reported to the sheriff of Osceola County. If walking around the ponds or looking at the ponds is not an unauthorized use of the District's facilities, that will not trigger rule 2.1.

Mr. Walls stated I understand that, but I dislike the part where we are going to call the law on someone because they have a fishing pole in their hand. I have three issues with this. I have heard only three arguments against fishing. The first argument is that it is a safety or liability issue. The reality is, unless there is some data people can provide showing there is a rash of alligator attacks on people fishing in ponds or a rash of people drowning in these ponds, there is no data to backup that claim. I brought some data with me last month that showed exactly how rare alligator attacks are, and I could not find any drownings in the last ten years in the tri-County area for anyone fishing in a pond from the reputable sources where I collected my data. That argument just does not fly. We promote other activities, and a kid can get hurt playing on our swing sets. A person can be attacked by a dog in the dog parks. Dog attacks are exponentially more prevalent than alligator attacks. People can get hurt fishing in Buck Lake. It can happen, but we put up with it because we ask people to use common sense. Things happen and there is nothing you can do about it. I hate that we are going to use that as an argument to prohibit fishing. The other argument I heard is that people do not like the element that fishing attracts. If you are going to use that argument, it is discriminatory. I heard the terms thrown out about the people from St. Cloud or Holopaw that fishing attracts, but to me, that is straight up discriminatory.

Mr. LeMenager stated but it is not illegal discrimination. We discriminate all the time in real life.

Mr. Walls stated except for the signs at the entrance that indicate this is Harmony, this is considered St. Cloud or Holopaw. My parents live in unincorporated St. Cloud. My dad is a very enthusiastic fisherman, but I do not think that makes him trailer trash or any of the other terms that were used. He lives in a much nicer house than I do and drives much nicer cars. I dislike that as an argument. The third argument that I heard is the Residential Owners Association (ROA) has a rule. We have already received a legal opinion that the ROA rules have no bearing on what the CDD does. The fact is, the ROA does not own a single pond. They do not maintain a single pond. I do not know why that rule even exists. For all those reasons and to say if I go out and walk around the pond with my son, that is fine, but if I bring a fishing pole with me, you are going to call the sheriff to kick me out and if I come back, they will take me to jail. That is crazy to me.

Mr. Berube stated I have gone both ways on this issue. My background is that I think they are public ponds and I think they need to be open to anyone and everyone because they were built with public money. I changed my mind when I read the ROA rules. We can debate the reality of the enforceability of ROA rules, but there are residents who live here and have read the ROA rules, just like they read our rules, and they expect them to be followed. I do not want to see the CDD enact something that goes against what another governing body or entity has in opposition. Having said all that, I think we need a compromise to what is occurring. I suggest we say there is no fishing in any of the ponds that the District owns. That is the printed rule. When it comes to enforcement, we seem to have select ponds that cause problems all the time. There are a lot of complaints from the residents on Bracken Fern about that pond. We know what it will take to sign the pond, if it comes to that. Perhaps we sign that pond with the No Trespassing signs, but rather than having it say No Trespassing pursuant to Florida Statutes and Harmony CDD, perhaps we give them a reason: for your safety and the safety of others, no fishing in this pond. Then in bigger letters we have No Trespassing with the Statute reference and requirements. We sign that pond to quell the complaints of the residents, which I think are well founded. If the people who were fishing in that pond respond after calls from law enforcement and they move to another pond and we start getting complaints about that pond, then we can sign that pond, also. Eventually they will give up. I think we will sign and enforce

trespassing on the pond that generates the most complaints. If people are fishing in other ponds and no one cares, that is fine.

Mr. Walls stated as an example, I was walking along Lakeshore Park the other day with my son around the pond. There was a young man there fishing, not bothering anyone. He was very nice when I walked by and we exchanged greetings. There are no houses around there. I saw him catch a fish and put it back. He is staying out of trouble and doing what I consider to be a pretty wholesome activity.

Mr. Berube stated I have no argument with that.

Mr. Walls stated the problem is, if you put in a rule that says no fishing in any pond, someone will drive by and see someone fishing in that pond, they will call the sheriff who will kick him off the pond.

Ms. Kassel stated encourage them to go to Buck Lake where we do allow fishing.

Mr. Walls stated people who say that do not understand fishing. There is limited access to fish at Buck Lake. If the fish are not biting at the dock, it is no fun to sit there and fish. That is the reality.

Ms. Kassel stated take a boat and go fishing in the boat.

Mr. Walls stated we are talking about kids too young to reserve a boat.

