

**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, April 25, 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
David Farnsworth	Assistant Secretary
Mike Scarborough	Assistant Secretary

Also present were:

Kristen Suit	District Manager: <i>Inframark, IMS</i>
Tim Qualls (via phone)	District Counsel: <i>Young Qualls, P.A.</i>
Tristan LaNasa	Counsel Staff: <i>Young Qualls, P.A.</i>
Gerhard van der Snel	Manager: <i>District Field Services</i>
Scott Feliciano	<i>Servello Landscape Solutions</i>
Jason Miguez	<i>Servello Landscape Solutions</i>
Steve Fusilier	<i>Harmony Retail, LLC</i>
Residents and Members of the Public	

The following is a summary of the discussions and actions taken at the April 25, 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.

SECOND ORDER OF BUSINESS

Developer's Report

A. Status of Buck Lake and VC-10

Supv Berube reported the conversation has been moved forward a little with the developer as to the acquisition of Buck Lake and the associated land known as VC-10. Yesterday the developer, via email, stated he will have his final documents, as to how he wants to set everything up, to Supervisor Berube by tomorrow or Monday.

An unidentified speaker inquired if they will be allowing motor boats on the lake?

Supv Berube noted they will not be.

B. Status of Easements to CDD for Continued Maintenance of Certain Property/Parcels

Supv Berube noted he had a discussion with Mr. Fusilier regarding maintenance agreements and/or easements. Can one easement be done to cover all the parcels?

Mr. LaNasa noted they can draft an easement to include all, but they will do their due diligence to determine if there is a rule that prohibits it prior to drafting.

Supv Berube inquired if this works?

Mr. Fusilier noted he has met with Supervisor Berube, but has not met with anybody else on the Board. He reviewed areas on a map currently owned by *Harmony Retail, LLC*.

Mr. Fusilier addressed the need for a line item for fountains. He further addressed the landscaping at the front entry and increasing pond maintenance to include clear cutting all banks.

An unidentified speaker addressed the plants being installed to filter the chemicals from the ponds.

Mr. Fusilier addressed access to an area that would require removal of columns and fence noting he thinks there needs to be another negotiated access easement to maintain the ponds and fountains. [Green area on the map].

Supv Berube noted excluding the 192 side where the fence is, the CDD has no ownership of lands around the three ponds, but there has to be an easement in place for maintenance of the ponds.

Mr. Fusilier addressed commercial development. He further addressed an area with regard to landscaping area where the water has been turned off where the trees are dying and the landscaping is brown and patchy. He would like the water to be turned back on, the trees pruned and low level landscaping installed noting *Servello* provided a quote of \$4,800 to install Confederate Jasmine.

Mr. van der Snel noted there is not enough water pressure for the area being discussed. The bubblers were turned off once the trees were established. There are no spray heads for the Jasmine that were originally there. The bubbler lines would have to be rerouted and spray head installed.

Supv Scarborough noted if they do this there will not be enough water pressure for the fence line as they are on the same zone.

Supv Berube noted the water needs to be fixed for CDD lands and the trees that are CDD need to be brought up to CDD standards. The request has been heard, if does not know how long it will take, but they will get moving on it.

Mr. Fusilier addressed the CDD maintenance trailer noting it is on his property and they do not have a lease. He further noted once the commercial development is done whatever outparcels from the entry point in the front are not needed or warranted he would gift back to the CDD and community.

THIRD ORDER OF BUSINESS

Audience Comments

An unidentified speaker requested the Board reconsider the shrinking of the minutes. She noted the legal issues of the Sunshine Law and requirement of minutes being published are being met, but in the spirit of the law to keep the community more informed she requested they go back to publishing the minutes in an expanded format and to support the live streaming in a fuller format, if possible.

An unidentified speaker noted he seconds this request with the reality being at the end of the day the community wants transparency, full disclosure and full information.

An unidentified speaker addressed a Board member not being able to attend meetings and inquired if there is anything that states a member must be in physically in attendance to be on the Board.

