

**MINUTES OF REGULAR MEETING  
HARMONY COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Harmony Community Development District was held Thursday, February 28, 2019, at 6:00 p.m. at the Harmony Golf Preserve Clubhouse, located at 7251 Five Oaks Drive, Harmony, Florida.

Present and constituting a quorum were:

Steve Berube	Chairman
Bill Bokunic (via phone)	Vice Chairman
Kerul Kassel	Assistant Secretary
David Farnsworth	Assistant Secretary
Mike Scarborough	Assistant Secretary

Also present were:

Kristen Suit	District Manager: <i>Inframark, IMS</i>
Tristan LaNasa	Counsel Staff: <i>Young Qualls, P.A.</i>
Steve Boyd	District Engineer: <i>Boyd Civil Eng.</i>
Gerhard van der Snel	Manager: <i>District Field Services</i>
Scott Feliciano	<i>Servello Landscape Solutions</i>
Jason Migues	<i>Servello Landscape Solutions</i>
Residents and Members of the Public	

*The following is a summary of the discussions and actions taken at the February 28, 2019 Harmony CDD Board of Supervisors meeting.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

*Supv* Berube called the meeting to order at 6:00 p.m.

*Supv* Berube called the roll and stated the record will reflect we have a full Board with Supervisor Bokunic joining via phone.

**SECOND ORDER OF BUSINESS**

**Developer's Report**

*Supv* Kassel and Mr. LaNasa outlined Mr. Jerman's objections to the access agreements noting on Tuesday afternoon he stated the District had acted in bad faith and the deal is off.

*Supv* Berube requested permission from the Board to meet with Mr. Jerman to discuss and attempt to work out the issues.

Discussion followed on the cost incurred by the District in this matter – the two tax bills at \$53,000 each, debt payoff of \$53,000, attorney's fees, and staff time and what recourse the District has.

The consensus of the Board is for Supervisor Berube to meet with the developer, Mr. Jerman, to discuss matters as it relates to the District's acceptance of the Buck Lake and VC-10 parcels.

**THIRD ORDER OF BUSINESS**

**Audience Comments**

There being none, the next item followed.

**FOURTH ORDER OF BUSINESS**

**Approval of the Minutes**

**A. January 31, 2019 - Regular Monthly Meeting Minutes**

*Supv* Kassel noted she provided corrections.

On MOTION by *Supv* Kassel seconded by *Supv* Scarborough, with all in favor, the January 31, 2019 regular meeting minutes were approved, as amended.

**FIFTH ORDER OF BUSINESS**

**Subcontractors Reports**

**A. Servello**

**i. Grounds Maintenance Status (*Work Chart*)**

Mr. Migues reviewed the Grounds Maintenance report; a copy of which was included in the agenda package.

It was noted the buffer zones were mislabeled as 4-foot retaining walls within the report.

It was reported there have been resident complaints regarding the falling leaves. Mr. Feliciano reported tree trimming will begin next week starting with West Five Oaks. Once the tree trimming in an area is completed the mulch will be installed, followed by fertilizing of the trees.

**SIXTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Engineer**

**i. SFWMD Monitoring**

Mr. Boyd reported he contacted two other firms for pricing for the monitoring.

Discussion followed on monitoring, reporting and maintenance with the outcome being Mr. Boyd to speak with Austin about pricing.

**ii. Discussion of Pool Lighting**

Mr. Boyd noted he has no new report or quotes for the lighting.

Discussion followed on lighting and additional staff time with the outcome being this item was tabled.

**iii. Information re: Moving the Trail**

Mr. Boyd provided and reviewed an exhibit regarding moving the trail that connects Five Oaks Drive with Billy's Trail.

Discussion followed on developing a trail for access by the HROA with Mr. Boyd recommending survey stakes be put out to avoid going into the wetland buffer and on to developer property.

On MOTION by *Supv* Kassel, seconded by *Supv* Scarborough, with all in favor, moving the southern leg of Billy's Trail off developer property and onto CDD property, was approved.

Discussion followed on the property ownership questions regarding the east and west entrances.