Mr. Berube stated the arguments on both sides are strong. That is why I suggested a compromise. Right now, there is a No Fishing policy. If we attempt to sign certain ponds to appease the residents who make a very strong argument, we need a rule to be in place first. That also gives us the ability to sign other ponds as needed in response. I do not know that we have ever had a precedent like this before, but there have not been many issues that have generated this much emotion. I am not one to split one side or the other, but the residents who live on ponds raise a very good case. There is also the safety aspect. Two kids were swimming in the Lakeshore Park pond this past Sunday.

Mr. Walls stated that has nothing to do with fishing.

Mr. Berube stated I understand that, but the point is, they go swimming in the ponds. People do dumb things, and you cannot legislate common sense.

Mr. Walls stated my problem is that we are all paying for these ponds. We just had a discussion about paying to maintain these ponds. I am a conservative person and I hate to see government regulate people, which is where a lot of this stems from. We are all paying to maintain the ponds. Some people may not like others walking around the pond.

You can find trouble with people walking down a path, so you could argue that people can get hurt and therefore, we should prohibit that activity. We are issuing access cards to practically everyone in Harmony, so if it becomes a big problem and we do not want people from Holopaw or elsewhere coming here, then we should require that they have an access card to fish in the pond.

Mr. LeMenager stated we cannot do that because it is public property.

Mr. Walls stated we require access cards for our other facilities.

Mr. LeMenager stated that is correct, for the ones that are locked or behind a gate.

Mr. Evans stated I think we have all come to a decision on where we stand on this issue. We have debated it back and forth and we have evaluated it. One of the issues that we really have not discussed about the impact is when you say you want to allow fishing in some ponds, whatever pond it is, when people drive by and see someone fishing, they will assume that they can fish on any of the ponds, District ponds as well as golf course ponds. The golf course ponds are on private property. Now the golf course owner has to enforce his no fishing policy, while the person fishing argues that he sees people fishing on other ponds. All of a sudden we have created a problem for one of the other landowners, which is no different than the home owners. If you look at them through the same set of eyes, you are trying to protect their interests. You try to be equal to everyone, and we have not really discussed that point. Having said that, I think we all know where we stand on this issue. I think the Board has discussed this issue in depth. I would like to hear from the residents who chose to attend this meeting in the midst of a horrific storm to voice their opinion, pro or con.

Mr. Walls stated to Mr. Berube's point about making a rule and placing signs when needed, I will wait to hear from the residents, but I imagine they are going to want signs that say not to fish on this pond at Bracken Fern. If that is the case and that is what those residents want, I am fine with that, but not prohibiting fishing on all ponds. I would prefer to change the language in this rule that says except where signage exists that indicates there is no fishing.

A Resident stated one of the concerns I have about allowing fishing in designated ponds or all the ponds is the effect it will have on the wildlife. Right now, alligators are moving from pond to pond because it is mating season. If one of those alligators moves to a designated fishing pond, what kind of stand is the CDD going to take on that? When

you are fishing, you throw bait into the pond and you are attracting the alligators to come up to the pond edge. It poses a threat. Whether Mr. Walls has documented evidence or hard-core data or not, the fact of the matter is if you throw bait into a pond, an alligator is going to come toward it. Then you will get your statistics. If everyone is so in favor of wildlife, does that mean we will stop pulling alligators out of the ponds? What will fishing do to the birds and cranes that are trying to nest there?

A Resident stated people already fish in the ponds on the golf course. We have seen them several times and truthfully, it does not look good when golfers are golfing to have someone fishing right there in the ponds. I do not think that presents Harmony as an attractive place to live. The sales people ride around with prospective buyers for these properties, and it says no fishing in the ponds, but yet you see people fishing. At the pond at the end of Clay Brick, I have seen people jump over the fence on U.S. 192 to come fishing in that pond, and these people are not residents. We have had problems in that pond with kids fishing, leaving trash, digging out a place to sit, and sitting in the water with their feet dangling in the water. Who knows when an alligator is going to come along and be attracted to that? I think it is dangerous. There are smaller children running around the ponds. What if one of them falls in the pond? It is not nice to see a kid drown, and it can happen here. When we purchased our home here, the rules said no fishing in the ponds, and I think it should stay that way. If you open the ponds for fishing, there will be all kinds of people in our community fishing and there will be no control.

A Resident stated the problem I see is the ponds are owned by different entities. One of the issues is how do you make rules for one pond and not for the others. We have a wonderful place at Buck Lake, and Cat Lake will hopefully be open soon. If we let people fish at Buck Lake, because it is setup for fishing, I think that will solve the problems. I live on one of the ponds and I would not want to have a family partying and a bunch of people fishing in my backyard. That was another concern that I heard from some friends who also live on a lake. If you restrict fishing to Buck Lake, there is a beautiful pier to fish from, there are kayaks and boats to fish from, and I think that is a good way to allow fishing. Then it keeps our ponds safer for everyone. I think it will also stop a lot of controversy and a lot of issues.

