

# MINUTES OF MEETING

## HARMONY COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Harmony Community Development District was held Thursday, June 23, 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
Ken vanAssenderp	Attorney: Young vanAssenderp, P.A.
Steve Boyd	Engineer: Woolpert
Thomas Belieff	Dockmaster/Field Manager
Greg Gologowski	Harmony Development Company
Mike McMillan	Luke Brothers
Larry Medlin	Bio-Tech Consulting
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 May 26, 2011, Regular Meeting

Mr. Evans reviewed the minutes of the May 26, 2011, regular meeting, and requested any additions, correction, or deletions.

Mr. Walls stated page 10, second sentence from the bottom should read "It seems that Celebration is doing more plantings than we have done in the past." On page 11, second paragraph should read "Perhaps it is the Celebration model to plant densely on the banks of the ponds. Just based on the pictures, the density is much greater..."

On MOTION by Mr. LeMenager, seconded by Ms. Kassel, with all in favor, unanimous approval was given to minutes of the May 26, 2011, meeting, as amended.
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### **THIRD ORDER OF BUSINESS**

### **Subcontractor Reports**

#### **A. Landscaping – Luke Brothers**

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

Mr. Haskett stated things have improved a lot over the past couple months. The rain helped everything. They are current on their fertilizing and they had some work in that regard to make up for. They have been doing some deep-root fertilizations on some of the trees that were struggling. With all the struggles we have had over the past couple months, there have been vast improvements. I am extremely happy in the way things are going. There is always room for improvement. Looking over some of the plant material over the past couple months and even years, it just was not doing quite as well as it could have been, but they are starting to look much better because they have been getting the attention they have needed. There are turf areas that need some work and some irrigation areas that appear periodically. All in all, I think they are heading in the right direction.

Mr. Evans stated after the last meeting, Mr. Berube was going to meet with Mr. McMillan to count personnel. Has that been resolved?

Mr. Berube stated I am not going to say that we are happy, but we have an agreement on where we are with head counts. Since the last CDD meeting, at Mr. McMillan's request, we have had three meetings. Immediately after our CDD meeting, there were 13 people on site. A week or so later, there were 10 people on site. We met again last Friday and there were 13 people on site. That is a drop from the promise of 14 people that Mr. Pete Lucadano promised us very specifically from three months ago. Mr. McMillan counters that we have some days when there are 15 people here and other days when there are 13 or 14. The count in his estimation averages to 14, but I do not agree with that. I think the average is lower. However, having said that, take it for what it is worth. I do not think we are getting our 14 guaranteed staff members five days each week. Mr. LeMenager raised the issue about developer services being done with the same CDD crews, and I think that still happens from the regular crew.

Mr. McMillan stated when Mr. Lucadano submitted that proposal, he worked with Mr. Haskett on the number of 14 people, which also included doing work for the developer, for David Weekley Homes and the sales group. That work was included in the total number of personnel on site.

Mr. Evans asked is he getting the job done?

Mr. Haskett stated yes.

Mr. Evans stated we are not paying them on an hourly basis but on a contract basis. I am trying to look at the big picture. Luke Brothers is in a locked contract price. Fuel prices have varied greatly, as have labor prices. Fertilizer is hard to get a good figure on performing that work. There are many moving parts to get the job done at a fixed price. I am trying to figure out if we are more concerned with how many bodies we have on the job or are we more concerned with the quality for the project? It does not matter to me if it takes 2 people or 50 people. I believe we are more concerned with the quality of the product. We are trying to get the best product for the price we agreed to. I do not care how you do it.

Mr. LeMenager stated my wife and I go for walks most mornings, and we made it a point the past two mornings to look carefully at all the inhabited neighborhoods. We made a point to walk all the pocket parks and tried to take a close look at everything. My wife is a pretty good gardener, and the only area that seemed to be a letdown was the turf along Cat Brier bordering on the golf course. Other than that, especially above ground level, we thought it looked awfully good, and better than it has been especially edging the grass and how crisp that looks. Since the change in management, it is noticeable. There are still a few areas to improve, but given that we are in a record drought and how many millions of square feet of grass we have, I think they are doing certainly an acceptable job overall.

Mr. Walls stated I drive down Schoolhouse Road every day, and there is a lot of dead grass and weeds in the grass all along that roadway from the roundabout to the school. There are a lot of rough patches in there that I would like to see more attention.

Mr. McMillan stated the labor crews have fluctuated, and I am training my staff to correct the problems that have been here as far as fertilizing and trimming the shrubs. We have a good core of 14 crew members and a good crew working on the pocket parks. Some of the areas arose a couple weeks ago when we realized a problem with the irrigation system. We found the zones that were really bad, including Cat Brier north of the dog park by the golf course, Schoolhouse Road on the right side, Five Oaks Drive. Those zones were not running. I have been working with Mr. Mike Walker from MAXICOM for assistance on zones that I want to run more often because they have been running for an undetermined length of time. We saw the stress and started addressing it

immediately. If we had not been here, we would have lost pallets of sod and thousands of square feet of turf instead of just the rough patches that you see. I think the fertilizer helped that significantly, but we are still working to complete the entire area as well as keeping up with our schedule and utilizing the parks crew.

Ms. Kassel stated our contract with Luke Brothers does not specify how many people need to be on site. We are looking for compliance with the contract and a good-looking product. Our contention about the number of people you have on site is simply related to the fact that without the appropriate number of people, you will not be able to have the product. I think that has been the reason we focused on how many people are on site. Truthfully, it is not about how many people you have on site; it is about the job getting done. We assumed the job was not getting done because of the lack of people. It does look considerably better. It has a ways to go. It is quite interesting that all this time has lapsed with these zones not going on and no one knew about them. I wonder if there is some way you can ensure that kind of thing does not happen in the future.

