

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 27, 2013, at 6:00 p.m. at 7251 Five Oaks Drive, Harmony, Florida.

Present and constituting a quorum were:

Steve Berube	Chairman
Ray Walls	Vice Chairman
David Farnsworth	Supervisor
Kerul Kassel	Supervisor
Mark LeMenager	Supervisor

Also present were:

Gary L. Moyer	Manager: Moyer Management Group
Tim Qualls	Attorney: Young vanAssenderp, P.A.
Steve Boyd	Boyd Civil Engineering
Todd Haskett	Harmony Development Company
Brock Nicholas	Harmony Development Company
Garth Rinard	Davey Commercial Grounds

FIRST ORDER OF BUSINESS

Roll Call

Mr. Berube called the meeting to order at 6:30 p.m.

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

SECOND ORDER OF BUSINESS

Acceptance of the May 30, 2013, Audit Committee Meeting Minutes and Approval of the May 30, 2013, Regular Meeting Minutes

Mr. Berube reviewed the minutes of the May 30, 2013, regular meeting and requested any additions, corrections, notations, or deletions.

Ms. Kassel stated page 5, third paragraph from the bottom, "cupseed" should be capitalized.

On MOTION by Mr. Walls, seconded by Mr. LeMenager, with all in favor, unanimous approval was given to accept minutes of the May 30, 2013, audit committee and to approve the minutes of the May 30, 2013, regular meeting, as amended.

Mr. Berube stated we have gotten to the point where minutes are 30 to 50 pages long. Over the years, I know we have gone with verbatim minutes for many years, and they are

pretty much a recap of everything we discuss. Ms. Brenda Burgess does a wonderful job. I do not know what the feeling of the Board is, but Robert's Rules of Order say one page per hour. That might be a little short. Do we want to continue to have 30 to 50 pages of minutes each month? Do we want to give Ms. Burgess a little leeway to consolidate somewhat?

Mr. Walls asked what do you do in other Districts?

Mr. Moyer stated this goes back almost 40 years when I got into this business. I was aware that other governments have abbreviated minutes of one page per hour. The problem with that, and the reason we do almost verbatim minutes—you cannot say “verbatim” but they are close—is five years from now when a residents comes here and asks why did you do something, I am not smart enough to tell them why we did that. I do not remember why we did that five years ago. Maybe now I could do that, but at that time, I was managing a couple hundred Districts, and there was no way I could remember. So I realized it was a lot of work, but I am willing to have our people put that work into these minutes so at least we know why we made a decision the way we did.

Mr. Walls stated I think that is a great history. I go back to the minutes sometimes because I wonder why certain decisions were made. When we meet every month, it is hard to remember when we did certain things. I know it is a lot of work, but I like it.

Ms. Kassel stated I am good keeping them this way.

Mr. Berube stated from our perspective, we just read through it.

Ms. Kassel stated but it reminds me of when something has not been addressed to bring it up at the next meeting.

Mr. Berube stated I know it is a lot of work for all concerned, including us. I am fine either way. We do not waste paper by printing the minutes anymore. It is just a little bit of time on the part of a few people.

THIRD ORDER OF BUSINESS

Audience Comments

Ms. Nancy Albert stated we live on Clay Brick Road. Our big concern is across the street from our residence is the ugliest thing you have ever seen. It is alongside of the tunnel. They tore all those things up and they never bothered to put down some groundcover. The real estate people are taking people around that area so prospective buyers do not see it. I saw someone looking at it today.

Mr. Berube stated I was there last week because another resident made the same comment to me. I have already turned it over to Mr. Haskett, and I included a picture.

Mr. Haskett stated it has been on the list for Davey for quite some time of how to address it. It used to have dune sunflower, which died off over the years. The landscape fabric that is there now is starting to deteriorate, so you are getting erosion. You are seeing a lot of issues with it now. Mr. Rinard is looking at several different plants to put in there.

Mr. Rinard stated I was going to address this with the Board later on the agenda. We have been talking about landscape replacement and fillers in relation to the Lakeshore Park proposal and the design work at the roundabout. We provided a proposal for the Lakeshore Park roundabout. As time went on, turf conditions improved and plant conditions improved. We discussed not spending that money in that location but move it throughout the community. Since that time, I have been working on taking an assessment and working on a plan with the idea of using Florida natives and Florida-friendly plant material. That area, the embankment is on my list this evening with a couple different suggestions. Plumbago is one of them, Confederate Jasmine is another, as well as Perennial Peanut. Of those three, I recommend the Confederate Jasmine. It is a little bit larger plant. You can space it out a little bit wider. Its natural growth characteristic is to spread in color. You will get some flowering out of it as well as some fragrance. The closer we space them, the more units we will require, so the higher the cost.

Mr. Berube stated we can continue this discussion for Mr. Rinard's report and proposal. We have a plan coming.

Ms. Albert stated when we had these really bad storms, you really have to watch that area across that street because the limbs are all broken off the trees.

Mr. Berube asked on the hillside?

Ms. Albert stated no, right across the street where the trees are.

Ms. Kassel asked on the far side of the sidewalk on the opposite side of the street?

Ms. Albert stated toward the highway. You might just keep an eye on that because of all the branches, and I am sure it just happened. I was wondering what would happen if we had a liaison from Ashley Park attend your meetings. Perhaps we could understand more of what is going on.

Mr. Berube asked you mean attend these CDD meetings?

Ms. Albert stated I mean an actual person who could be a liaison between the two entities.

Mr. LeMenager stated the people in the front row attend every single meeting.

Mr. Dennis DeMaria stated we do, but I am not on the Board any longer.

Ms. Albert stated we need someone.

Mr. LeMenager stated they are certainly welcome to attend.

Ms. Kassel stated any resident is welcome to attend any of these meetings.

Mr. Berube stated you all are governed by the CDD. You are doing the most effective thing you can to communicate your needs and desires by coming here. The other thing is, Mr. Walls has a Facebook page. I also regularly delve into the Harmony Families Facebook page. If you have not joined the Harmony Families Facebook page, join up. I see a number of regulars here tonight. We have random discussions about things we are contemplating and fees and so forth. It is a great opportunity. You can do it any time of the day at your convenience and post your thoughts.

Mr. Nicholas stated that is a great idea. I would also recommend the master association to attend those meetings as well.

Mr. Berube stated everyone is welcome. We appreciate having people attend our meetings.

Ms. Albert stated there are things that are misunderstood. If you have someone who could actually communicate to us, we can relay that.

Ms. Kassel stated the minutes are available online going back several years.

Mr. Berube stated www.HarmonyCDD.org is our website that tells you what is going on with the CDD. You can also contact us directly through our Harmony email addresses that are listed on the website. If you send us an email, I guarantee you will receive a response. This is very public.

Ms. Lindsey Nichols stated I live at Ashley Park, and we use the Ashley Park pool. There have been rumblings about the pool, which I can attest to. The condition of the pool area is pretty bad and it has been pretty bad for quite some time. I go there a lot and the arbors, or whatever you call them, are rusting and bolts are coming out.

Mr. Berube stated once the swimming season is over, we will address the pool.

Ms. Nichols stated I keep hearing that when I come to meetings. First it is in the fall, then it is in the spring.