Supv Berube noted there is not. A Board member can be asked to resign, but can only be forced out of office by the Governor since it is an elected position.

FOURTH ORDER OF BUSINESS

Approval of the Minutes

A. March 28, 2019 - Regular Monthly Meeting Minutes

On MOTION by *Supv* Berube seconded by *Supv* Scarborough, with all in favor, the March 28, 2019 regular meeting minutes were approved, as amended.

FIFTH ORDER OF BUSINESS

Subcontractors Reports

A. Servello

i. Grounds Maintenance Status (*Work Chart*)

Mr. Migues reported they are close on finishing up the mulch.

Supv Berube noted some areas of the mulch are thin and vegetation is growing through already. The contract calls for three-inches of mulch.

Mr. Migues noted the trees should be completed.

Supv Berube read a comment from a resident noting *Servello* is not trimming the dead branches off or thinning the branches so air can pass through. The *Servello* employee told the resident while it is needed they are not being paid to do so because the Board is too cheap. He noted this is infuriating noting the only way an employee would get the idea the Board is too cheap to do trees right – either they surmised it or someone in *Servello* management made a comment that the Board does not want to do the trees the right way. Neither one should be acceptable. He realizes they are not paying for the tree trimming as it is termed part of normal maintenance.

Mr. Feliciano noted he does not know who made the comment, they do not discuss contracts or financial matters with the employees. He does not know why this person would seem to be educated enough to know what the contract states. They are instructed to lift, thin and remove dead branches.

An unidentified speaker invited Mr. Feliciano to 3356 Cat Briar Trail so he could show him dead branches and trees that have not been thinned.

Mr. Feliciano outlined the work that has been done and addressed a zero tolerance in an employee made such a comment.

Supv Berube noted every contractor has given them a different thought of how the trees should be dealt with. While the tree trimming has been slow for the most part the Field Services Manager is happy.

Mr. van der Snel noted overall he is happy, but is not happy with the organization behind it; he had to do a drive through with three different people, which he does not think is efficient and would advise for the next cycle one person as the go to for the tree trimming. It is the same situation with the mulching process.

Supv Berube addressed the trees behind the sidewalk off the street. There are a number of those, specifically along School House between the school and traffic circle, behind the sidewalk many have not been touched. This is the only area he sees still largely untouched.

Mr. Feliciano noted he will look at it.

Supv Scarborough addressed raising and thinning trees versus hurricane cutting trees. He noted it is subjective and when someone hears thinning they think someone is getting up into the tree and thinning branches all through the canopy.

Mr. Feliciano noted you can do it and is a correct practice with it. Typically, in contracts it states lifting trees up to 14' in height and along sidewalk areas up to eight to ten feet in height. The reason most HOA's and CDD's do not require it in their contracts is because it is a more expensive pruning.

Supv Berube addressed the preliminary budget noting this is probably going to be the year they are going to do all of the inner and outer trees and they will need a number for that.

Mr. Feliciano addressed having an agronomist at Vista Lakes advise them on the turf, shrubs and trees and what should be done to maintain it. He thinks something like this would be good for the Board to have on record and for *Servello* to have.

Supv Berube requested they provided a cost for this.

Ms. Suit noted this is one of her communities and they have it done twice per year. He then reports to the Board who determines what within their budget they can do. It is a good outside picture.

Supv Berube addressed Mr. Fusilier's earlier request noting he thinks they are going to change the pond cutting program. The current program is a four-foot buffer zone that is allowed to grow to a couple three feet every year and then cut it back. It looks terrible when it cut back and when it is not cut back it looks terrible. Can they take away all the buffer zones making it good grass all the way to the waterline? Do they have the equipment to do so? If they are going to change to this, they may maintain every pond. Would it change the contracted price for pond maintenance if they are clear cut all the way to the pond edge?

Mr. Feliciano noted he would have to look at it with James. They have the equipment, but a concern is some of the grasses are actually inside the pond and would there be some type of aquatic control.