Mr. McMillan stated I would at the very least request that I have the ability to log on to these systems so that if I see an area that is dry, I can check the computer over the past couple days and see if that zone is running or not. That would allow us to head off a lot of the problem.

Mr. Haskett stated when they perform their monthly inspections, they go to the controller—there are 23 on site—and log into the MAXICOM system. They will run those manually through their cycles to check all the heads. The heads all come on and get repaired as needed. That is completely different from the MAXICOM running the heads. Even though the zones will come on at the controller, MAXICOM is telling them to do a different thing. There were a few areas, especially on Cat Brier, that defaulted out to 10 or 11 minutes, compared to south Cat Brier that was running 37 or 38 minutes with the same kind of heads. We found they were running but not for a sufficient amount of time. Some areas were switched over to different zones, and it was probably getting by the past few years with the same issues. Now that the drought came on this year, it became evident that there was a problem, which is when we started looking into the MAXICOM system and all the reports that are generated.

Ms. Kassel stated we are paying Walker Services \$250 each month to monitor the MAXICOM system. How can this have happened when we are paying for him to monitor things?

Mr. Golgowski stated they do not check it daily but they check it several times a week. He monitors the system at a remote location and does not know what happens on the site. Over the years, adjustments have been made. For whatever reason, that did not get translated to the system. Finally we found someone who has some irrigation capabilities that we did not have before. We asked for a report and an audit and saw these deficiencies. We do not pay for daily reports but we can if that is the level that is needed.

Mr. Berube asked can we circumvent this and bring that monitoring in-house and give Mr. McMillan control of that system here? I understand it is web based.

Mr. Golgowski stated yes, you can do that. We looked into that to see if there was a way to allow Mr. McMillan access, but it is not setup that way. Mr. McMillan and his crew are competent. We are trying to manage our water resources adequately but yet still getting enough water from the system while not overdoing it. There are many companies who will open valves and let them run, but I would not recommend we turnover this service to any landscape company.

Mr. Walls stated my issue is that we hold our landscape company accountable that the grass is not green, so they may be getting blamed for something they cannot control. That is unfortunate. The fact is, we monitor the water bills every month. We all see them and we know how much we pay compared to the budget. I do not have a problem giving Luke Brothers control over the water so that they can do their job. If we see the water bills are getting incredibly high, then we talk with Mr. McMillan. If that is what it takes to satisfy the Board and the community, I do not have a problem with it.

Mr. Berube stated to address the concern about allowing Luke Brothers to control the water, I was going to have a different presentation tonight, which is why I met with Mr. McMillan last week to get his side. I talked with Mr. McMillan three weeks ago and told him to just turn on the water and see what happens, and if anyone has a problem with it, I will take responsibility for it. He did not do that because his cooler head prevailed and he knew the rules about running the water and staying within regulations. I understand Mr. Golgowski's concern about letting the landscaper turn on the water and just letting it go, resulting in huge water bills. I do not think Mr. McMillan will do that. We have a

contract that holds them responsible for keeping everything green and alive. The one thing that keeps it alive—water—he does not have control over. I do not think that is right. Along with the comment by Mr. Walls, we see the financials and the water bills every single month in detail. If we can, I would like Mr. McMillan to have on-site ability to run the water and reports as needed, whatever we can do. I think if Mr. McMillan can perform that function, then I would imagine we do not need the services of Walker.

Mr. McMillan stated I am very confident of our abilities to monitor that system. I have not used MAXICOM before but I have operated other systems like that one.

Mr. Berube stated the reality is, we got to the point where we are now with someone sitting in an office somewhere running it remotely without the right contact, and we have a mess out here. I am very confident that if we have to replace the square footage of sod that is damaged and dying, it will be a lot more than what our increase might be in water bills. There are thousands of square feet of sod that will probably need to be replaced because it does not have enough water, yet we are going to tell Luke Brothers it is their problem and they will say it is our problem. In the meantime, the water has not been on, at whoever's fault.

Ms. Kassel asked what I do not understand is if Mr. Walker was checking the system a couple times week, even so, how could he not have noticed that there was some difference? No one wants him to necessarily do this every day, but why can he not print and email a report so that our staff can be reviewing it? I do not understand why we are paying \$250 each month for services that we do not seem to be getting.

Mr. Evans stated if you run them manually, they work fine. Mr. Walker programmed it to run 30 minutes per cycle but it was only running 10 minutes per cycle. Was it something in the software or was he only programming it to run 10 minutes?

Mr. Gologowski stated the MAXICOM system receives data from the weather station that is here on site, and it calculates based on temperature, wind, evaporation and other things how much water is needed to replace what has been lost. That will vary from day to day, depending on the weather. There are different factors you insert as to if you want one-half-inch replacement, one-inch replacement or more. For some reason, the Cat Brier side was lower than everything else, and I do not know why. Other zones had been shut off entirely that were bubblers, which are hoses that go on new trees. After the trees are established, they are turned off, and that is what happened. When we added new turf in

the bubbler zones, they stayed turned off. The bubblers at the Swim Club were also shut off, and at some point the plants were replaced yet those bubblers were not turned back on. The communication was not happening. Mr. McMillan should be able to talk to Mr. Walker and indicate the changes that were made so the system could be adjusted. It is one thing to be able to work the MAXICOM system in the field and another thing to be able to work it in the office.

Mr. Berube stated I suspect there is more to this than having a glitch somewhere. Someone did not do as they needed to do. We have 25 recycled meters in our water bill. I looked at the bills for the last few months. In April and May, everyone will agree that we were really dry. The system should have been throwing water to make up for the lack of rain. Sixteen of the 25 water bills had flat usage or lower usage, while nine increased slightly over the yearly trend. The way I look at it, we should not have 16 out of 25 trending down during these dry months. This supports what Mr. McMillan told me the other day that seven zones were off completely.