Mr. Berube stated this year, it will happen. We did not have a full staff of CDD employees last spring due to a number of reasons. We now have three staff members performing CDD maintenance. The whole building will be cleaned up and repainted. The pool is scheduled for an acid wash and general maintenance. All the wood will be repaired and all the metal will be painted. It will look brand new when it is done. We do not want to do that during the swimming season because it does not make any sense.

Ms. Nichols stated the thing I am most concerned about is that we have an exorbitant number of people using the pool who do not live here. They are jumping the fence. They are bringing other members in. I would say there are hardly any young adults under 16 who are bringing their parents with them. They are bringing six to 10 to 20 people with them. There are people who are living here who are bringing 30 guests. They do not fill out a form; it is not a party but they are just bringing them in. They have huge bottles of liquor and they are hanging out by the pool. They are very disrespectful of people who are in the pool. It is a very small pool. It does not take long to fill it up. They are not watching their kids. They let kids into the pool in diapers. I saw football players coming here at 10:00 after practice, bringing 10 or 15 kids and drinking. My big thing is that someone has to be accountable. We have rules. We have signs. We have swipe cards. We have gates. We have fences. None of that is worth anything if you do not enforce it. If no one is going to enforce it, then take it all down. What is the point in having it if no one is going to enforce it? We, as residents, do what we can. We take pictures or call the sheriff. By the time the sheriff gets here, they are gone. The last time the sheriff came out, they asked if anyone here has seen any kids here who should not be, and everyone responded that they had not seen any. There has to be an answer here somewhere.

Mr. Berube stated it is a huge issue because there are rules. Everyone is supposed to have an access card. There should not be anyone under 16 or 18 in the pool areas unaccompanied. The access card identification is the key to this system. We had this discussion last week when Mr. Fred Hawkins had a community meeting in this building with Deputy Wittsen. If you were here, you heard him say if there are unauthorized people in the pool to call him and let him know. Do not call the 9-1-1 number; call the non-emergency line, 407-348-2222. Practically speaking, it probably takes a deputy an hour or so to get out here. The practical method of rules enforcement would be to take some of the field staff and have them do a swing through the pools and other enclosed

areas and have them ask to see people's cards. That is a very difficult job for someone who has to work here and perhaps live here to go through the areas and throw people out.

A Resident stated there were 40 today, and all 40 did not live here. They were in the pool.

Mr. Berube stated I understand.

Ms. Nichols stated that is a safety issue.

Mr. Berube stated I do not disagree. The Sheriff probably will not respond to that. I am not sure how much they will respond and cycle through the pool if no one admits and points out people who do not belong here. To enforce the rules that are in place, there is only one way to do it, and that is to hire someone to have them check access cards and throw people out.

Mr. Farnsworth asked whatever happened to the cameras we have? Where are they, and where are they being used?

Mr. Haskett stated they are at the Swim Club, Ashley Park, and Buck Lake.

Mr. Farnsworth asked do they capture any of this?

Mr. Haskett stated they capture everything when we know something has transpired.

Mr. Berube stated the problem is, when you are watching the camera, it is hard to tell who is the bad guy and who is not.

Mr. Farnsworth asked are you saying the cameras are that bad that they cannot identify people?

Mr. Haskett stated no, it is recorded on a DVR. After 48 hours, it will record over itself. If we know within a certain amount of time, we can go back through and look at specific time stamps. The cameras have come in very handy. We caught an arsonist in 2006 or 2007, so they work great. We just have to know what timeframes to search.

Ms. Kassel stated they have to know that it is happening very soon after it happens so that we can go to the camera.

Mr. Farnsworth asked is the key for the residents who are finding it to contact Mr. Haskett and ask you to put this tape aside so that we have a record of it and if necessary file charges?

The Resident stated it is happening every day.

Ms. Nichols stated it happens so often, you could not keep up with it.

Mr. Farnsworth stated keep calling. If you press it hard one or two times, it will probably be a very good deterrent. But you need something to back it up.

The Resident stated over a period of time, once the word gets out, they will go elsewhere. We had a problem with parking across the street, and we solved that quickly.

Mr. Berube stated as a practical matter, if someone breaks a window or busted down a door or lit someone on fire, you could go back to the tapes. We have had some issues and deputies have looked at the videos. They have asked who the person is in the picture. If they are not from here, they are from three miles down the road, and no one knows them. The deputies are not going to get very excited because some guy jumped over the fence and went in the Harmony pool. This is a civil issue. They will help us a little with trespassing. But because someone jumps over the fence and swims in our pool, they say they are sorry but they do not have the manpower to address that. It goes down to the same thing for us. We have plenty of rules, but enforcement capability is very difficult.

Mr. Farnsworth asked where does that leave them?

Mr. Berube stated we will sort it out.

Ms. Kassel asked how difficult would it be and what would the cost be to temporarily hire some kind of security person to go there daily or several times a day for the next several weeks to clean this problem up? Is that an option?

Mr. Berube stated my guess is it will cost \$25 an hour.

Mr. LeMenager stated there is a practical solution. We have enough sheriff's deputies who live in town, and they do not make any money. I am sure a lot of them would not mind working a few hours.

Mr. Moyer stated I think it would probably be \$18 to \$20 an hour range to have someone do that. The problem is, he is a security guard. All he can do is pick up the phone and call the sheriff.

Ms. Kassel stated he can check access cards and ask people to leave.

Mr. LeMenager stated there is nothing he can do if they do not leave.

Ms. Kassel stated he can start taking pictures and videos of that to submit to the sheriff.

Mr. Berube stated the sheriff is not going to give this a high priority. Going back to the comment from earlier, we might be able to hire off-duty deputies. I suppose they would take that detail because they do other civil work. We have hired off-duty deputies

for the HOA, and it was about \$28 or \$30 an hour. If we had a six-hour detail, which is the main portion of the day, you would spend \$250 to \$300 to have a deputy there. Obviously, someone would have to pay for that because it is not free. This would come out of the CDD funds, which we just went through an exercise to review each line item in the budget. If you are indicating that you want to do that, we will certainly consider that. I have seen it and I have heard enough complaints to know what goes on. It is one of the reasons we increased security with the access cards. There was an abuse problem with the keys. We are at the point now where the abuse is still continuing, although it is better.

Ms. Kassel stated it is worse.

Mr. Berube stated it might be worse because it is more advantageous to come here now. More people also live here. I do not know the reasons. If the residents are telling us that you understand the cost and you want us to put together a program, understand that some residents may get mad because if they do not have a card with a picture that matches their face, we will confiscate the card they come with, because I know that goes on. There are certain people who live in this community who go away and someone asks to borrow their card, so they give it to someone else. I have heard it and I have seen it so I know it happens. If you are telling us that you are in favor of spending the money, we can investigate putting a program together to see what we can do.

Ms. Nichols asked are you talking about just the Ashley Park pool or the Swim Club pool, also?

Ms. Kassel stated both.

Mr. Berube stated I do not hear as many complaints about the Swim Club, and I am not sure why. I know it goes on here, too.

Ms. Kassel stated there is no reason that person cannot go to both pools.

Ms. Nichols stated I was at the pool the other day in the afternoon. There were 17 children in the pool and seven parents. They all started talking about the Ashley Park pool. Every single one of those people were from Ashley Park, and they all said they were scared to go to the Ashley Park pool anymore because the teenagers—whether they were from Harmony or Holopaw or wherever—were so brash and so rude that they could not take their kids to that pool.