Ms. Gina McGinnis stated I am tired of the problems associated with people fishing in the ponds and them drinking beer and so forth. If you think that is discrimination and

that is what you call it, then I will own it, because that is what it is. We had an issue a few weeks ago with a guy who pulled up to the edge of the pond in his truck and gets his tent and coolers out in our neighborhood. Why do we want to act as if that is acceptable when this is the community we are trying to build? It makes no sense to me why we would want to allow that. I do not understand how that can be acceptable to Mr. Walls.

Mr. Walls stated we have never had a rule about fishing. I know it has been a misconception about it, which is why we are discussing it.

Ms. Kassel stated there has never been an enforceable rule.

Ms. McGinnis stated the point is, you have to make a decision. There are people who pull up to the bank of our ponds in a pickup truck. They do not even park on the side of the street; they drive to the edge of the pond. They drag out their coolers and put up two tents. We are trying to maintain our covenants with the ROA, yet people are allowed to fish in the ponds. I do not know where these people are from, and they could very well be from Harmony. I feel safety is an issue. I feel like we are encouraging people to come into this community who we do not know and we do not know what they are doing. Our kids are walking to and from school.

Mr. Walls stated we are going to say that someone from Holopaw or St. Cloud can walk around your pond, they just cannot fish.

Ms. McGinnis stated it is a different element.

Mr. Walls stated you are indicating that fishing attracts some kind of criminal element.

Ms. McGinnis stated I am not saying that applies in all cases, but we are not a fishing and hunting club. This is not Dick's Sporting Goods where we want people to check out what we have to offer. I have personally talked with the golf course staff and they do not want people fishing in their ponds. This is not what we are trying to establish here. I am not saying that all fishermen are bad. I was raised on a working farm, so I fish and I understand it. I am not saying it is a bad character trait, but in this community, we are not talking about you and your son fishing at the edge of a pond. We are having an issue with elements that I do not think we are trying to bring into this community.

Mr. Walls stated there might be other ways to address that, but if we pass this rule, then my son and I cannot fish on the edge of the pond.

Ms. McGinnis stated you can fish at Buck Lake, and that is for the greater good of the community. I cannot believe that you purchased a house in this community because there were a bunch of ponds where you could fish.

Mr. Berube stated I heard what Mr. Walls said about fishing at Buck Lake, which is restricted largely to the docks. Would a reasonable compromise be to make more of Buck Lake accessible to fishing from some place other than the dock? I do not know how that might impact our lease agreement with the lake.

Mr. Walls stated no, that is the beauty of Buck Lake.

Mr. Berube stated there is already a cut through where someone could go to the back.

Mr. Walls stated fishing is not a huge issue to me that I need to have in this community, but it is an issue when we are restricting what I consider to be a legal, wholesome activity for people who are paying the bills.

Ms. McGinnis stated you restrict the parks at night where you cannot be there at night.

Mr. Walls stated but we can use the parks during the day when they are available, but now we are saying you can never fish in the ponds again.

Ms. McGinnis stated you can choose when anything is available.

Ms. Kassel stated you can fish, just at Buck Lake.

Ms. McGinnis stated it is not like we are not giving people an option. To Ms. Kassel's point, you can fish at Buck Lake. We pay Mr. Belieff to be at the dock and monitor the lakes because we had issues at Buck Lake. Now there is no longer an issue at Buck Lake because they are in my backyard and Lakeshore Pond and elsewhere. It is an issue. Why should we pay Mr. Belieff to be at the dock and do what he does all day if there is not an issue? To your point on wanting to save money on lake maintenance and other things, why would we have full-time staff at the lake if there is not a reason for that?

Mr. Berube stated we need to acknowledge that there is much more to what Mr. Belieff does than just the lake.

Ms. McGinnis stated of course there is, but he is there because we have had problems. We have cameras there for the same reason. We want to sit around and think people will make good decisions and use common sense, but in the end, people who behave a certain

way will continue to behave that certain way. It is not Mr. Walls and his son who are causing problems; it is someone else.

A Resident stated I bet if you ask all the residents in Harmony if they want to open up fishing in the ponds or not, there will be some residents who want to allow fishing but what I am hearing at this meeting and what I hear in the neighborhoods and parks is residents do not want fishing in the ponds. They all have reasons, some of which have been mentioned already. They do not want people in their backyard. They are concerned about kids. They have legitimate reasons. If you ask the population as a whole if they want fishing, I do not think there is any question that most do not want fishing in the ponds. Harmony is not the only place to go fishing. We provide fishing at Buck Lake, but if you do not like that, there is the rest of the State of Florida to go fishing.