Mr. McMillan stated not all the parks are on separate zones. Six of them had their own clock.

Mr. Berube stated the bottom line is, I think we need to give them an opportunity to bring this service in-house. The worst that happens is something goes wrong, but we already have a demonstration of what goes wrong now. We are spending \$250 each month for monitoring, and it is not in-house. We try to bring everything else in-house, so why not this? We are talking about running a water system?

Ms. Kassel stated I understand why you think that is a good idea. I think if the in-house knowledge base was comparable to the knowledge base that we are getting now with an outside contractor, that is an easy decision. But I do not think the inside people who will be monitoring this system have that knowledge. I am guessing that is why Mr. Golgowski feels quite strongly that it would be a bad idea because that knowledge is not there to run the system appropriately.

Mr. LeMenager stated I heard Mr. Golgowski say that we have a terrific person now but how do we know that his replacement will be savvy enough in the future to handle it.

Mr. Golgowski stated my comments are based on working with landscape companies for seven or eight years, and they are just not savvy enough on the system. The only reason we were able to make the change is because Mr. Walker knew what to do.

Mr. LeMenager stated I will go with Mr. Golgowski's recommendation. On a related matter, I want to applaud the wildflowers and trying to have a back-to-nature look, which I mentioned earlier today in our workshop. The bottom line is that our community along U.S. 192 does not look good. We had one month of beautiful red flowers and now, the first impression that anyone has coming to our community for the first time is that we are broke and cannot afford to landscape the front entrance. The red looked beautiful for one month, but let us not trade 11 months of "woe" for one month that looks beautiful. I do not know if that is an issue for Luke Brothers or not, but I think they are responsible for maintaining the CDD property in that area. We need to do something about it because it looks awful.

Mr. Evans asked is that part of the flower enhancement program?

Mr. Golgowski stated it was an experiment.

Mr. LeMenager stated it did not work.

Ms. Kassel stated I think most of it is due to the drought.

Mr. Golgowski stated there was an infestation and we had seed heads that kept regenerating. The soil was not conducive to this type of planting.

Mr. LeMenager stated right now all you see is the soil. My wife and I were looking at that driving out of town a couple days ago, and I commented to her that the County's park that they do not maintain at all looks better than ours. That says something.

Mr. Haskett stated the irrigation had broken heads at the fence line, which threw out water 15 feet, which is why you see a little bit of the wildflowers and anything to the pavement edge is not irrigated. The developer will work with Luke Brothers to see what it will take to install irrigation in that area to keep stuff alive. That part will get better.

Mr. LeMenager stated the problem is, you get a lot of weeds that grow up in there and someone has to physically remove the tall weeds. We are talking about the first thing people see when they drive up to the community. I have no problem with that along the walk from the pond behind the school. That is a nice wild look there, but not on our front door.

Mr. Evans asked is there a suggestion for them to plant something other than wildflowers?

Ms. Kassel stated this was an experiment, and the drought had something to do with its ineffectiveness. We need to make other plans and take those facts into consideration in creating a new plan for what we are going to do there.

Mr. Walls stated I would like to see a proposal to fix that up, but not just that strip but the whole entrance on the west side as I mentioned in the budget workshop. It is lacking and there is nothing good to look at there. I would like to see perhaps some crepe myrtles or something with color and some shrubs that can be trimmed neatly.

Mr. LeMenager stated Turtle Creek is bankrupt, but they look better at their front door than we do.

Mr. Haskett stated I will put something together for your consideration.

Mr. Berube asked have we decided that we are not going to give onsite control of the MAXICOM system to Luke Brothers? Can we at least have limited transfer of control to them?

Ms. Kassel asked or at least can we provide weekly reports to Mr. McMillan?

Mr. LeMenager stated weekly or as often as Mr. McMillan wants to receive them.

Mr. Berube stated I understand that Mr. McMillan will need to email Mr. Gologowski, who will request the reports from Mr. Walker.

Mr. Gologowski stated that is not efficient; Mr. McMillan can request them directly from Mr. Walker.

Mr. Haskett stated that has already been occurring.

Mr. Walls asked is that going to help?

Mr. McMillan stated yes, it will help. At the very least, I would like to be able to ask Mr. Gologowski questions about certain things that I see. I will work with Mr. Walker and try to develop that relationship. I would feel better if I could get on the system and note that a certain clock is not running like it needs to.

Ms. Kassel asked can you not do that based on a report that you will be receiving?

Mr. McMillan stated right now, I am getting reports only for that day, not for the past four or five days. If the turf shows signs of stress, it is not from what happened the day before but it can be from what happened up to a week ago. When trees show stress, it is from what happened in the past couple months. Shrubs take a couple weeks to show stress. That is what I want to be able to look at when we look at managing the entire landscaping.

Ms. Kassel asked the reports can only show a 24-hour period? They cannot show a week period of time?

Mr. Golgowski stated we can go back years and provide that data.

Ms. Kassel stated I suggest you continue with Mr. Walker and request the reports you need and then let us know next month how that communication process is going and how the reports are working. We can discuss it further at that time.

**B. Aquatic Plant Maintenance**

**i. Bio-Tech Consulting Report**

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

Mr. Medlin stated we treated the ponds twice this month and started working on the buffers to install plants. Things are growing pretty well. The water is really low but our established and new plants are growing fine. They look good and are standing straight up. We have a few problems with algae in a few locations, but nothing major.