A Resident stated residents are refusing to go to the pool.

Mr. Walls stated before we talk about spending more money, we need to meet with the sheriff's office again, which we have done in the past. We need to let them know the problem we are having, and ask them what they can do to help us fix it.

The Resident stated all it takes is one shot to someone's jaw and there will be a lawsuit.

Mr. Walls stated all the residents are paying taxes to the sheriff's office. When these people come here, they are trespassing, and the sheriff's office should handle it accordingly. If they are not, we need to have a talk with them and tell them what we expect from them. We pay taxes and this is what we expect when they come out here.

Mr. Berube stated we will need to sign the pools just like we sign the ponds, which is fine and we can do that. That is step one. I will take it upon myself to contact the deputy and tell him what is going on, and we will see if we can set up a meeting with him. I suspect we will have limited results without paying a deputy for off-duty shifts, but I am hearing that everyone wants this, and we need to do something.

Ms. Nichols stated at least during the summer months.

A Resident stated there are a couple things you can do. We have talked about kids jumping over the fence. There is not much you can do there except for a security detail. If people are just opening the gates and all their friends are coming in, if you have a complaint, you ought to be able to look at the security system to see who carded in. What you can do for little or no money whatsoever is to send a letter to those people who carded in that reminds them of the rules, that everyone in the pool must have a card, you cannot open it for anyone else, and so on. That might address some of that, and it does not cost us anything, but it addresses part of the problem of people bringing in their friends.

Mr. Berube stated the rules allow each Harmony resident with a card to bring in eight guests.

A Resident stated the sign says four guests.

Mr. Berube stated the rules are eight guests. The ratio can be 8-1, but the resident with the card has to own up to having eight guests with them in the pool.

A Resident stated that resident has to be accountable for the guests they bring in.

Mr. Berube stated that is exactly right.

The Resident stated I think some follow up could be done without the expense of a security detail. It may not address the biggest part of the problem, but it may address some of it.

Ms. Kassel stated we have to know who the person is and whose card it is.

Mr. LeMenager asked do we have that information?

Mr. Berube stated yes.

The Resident stated if someone is carded, that means they are at the pool and they are aware of what happened during that time.

Mr. Berube stated we have struggled with this. It is not too bad in the winter because the pools are not used.

Mr. LeMenager stated teenagers are in school.

Mr. Berube stated the pools are in use in the summer. We understand your concerns. I have heard it. I have been waiting for this day because I am at the pools and have seen some of this going on. We will address it. Whether we can really control it tightly or not, I do not know. I suspect it will require someone standing at the gates all the time and watching what is going on. If that is what it takes, we will see what we can do.

Ms. Nichols stated just to let you know how serious this is, it was my husband who was confronted by a dozen teenagers. They did not know that my husband spent the better part of the past 10 years in Afghanistan, special forces, and he is being treated for post-traumatic stress. Only by the grace of God was he able to exit there without hurting someone. When he came home, I read his face and immediately knew something was wrong.

Mr. Berube stated the sheriff says to call the non-emergency number. In a situation like that, if he had a phone, if you feel personally threatened, call 9-1-1. This will be placed on a future agenda. I hear your concerns and I agree. It has always been a matter of moving around priorities. I see a lot of folks here with the same concerns, and we will get on it.

Ms. Nichols stated I appreciate Mr. Berube and Ms. Kassel for responding to Mr. DeMaria's email about the incident.

Mr. Berube stated when I receive an email, I will respond. You may not like the answer, but I will respond. We try to be courteous, but sometimes it does not come out that way.

Ms. Kassel stated my biggest concern about this is the time it will take to get with Deputy Wittsen and sign the pools and so forth. And then we are going to think about getting someone to be present at the pools. By that time, summer will be over.

Mr. Berube stated it will not take me long to meet with Deputy Wittsen. I do not know if we can get a plan in place, though. If I can have some sort of reasonable authority to move forward without waiting until the next meeting, I can do that. Or if a plan comes up, I can email it to Mr. Moyer. We cannot discuss actions to be taken outside of a meeting.

Mr. Moyer stated that is correct, you cannot. The Board can authorize something tonight with a not-to-exceed number, if that is the direction you are proceeding.

Mr. LeMenager stated I think we should authorize Mr. Berube to hire someone.

Mr. Nicholas stated we will contribute half with the CDD. Let us pick some hours and we will do a three-week test. We can handle it through my office, and the CDD can pay for half.

Mr. LeMenager stated that sounds quite reasonable. This is the kind of thing where they will push and push and push. What we need to do is have the occasional deterrent.

Ms. Kassel stated I would like to try it for four weeks because that will get us to the next meeting. If we need to approve something then, we can.

Mr. Nicholas stated we have hired a lot of off-duty deputies and it has worked great. They have a process for it, it offers over-time pay, they like it, and it works. Someone has to be there to meet the guy every day who is on shift and explain the program to him. Every day, a different deputy signs up for the over-time program, and it is a new guy who works on the west side or the central side or somewhere and does not know Harmony or the story about our pools. So every day, that is the part we have to address. someone has to meet with him at the start of every shift and give him a name and number to contact, explain what he is looking for and what he is not. There is no training program; everyone is different and that is the deal.

Mr. Berube stated we have three field staff members who are here every day. If they are aware of what we are looking for, that solves that issue. I will be happy to meet with them when I am around. Mr. Haskett is here nearly every day. The question becomes, do you have a meeting with the sheriff's deputies? Will you do that?

Mr. Nicholas stated yes. What are the hours?

Ms. Kassel asked 10:00 a.m. to 4:00 p.m.?

Ms. Nichols stated weekends in particular, but I would suggest 9:00 a.m. because of the heat.

Mr. Berube stated I think 9:00 a.m. is a little too early.

Ms. Nichols stated football practice gets out at 10:00 a.m.

Mr. Berube asked do deputies typically work four-hour shifts?

Mr. Nicholas stated I do not remember.

Mr. Berube stated I am pretty sure it is four-hour shifts.

A Resident stated if we have an initial period when kids see the deputy, that might solve the problem.

Mr. LeMenager stated that is exactly what I was thinking. Word will get out really fast.

The Resident stated he can come out for a week from 10:00 a.m. to 2:00 p.m. and be there when the kids show up.

Mr. Berube stated let us say prime hours are from 10:00 a.m. to 6:00 p.m., especially on weekends and a couple week days, and we can split it between the CDD and the HOA.

Mr. LeMenager stated we do not need to decide all that now. We will give you leeway to do this.

Mr. Berube stated I understand. Mr. Nicholas is going to talk with the deputies, and he needs some guidance.

Mr. LeMenager stated he can talk with them.

Mr. Qualls stated Mr. Berube and Mr. Nicholas can make an ad-hoc committee, as long as there are not two Supervisors on that committee.

Mr. Berube asked how much money do you want to spend?

Ms. Kassel stated let us figure \$20 an hour as our half of the cost of \$40, at eight hours a day is \$160 per day.

Mr. Nicholas stated it will not cost more than \$2,000 if we include weekends.

