

**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, May 30, 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>
Tim Qualls	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 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 May 30, 2019 Harmony CDD Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Roll Call

An unidentified speaker expressed his opinion that Supervisor Bokunic is excluded from the meeting if attending via telephone.

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

Closed Litigation Session

Supv Berube addressed the Closed Litigation Session noting the Board, District Counsel, District Manager, Field Manager and a court reporter will be in the session.

At this time the audience was asked to step outside the meeting room.

Mr. Qualls outlined the process for the Closed Litigation Session.

On MOTION by <i>Supv</i> Kassel seconded by <i>Supv</i> Berube, with all in favor, the Closed Litigation Session was opened.
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~{Closed Session Conducted}~

On MOTION by <i>Supv</i> Kassel seconded by <i>Supv</i> Scarborough, with all in favor, the Closed Litigation Session was closed.

THIRD ORDER OF BUSINESS

Reconvene Meeting

The regular meeting reconvened.

FOURTH ORDER OF BUSINESS

Developer's Report

A. Status of Buck Lake and VC-10

Supv Berube reported he had a meeting with Mr. Jerman of *SunTerra*. They are awaiting documents which were to arrive last week from Mr. Jerman's attorney detailing the agreement with the CDD.

FIFTH ORDER OF BUSINESS

Audience Comments

Mr. Joseph Lawrence addressed the deactivation of his family's amenity cards.

Mr. Jim Bell addressed a for sale sign at Schoolhouse Road and Butterfly and inquired if they can review how the realtor was given approval to place the sign there.

Supv Berube noted it is private property.

Mr. Bell addressed the property being sold and *SunTerra* not paying their CDD fees and inquired if they Board will pay his fees next year since they have set a prior example.

Supv Berube noted they would not.

Mr. Bell noted the Board is discriminatory.

Supv Kassel noted the Board has paid debt service, as they are required to do.

SIXTH ORDER OF BUSINESS

Approval of the Minutes

A. April 25, 2019 – Budget Workshop Minutes

On MOTION by *Supv* Kassel seconded by *Supv* Scarborough, with all in favor, the April 25, 2019 budget workshop minutes were approved.

B. April 25, 2019 – Regular Monthly Meeting Minutes

On MOTION by *Supv* Berube seconded by *Supv* Scarborough, with all in favor, the April 25, 2019 regular meeting minutes were approved, as amended.

SEVENTH ORDER OF BUSINESS

Subcontractors Reports

A. Servello

i. Grounds Maintenance Status (*Work Chart*)

There being no questions or comments, the next order of business followed.

ii. Proposal 2266 – H1 Playground - \$4,731.50

Discussion followed on irrigation for the H1 playground.

Mr. van der Snel noted the proposal is in response to a resident concern.

Supv Farnsworth requested a map noting the areas.

This item was tabled to next agenda.

iii. Retention Pond Addendum

This is item was tabled.

iv. Maintenance of Private Property

a. Stopping the Grass Cutting

b. Discussion of Clear Cutting Most Ponds

Mr. Qualls addressed the legalities of the CDD providing maintenance to private lands. If it were to take place there needs to be an easement where the public would be allowed to access the property.

Supv Berube noted the genesis of this are the four ponds along 192; three owned by Mr. Fusilier and one by the golf course. There is a fifth piece of property, Central Bark, which is owned by Mr. Fusilier; all of which have been maintained by the CDD. At this point, Counsel is advising they need to stop the maintenance of the private properties.

Supv Farnsworth noted they are still obligated to maintain outflow and functionality of the ponds. Are we saying we are not going to maintain the clarity or algae?

Supv Kassel responded no, the mowing around it.

Discussion continue on the maintenance the CDD will perform on the ponds with regard to water quality.

Supv Berube MOVED to stop the grass cutting around those private property areas effective immediately.

Supv Kassel addressed mowing to the edge of the ponds noting she thought their policy was to mow the ponds to the edge twice per year.

Supv Berube noted there was discussion, but no decisions were made.

Supv Scarborough seconded the motion.

Discussion followed on the motion with Supervisor Berube noting it includes the four ponds and Central Bark.