**ii. Pond Management Proposals**

Mr. Evans stated the Board now has a magnitude of dollars that we can consider applying before the end of this fiscal year after the discussion from our budget workshop earlier today. There were also some comments about the best utilization of those dollars. Should it be the density of planting that is proposed along the entire shoreline? There were a number of variables that were discussed. Since we have a scope of what we will consider spending, which is \$12,000 to \$15,000, we need you to tell us the best use of our resources for those plantings. We have a good idea of what it will cost to do Lakeshore Park but we can stretch out the dollars on that pond and have a lower density or not plant the entire shoreline.

Mr. Golgowski stated I would focus on one pond and get it where you want it. It is like with landscape, you can install it sparsely and hope that it will grow in, or you can focus on areas and plant cannas.

Mr. Evans stated we are looking for your best recommendation within that dollar amount. I would like to have your recommendation include the pond to plant, the mix of plants, and the densities which may vary in certain areas on the shoreline. Tell us where you think this program would be best to implement to achieve our objective.

Mr. Golgowski stated I would focus on that pond at Lakeshore Park. I would not plant the entire shoreline but I cannot tell you at this moment which areas need planting.

Mr. Berube stated it is 4,000 linear feet. We need to allow areas for ingress and egress for wildlife and a boat, so I estimate about 500 feet would not need to be planted due to various plants that are already there. That leaves about 3,500 feet to plant at \$4 per foot for a total of \$14,000.

Mr. Evans stated that is within that target range. We have a scope of what we want to pursue. Before we really did not know the magnitude and discussed maybe \$1,500 or \$2,000. What we really want is a proposal within that dollar range.

Mr. Berube asked is our estimation of 3,500 linear feet accurate? When we scale this up, since this price is based on 500-foot increments and we have seven increments of 500 feet, will this price be reduced or is this a fixed price?

Mr. Evans stated we want to achieve economies of scale, but now we have a much better idea of the scope.

Mr. Medlin stated we can pace off the plantings that are already in that pond. I think there is already a lot of coverage in the pond, maybe more than half. I do not know if that means we want to plant the bare areas really densely or if we want to double over on some of the plantings we have already done by perhaps adding a second or third row. There are a lot of different ways to look at planting this one pond.

Mr. Evans stated in the areas that are sparse, you may need to supplement those areas and there may be other areas that are totally bare that need many more plantings.

Mr. Berube stated I would suggest keeping in uniform. We have used Bio-Tech for a number of years and there is a certain trust factor where if you tell us how it will balance out and the associated price, I would believe that. If you pace it off to get this recommended density all the way around the pond and provide a price for that, I could accept that. I do not think we need an exact GPS drawing where every plant is going to be installed. I would like it to look rather uniform.

Mr. Medlin stated to get it to look like one of the ponds at the front, that will take years for the plants to grow. We master planned pond 27 with smaller plants and they had to re-establish themselves. So it will take a couple years for them to take off. If it was a different soil, they might grow faster. Every pond is a little different. It is hard for us to say that it will look great in a year or two because it might take longer.

Mr. Berube stated we understand that because we have the experience from what we already planted. We are asking for a proposal not to exceed \$15,000 for that pond and we would like to surround that pond with a mix, as close as you can get to our desired look, figuring in what is already established there. Perhaps we can have that proposal for next month. We would like to do this work before the end of the fiscal year.

Mr. Evans stated we want to do it before there is more water in the ponds and before October 1, 2011.

Mr. LeMenager stated if it is the right time to do it.

Mr. Medlin stated the existing plants are doing well right now. I am not sure if we should add new plants while the water keeps dropping. The others are doing well but they are somewhat established.

Mr. Berube asked is there a reason not to plant them in September? We do not know what the conditions will be at that time, but these plants are already growing somewhere out in the open when we receive them, so they are accustomed to the heat and dry conditions.

Mr. Medlin stated that is correct. They have a couple roots on them, which is all it takes to get them going again when we plant them back in the ground.

Mr. Berube asked is there a hazard in doing this work in September?

Mr. Medlin stated I will check with my staff.

Ms. Kassel stated \$12,000 to \$15,000 is a lot of money to spend on pond plantings. Granted, Long Pond is a very large pond and it could be the equivalent of three or four ponds elsewhere. One thing I want to state about these is that this proposal we received originally when we were discussing densities is not what Mr. Medlin is proposing or what Biosphere is proposing. This was actually for 60 plants in a 10-foot span, and he has just ruled out 24 of those plants, so now we are down to 36 plants from almost 60. What he is proposing at this price is not the density that we were considering originally. We are not getting proposals for what we requested. Also, one of the reasons we are doing this is to reduce our need for copper-based chemicals, hand removal and algae growth. We should leave enough of a cushion to possibly put in some kind of aeration system if we need it. How bad are the algae growth and the invasive plants in Long Pond?

Mr. Medlin stated right now that pond is looking pretty good. The only reason algae blooms are associated with that pond is because the floating plants, such as spikerush and

bladderwort, burn in the sun since they sit on the top. When the pond is cleaned out, the pond is nice and the water is algae free. That pond is probably not a good candidate for aeration, but it can be tested to confirm that.

Ms. Kassel stated my points are that (1) we did not receive what we requested in terms of proposals and (2) it seems like \$12,000 to \$15,000 for one pond for plantings is a lot to spend in one year. It depends on what we are going to do with it. If we are going to spend all that money on one pond in one year, I would like to have a better idea what that is going to look like, how much we really need to leave open and how many linear feet we really need to plant.

Mr. Berube stated the way I read Biosphere's proposal is 1,250 plants for 500 feet. Bio-Tech's proposal is 1,500 plants for 500 feet.