<p>On MOTION by Mr. LeMenager, seconded by Ms. Kassel, with all in favor, unanimous approval was given to authorize the Chairman to hire off-duty deputies to patrol the swimming pools, not to exceed \$3,000, as discussed.</p>

Mr. Berube stated for residents who may not know, Mr. Nicholas is the Vice President for the Harmony Development Company. You just saw the development company step up and offer to spend money.

Mr. Nicholas stated we have been thinking about security for a while, including a full-blown detail for the year, which is about \$130,000. We wanted coverage at night, seven days a week, overnight, and so forth. At some point, this neighborhood will need that kind of coverage. Maybe we are not there yet, but we are not too far off.

Mr. Moyer stated Celebration set the precedent with the sheriff, in which we have our own "town cop," who is a sheriff's deputy, that the CDD pays for. He has a sheriff's car and he is assigned to Celebration only.

Mr. Berube stated there is usually something painted on the side of the car that says something like "sheriff's office providing security services to Celebration."

Mr. Moyer stated we have not opted for that, but we talked about it, and he is willing to put "sheriff/Celebration" or something like that on the car.

Mr. Berube stated Broward County does that in Weston.

Mr. LeMenager stated they have a lot more votes than we do.

Mr. Berube stated what you just saw is the cooperative arrangement, which is done frequently between the CDD and the Harmony Development Company. We are all here for the same result: to make this place nice. Thank you very much, Mr. Nicholas. I will leave you to coordinate it. If you need anything from me, let me know. This should happen as quickly as we can get deputies out here.

Mr. Nicholas stated it should happen pretty quickly.

Mr. Berube stated I will post something about this on the Harmony Families page. Let me know what you see and what the deputy does so we can have some feedback. You residents will be the eyes and ears. I am there sometimes. Let me know what goes on and provide us with feedback if this is effective and working or not.

A Resident asked is it for both pools?

Mr. Berube stated yes, probably not at the same time but he will be back and forth.

Mr. LeMenager stated if they go to one pool and see a sheriff's deputy, they might try the other pool.

A Resident stated then they will leave after they see him at the other one. The Swim Club is too close to the sales office for kids to misbehave over here. Ashley Park is more

remote. As a resident if we ask them if they are residents, they respond with “who are you?” and 12 of them gang up on you.

Mr. Berube stated we understand. Kids today do not have any sense of courtesy.

A Resident stated if there are a lot of football players here, we have a clear way to address that.

Mr. LeMenager stated yes we do, with the coach. I taught at Harmony High School for a year. If you want someone who is playing sports to get in line when they are not in line, just talk to the coach and it will get sorted out very quickly.

A Resident stated one of the problems is one of the coaches, who is letting them in.

Mr. LeMenager stated then we talk to the athletic director or the principal, and it will be resolved.

Mr. Berube stated you may have to bring that forward. If you see it going on, I can be the liaison for that and you can message me or email me. Tell me what you are seeing specifically and we will handle it quietly but try to put a stop to it. I know some people do not like making things public, and my email is private.

Ms. Kassel stated no, it is not private.

Mr. Berube stated let me rephrase that. My emails are subject to public records law.

Mr. LeMenager stated if you send him an email, it is public record.

Mr. Berube stated that is correct, but it is not as public as splashing it on Facebook.

FOURTH ORDER OF BUSINESS

Subcontractor Reports

A. Aquatic Plant Maintenance – Bio-Tech Consulting

i. Monthly Highlight Report

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

B. Landscaping – Davey Commercial Grounds Management

i. Monthly Highlight Report

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

Mr. Rinard stated at the time we prepared our report, the completion date for fertilization was a projection. We are actually in the process of wrapping that up this week. It may go over into Monday. We are on the edge of completion. The July rotation for annuals has been put in, kind of partial. We are keeping the pentas around the square

in tact because they are doing well. The other beds are exposed a little more and have run their course a little sooner than we expected. We are only a week away from when we were scheduled to perform that work. We discussed tree trimming and pruning last month. We have been able to make a good push through certain areas of the property. We still have more to go, but we have been able to supplement our on-site crews over the past week to 10 days off and on. We are going to continue that. In addition, I am putting on a couple of additional direct reports for Mr. Jon Rukkila's crews. We have run into some bumps along the way to find qualified people. They are just not out there based on our process.

Mr. Berube stated we understand and have been through it.

Mr. Rinard stated we are dealing with that. Hopefully we have people lined up to join our crew so we can put that behind us. We basically have a little left to do on East Five Oaks Drive around the lift station on to the end. We have done a little repeat touch up in this stretch of Five Oaks Drive between the clubhouse and the turnabout. The stretch between Cat Brier and Schoolhouse Road is completed. We will focus mid-week next week and be on the west side to do the west entry, Dark Sky and portions of Schoolhouse Road. One of the other aspects in putting some additional people on property is, in my monitoring of the property, we are getting a little loose and away from our weed control. I want to make sure we do not get any farther along.

Mr. Berube asked for the trees in the Estates, does the tree have to be in a sodded area for Davey to trim it? Are those the only trees they trim and maintain and the extent of their service area? The rough areas within the Estates, those streets are not touched.

Mr. Haskett stated no, not necessarily. The 10 feet and under guideline is done on every tree along the street.

Mr. Rinard asked are the natural areas in the Estates what you are referring to?

Mr. Berube stated yes, anywhere along the road within the Estates. You did not mention being done in the Estates. I was there last week and it did not look caught up to me, but you may have been in there since I was.

Mr. Rinard stated I was just curious if you were concerned about some other areas besides street trees.

Mr. Berube stated no, just the trees along the street. That is a weird area back there and it is hard to know who is doing what.

Mr. Rinard stated next Thursday is the 4th of July and it is a holiday for us. We will not have crews on site but we will have light staff on Saturday to make up for that day off.

Mr. Berube stated I have noticed crews here on weekends several times. That is nice, but you have also been a little behind so I know you are trying to catch up. It is a little ironic that you work for the Davey Tree Expert Company, and the most noticeable problem that you have had in this community has been the trees. No comment is necessary. I know you realize it and I know it has been a sore point for you.

Mr. Rinard stated when I first came to the company almost 10 years ago, I started out in Tampa. I found it ironic at that time that the branch office subbed out the tree work. We discussed this briefly last month that there is a little bit of a learning curve for us. We are doing a little more than just straight 10-foot line cutting. We got caught a little on the back side and we are trying to catch up. We are moving in that direction.

Mr. Berube stated I think all of us realize it is a giant-sized property and it is a moving target. When something is said to Mr. Rinard or Mr. Rukkila, there is a nearly instant response. I think we are all pretty happy with that. Overall, the place does look good. There are little details that are problematic, but once again, you have addressed both of mine: weeds and trees.

Mr. Rinard stated on the whole for where we are this time of year, at the end of June and beginning of July, one of my big concerns coming into the early part of the summer is with the insect problems with turf. This may be a function of some of the rains we have experienced and the way the weather has been this year, but chinch bug has not reared its ugly head. I do note from reading the past and the history that you have had some problems in the past. I think we are in pretty good shape for where we are this time of year.

Mr. Walls stated I agree. The turf looks great.

Ms. Kassel stated except for the ruts.