Mr. Walls stated I have been fishing many places in Florida, but I will just say that reasonable people will sometimes disagree.

A Resident stated I have heard everyone's comments, and the only thing I will add is that for me, it is an issue of aesthetics. I am very interested in that. I do not want to study people to determine if one looks fine but another person with a dozen coolers and beer is not, nor is the person smoking and digging a hole in the pond bank. I do not want to spend my time on those kinds of issues. I agree with all the other comments about not wanting people in their backyard, safety and the other reasons mentioned.

Mr. Evans stated hearing no further comments, I will close the public hearing.

Mr. Berube stated I am looking to make a motion to ban fishing in the District-owned ponds and selectively sign the ponds in response to the need.

Mr. Evans stated those are two different issues. The signs are a response that the Board can make at any time. If your motion is to ban fishing in all the District-owned ponds, then that will be incorporated into the overall rule. How we respond to the enforcement or notification is a separate issue.

<p>Mr. Berube made a MOTION to prohibit fishing in District-owned ponds. Ms. Kassel seconded the motion.</p>
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Mr. Walls stated as a point of discussion, I can see where the vote will end up, but if we go in this direction and we do not have signs, we are back to where we were before.

Ms. Kassel stated that is a separate issue. We need to vote on this fishing issue first.

Mr. Walls stated but you have to decide if this is going to be enforceable, then these people will have signs posted all around the ponds by their house. If we are going to say that there is no fishing, then we are going to have to post the signs.

Ms. Kassel stated we are only addressing District-owned ponds. The golf course can do as they choose on their ponds.

Upon VOICE VOTE, with Mr. Evans, Mr. Berube and Ms. Kassel in favor and Mr. Walls and Mr. LeMenager against, approval was given to prohibit fishing in all District-owned ponds.

Mr. Evans read Resolution 2011-03 into the record by title, adopting the rules of procedure as amended.

Mr. Qualls stated Section 3.3.6 says that non residents may obtain an access card upon payment of \$1,000 for a family up to four and \$250 for each additional person. There was never any closure if the Board is comfortable with that amount and whether or not that correlates with the assessments.

Mr. Berube stated it has always been that amount.

Mr. LeMenager stated it does correlate with the operation and maintenance portion of the assessments.

Mr. Qualls stated I just wanted to make sure the Board was satisfied with that figure. I will ask that a motion to adopt Resolution 2011-03 be subject to any technical and grammatical issues.

On MOTION by Mr. LeMenager, seconded by Ms. Kassel, with all in favor except Mr. Walls, approval was given to Resolution 2011-03 adopting Rule 1.5 of the rules of procedure, subject to final review by counsel for any technical and grammatical issues.

FIFTH ORDER OF BUSINESS

Discussion of Access Card System

Mr. Berube stated the email was the result of someone who saw the article in the Harmony Notes and contacted me. His concern is that he owns two Harmony properties that he and his family member use, typically during the winter for the short term, not rentals. He wanted to know how his family members would get a card for a short-term basis.

Mr. LeMenager stated they do not.

Mr. Berube stated that is exactly right. At the time, I said I would raise this at a meeting to add an addendum. Since then, I have done a little research and apparently these houses are being used as short-term rentals. It is not his family members that he wants to acquire the cards for; it is the renters. I said I would raise the question, but I think we take no further action on this. The rules we just adopted stand as they are and if they want access cards, then they can provide a lease agreement that is a term of at least seven months.

Mr. Evans stated as a property owner, he qualifies for his own access cards.

Ms. Kassel stated he does not get any for his guests.

Mr. Evans stated that is correct.

Mr. Berube stated I agree, but that was his urging of me. The reality is, he wants to be able to market his homes as short-term rentals and allow his renters to use the facilities.

Mr. LeMenager stated I seem to recall this person's name being brought to the ROA for appropriate action.

Mr. Boyd stated that would be a zoning violation.

Mr. Berube stated that is correct. This all came to light after the fact because I saw some people in the pool who were renting the house that week, waving the key around saying they had to return it to the management office.

Mr. Walls stated while we are on this issue, I would like an update of where we are on the new system.

Mr. Haskett stated I distributed a proposal from a company to do all the programming of the system. I do not know if Mr. Moyer has staff lined up to enter all the data and download it, but this will take care of that work effort for \$950. This company is willing to import all the information to get the system setup based on the physical addresses. Once we get all the specific information for each resident who is getting a card, this can all be entered into the system as an update.

Mr. Berube asked they will create a database?

Mr. Haskett stated it has already been created through the tax roll. That information will be imported to make sure it has all the security levels that are required.

Mr. Walls asked should we wait to enter people into the data base until they come to apply for a card?

Mr. Haskett stated someone has to enter all the addresses into the system first.