Ms. Kassel stated that is correct. The plan where we asked for an equivalent estimate was for six plants per foot, not three plants per foot.

Mr. LeMenager stated I echo what Ms. Kassel mentioned. Spending \$12,000 to \$15,000 on one pond is a lot of money. Part of it is that we are a little impatient. We discussed this in the workshop where there are a few places where plants are really growing. We only started this planting program two years ago.

Ms. Kassel stated we have actually been planting ponds with the help of residents for six or seven years.

Mr. LeMenager stated it just takes time.

Mr. Berube stated we are anticipating spending \$12,000 to \$15,000. Until someone goes down there and sees exactly what it will take to surround that pond, we are speculating. The cost might be much less.

Mr. Evans stated we defined the scope of magnitude in which we would be willing to spend this money so that Mr. Medlin can provide an appropriate proposal. We narrowed it down and we want to know what we can do within \$12,000 to \$15,000 on that pond. We might modify it up or down.

Ms. Kassel asked can we rephrase the request to be less than that cost range?

Mr. Berube stated we will request that he provide a proposal for the lower end of the range.

Mr. Evans stated we need to consider value.

Mr. Berube stated that pond will be our model for moving forward.

Mr. Medlin asked do you want it to be the finished appearance when it is planted or do you want to allow for growing time?

Mr. Berube stated there will be growing time.

Ms. Kassel stated we figure it will take at least two or three years before it looks filled in, but it will not take 10 or 15 years.

**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. LeMenager asked has anyone used the solar boat?

Mr. Belieff stated no but I did take someone on a tour in it.

Mr. Berube stated our article has not yet made the Harmony Notes.

**FOURTH ORDER OF BUSINESS**

**District Manager's Report**

**A. Financial Statements**

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

Mr. Moyer stated due to the tax certificate sales, for all practical purposes, we received 100% of our non-ad valorem assessments. We reviewed much of the financial information earlier this afternoon during your budget workshop.

**B. Invoice Approval #134 and Check Run Summary**

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

Mr. LeMenager stated on the invoice from the attorney, there was a charge for work they did on the sale of 2004 bonds. What was that?

Mr. Walls stated it looked like they were responding to the secondary market where some people called them

Mr. vanAssenderp stated I received a call from an investor wanting to know about collateral for your 2004 bonds. They were interested in purchasing some of the bonds from the initial bond investors. I explained to him there is no such thing. The bonds are amortized by the assessments, and the assessments are liened on the property. I will remove that as a charge but I did want to report that I had that conversation. You should know someone is trying to purchase bonds from one of the investors.

Mr. Evans stated they called Mr. Boyd as well and were asking him to prepare exhibits and an analysis and make some certifications and representations until Mr. Boyd called me and asked what he should do. I told him not to do anything. If they are going to pay you, that is one thing, but you cannot make a representation about anything in this regard. They were trying to get you to do their due diligence for something they should be doing.

Ms. Kassel stated and make us pay for it.

Mr. vanAssenderp stated I wrote that I wanted to report on that item but I did not mean for it to be charged. I will resend the bill to Mr. Moyer deleting any reference to that item. I will always report anything that we do whether or not we charge you for it.

Mr. Berube stated I did not print the bill, but there were multiple entries for that item.

Mr. vanAssenderp stated I show everything that I do, but that was not supposed to be charged to you. It was supposed to be disclosed but not charged. If you would like to approve the invoice subject to removing those entries, I will send a corrected bill to Mr. Moyer.

<p>On MOTION by Mr. Walls, seconded by Mr. LeMenager, with all in favor, unanimous approval was given to the invoices as presented, with the corrections made to the Young vanAssenderp invoice, as discussed.</p>
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**C. Public Comments/Communication Log**

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

**D. Authorization to Change Newspapers from the Orlando Sentinel to the Osceola News-Gazette**

Ms. Kassel stated it is still unclear to me. The information provided says that advertisements shall be placed in the portion of the newspaper where legal notices and classified advertisements appear. The publication shall be published at least five days per week unless the only newspaper in the County is published fewer than five days per week. The Osceola News-Gazette is published only two days per week.

Mr. Moyer stated the Orlando Sentinel is not published in Osceola County at all.

Ms. Kassel stated I understand; it is not published in Osceola County but it is circulated in Osceola County. So publication and circulation are two different things according to the Florida Statutes.

Mr. Moyer stated that is correct.

Ms. Kassel asked therefore the Osceola News-Gazette is a qualified publication?

Mr. Berube stated yes. I read the memorandum and then called Mr. Tim Qualls to discuss it, asking if it was acceptable to publish in the Osceola News-Gazette, and he responded that it was.

Mr. Moyer stated Mr. Qualls will memorialize your actions by Resolution, but we will ask for a motion to make the change in newspapers for advertising.

On MOTION by Mr. LeMenager, seconded by Mr. Walls, with all in favor, unanimous approval was given to advertise in the Osceola News-Gazette for all future newspaper advertisements.
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#### **E. Website Statistics**

Mr. Moyer reviewed the website statistics as contained in the agenda package and available for public review in the District Office during normal business hours.

Mr. Berube stated it is interesting to note some of the names that are searched for our website.

### **FIFTH ORDER OF BUSINESS**

#### **Staff Reports**

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

Mr. vanAssenderp stated the Bill sponsored by Senator Dean did pass and became law when the Governor signed it. That Bill requires budgets for government agencies to be posted on websites at least two days prior to the budget hearing. I will ask Mr. Qualls to send you whatever new procedures will be required by this new law.