Mr. Boyd noted the areas were historically owned by the developer and the CDD has easements over them to maintain ponds. The CDD has the right to maintain the areas, but not the obligation to do so.

The properties in question are owned by Mr. Fusilier and the golf course.

District Counsel will need to answer the question of legally what the CDD does now.

Discussion followed on the parking area with it being noted Mr. Boyd will provide an overhead map of the property, but cautioned against going into the buffers.

## **B. District Attorney**

### **i. Closing on Buck Lake and VC-10**

#### **a. Access Agreement**

#### **b. Interlocal Agreement for Maintenance**

Previously addressed.

### **ii. Neighborhood J Streetlight Maintenance**

*Supv* Berube addressed streetlighting for Neighborhoods I and J noting both are private communities maintained by the HOA. The streetlights in both neighborhoods should be deeded to the HOA.

Mr. LaMasa noted they are researching to provide an answer with regard to deeding the streetlights to the HOA and to review the assessment methodology.

The cost to the CDD for Neighborhood I is \$697 per month and Neighborhood J is projected to be approximately \$400 per month.

### **iii. Update on Litigation**

Mr. LaNasa reported for the Davey litigation they have received no discovery requests back. Davey filed a Motion for Extension for discovery requests and now has two weeks. District Counsel is working on a Motion to Compel, if need be, for the discovery requests.

## **C. Field Manager**

*Supv* Berube addressed pressure washing and inquired as to the Board's thoughts on having CDD Field Services clean all sidewalks throughout Harmony for aesthetics uniformity noting additionally, the sidewalks could be inspected during cleaning.

Discussion followed with the outcome being to table the discussion at this time.

### **i. Facilities Maintenance (Parks, Pools, Docks, Boats, etc.)**

### **ii. Facility Use Records (Inclusive – Boats & Other)**

### **iii. Resident Submittals (Facebook & Direct)**

### **iv. Pond Maintenance (Chart & Map)**

*Supv* Kassel raised a question about the Hardscape invoice of \$3,900.

Mr. van der Snel noted it was to repave trip hazard areas within the Swim Club pool and the Ashley Park pool at Town Square.

Mr. van der Snel reported he took the pontoon to the scrap metal yard and received a check for \$212.

Mr. van der Snel expressed his concerns with the play structures at Lakeshore Park. He suggested replacement within the next two to three years.

*Supv* Farnsworth inquired if this falls under the scheduled maintenance.

*Supv* Kassel noted they need an updated maintenance plan.

Mr. Boyd noted he believes there is a line item for it.

**v. Parking and Garden Facility Improvements**

Previously addressed.

**vi. Proposals**

**a. Wall Bros. Construction – Pergola - \$15,686.00**

Mr. van der Snel addressed the proposal for the Ashley Park pergola.

*Supv* Kassel requested references be reviewed for the contractor.

It was noted the pillars will remain and everything else will be rebuilt. The project will be funded from reserves.

On MOTION by <i>Supv</i> Kassel seconded by <i>Supv</i> Scarborough, with all in favor, the Wall Bros proposal in the amount of \$15,686 was approved contingent upon adequate review of references.
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**b. Hardscape World – Pavers - \$3,000**

Mr. van der Snel reported there was a resident request to pave the area around the benches in the small dog park.

*Supv* Kassel addressed polling the residents regarding pavers for the area around the wash area noting some thought it was a good idea, others thought it was dangerous for the dogs to play on pavers and about the same amount did not have an opinion. She suggested they look into alternative surfaces for these areas.

Discussion continued with the outcome being Mr. van der Snel to obtain a quote from Rubbers.com for the areas within the dog parks.

**vii. Update on Weather Station Replacement & Stabilization**

*Supv* Farnsworth inquired if they are going to continue with the weather station or if they are going to abandon it?

Mr. van der Snel noted it works, the issue is the internet connection.

Discussion continued on the internet service with the outcome being to remove the weather station from the website.

**SEVENTH ORDER OF BUSINESS**

**District Manager's Report**

**A. Financial Statements for January 31, 2019**

Ms. Suit noted the financial statements for January 31, 2019 are under tab 7.A. She noted the utilities are over budget. She noted the buy down on the streetlights and Capital Outlay offset each other which is a concern regarding what funds are available.