Mr. Berube stated the rutting continues and is kind of an issue. I had that discussion with Mr. Rukkila last week.

ii. Neighborhood Landscaping Improvements

Mr. Rinard stated from the original Lakeshore Park proposal that the Board agreed should be spread throughout the community, I have been assessing the common areas and pocket parks and other areas to put together a list of improvements and some costs

associated with filling in areas. I will give you a little background and what I have been dealing with in doing this. I started to go down one road that I thought was carrying me way too far. I want to make sure that our recommendations and suggestions are not detracting from the design and intent of what was originally put into place in the community from a landscape architect standpoint. We design things for certain areas, but I am not an architect. We can sometimes get blinded by taking an area and doing a small improvement here and something there, but at the end of the day, maybe all things do not tie in together. I reassessed the design and decided to keep it simple. In most cases, we are maintaining existing design characteristics and the integrity of the design and layouts. Some areas will have some minor changes. I have approached this on a broad spectrum at this point going through the property.

Mr. Berube asked is this the end result of what you and Ms. Kassel discussed over the past few weeks?

Mr. Rinard stated this is a part of it. There are some areas that are still a work in progress that Mr. Haskett and I have not been able to meet to discuss because of scheduling conflicts. We need to review some irrigation related things.

Ms. Kassel asked this is not a proposal?

Mr. Rinard stated it is and it is not. I have identified some costs associated with some landscape improvements, but I have not specifically said this plant will go in this location. I have provided the dollar amount and left it open a little bit to consult and work with your desires, knowing that we have about \$8,000 from the original Lakeshore Park roundabout proposal to work with. My intent for the Board tonight was to prioritize what areas that we might want to start on, and perhaps we ought to have that answer from earlier this evening, namely Clay Brick Road. At the end, I provided a list and a summary of the costs. The cost summary does not reflect the cost and the information that I show on the Clay Brick embankment. I kept that separate because there is a wide variation in the dollars.

Mr. Berube stated let us focus on Clay Brick because dirt is washing down the hill and onto the sidewalk. We have received a couple resident complaints already.

Mr. LeMenager asked is this because we had to take the trees out?

Mr. Berube stated yes, and the groundcover disappeared. It is a mess and when it rains, it is a mudslide. It will only get worse. Let us focus on the second page for Clay Brick.

Mr. Rinard stated what I tried to show is that by changing spacing and different-sized plant material, it will result in different costs. My recommendation is three plant recommendations, as I mentioned earlier: Plumbago, Confederate Jasmine, and Perennial Peanut. I favor the Confederate Jasmine just for its spreading and the ability to move it to a little bit wider spacing. It will reduce the overall cost a little bit. There is a note on the back sheet. My unit cost has gone from the higher end. So the numbers we see for 3-gallon and 1-gallon pricing is going to be and should be a maximum. If we are going to do one little section at a time and I will be picking these up one or two at a time, then I do not have leverage unless I am buying larger counts. I can go back to my supplier and tell him that I need several hundred of certain plants, which will reduce that cost.

Mr. Berube asked has Mr. Haskett seen this?

Mr. Haskett stated yes, briefly before the meeting.

Mr. Berube stated I know of Confederate Jasmine, which is thick and green and propagates pretty well and does not get very high.

Mr. Haskett stated you are thinking of Asiatic Jasmine. Confederate Jasmine is full and bushy.

Ms. Kassel stated it is a shrub. It can get maybe four or five feet high.

Mr. Rinard stated that is correct.

Mr. Haskett stated that would be a good location for it because you will need to get more coverage and it is low maintenance.

Mr. LeMenager stated it will not ever get tall enough to bother the power lines, which is the reason we had to remove the trees and now we have this problem.

Mr. Berube asked what does it require in ongoing maintenance? Trimming once a year or once a month?

Mr. Rinard stated during the growing season, it will need trimming once a month to keep it back. In the earlier stages, maintenance might be a little heavier because we want to force horizontal growth versus vertical growth. There will need to be some topping and that sort of thing.

Mr. Berube stated the sheet lists 3-gallon plants and 1-gallon plants. I hear what you are telling me. Which one should we do? I think we have settled on the Confederate Jasmine at Mr. Rinard's recommendation.

Mr. Haskett stated our preference would be Perennial Peanut along the edge to stop any float because it is more dense and right on the ground and put Confederate Jasmine on the upper slope.

Mr. Berube asked if we go with that, what is the recommended spacing? Tell us the number.

Mr. Rinard stated if we do a band of Perennial Peanut, I would not go any wider than 24 inches.

Mr. Haskett stated I agree.

Mr. Rinard stated it would be on a staggered basis in three to five rows.

Mr. Haskett stated we can go with three rows.

Mr. Rinard stated for the Confederate Jasmine, I am fine with either 36 or 42 on the spacing.

Mr. Haskett stated 36 is a good number.

Ms. Kassel stated we still have about \$11,000 in that line item for this year.

Mr. Walls stated I do not know anything about these plants. Perhaps we can just give them direction.

Mr. Berube stated we can approve a not-to-exceed number.

Mr. Rinard stated I suggest \$7,000.

<p>On MOTION by Mr. LeMenager, seconded by Ms. Kassel, with all in favor, unanimous approval was given to the proposal from Davey for landscape improvements at Clay Brick Road, in an amount not to exceed \$7,000, as discussed.</p>
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Mr. Rinard stated I will finalize the information in the morning and provide it to you.

Mr. Berube stated we do not need it by tomorrow morning. Just put it together and as long as you come in under \$7,000, I think we will be fine. Provide us with a final number when it is ready.

Mr. LeMenager stated we knew when the trees were removed that this area was going to be a problem. We probably should have been more proactive in addressing it, to be honest.

Ms. Kassel stated then we can choose some other areas to address.

Mr. Berube stated Ms. Kassel has reviewed the areas, so you should make recommendations.

Ms. Kassel stated I am seeing this information for the first time.

Mr. LeMenager stated we do not have to decide right now. We can decide next month. We are not going to do any planting during the hot summer, are we? I do not think we are going to install plants in July.

Mr. Berube stated he is going to plant Clay Brick now.

Mr. Rinard stated it is entirely up to the Board.

Mr. Berube stated Cat Brier and Indiangrass are shown as TBD.

Mr. Rinard stated that is the section from Cat Brier to Indiangrass from the turnabout at Indiangrass up to the golf side on the east side. I still have some work to do, but I wanted to show we are looking at that area. I need to verify some things as far as irrigation is concerned. That area basically lends itself more to changes than maybe many of the other areas. The tree canopies and the shade that has developed over the years have had some impact on what are predominantly grasses underneath those canopies. I have listed some ideas and choices for that area as well as the costs associated with the materials.

Mr. Berube stated the area is a main roadway and fronts the golf course. It needs sprucing up. It comes remarkably close to the number Ms. Kassel just mentioned as remaining. I am not saying to spend money just because we have it in the budget, but we have not done much for colorization this year, and we are running out of time. I was thinking of focusing on that area and suggesting we get \$4,000 worth rather than \$4,500. Does the rest of the Board have any comments? Shall we review the rest of these details and let them get started with this? Or do we want to hold on this one, let them do one project now on Clay Brick and consider this one next month?

Ms. Kassel stated you can authorize me to review this information and meet with Mr. Rinard and decide from there. This includes a lot of areas and I had not seen any of this before.