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

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

##### **C. Developer**

###### **i. Doggie Pots**

Mr. Haskett stated the doggie pots that the Board approved a month or so ago have all been installed. To keep things symmetrical, we relocated all the new ones on Cat Brier along Long Park and we relocated the two or three existing ones in that area to the dog park itself. We put them in areas that are more accessible and they are at every entrance from the neighborhoods into Long Park. As Mr. Tome pointed out to me, the doggie pots were on the outside of the fence to the dog park, so when you are in the park, you would need to go all the way back out if you forgot to bring your supplies. These are now inside the dog parks where they should be.

Ms. Kassel stated the problem with the one in the large park is because it is closer to the benches, between May and September, the smell is very powerful. The farther away from the benches, the better. In the smaller dog park, the benches are pretty far away from the doggie pot, so we will see what happens in the large dog park.

**ii. Drinking Fountains**

Mr. Tome stated there are two drinking fountains in the large dog park and the valves are sticking since they are older. We are doing maintenance on them but I recommend replacing those. The last one we purchased for Central Bark was \$2,400. They do make different types. We need to make sure they are ADA accessible, and I will provide some recommendations and proposals to the Board at a future meeting.

**iii. Access Card Registration**

Mr. Haskett stated we had 24 residents register for the new access cards at our Flag Day event. I believe we are looking to have our first main registration day on Saturday, July 9, 2011, which works for Ms. Tschinkel to come back and register more people. The sooner everyone is registered, the sooner we can switch to the new card readers. All of the equipment is installed. When we have about 90% of our residents registered, then we can get rid of the locks and switch to the card reader.

Mr. Walls stated I recommend putting out signs and sending an e-blast to notify as many people as possible. I had no idea you were taking registrations for Flag Day.

Mr. Haskett stated we did not want to market it too heavily. It was a soft opening to make sure we were not forgetting anything.

Mr. LeMenager stated use a tripod for the camera. I think you will find that it will go faster, especially when you have hundreds of registrants.

Mr. Berube stated we originally allowed a 60-day window for free cards, so we need to address that.

Mr. Haskett stated I am thinking about a second registration day on a Saturday two weeks after July 9.

Mr. Berube stated we discussed providing several registration events for residents within a 60-day period and on the 61<sup>st</sup> day, the locks are removed and anyone else has to get their card in Celebration.

Mr. Haskett stated we planned two weeks after July 9, and shortly after that second registration will be another Board meeting. You can decide at that time if we have enough to have a third registration or to switch the locks.

**iv. Lakeshore Park**

Mr. LeMenager asked what is going on with the thinning of the underbrush at Lakeshore Park? Is any of that on our property?

Mr. Haskett stated no, it is all on Birchwood's private property.

Mr. Golgowski stated one location had been thinned once before but it had grown up again. We had the South Florida Water Management District regulate such things and the concept is to simply open up through the trees so you can see the lake at certain points. A big value of the lake is many people are using it. A lot of people do not know it is there. We are limited in the size of diameter tree that we can remove, so it is the younger, thinner trees and pines. It is intended to replicate what would happen in a fire where you lose the less mature trees.

**v. No Fishing Signs**

Mr. Golgowski stated I received approval on the language from the attorney. I have not ordered them yet since I was out of town for a little while. We want to have them commercially printed so they will be more durable, installed on a substantial post probably in concrete in the ground. The cost might be \$75. To keep the 500-foot spacing around the ponds, we will need 33 of them for all of the District's ponds.

Mr. Berube stated that is \$2,500.

Mr. LeMenager stated I do not think we need to put signs at all of the District's ponds. The key pond that I think we want to do as quickly as possible is the one behind Bracken Fern. I do not think there is any disagreement among all of us to sign that pond first. When it comes time to sign other ponds, we can decide that later, not now. I do not think we need the signs now on all six ponds. I am in complete agreement to do what we need for the residents on Bracken Fern.

Mr. Evans asked will there be a proposal for the next meeting?

Mr. Golgowski stated yes, unless the Board is comfortable authorizing signs for the Bracken Fern pond now.

Mr. Evans stated the developer wants to replicate the same sign to continue the nuances so they are consistent. The developer wants to put signs on some of their ponds and the golf course ponds.

Mr. LeMenager stated I have no problem right now in authorizing Mr. Golgowski to put signs on the pond at Bracken Fern.

Mr. Walls stated I would like to see the actual sign first.

Mr. Berube asked how many signs will we need at Bracken Fern? Eight?

Mr. LeMenager stated it is a fairly large pond and goes quite a ways back.

Mr. Berube stated I understand but we have 500 linear feet or where it goes around a corner, and I estimated eight signs.

Mr. Golgowski stated the perimeter is 1,950 feet, which is four signs.

Mr. Berube stated there is a requirement for corners. We need to be sure we comply.

Mr. Evans stated if we are going to post one pond, we should post them all. We passed the rules for no fishing, and all they are going to do is go from one pond to another.

Ms. Kassel stated that is correct. They will say that it is posted at one pond but not at another, which means they can fish there.

Mr. Berube stated that may be, but I would be willing to wait and see what happens. I do not want to go crazy with signs. We already have them everywhere.

Mr. Walls stated I agree.

Mr. LeMenager stated I have no problem authorizing Mr. Golgowski to take care of the Bracken Fern pond. We keep seeing emails from the residents about people using it.

Mr. Evans asked are there any economies of scale for the sign printing?

Mr. Golgowski stated I do not have any price estimates yet.

Mr. Evans stated I will ask Mr. Golgowski to provide a sign and pricing for next month's meeting and we can finalize it and authorize their installation.

#### **vi. Luke Brothers Tree Nursery**

Mr. Berube stated the tree nursery appears to have 50 or 60 trees. Are these the remainder of the trees we purchased in bulk?

Mr. Haskett stated yes.