*Supv* Berube noted there is \$41,000 remaining in Capital Outlay.

Ms. Suit reported the year-to-date budget is \$1,024,369 and year-to-date actuals are \$948,698 noting they are under budget by about \$75,000.

**B. Approval of: #226 Invoices, Check Register and Debit Purchases**

On MOTION by *Supv* Berube, seconded by *Supv* Scarborough, with all in favor, Invoice Approval #226, Check Register and Debit Purchases, were approved.

**C. Discussion of District Manager Special Topics**

**i. Consideration of Auto-Pay Billing for Vendors: Humana, Ameritas Insurance and Sprint**

Ms. Suit addressed placing items on auto-pay for the District noting there is a delay in approval versus payment resulting in late payments. The other option is for Mr. van der Snel to use AVID to approve the invoices in a timely manner.

Discussion continued on the AVID system and auto-pay.

On MOTION by *Supv* Berube seconded by *Supv* Bokunic, with all in favor, to place Humana, Ameritas Insurance and Sprint on auto-pay, was approved.

*The record will reflect Supervisor Kassel has left the meeting.*

**ii. Meeting Summary & Action Items**

Ms. Suit reported the \$5 has been removed from the Construction Account, but they are waiting on the Completion Certificate.

**D. Facilities Usage Applications**

There being none, the next item followed.

**EIGHTH ORDER OF BUSINESS**

**Topical Subject Discussions**

There being none, the next item followed.

**NINTH ORDER OF BUSINESS**

**Supervisors' Requests**

**A. Consideration of Summary Meeting Minutes**

*Supv* Bokunic noted he can no longer enter any of the Fusilier properties and can no longer physically attend the meetings. He would like the Board's consideration of possibly moving the location of the meeting, but it can be discussed next month.

*Supv* Bokunic MOVED to do away with verbatim meeting minutes and go to summary meeting minutes.

*Supv* Berube noted he would like some detail of discussion that lead to the motion, the motion and a summary of the important comments after.

*Supv Berube seconded the motion.*

*Supv Farnsworth noted he has a strong objection and read for the record a position statement regarding near verbatim minutes versus summary minutes:*

*“The proposed change we are talking about here is to break with a 16-year historical precedent – 2003 through 2018 – of providing near verbatim transcriptions of meeting minutes for current and future reference in favor of summary minutes which eliminate individual statements and quotations.*

*Based on that the question that has to be posed is ‘what does the Harmony District gain, how do Harmony communities benefit, what do Harmony residents gain from the abandonment of near verbatim minutes?’*

*The question is not & should not be, ‘what does the Harmony Board gain, what do individual supervisors gain, what do employees of this District gain through the adoption of summary minutes’.*

*My answers are quite simple. This topic results from paranoid fear by individual Board members of the possibility of being misquoted and/or accurately quoted and then called out for a misstatement when someone, resident or otherwise, reviews fully transcribed, quoted minutes.*

*Citing ‘discovery’, which is a legal term, as a potential concern is a smoke screen, fake news, thrown in to confuse the issue. If that is ever a real concern, there is an available remedy; it is called a closed session of the Board to discuss any matters that have legal ramifications to the Board, the District, or to residents.*

*Accordingly, it is my opinion that consideration of the radical change to summary minutes should be rejected and near verbatim minute transcription should continue to be provided. In summary, my position is simply this: if you say or do something, whether it is right or wrong, man up and own it.”*

*On VOICE vote, with Supv Bokunic, Supv Berube, and Supv Scarborough voting aye and Supv Farnsworth voting nay, the motion was approved.*

*Supv Farnsworth noted he will no longer be presenting the agenda package at future meetings so no set up of the equipment is necessary.*

## **TENTH ORDER OF BUSINESS**

## **Adjournment**

There being no further business,

*On MOTION by Supv Berube seconded by Supv Scarborough, with all in favor, the meeting was adjourned.*

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Kristen Suit  
Secretary

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Steven Berube  
Chairman