Mr. Walls asked is this a web-based program? How does it work?

Mr. Haskett stated it is a software program on a computer, and we will need to determine who will host that computer. The database has to be uploaded at each of the three locations into the control units.

Mr. Walls asked each of the control units maintains data independently? Is there a link among them?

Mr. Haskett stated they do have the technology to link together and it is real time. Otherwise, it may end up being done on a weekly basis after all the new information is entered.

Mr. Walls stated so there will need to be a link between the management office and somewhere in Harmony to do this upload on a regular basis.

Mr. Berube stated we will need a laptop to communicate with the readers and probably storing this database.

Mr. Haskett stated that is correct.

Mr. Berube stated then we need to authorize the purchase of a laptop now rather than waiting another month.

Mr. Walls asked does Mr. Moyer provide this service for any other communities? How do you do this for those communities?

Mr. Moyer stated yes, we do this for Brighton Lakes and VillaSol. It is a computer program that we update and issue cards and load into the database. I do not believe it is the same kind of system that Mr. Haskett is describing.

Mr. Walls stated it sounds like you are using a central database from your office, and once you enter the information, it gets uploaded. You must have some type of connection from your office connection to those sites where you enter the data and gets it updated.

Mr. Moyer stated that is correct.

Mr. Walls stated then this is a different system.

Mr. Berube stated the difference is the gate controllers will not be web accessible at least at this point. Our connections between the controllers will need to be a manual connection. That is why I suggested getting a laptop. If we need to adjust the programming at the controllers, it will tie in with the laptop. Potentially we will have a database prepared that ought to be stored on the laptop.

Mr. Walls asked what is the connection at the controllers? Is it a USB connection?

Mr. Haskett stated it converts to a USB connection to hook to a computer.

Mr. Berube stated it will need to be a wired connection.

Mr. Walls asked does it require a computer at the access point?

Mr. Haskett stated yes, to have all the technology downloaded. There is a pad where you can manually enter everything, but that is not feasible to enter all the information at the location.

Mr. Berube stated it is much easier to make the changes on the laptop and then connect to the controllers.

Mr. Haskett stated I will ask them to evaluate what it will take to get them all linked together. The cameras can also be web accessible but we have not gotten to that point.

Mr. Walls stated it was my understanding that it was going to be that way all along. This is an obstacle we need to address because now there will be a lag from the time someone is issued their card and when they can actually access that facility.

Mr. Haskett stated the cards are already preprogrammed and each card will be assigned to a physical address. They will have access immediately.

Mr. Walls asked how does that work if you have a minor who can only access certain facilities?

Mr. Haskett stated those cards will be programmed differently.

Mr. Walls stated you will need to have a menu of cards available for each property.

Mr. Haskett stated that is correct.

Mr. Walls stated that sounds difficult to manage.

Mr. Berube stated the boat dock is available to everyone 12 and older, so all the cards will access the boat dock, but the younger kids' cards will not open the pool gates until they are 16.

Mr. Walls stated that means you are going to have one of those preprogrammed cards ready in the system.

Mr. Berube stated we have not gotten to the mechanics of the operational aspect yet. If they make it web accessible, that may change the need for a laptop since that can be done from a computer anywhere that is online.

Mr. Walls stated we should find that out before we go purchase a computer.

Mr. Berube stated I think we should go with web access for the cameras, as well. Then we can monitor them. What I have seen this past week is that people are opening

the gates for other people. People claim they forgot their key and most people ignore them, but someone always goes and opens the gate. We will need a sign that tells people not to open the gate for people who do not have an access card, understanding that if you do, your card may be deactivated. The only way we will know who is doing that is to have the camera monitored.

Mr. Walls stated there is really no stopping that.

Mr. Berube stated but that is one of the reasons we are switching to new gates and card access, to stop that from happening, and we will need to be tough about it.

On MOTION by Mr. Berube, seconded by Mr. LeMenager, with all in favor, approval was given to the proposal from ITECH Mania for access card data entry services, in the amount of \$950, as discussed.

Mr. Haskett stated the components will be installed beginning next week. Tuesday will be at Buck Lake. The fence has been installed for a couple weeks. The smaller fence was removed and some bollards were installed to prevent vehicles from driving through the pine trees down the pathway. It is a nice improvement. The gates at the Swim Club and Ashley Park came in and were not quite the quality that I thought they were going to be, so I asked them to look at them again. They were reordered, and they are manufacturing the gates themselves so they will be a little higher quality and sturdier. We should have them installed next week along with all the other components. The next step is to select days for residents to come and start the identification process.

Mr. Berube stated before we do that, the data has to be entered. Do we have the cards yet?

Mr. Haskett stated yes.

Mr. Berube asked do we have the printer?