Mr. LeMenager stated I am fine giving Ms. Kassel a budget up to \$4,000, to agree with Mr. Rinard on what you want to do.

On MOTION by Mr. LeMenager, seconded by Mr. Walls, with all in favor, unanimous approval was given to authorize landscape improvements as decided by Mr. Rinard and Ms. Kassel, in an amount not to exceed \$4,000, as discussed.

Mr. Berube stated do not let these projects impact the normal work schedule.

Mr. Rinard stated understood.

Mr. Berube stated we will work with Ms. Kassel's guidance as the year moves forward to try to complete most of these suggestions.

C. Dockmaster/Field Manager

i. Dock and Maintenance Activities Report

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

Mr. Haskett stated the swing set at the dog park has been installed.

Mr. LeMenager stated I saw people swinging on it already.

Ms. Kassel stated I have seen people using it every day.

Mr. Haskett stated we received a lot of good comments about the swings being in that park. We are renovating some existing picnic tables for about \$200 instead of \$1,200 for new ones. Mulch was done and trees were added, and it came in under budget.

Mr. LeMenager stated now that we are fully staffed, my wife would like to know when you are going to start power washing the sidewalks again. That seems to have slipped a bit, and there are some areas that are getting dark and dingy.

Mr. Haskett stated I totally agree with you. At the next meeting, I will have a schedule to present.

Mr. Berube stated we probably do not want to perform that work during the summer.

Mr. Haskett stated there are some areas, such as Town Square, where if algae is growing, they will spray it and treat it and then pressure wash it. For the main areas, I think we should concentrate on grinding the cracks and raised panels, and then pressure wash as we can. It will come together.

Ms. Kassel stated I am tripping on a lot of the sidewalk panels.

Mr. Berube stated yes, that will be a big project. When we pressure wash the sidewalks, do we just use plain water in the pressure washer?

Mr. Haskett stated yes, it is plain water and there is a power broom in the pressure washer that whirls around.

Mr. Berube stated it is very labor intensive.

Mr. Haskett stated it does not seem to be. It is what you make of it. In the past it was labor intensive.

Mr. Berube stated I do not know if this is practical or not, but I have seen a product sold in the warehouse called Once and Done. It is an environmentally friendly product used for sidewalks, fences and anywhere you have mold. They claim that it is as simple as spraying it on with a pump sprayer, and the mold and mildew go away. It leaves a protective barrier behind it. I will get some information on it and let you decide if you want to use it. The cost is \$30 per gallon, but you dilute it some. I do not know how far it goes. Rather than spending all this time hooking up a machine and the water, it was something I thought of.

ii. Buck Lake Boat Use Report

Mr. Haskett 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. Haskett stated Ms. Rosemary Tschinkel has been doing a good job colorizing the boat list. She shows cancelations, double bookings and things like that. Boat usage has definitely gone up.

Mr. Berube stated it is interesting to note that 35 out of 44 boat trips occur on either Saturday or Sunday, 90%, and only three of those are kayaks or canoes.

Mr. Haskett stated that is correct, and the least busy day is Monday, understanding that the boats are not available at all on Tuesdays. If you ever want to go to a reduced boat schedule for budgeting reasons, you could have them available Wednesday through Sunday and not Monday or Tuesday. Just something to consider for the future.

Mr. Berube stated let us not do that.

Mr. LeMenager stated Mondays have more holidays.

Ms. Kassel asked how much will we really save for our staff not working with boats on one day?

Mr. Berube stated I was just thinking about scheduling for the staff, but we have three employees now. So I do not think having the boats operate on Mondays is a huge crisis.

Mr. Haskett stated it is not a problem during the winter, which is when it does get busier on Mondays. During the summer, we have to cover all those hours, so we are doubling up on staff and one less day will save some staff time. It is just an idea.

Mr. Berube asked is all our staff on board now?

Mr. Haskett stated yes. All three employees are doing fantastic. Schedule beginning on June 24 is from 7:00 a.m. to 7:00 p.m. for boat use. They are taking instant reservations on the phone if people call, and that is working out quite well. Weekends have been really busy. We got the sailboat back last Tuesday and put it in the water. There are a few people who use it who were waiting for it to come back. All the boats are in service and there are no issues. The water level is up, so we are having less fishing line issues.

iii. Consideration of Irrigation Services Proposal

Mr. Haskett stated I provided a proposal from Insight Irrigation. We discussed eliminating two phone lines from Century Link, and this is a proposal that would address that. It would use the internet signal at the golf maintenance facility, merging any signal wireless over to the weather station, and then it will bounce it back via the internet to our computer.

Mr. Berube stated it was my impression that we have two weather stations.

Mr. Haskett stated we have one weather station, we have a CCU and a rain can. There are rain cans at both the Swim Club and the golf maintenance building.

Mr. Berube stated there are two telephone bills.

Mr. Haskett stated that is correct.

Mr. Berube asked are there two telephones for one weather station?

Mr. Haskett stated I have asked that question, but I still do not understand the answer. I am told there is a phone line to call in as well as a phone line for it to receive, but I may be wrong.

Mr. Nicholas stated I think I remember that there is a line on each side to that. It is not wireless; it is two landlines.

Mr. Berube stated clearly this will eliminate two monthly telephone bills.

Mr. Haskett stated that is correct.

Mr. Berube asked will we need only one wireless bridge?

Mr. Haskett stated yes because it will all be done through the internet.

Mr. Berube stated so we will not have the need for cellular service.

Mr. Haskett stated no, because he will assign routing addresses and IP addresses and whatever he does for those modules.

Mr. Berube stated so this will be a shared internet service that the development company is paying for at this time.

Mr. Haskett stated that is correct.

Mr. Berube stated the down side is, if you decide to cancel your internet service here, we will have to pick that up.

Mr. Haskett stated yes.

Mr. Walls asked will there be any kind of fee to us for this service?

Mr. Berube stated not at the current time; they will be cooperative with us. The bottom line is we will save \$100 per month because that is what our phones cost. This proposal is \$2,200, so it will take 22 months to break even. Going forward from that point, we are saving money.

Mr. Haskett stated that is the way it appears.

Mr. Walls stated wireless equipment is finicky and has to be replaced often.

Mr. Berube stated I understand, but the telephone service is getting more and more expensive.

Mr. Nicholas stated dial-up is finicky, also. There are issues with those things. The rain gauges do not always register correctly.

Mr. Berube stated we will be getting a new weather station as part of this, which eliminates a weather station that may fail.

Ms. Kassel stated I thought we were going to wait until we needed to replace the weather station to go with wireless.

Mr. Berube stated the proposal is to convert an existing modem and enable weather to a wi-fi-equipped weather station. It is the same weather station.

Mr. Haskett stated it is just modules.

Mr. Nicholas stated the cost would be \$6,000 if it included a weather station.

Mr. Berube stated computers get less expensive all the time.

<p>On MOTION by Mr. LeMenager, seconded by Mr. Farnsworth, with all in favor, unanimous approval was given to the proposal from Insight Irrigation to convert the weather station to a wireless system in the amount of \$2,200, as discussed.</p>
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iv. Pool Heater

Mr. Haskett stated the backup pool heater went out a year or two ago. We held off last year on spending the money, but we need to replace it. It is included in the tentative budget. If we can get the contract signed now, they will get it installed in August when they are not busy, and they will bill us October 5, 2013, in our new budget year.