Mr. Berube stated some of them look like they could use more water. A few might be beyond help. Things happen and we had a designated location for many of those trees. I thought we had another designated location for more.

Mr. Haskett stated some of them are trees that we have taken off the developer's property and they were taken to that nursery area to try to nurse them back to health. Some of those you see might be ones that we are giving a chance to make it. This heat has taken its toll on a few of them.

Mr. Berube stated maybe having them back there is not the best place for them if we can find a place to plant them.

Mr. Haskett stated I would like to see them be a little healthier before they are put out in public areas.

Mr. Berube stated I agree.

**vii. Luke Brothers Invoices**

Mr. Berube stated there were some invoices this month that looked different than ones in previous months having to do with spray nozzles. It is unusual for us to install spray nozzles. At first I thought it was part of the monthly monitoring and maintenance of the irrigation system, presuming they were broken.

Mr. Haskett stated I have discussed this with Mr. McMillan. Because of the drought conditions, I had him change out the nozzles to a larger gallon capacity. Some have been plugged up with shell. You all should check your systems as well because the little screens get pitted up and the shell comes up and can damage your nozzles. They billed for a few of them but I told them they would not be paid because that service is included within their scope of work. Things are being negotiated in the background but the ones included in the agenda package are legitimate expenses.

Mr. Berube stated I have no question about that. It is just unusual. I saw the scope of work that was done on Bear Grass Road. I understand what took place with the wrong pipe. There is a note to bill this back to Toho Water Authority. Is that probably a useless exercise

Mr. Haskett stated yes. It took a while to figure that one out. That park near the alley on Bear Grass Road had been struggling. The water line was run through from Primrose Willow all the way back to this alley park, which should not have been installed that way but it was originally. The home owner on that lot installed a propane tank and somehow pinched the water pipe. That is why the pressure went down and why it is all dug up. My reaction is that it was not our fault and it was Toho's responsibility to repair. The water line that was originally installed was within three feet of the house's foundation was not in our right-of-way; it was private property so I lost that argument with Toho. Luke Brothers has since put in a new water line. Toho did not charge for resetting the meter. Everything is back up and running at the correct pressure.

Mr. Berube asked our water line was in someone else's property?

Mr. Haskett stated yes, it was a surprise to me as well.

Ms. Kassel stated since it was not Toho's responsibility, then the CDD ends up having to pay for it.

Mr. Berube stated it was only \$150 but I noticed the note on the invoice.

## **SIXTH ORDER OF BUSINESS**

### **Supervisor Requests**

Mr. LeMenager stated on the shell path that the developer installed between the dog parks and Schoolhouse Road, unfortunately, the portion that is immediately next to the dog park is in the shade and is always muddy. Kids ride their bicycles through it and there are huge tire marks. Where it dries in the sun is fine, but that section, maybe 300 to 400 feet. It is where it used to be the dog park and it does not dry out very well. Anytime there is rain, it is a challenge to walk through.

Mr. Haskett stated there could also be irrigation hitting that area. It should dry out after it rains, but I will check into it and make the necessary corrections.

Mr. Berube stated along Schoolhouse Road in front of the Lakeshore Park pond, there is a missing section of sidewalk of 1,000 feet. It seems to me that at some point, the sidewalk should be connected and completed.

Ms. Kassel asked is there a reason why it was not installed there?

Mr. Haskett stated that was part of Lakeshore Park phase 2 improvements that slipped off our schedule.

Mr. Evans stated I think we ran out of money.

Ms. Kassel asked what about the capital projects fund?

Mr. Berube stated I discussed this with Mr. Boyd. It is 1,000 feet of sidewalk and it is about \$12,000 to install it four feet wide. If we are going to consider this, we need to add more than that, but he said that is their estimate. We should be able to get it done for considerably less than that. There is a slope to the land where the sidewalk is going, so I think we need to consider \$15,000 to \$18,000. I do not know how we pay for it. I was thinking of the capital projects fund, but I guess that cannot be used in that section. I bring this up for discussion because I think it is a worthwhile addition.

Mr. Walls stated I like it the way it is. I take my kids there all the time and I like going off the sidewalk. The grass is always cut so you are not walking through tall weeds.

Mr. Berube stated I will not argue that point, except that we have a section of sidewalk that is missing. Some people walk in the grass and some people step out into the street. If we have sidewalks in the rest of the community, then we ought to have one there. It is the only one that is missing except for empty lots. My second item is the Lakeshore Park playground. We have all this equipment for kids to play on but we have

no shade. For most of the summer, even the spring and fall, that equipment is hot enough that kids cannot play on it because it burns you to the touch. I am thinking of a shade structure over that playground equipment. My rough estimate is that will cost \$20,000, but I think that is a worthwhile addition, as well. We have all this playground equipment sitting there in the summertime and unless you go out there early in the morning or later in the evening, it is virtually unusable. I have no idea how we pay for this and we already had our budget workshop.

Mr. LeMenager stated we can still discuss changes to the budget for two more meetings.

Mr. Berube asked is the sidewalk a worthwhile project?

Mr. LeMenager stated at next month's meeting, we will have another draft of the budget and we can discuss it at that time. I like both ideas and I agree that it looks like the sidewalk is missing.

Ms. Kassel stated it does look like it is missing.

Mr. Evans stated I agree with Mr. LeMenager to wait and see where the budget numbers fall. We made a lot of changes to it. If we made enough savings, we can discuss these ideas further.

## **SEVENTH ORDER OF BUSINESS**

### **Audience Comments**

A Resident stated the Board for Ashley Park was trying to get in touch with residents to try to encourage them to pay their delinquencies. What they did was to disconnect their cable and internet connection. We sent them a notice and gave them an opportunity to reply. If they did not, then we contacted BrightHouse to disconnect their cable. Recently we had a resident who owed \$15,000 in fees. When we disconnected their cable, they contacted us and now we are working on a payment plan. That strategy worked. Our Board wants to know if we can look at other amenities or facilities that our owners are abusing, like the pools, if we can work with the CDD to do something similar by limiting their access to the pools.