Mr. Haskett stated no.

Mr. Berube stated so we cannot select a day until we have the printer.

Mr. Haskett stated I think the best possible route is to have forms available on the website that they can fill out with their information, which can be put into the system in advance. Then when they show up, all they have to do is have their pictures taken. Otherwise, it will be several long days with 1,000 residents trying to get that all done.

Mr. Berube asked who will handle the mechanics of that? Will it be the management company?

Mr. Haskett stated probably, yes.

Mr. Moyer stated we will need to work out those details.

SIXTH ORDER OF BUSINESS

District Manager's Report

A. Financial Statements

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

Mr. Moyer stated we received a sizable amount of our non-ad valorem assessments on April 11, 2011, which we anticipated, so we are now 93.1%. We expect collecting the balance from people who pay past the deadline, but to the degree that they do not pay, those will go to certificate sales in the first part of June. Historically we have always received all our assessments through the certificate sale process. We are under budget on our expenses, and overall our financial condition is in good shape.

Mr. Berube stated under Miscellaneous Services, we have an actual expense total of \$15,000. We also have a line item for Tree Trimming Services, showing no expenditures. I think we had the trees trimmed for \$15,000, but should that expense be under the Tree Trimming line item?

Mr. LeMenager stated yes.

Mr. Moyer stated I will have the accountant reclassify that expense.

Mr. Walls asked was that expense contemplated for planned tree trimming services?

Mr. Berube stated yes.

Mr. Walls asked it was not for the additional trimming we had done?

Mr. Berube stated no. Miscellaneous Services is budgeted for \$10,000, but Tree Trimming Services is budgeted at \$15,000.

Mr. Moyer stated that is shown in the notes on page 9.

Mr. LeMenager stated Luke Brothers provided all the tree trimming services this year.

B. Invoice Approval #132 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.

Ms. Kassel stated the Young vanAssenderp invoice dated April 7, 2011, included a telephone call with a resident to review and assess Mr. George Schiro's request. I wanted to know what the request was, whether or not it was approved, and whether or not any of these other items had to do with that phone call.

Mr. LeMenager asked was that his public records request?

Mr. Qualls stated I will confirm that with Mr. vanAssenderp. I am not positive why January charges are showing up on this particular invoice. This was around the time of his public records request. He called the office on several occasions, but I invoiced only a small fraction of the time that I spent talking with Mr. Schiro.

Ms. Kassel stated that was six or more months ago.

Mr. Walls stated it was before I was on the Board.

Mr. Qualls stated I will check why these charges are just now showing up on this bill.

Mr. Berube stated all the other invoices never called Mr. Schiro out by name. This is different in that his name is listed. Are we sure this is not some other phone call he made?

Mr. Qualls stated the only resident listed on the invoices is Mr. Schiro because he is the only resident who ever calls us. I did not know if it was appropriate to list his name, but Mr. vanAssenderp listed his name. That might have been an email that Mr. Schiro sent, because he sent a series of emails relating to District action. We were responding to try to show Mr. Schiro why the District action met not only the letter of the law but the spirit of the law. I can produce those emails for you if you would like.

Mr. LeMenager stated the Doug Thompson Grading invoice was for the paths to the sheds, and I believe that is supposed to be a capital expense as I recall from the notes that were attached with the invoice.

Ms. Kassel stated we made the motion to approve this invoice from the capital funds.

Mr. Moyer stated we will requisition that out of the construction trust fund, so it will not be part of this invoice approval. I would like to add an invoice from Hydrocom Technologies in the amount of \$2,101.50. It missed getting on your invoice list last month and was carried over and did not make the list again this month because the information arrived too late.

Mr. Berube stated we did not approve that last month because there were questions about how the figures were arrived at, so Mr. Golgowski had to request how they arrived at all those hours, which makes sense once they explained it.

On MOTION by Mr. LeMenager, seconded by Mr. Walls, with all in favor, approval was given to the invoices as presented, including Hydrocom Technologies but excluding Doug Thompson Grading.

Mr. Boyd stated if the Board will approve the Doug Thompson Grading invoice, I will prepare a requisition from capital funds.

Mr. LeMenager stated we previously approved this invoice from capital funds at the January meeting.

C. Public Comments/Communication Log

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. Walls stated I have seen people walking past the doggie pots taking stacks of bags. I presume they are taking them for walking their dogs, but if they are taking a bunch of them, that may be why we have comments that there are no bags at the doggie pots.

Mr. Berube stated I saw those comments, too, and I thought that was unusual because usually Mr. Rick Druckenmiller is right on top of that kind of thing.

Mr. Walls stated I saw a woman with a handful of them, so hopefully she is using them for her dog walks.