Supv Berube noted the vegetation in the ponds is not an issue; they have two who are herbicide licensed. The question is, can they maintain all of the ponds.

An unidentified speaker noted he lives at 3338 Cat Briar and *Servello* did not touch their trees; they paid somebody to come out and trim back branches from their house.

Supv Berube noted behind the sidewalk they are not touching.

The unidentified speaker noted it was in front of the sidewalk to the roadside.

Mr. Feliciano noted they had to go back to numerous homes where cars were parked. *Servello* does not allow their employees to knock on doors to ask residents to move vehicles for liability purposes.

An unidentified speaker noted she chased them down the street to tell them they did not trim the tree and was told it was not needed.

Ms. Suit noted she has suggested before a color coded map as to when sections are going to be done so it can be posted for the residents.

Supv Berube inquired if pine needle mulching will be done?

Mr. Miguez noted they are.

Supv Berube noted many pine trees have been mulched with pine bark nuggets.

Mr. Miguez noted there are pine beds that they have not yet put pine straw in do have pine bark in them.

Supv Berube noted historically all pine trees have had pine needs around them and it has changed somewhat this time around.

Mr. Feliciano noted they are going to keep pine needles there.

Supv Berube addressed the berm at Neighborhood J and requesting a price to maintain it. It was cut once.

Mr. Miguez noted they submitted a cost for it.

Ms. Suit noted it is on the agenda.

Supv Berube addressed the berms along East Five Oaks where the pine trees have not been pine needled yet noting there is a lot of weed growth.

Mr. Migues noted it will be done this coming week.

SIXTH ORDER OF BUSINESS

Staff Reports

A. District Engineer

i. Updated CDD Property Reserve Expense Report

Mr. Boyd addressed the updated CDD property reserve expense report. It is not a reserve study, but rather a what does the District have that might need to be maintained, estimated value and estimated life span, and a way to track it. He noted the replacement cost for the Neighborhood O playground equipment is overestimated.

Supv Berube noted they have included monies in the budget to improve the equipment. The estimate will be close after those improvements are made.

Mr. Boyd noted he needs Mr. van der Snel's input on anything highlighted in yellow. Those items may be due or overdue based on original assumptions.

Mr. van der Snel noted the H2 park needs to be added with a similar value to H1.

Mr. Boyd noted it reflects they need to be budgeting \$50,000 for annual reserves.

Supv Berube noted the irrigation is worth a lot of money with the Maxicomm computer, the Maxicomm weather station, the Maxicomm wiring underground and 29 clocks.

Mr. van der Snel noted the cost to replace a clock is \$10,000.

Supv Berube noted the irrigation system never appears on the reserve studies, but they are funding repairs. Should it be part of a value study?

Mr. Boyd noted the purpose of this was for the items they are not continually maintaining that are going to be a big hit in a particular year. If the irrigation is being maintained already and built into the budget it does not need to be included.

Ms. Suit noted if they plan to overhaul the entire system they would then want to reserve for it.

Supv Berube addressed Neighborhood J noting a water meter was never installed or added to Maxicomm. Up until now the developer has always handled this and gave the CDD a working landscape maintenance area in perpetuity.

Mr. Boyd noted he was not aware a meter was not installed for Neighborhood J.

Ms. Suit inquired if the engineer does a final walkthrough with the developer to confirm everything is done properly prior to it going to the Board to sign off.

Supv Berube noted typically, but there has not been a request for a walk through or finality. With SunTerra it has not worked the way it has historically.

Mr. Boyd noted typically once they have sign off by the County it is then assumed by the CDD, but it appears something was missed and he will follow up on it.

B. District Attorney

i. Discussion of Legal Requirements if District Purchases Webcam for *Livestream*

Supv Berube addressed the discussion regarding maintenance easements and the request regarding the fountains.

Mr. LaNasa noted Mr. Qualls is on the phone.