Mr. Evans stated these are two totally unrelated issues. Their access to these facilities is paid through their non-ad valorem assessments on the tax bill. If they do not pay their property taxes, then a tax certificate is issued and those funds are being collected. Even if they are not paying their HOA or condominium fees, they are still in good standing with the CDD unless they breach the District's rules and policies. In that case, we can limit

their access to our facilities, but we cannot penalize them on public property because of a private matter.

Ms. Kassel stated we would love to help you but we cannot.

Mr. David Leeman stated on the irrigation issue, the monitoring company must have other customers. We cannot be their only customer, which means that they have rules and protocols for how they interact with their other customers and their landscape companies. It should be fairly easy to get Mr. Haskett, Mr. McMillan and Mr. Walker on the same page because they should already have that in place in dealing with their other customers. They should all talk to each other and learn how Mr. Walker does it with his other customers.

Mr. Evans stated I think that is where they are ending up. I think the challenge was that the software would not allow three people to access the information. I think they are going to do exactly as you described.

Mr. Leeman stated if they have other customers, they are obviously getting some value for their payments. There must be a way for us to receive that value before we get rid of them. As far as the pond plantings, I have to admit that I am dismayed that you are thinking of spending more than \$10,000 on one pond. If you spend \$12,000 on that pond, you might save \$500 a year on treatments for 24 years to break even. I have not heard anyone say that we need to really plant these ponds. You also have several other ponds that have nothing or very little plantings. Mr. Medlin already said that Long Pond is 50% covered. That occurred over five years, and we only installed a few plants in some areas, and it is already 50% covered. In my mind, that is not a good value for your money to plant a pond as a test to see how the rest will look eventually. It will be more valuable to plant the other ponds. I recall the first pond planting was \$3,600 and we received a lot of plants for that. There were not many installed but it looks pretty thick right now. It would be much more valuable and much better for the other ponds if we split up that money among all the ponds that need plantings. Not only that, there is still the option of using residents, like myself and others, who are willing to go dig up plants from some ponds and moving them to other ponds at a zero cost. They might not live as long as plantings for \$10,000, but all these other plantings were done for nothing and they are doing pretty good. Please reconsider spending that money. We might need it in the future. On the sidewalk issue, I have not heard any residents asking why the sidewalk is not there. At

least wait until someone complains. It is like fishing in the ponds. Now we know we have a problem and you can deal with it. No one cares about the sidewalk so let it go.

Mr. Berube stated the reason I raised the issue is because two people asked me about it.

Mr. LeMenager stated when we look at the budget, we will have only so much money. I tend to be in agreement with Mr. Leeman. Frankly, if we are going to spend \$12,000, it would be much better to build the sidewalk than to plant the ponds.

Mr. Evans stated we will receive proposals next month and we can evaluate all of them at that time.

A Resident asked have you all agreed that just the pond behind Bracken Fern will have No Fishing signs?

Ms. Kassel stated no. Mr. Golgowski offered an estimate of the cost of the signs at \$75 per sign and we will need 33 signs for all the District's ponds. Some of the Board members suggested that only the Bracken Fern pond should be signed and others of us said that if we are going to sign one pond, we should sign all the ponds at the same time. No decision has been made. Mr. Golgowski will provide a sample of the sign for us to look at and we will consider this item at the next Board meeting.

The Resident asked will the signs be enforceable?

Ms. Kassel stated yes.

Mr. Berube stated that is the point of these particular signs.

The Resident stated I see one young man throwing chickens in the ponds baiting the alligators.

Mr. Berube stated call the sheriff.

Mr. LeMenager stated that is against the laws of Florida.

Mr. Berube stated the Fish and Wildlife Commission (FWC) will respond to specific complaints like that, as well. Even without the No Trespassing signs, you can call FWC.

Mr. Walls stated that activity is illegal no matter what signs are or are not posted.

The Resident stated people must realize that alligators become aggressive in ponds where people fish but they do not always stay in those ponds. They go to ponds where there are no homes around it, like the golf course ponds. I would also like to say that I am in favor of plantings at my pond because it looks ugly. As far as I know, I may be one of the few people who has a service dog. There has been a major change in the Florida

Statute relating to service animals, and some of your documents online do not follow those changes. I often walk around with her and I prefer not to be interrogated. The changes include that dogs and horses are the only animals that can be service animals. There can only be two questions asked: (1) is the dog used as a service animal, and (2) is your dog healthy. I understand why I might be questioned in a big town, but in this little community, I do not think I should be questioned about my service dog. If she does not happen to be wearing her vest, I do not feel I should be questioned. She is still a service dog whether she is wearing the vest or not and she still is helping me. I do not feel like I need to be attacked or interrogated if I am someplace that maybe I should not be with a dog. The laws were changed on March 11, 2011.

A Resident asked on the pond signage, will it be feasible to secure or plant the signs in some way that will somehow prevent vandals from ripping them out?

Mr. Berube stated we are looking at having metal signs on metal posts inserted in concrete.

Mr. LeMenager stated the intent is to do that but the reality is we cannot prevent it.

Mr. Evans stated we will try to make them as durable as practical.

**EIGHTH ORDER OF BUSINESS**

**Adjournment**

The next meeting will be Thursday, July 28, 2011, at 9:00 a.m.

The meeting adjourned at 7:30 p.m.
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Gary L. Moyer, Secretary

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Robert D. Evans, Chairman