Mr. Berube stated if they are ever empty, they do not stay empty for long because Mr. Druckenmiller carries a case on his cart.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Qualls stated I appreciate you letting me participate by phone. It is good to be close by during these last days of Session, which is almost over.

B. Engineer

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

C. Developer

i. CDD Staff Structure and Responsibilities

Mr. Tome stated I distributed some information to use as a guide as it relates to District staff. There are no specific issues or situations that we are specifically addressing in any situation, but since the District now has two employees, we are trying to make sure that since the development is helping to facilitate the management process of those employees that we are in agreement as it relates to things that are noted about day-to-day

direction and reporting, time sheet review, overview of work, quality and other items mentioned. I noted disciplinary actions, but there are none that need to be taken now. I do know that Mr. Brian Smith at Severn Trent reviews these time sheets. They are also reviewed here locally by Mr. Haskett and Mr. Golgowski. For consistency in having two employees, we propose that Mr. Haskett continues to be the person who initials the time sheets and forwards them to Mr. Smith, who can do what he needs to do administratively. From a perspective of making sure that there is one voice of guidance, we would ask that if Mr. Haskett is the one giving direction, we would like to know how that flow of direction looks like and what it should be. If something should go to Mr. Belieff or Mr. Druckenmiller, we need to know how that should get there, if it is through Severn Trent to the staff, from the Board to staff, or directly to the staff. As these individuals are here longer and more Board members get involved in the daily activities, we want to make sure there is not a situation where too many people are giving direction to the employees. If we get to the unfortunate situation where it is not working out with an employee, they will have a conflict because of getting different direction from different people, and it will not be a good separation situation. We do not anticipate ever getting there, but I am sure each of us can appreciate wanting to have just one boss instead of five or eight different directions. In that same light relating to the District's contractors, we also want to understand what that flow looks like as well. If there are any deviations from the daily or monthly scope of services, we would like to know how that process works as well.

Mr. Moyer stated the way that works for most of what we have setup is that the District Manager is in charge or his designated appointee. Perhaps I need to go on the record naming your staff, whether it is the Harmony Development staff or an individual, as my designee to provide onsite management of District employees. The only thing I take exception with that you will have to get in contact with me is regarding disciplinary actions only because these employees are part of a very large corporation that has very complex human resource requirements. It is frustrating to some of us, including me, but that is the way it is. If there is disciplinary action, then you need to involve me and Severn Trent's human resource department. Mr. Qualls, do you agree that if I make that designation, that it is sufficient?

Mr. Qualls stated yes, I think the key point from a legal standpoint is that the Statute says that the Board shall hire a District manager who shall manage the works of the

District. How the district manager goes about that by appointing a designee is a sufficient way to do that.

Mr. Moyer stated the value the Harmony Development staff brings to the equation is if Severn Trent did provide that service, which Severn Trent provides through Mr. Smith, his job is to go from project to project to oversee his staff and interact with contractors and give direction. That is a \$20,000 to \$30,000 per year job.

Mr. Berube stated I realize some of this may be as a result of some of my interactions with Mr. Belieff and Mr. Druckenmiller. Both employees see me in the community from time to time, and we have a good repoire. I have been involved in some areas with both of them that could easily have created a problem that I did not foresee coming, and inadvertently we have created some friction from time to time. As a result of that, I still talk to them but the decision making process will be changed. There will be more commentary among the interested parties. There are some things you do at times that you figure will be fine but they end up differently. As a Board member, I think we should designate Mr. Haskett as the contact person for both of them, and also Mr. Golgowski to a certain degree as it relates to Mr. Belieff. I do not have any problem with that. If you are looking for a structure, I think Mr. Haskett handles the employees just as you manage contractors and vendors.

Mr. Walls stated something we need to be aware of is that the Harmony Development staff will not be here forever, and there help is good only as long as they offer it. I think we need to start contemplating and working out with them when a transition needs to happen. We need to plan for that in our budget and we need to make sure we are ready for that. We should start a dialogue, and perhaps Mr. Haskett can work that out with Mr. Moyer on a timeframe for when the District should become self sufficient.

Mr. Tome stated given the current economy, I think we will be here for quite some time.

Mr. Walls stated I very much appreciate what your staff does and I try to stay out of all the day-to-day activities because I do not see that as my job. I appreciate you being available to me when I have questions.

Mr. Berube stated as do I because I am in their office often.

ii. Dog Waste Disposal System

Mr. Haskett stated I provided a proposal for five dog waste containers. We need a few extra ones available because some tend to wear out quickly and some need to be replaced

due to old age. This item has been included in the budget, and I would like to as the Board's approval to proceed with these.

Mr. Berube asked are they similar to what we have now?