Supv Berube noted he would like them to look into consolidating whatever agreement the CDD needs with the landowner should they go down the road of picking up all the maintenance on those lands possibly including fountains. How do the development the maintenance easement in the simplest way possible for all parties involved satisfying the legal requirements?

Mr. LaNasa noted it will come back to public access and confirming who owns all the parcels.

Mr. Qualls addressed website ADA compliance noting the bottom line is when it was adopted in the 90's it was about making physical spaces accessible. In 1999 the government did say government websites have to be compliant and in line with the ADA. The problem is there is a lot of interpretation when you are applying an act for physical spaces to websites.

Supv Berube inquired what access for a disabled person entails?

Mr. Qualls noted the DOJ has said websites have to be compliant with ADA, but there is a lot of flexibility in determining how to make it happen. He advised the CDD needs to keep doing what they are doing. Supervisor Farnsworth has made changes to the website. The things that have to be placed on the website have to be converted to a PDF or whatever the requirement is. He advised against signing an agreement until they can investigate it more; allowing them to work with the District Manager to get some beginning points. As long as the Board is continuing to look at it and try to make the website ADA compliant as best as they can, realizing there is no one set formula for doing so, it will go a long way should somebody file a lawsuit.

Mr. LaNasa addressed the purchase of a camera that they did not direct any private citizen to do, but the private citizen would use to film Board meetings. They found there is no prohibition against a private citizen filming a Board meeting, however the Sunshine Laws – 119, Section 3C-12, public record means all films and/or tapes made pursuant to law or ordinance in connection with the transaction of official business. Mr. Qualls and Mr. LaNasa believe it would be in the best interest of the Board, whether they buy the camera and direct somebody to film it or not, it is still going to be a public law.

Supv Farnsworth inquired if they purchased a camera that could be used, but used for other things such as around the property those they would have to keep. Would there be any constriction or restriction on a private citizen borrowing it or the CDD loaning it to a resident?

Mr. LaNasa noted they are purchasing the camera.

Supv Berube noted if the CDD buys the camera it is filming official business no matter who does it.

Mr. LaNasa noted the retention would be two years from the adoption.

Supv Scarborough noted it could be retained in the Cloud.

Ms. Suit noted *Inframark* cannot hold that much data.

Supv Farnsworth noted they can, but it will cost more.

Discussion continued on live streaming and recording CDD meetings with it being requested Ms. Suit determine the cost to store 24 recordings on the website.

Mr. Qualls requested they notice for the next meeting an Attorney/Client Session to discuss the Davey Tree litigation.

Supv Berube noted it will be noticed for the next meeting.

C. Field Manager

- 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)

Mr. van der Snel inquired if the Board has any comments, questions, or concerns?

Supv Farnsworth noted the treatment with the copper sulfate does not state the quantity used.

v. Consideration of Addendum to Servello Contract [Eastlake Berm]

Mr. van der Snel reported they requested an addendum from Servello for the Eastlake berm noting he believes it is \$600 per month. This includes fertilizing, cutting, edging, and tree trimming.

Discussion followed on the berm maintenance and irrigation for the area with it being noted it is not on the Maxicomm system.

On MOTION by *Supv* Berube seconded by *Supv* Farnsworth, with all in favor, the addendum to the Servello contract for the Eastlake berm was approved.

SEVENTH ORDER OF BUSINESS

District Manager's Report

A. Financial Statements for March, 2019

B. Approval of: #228 Invoices, Check Register and Debit Purchases

On MOTION by *Supv* Berube, seconded by *Supv* Scarborough, with all in favor, the March 2019 financials, Invoice Approval #228, Check Register and Debit Purchases, were approved.

C. Acceptance of the Audit for FY 2018

Supv Berube reviewed the FY 2018 audit.

Ms. Suit reported it is a clean audit.

On MOTION by *Supv* Berube seconded by *Supv* Scarborough, with all in favor, the audit for fiscal year ended September 30, 2018 was accepted.

D. Approval of Tentative FY 2020 Budget

Ms. Suit noted Resolution 2019-4 sets the public hearing for July 25, 2019 at 6:00 p.m.