On VOICE vote, with all in favor, the motion was approved.

Mr. Fusilier requested clarification of if this includes eliminating the front entry; the road frontage, and everything.

Supv Scarborough inquired if he was referring to from the road to the fence?

Mr. Fusilier responded everything.

Supv Berube noted it includes everything; I have not looked at all the properties.

Mr. Fusilier noted they should have looked at all the properties first and spoke with District Counsel and him, before bringing it to a motion.

Mr. van der Snel noted at the east entrance the CDD owns three strips – the middle strip, the left side of the sidewalk and the right side of the sidewalk.

Mr. Fusilier stated I own everything across the front of the property except for the main column going in until you step back where the sidewalk starts.

Discussion continued on the property ownership.

Supv Kassel inquired if he could give them an idea of what he is implying?

Mr. Fusilier noted he is not implying anything. They made a motion without speaking to the landowner of the property that has been maintained by the CDD for 17 years and they are now saying they do not want to maintain some of the property which unfortunately impacts the entire front of the road at the main entrance including the ponds, the dog park and the berm in the active adult region. He is inferring there should have been a deeper conversation instead of bringing to the Board that they are not going to maintain properties they have been maintaining for 17 years.

Supv Scarborough noted for a large part of the 17 years the CDD and landowner were effectively one.

Supv Berube noted they will review it and the motion may be amended to include more lands. He saw similar ownership as to what Mr. van der Snel saw with regard to ownership for the cutting of the grass.

Discussion followed on the dog park known as “Central Bark”, with Supervisor Berube outlining his recollection of how it came to be.

Discussion continued on the CDD ceasing to maintain private properties and a meeting that was held between Mr. Fusilier and Supervisor Berube.

Mr. Fusilier further addressed the meeting between he and Supervisor Berube noting his thought when they ended the meeting was the Board would come up with a plan. He noted he wants what everybody else wants which is beautiful landscaping and a wonderful community. The property has been maintained for 17 years, if they are going to drop the hat and not maintain it, their office is on his property, they do not have a lease and they maintain that property. There are other properties.

Supv Berube noted they did have a lease on where the office trailer is.

Mr. Fusilier noted there is no lease, but they maintain the property. He understands if they want to split hairs, but the bottom line is they are making a motion without having common sense conversation about how things are going to happen. If they make the motion tonight, if they are not doing the ponds, he is going to trespass them on every bit of his property out here, collectively.

An unidentified speaker inquired if Mr. Fusilier would be willing to turn the properties being discussed over to the CDD or sell them to the CDD for \$1 if the CDD were willing to accept it.

Mr. Fusilier noted he would be willing to give some lands up and would be willing to give certain easements as long as they sit down and talk about them.

Supv Farnsworth inquired if there was an agreement that they would maintain Central Bark in anticipation of it eventually being turned over to the CDD. Is there any reason they would try to back out of that agreement?

Supv Berube noted there is no agreement other than the verbal one with the developer ten years ago.

Supv Kassel addressed there being a bigger picture than just suddenly deciding to remove those ponds when there was a lot more property to consider.

Supv Farnsworth noted he was trying to separate out one item.

Supv Kassel inquired where they go from here.

Mr. Qualls addressed the situation noting there are a myriad of ways to work it out.

Supv Kassel volunteered to be the liaison.

Mr. Fusilier noted he is willing to speak with anybody who is willing to sit down and work out a plan.

Supv Kassel noted what Mr. Qualls is suggesting and what she offered to do is find a way to work through this, setting aside for the moment the vote that just happened, finding a way to work through it and she offered to be the liaison to help that happen.

Supv Berube inquired how they rescind the motion.

Mr. Qualls noted they cannot legally spend public dollars on private property.

Anyone who voted for a motion may make a motion to reconsider the previous motion.

Supv Berube MOVED to reconsider the prior motion stopping CDD maintenance of private property subject to Supervisor Kassel working with Mr. Fusilier within the next 30 days to work out how the maintenance will take place and *Supv* Scarborough seconded the motion.

Supv Kassel inquired if Mr. Fusilier is open to this?

Mr. Fusilier noted he has been open to working with the community; yes.