Mr. Berube stated this is \$1,000 less than the last time we received a proposal, which tells me they are looking for business.

Ms. Kassel stated it is only about \$350 less according to this proposal.

Mr. Haskett stated that was from 2009.

Mr. Berube asked was there a proposal since 2009? I thought the proposal was \$17,550.

Mr. Haskett stated it might have been, but he is giving us a discount if we install it during the summer.

On MOTION by Mr. Walls, seconded by Ms. Kassel, with all in favor, unanimous approval was given to the proposal for a new pool heater to be billed in October, 2013, as discussed.
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v. Online Reservation System

Mr. Haskett stated I have a packet of information that I will leave with you to review at your leisure. It provides links and all the abilities of the system.

vi. Miscellaneous

Mr. Berube stated Mr. Haskett was getting information from Mr. Moyer to proceed with the RFP for the dock. What is the status of that?

Mr. Moyer stated we have that information and it is being advertised.

Mr. Berube stated I did not see the advertisement in the agenda package.

Mr. Moyer stated we advertised it a week or 10 days ago.

Mr. Berube stated on the debit cards, there appears to be a 90-watt AC power adapter for a laptop.

Mr. Haskett stated yes, that is the AC adapter for my laptop that went out. It is the laptop that I use for the card access system.

Mr. Berube stated there is another charge that appears to be a plow blade from Tractor Supply.

Mr. Haskett stated yes.

Mr. Berube asked does this have to do with the Lakeshore Park area?

Mr. Haskett stated yes, it was cheaper to purchase a plow blade that can be used for each project than it was to hire a contractor to fill everything back in.

Mr. Berube asked did we put it on a Bobcat?

Mr. Haskett stated we borrowed a little John Deere from the gracious staff at the golf course. It was inexpensive but it will last a while.

FIFTH ORDER OF BUSINESS

Developer's Report

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

SIXTH ORDER OF BUSINESS

District Manager's Report

A. Financial Statements

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

Mr. Moyer stated we are 96% collected through the end of May. Last year at this same time, we were 94% collected, so we are right where we were last year. Anything that was not paid through the real estate tax bills will go through tax certificate sales, and we anticipate receiving all of our revenues. On the expenses, I am sure everyone looked at what we projected during the budget exercise we just had and noticed that we will be under budget at the end of the fiscal year and contributing to fund balance.

Mr. Berube stated I know it does not happen very often, but when people pay off their bond obligation, what happens to that money? How does it get accounted? Severn Trent receives a check for their obligation.

Mr. Moyer stated Severn Trent tells them the payoff amount, someone writes the check that Severn Trent receives on behalf of the District. That money is then sent to the trustee to be put in the redemption account. There are a variety of accounts in the bond issue. One is the revenue account, which is where we send our money that we collect from assessments to pay the annual principal and interest. When you pay off your debt assessment, that goes into the redemption account. At the next interest payment date, the trustee will call bonds and lower the principal.

Mr. Berube stated that can only apply for the 2001 bonds. Can the 2004 bonds be paid off early now?

Mr. Moyer stated the way the documents are set up, you can prepay at any time. The only person who cannot prepay, pursuant to the trust indenture and the agreements, is the developer. Once a home owner buys a lot, they can prepay any time they want.

Mr. Berube asked is this standard operating practice for Severn Trent and a normal thing for them? They do not need any special training? I know there is turnover sometimes.

Mr. Moyer stated no, this is pretty standard.

Mr. Berube stated the question becomes, if they receive a check for this, it does not go into the checking account but to the bond account.

Mr. Nicholas stated that is the \$12,000 in the budget. They have a separate person who takes care of those, Ms. Alice Carlson.

Ms. Kassel stated on the 2004 debt service, there is a deficit in terms of revenue in the amount of \$172,000.

Mr. Moyer stated that is a timing issue.

Ms. Kassel stated I figured as much, but I just wanted to check.

Mr. Moyer stated Mr. Walls asked the question a little differently. We show a line item called Deferred Revenue or Deferred Income. That means, since we direct bill the developer, we send a bill in September because they have to make their payment so we can get it to the trustee to make the November 1 payment. It ends up being deferred revenue under the accounting rules. We bill it and recognize it as income when we bill it, but we do not spend it until we are in the new fiscal year. The way to address that, if we want to make it simple for the public to understand, would be to adopt a budget amendment to add it into this year's revenues because that is when we bill it. Then at the end of the year, it all trues up. It does not have anything to do with when the developer pays his assessments. It has to do with in which fiscal year we identify it as a revenue.

Mr. Walls asked do you send them a bill that is greater than the budget each year?

Mr. Moyer stated yes.

Mr. Walls stated that is what was throwing me off. Their bill is separate from the budget.

Mr. Moyer stated that is correct, because their bill in September is to pay the November 1 payment.

Mr. Walls asked was this the issue that Mr. Nicholas raised last month?

Mr. Nicholas stated Mr. Berube was more on track with it. The application of some prepaid debt was throwing off the calculation. That is why they hired Ms. Carlson to audit that piece. I discussed it with Ms. Carlson, and I was satisfied that it was correct.

Mr. Berube stated it is not a fixed number from year to year.

Mr. Nicholas stated it changes depending on how many home owners pay off their debt assessment, which happened.

Mr. LeMenager stated you have until July 31 in case anyone wants to pay their's off.

Mr. Nicholas stated they were putting it in the wrong fund, but they straightened it out.

Mr. Farnsworth asked to whom do the home owners go in order to pay off that bond portion?

Mr. Nicholas stated they go through the CDD

Mr. Farnsworth asked who do they see specifically?

Mr. LeMenager stated I just requested that information, and I received a letter. I sent an email to Ms. Burgess and asked who to contact, and it is Ms. Luvinia LaCap. She will send you a letter in an email.

Mr. Nicholas stated we track the balance from time to time for various lot types.

B. Invoice Approval #158 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.

On MOTION by Mr. LeMenager, seconded by Mr. Walls, with all in favor, unanimous approval was given to the invoices, as discussed.

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. 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.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Qualls stated I want to commend the way you handled the discussion on the enforcement of rules. The Statutes make it clear that you have no police power, but you can contract with the appropriate agencies, which is exactly what I heard happening. Well done on that. I know it is hard for residents to understand that this body simply manages infrastructure. I just handled a separate matter regarding an ADA complaint for a client. If you are not ADA compliant, then you have to get ADA compliant where it is readily achievable. That means capable of doing so without much cost or effort. It is a really tough thing to argue. Here is my observation based on my activity and swimming with my kids at a house we rented in a CDD. I have noticed an influx of ADA-type measures. I am seeing actual lifts installed at all the pools that lift people in and out. I want to put that on the record for the Board to be aware and it is something to think about as you are planning for the future. I did not know the best time to bring it up, but I wanted to mention it because if something did happen, you would look to me and ask why I did not bring it up sooner.

Mr. Berube stated we had a general discussion in the past and I presume that Mr. Haskett is staying on top of the legal requirements for that. At this point, I believe that somehow we are either exempted or in a grace period because I do not see anything showing up at our pools.