On MOTION by *Supv* Berube seconded by *Supv* Bokunic, with all in favor, Resolution 2019-4 a resolution of the Board of Supervisors of the Harmony Community Development District approving the budget for Fiscal Year 2020 and setting a public hearing thereon pursuant to Florida Law, was adopted.

E. Discussion and Consideration of Payment for Dog Park TOHO Water Bills

Supv Berube noted he and Mr. Fusilier had a discussion today and he believes Mr. Fusilier agrees the water bills are off the table for this Board.

Mr. Fusilier noted as long as the community wants to utilize the park he will pay it.

Supv Berube noted the only water being used there is the water fountain. All other water was for the horse barn.

Mr. Fusilier noted the horse barn has been shut down, the power shut off and the water lines capped.

Discussion followed on the dog park water usage and the TOHO water bills with the consensus of the Board being \$25 per month for water for the dog park payable to Fusilier Realty Group for a total of \$300.

F. FEMA Update

There being none, the next item followed.

G. Facilities Usage Applications

There being none, the next item followed.

EIGHTH ORDER OF BUSINESS

Old Business

A. Vehicle Storage Facility Improvements and Management Fees

Supv Berube reported he received an email from Mr. Mark Hills, HOA Manager noting the management of the RV and garden lots has been more time consuming than anticipated and labor intensive. They would like the Board to consider an increase in the fee to \$200 per month. He outlined the work being handled by Association Solutions.

On MOTION by <i>Supv</i> Berube seconded by <i>Supv</i> Bokunic, with all in favor, the increase in management fees for the garden and parking facilities to \$200 per month was approved.
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Supv Berube outlined the vehicle storage improvements noting Supervisor Farnsworth put the map together.

Discussion followed on the improvements and estimates with it being noted they will need to determine if permitting is needed.

The consensus of the Board is to move forward with the expansion of the parking facility using Undesignated Reserves with the payback period being two to five years depending on variables.

Discussion followed on roadway materials – shell rock versus concrete fines with it being noted concrete fines are a better product, but harder to get.

Mr. van der Snel will see if any of the contractors work with concrete fines and what the difference in pricing would be.

Discussion followed on the size of slots and whether there will a washout area and the marking of slots.

NINTH ORDER OF BUSINESS

Topical Subject Discussions

A. Discussion of Board Notifications as it Relates to Interim Status Reports

Supv Farnsworth addressed if the Board needs to be informed of something to send individually or bcc'd.

Discussion followed on the emails.

B. Parking & Garden User Supported Facilities Report

It was reported a \$5,000 check was received for the parking & garden facilities.

TENTH ORDER OF BUSINESS

Supervisors' Requests

Supv Berube addressed a *Facebook* request for golf cart access on the roadways.

It has been approved by the County, but the community must buy the signs.

Discussion followed on the signage to be used.

The consensus of the Board is to approve spending up to \$1,000 for the appropriate sign for golf cart compliance on roadways.

Supv Bokunic addressed not being physically allowed to enter the facility to attend meetings. The elementary school has offered the use of the school at no charge each month and would allow Supervisor Bokunic the opportunity to attend meetings.

Supv Farnsworth addressed the heading of Old Business on the agenda and justification for why the topic crept into the agenda vernacular.

Discussion followed on the use of the headings Old Business and Topical Subject Discussion.

Supv Scarborough addressed the management of the pools with chemicals by Pool Sure.

Mr. van der Snel noted the cost is \$180 per month / \$60 per pool.

Supv Scarborough noted he had offered to donate to the CDD his equipment if they wanted to do the monitoring.

Discussion continued on the equipment with it being noted it would need to be integrated into the existing system and leasing versus owning the equipment.

ELEVENTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by <i>Supv</i> Berube seconded by <i>Supv</i> Scarborough, with all in favor, the meeting was adjourned.
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Kristen Suit
Secretary

Steven Berube
Chairman