Mr. Haskett stated Zero Waste used to be JJB Solutions; they merged, and it is the most recent product that we have. They are all aluminum instead of steel.

Mr. Berube stated the steel ones have proven to not stand up as long.

On MOTION by Mr. Walls, seconded by Ms. Kassel, with all in favor, unanimous approval was given to the proposal from Zero Waste for the purchase of five dog waste containers.
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EIGHTH ORDER OF BUSINESS

Supervisor Requests

Ms. Kassel stated in the future when we are going to perform a major activity, such as future tree trimming or pond management or changing something about the turf, I would like to bring the County Extension Office because they are the experts in this matter to help guide us in how we setup the criteria, expectations and the contract so that we achieve a desirable result. I believe Mr. Golgowski has met with the County Extension Office about this kind of thing.

Mr. Golgowski stated that is correct; they provide great guidance and have consulted with me in the past.

Ms. Kassel stated they are very willing to consult with us on these matters.

Mr. Moyer stated I would caution you that we have done exactly the same thing in other Districts. The Extension Office will go 100% by the book and they will tell you the textbook approach, and sometimes that does not work. There are situations where you cannot do textbook activities, depending on the situation. As long as we can leave some discretion with Mr. Golgowski, that is fine.

Mr. Walls stated such as St. Augustine turf care.

Mr. Golgowski stated they are with the University of Florida, so they have certain influences at work on them. They are a good resource.

Ms. Kassel stated I am not saying that we do everything they suggest, but at least bring them in and hear what they have to say before we move ahead with things.

Mr. LeMenager stated we slipped a little this month; there was quite a stack of papers for us at tonight's meeting. Let us get them into the agenda package so that we do not have to digest a lot of additional material at the meeting.

Mr. Berube stated it was brought to my attention that Mr. Belieff is doing a lot of his work on a golf cart that belongs to the Harmony Development Company. This goes to a comment made by Mr. Walls and the concern that the CDD needs to be self reliant, which Mr. LeMenager and I have also commented on previously. I do not have an issue with him using a golf cart, but if he is going to do that as a District employee, then it should be on a District golf cart. Harmony Development Company has indicated they do not have a problem with the current setup, but my concern is if there is an accident while Mr. Belieff is driving the golf cart, who is liable and who will pay for the repairs. Mr. Tome offered that we could purchase the golf cart Mr. Belieff is currently using for \$1,000, which seems perfectly adequate. It leads us toward being more self sufficient with our employees. We have storage space for it. If there is a problem with the golf cart, we now have the ability to fix it on our own. I think it is the right thing to do.

Mr. Walls asked would you lease it to us for a nominal fee?

Mr. Tome stated we were discussing a power source to recharge it, so if you think about where you are currently at, that will be something to think about to make sure it can be charged in your storage facility.

Mr. LeMenager stated let us think this through a bit more.

Mr. Berube stated we can discuss this next month.

Mr. LeMenager asked will the budget be presented to us next month?

Mr. Moyer stated yes.

Mr. LeMenager stated to the extent people have some ideas that they would like us to consider, that is the time. Otherwise, during the rest of the year, we always question if it is included in the budget and sometimes have to delay items to the next fiscal year.

NINTH ORDER OF BUSINESS

Audience Comments

Mr. Dennis DeMaria stated as the temperatures start to get warmer, we are starting to see increased activity at the Ashley Park swimming pool. Some residents asked me to request if you would put up a clock inside the facility so that it can be visible from the pool.

Mr. Berube stated perhaps we can get one that is battery operated.

Mr. LeMenager stated that is not a bad idea.

Ms. McGinnis stated regarding the attorney's bill for Mr. Schiro, I know he can request public records. If the attorney is your agent and yet the residents are paying for

the attorney's time when he or anyone calls and emails the attorney, can the Board control that by telling the attorney not to take resident calls; they need to go through the District or management company?

Mr. Moyer stated if it was related to the public records request, that is a technical issue that we needed counsel's direction, so that was totally appropriate. We have not had much contact with Mr. Schiro for the last several months.

Mr. Qualls stated the charge was \$43.75 for that line item.

Ms. Kassel stated it was a couple hundred dollars.

Mr. Berube stated I think Mr. Qualls understands the situation and would probably give him 10 or 15 minutes on the phone and then shut it down after that.

Mr. Qualls stated that is correct. The Board has made it clear to me in the past, just as Ms. McGinnis suggested, these types of requests must come through the Board. This particular issue related to an extensive public records request, which is why both Mr. vanAssenderp and I listed the time spent because we were dealing with an issue related to Mr. Schiro's request.

TENTH ORDER OF BUSINESS

Adjournment

The meeting adjourned at 8:45 p.m.

Gary L. Moyer, Secretary

Robert D. Evans, Chairman