Mr. Moyer stated you are in a grace period. They adopted new regulations. We are probably subject to those. Everyone tried to abide by the rules and ordered equipment, and no one can make the equipment. So they deferred that and I think we are still in a grace period. It does need to be addressed. It will be \$8,000 to \$10,000 per pool for a lift. They are not very attractive.

Mr. Berube stated I have noticed them springing up at hotels. There is a wide variety available. The ones I have seen are still under the blue covers and have never been touched. I will say there are some available that are a lot cheaper, but I have noticed a lot of pools that used to have a hot tub and a pool, and the hot tubs are covered and tiled over. Rather than spending the money to put a lift in the hot tub, they are closing them down.

Mr. Haskett stated that was another result.

Mr. Berube stated we have a kiddie pool, which seems ridiculous, and we have discussed some alternatives with others on Facebook, and we know what people are saying. What is the deadline?

Mr. Haskett stated it keeps moving. It was March 2012 and then they extended it. It is in litigation.

Mr. Nicholas stated all the hotels we run are starting to do it. There is one in St. Cloud at the recreation center that stops my dad from using the pools because you cannot get in and out. We talk about the use of it and the fact is, some people need that equipment. It is a reasonable accommodation if you provided it at one pool first instead of not having one at either pool. I think the demonstration is the attempt at accommodation.

Mr. Qualls stated there are occasions where you have serial filers, people who go around and file complaints, which is what happened with my client. What we argued is that the judge should put in a stay. We are going to fix this and we do not need someone to sue us because we are taking steps to fix it now. It is a weird standard: is it readily achievable, is it capable of being done without much expense or effort. That can be argued either way. I think as long as you are taking steps to address it and you are looking at taking those measures, you should be fine, but it is something you have to do. It does not matter when your facility was constructed. You are always supposed to be in compliance with ADA.

Mr. Berube stated the key is that we do not have a deadline right now.

Mr. Haskett stated we should do it. I would like to see the use of a portable lift, not portable that we have to move it around all the time. But if it is off season, it will not be there. You know they will be used as diving boards and damaged so that the people who need the lift will not be able to use them at some point.

Mr. Berube stated I have been looking at them carefully, and the ones I have seen sit on the side of the pool with a cover over them. The latest ones have a controller that you snap into the unit as a battery. They are locked to keep kids from playing with them, and there is a sign that says if you want to use the lift, go to the front desk and get the remote controller and the key for the lock. Every single one I have noticed has been locked in some way because they do not want people playing with them or on them. As long as we do not have a firm deadline, we will move forward.

Mr. Qualls stated I will research it. That is the law, so the only sound advice I can give you is to say you need to abide by the law. Right now, I can argue that you are taking measures to look into it and get it done.

Mr. Berube stated that is correct and Mr. Haskett will look at the options that are available and consider the ones that are the best for us.

Mr. Qualls stated I also saw a sign that said if you need assistance to talk to the lifeguards, who can also help. I do not know the standard on that particular mechanism.

Mr. Berube stated if we are going to be handicap-accessible with a pool lift, then we probably need to be handicap-accessible going through the gate.

Mr. Nicholas stated you are.

Mr. Berube asked we do not have a curb anywhere? They can roll everywhere?

Mr. Nicholas stated you are fine in that regard.

Mr. Haskett stated they are ADA accessible.

Mr. Qualls stated just to educate the deputies who are going to help out, the way I like to say it is that you cannot prohibit access but you can regulate access to the pools. It is a public facility, meaning even people who are not residents here can use it, but they have to follow the rules and get the cards in order to use it. It is no different than a city pool. Yes, the public can use it, but you have to follow the rules to get into the pool. If you take in beer bottles, you will be kicked out.

Mr. Berube stated in talking with the deputies in the past, they are going to want a No Trespassing sign put in the pool area.

Mr. Qualls stated your rules say that any unauthorized use of the facilities is trespassing. If you want to have the sign as well, I can research if that is a necessity. You already have a fence.

Mr. Nicholas stated when you hire a deputy, you tell him what to do, and he does it. That is how that works.

Mr. Haskett stated there is verbiage on the signs that says if you enter by any other means than the access card, it is considered trespassing.

Mr. Berube stated I think the deputy himself will be a better No Trespassing sign than anything else.

Mr. Nicholas stated they are great. We just need to come up with the language to educate them on what we are looking for.

B. Engineer – Reserve Study

Mr. Boyd stated I took what we had done previously what we are calling a reserve study, but it is not a true reserve study. We came back with some of the frequencies to be a little more conservative. Then I estimated the approximate year when each item on the list had been completed. I applied the lifetime to it, and then we totaled up the dollars against each year compared to if you had about \$50,000 in continuing reserves. It validates that it is about the right number, and if you continue to put that aside, you should be in good shape. It is a snapshot of where you are today. As new neighborhoods come online and we have new facilities, then there will be new rows to add to this.

Mr. LeMenager stated you started this from zero.

Mr. Boyd stated that is correct.

Mr. LeMenager stated clearly, we have \$185,000 in reserves.

Mr. Boyd stated that is correct, so you are already ahead.

Mr. Haskett stated this report shows C-1 and D-1 as having a resurfacing or a last renovation in 2009. I do not recall that.

Mr. Boyd stated we did a resurfacing and an overlay of the alleys about 2009.

Ms. Kassel stated not that I recall.

Mr. Haskett stated we have done some patching. The overlay was done about 2003 or 2004.

Mr. Boyd stated I will go back and check. I recall that we awarded a contract in 2009 to do some pretty heavy renovations in the oldest alleys.

Mr. LeMenager stated I seem to recall that, as well.

Mr. Haskett stated I will go back and look.

Ms. Kassel stated I asked Mr. Boyd to include some inflationary adjustments to some of the costs. We can take an annual figure and then calculate that in terms of the number of years ahead that we have to replace it, and add it to the current cost so we have a better idea.

Mr. LeMenager stated the way you resolve that is you update this each year. So you will do it in current dollars each year. Your objective is how much we should put in this year.

Mr. Boyd stated that is correct.

Mr. Berube stated another way you can do it is to start with our baseline of \$50,000. If you want to account for inflation and new things coming online, just add 10% to it

every year. So next year, we will put in \$55,000, and the following year, we will put in \$60,000 or \$62,000 or whatever it is. We can address inflation and other things coming online by adding more money to the reserve.

Mr. LeMenager stated that is the point of this, which is to say we are going to put this amount in, and each year there will be variable amounts that we take out. We are talking about taking out \$3,000 some years and \$110,000 in other years. The point is to put in about \$48,000 each year. Our fund balance will go up and down but it will be sufficient.

Mr. Boyd stated you will be in a position where you will know when you are a couple years out from doing something major and what the balance is, so you can protect that amount.

Mr. Berube stated I think we are in good shape.

Mr. Boyd stated Ms. Kassel did point out some things to me, and I will review it line by line to make sure everything is right. I will look into when those alleys were redone and look at it one more time to make sure we did not miss anything or have any mistakes.

EIGHTH ORDER OF BUSINESS

Supervisor Requests

There being none, the next order of business followed.

NINTH ORDER OF BUSINESS

Adjournment

The next regular meeting is scheduled for Thursday, July 25, 2013, at 9:00 a.m.

The meeting adjourned at 8:00 p.m.

Gary L. Moyer, Secretary

Steve Berube, Chairman