Mr. Qualls reiterated the motion for clarification. He noted they have to be aware of the big picture – it makes no sense to try to do this piecemeal.

Supv Berube noted it is all the privately owned lands.

Discussion followed on the areas with Supervisor Berube noting CDD maintenance will continue pending satisfactory resolution / negotiation.

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

Mr. Feliciano noted he would like to know the areas being discussed in case they have to make adjustments in the future.

Supv Berube noted as of today nothing has changed.

Mr. Qualls noted this is a government that can only meet in the Sunshine. He heard comments of how did this happen, why did we not have discussion; you cannot. The only time and place to make decisions like this is at a publically noticed Board meeting.

Supv Kassel requested the District Engineer provide maps of the areas being discussed. [from M Neighborhood through A Neighborhood to Five Oaks Drive]

Supv Berube suggested they table the discussion of clear cutting pond banks to next month.

Supv Kassel addressed being in harmony with nature and the ethic of what the community was originally designed to be. The policy has been to mow twice a year around the ponds and leave a buffer around the ponds to catch fertilizer, pesticides, trash, etcetera. Not only does it keep the water from being polluted by those substances, but it also creates habitat for wildlife around the pond.

Discussion followed on non-invasive versus invasive plant life.

v. Discussion of Soccer Field and Blazing Star Park

Supv Berube addressed the soccer field and Blazing Star Park noting the pictures are from two weeks ago. He noted the Board's approval to spend monies to try to resuscitate the fields and Servello's caution at the time that it may or may not work. He is of the opinion it is not working; they look bad.

Mr. Feliciano noted it was an uphill battle with these fields. There is a lot of new Bermuda growth. The other thing he has looked at was all the areas around the soccer field. He noted they need to raise the bed up; all the grasses around it generate seeds and to do it the correct way they cannot just replace the soccer fields; they have to do everything else around it. They may get to the point where they have to create some type of mulch barrier to divide the two grasses. He would look at and revamp the irrigation, add soil and raise the entire bed up.

Supv Berube noted they understood the fields were bad and threw money at it in a last ditch attempt to avoid replacing the sod and they are not getting anywhere.

Mr. Feliciano noted what they have done throughout the rest of the community with fertilization looks fantastic.

Supv Berube noted the suggestion is to stop the special treatments every month at this point; this is step one. As step two they will need a proposal for replacing. He requested they tell them what to do there and inquired if Celebration Bermuda is the right thing to do on both the fields and also providing a map of the exact areas associated with the proposal.

Mr. Feliciano noted he can do that and will get some recommendations from people in the industry also. They also need to think about the fact if it is going to get continual use for sporting events they need to change out the fields every two years.

Supv Berube requested a second proposal for an alternate field in the grassy area to the west.

Supv Scarborough noted it is a much lower area.

Supv Kassel noted this area is supposed to be a passive park and has gotten to be a very active park.

Discussion continued on a secondary soccer field and the passive park.

Supv Berube addressed the mulching.

Mr. Feliciano noted they fired the mulch contractor.

Supv Berube noted the contract calls for three inches of mulch in all the regular beds and three inches of pine straw in the areas under the Pine trees. Currently, there are three inches of nuggets under every Pine tree with some pine straw mixed in. They are significantly far away from what the contractual agreement is.

Mr. Feliciano noted they have contracted with another mulch vendor.

Supv Berube noted there has been a suggestion of getting away from the nuggets. If there is an alternative that is acceptable to all they should discuss it.

Supv Berube noted the Garden Coordinator still needs wood chips.

Mr. Feliciano noted he will look at his schedule to see what he has in the area. He will gladly dump the wood chips at the garden.

An unidentified speaker requested they check the park at Middle Grass Lane; it noted there are a lot of weeds and grass.

An unidentified speaker noted it is the same at the corner of Indian Grass.

Supv Kassel inquired about an invoice from TOHO for 3300 Schoolhouse Road park where there was no usage for most of the year and now has skyrocketed.

Mr. van der Snel noted he will look at it; he has a list at his office.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. District Engineer

There being none, the next item followed.

B. District Counsel

Mr. Qualls reported the contract for the East Lake berm addendum has been fully executed.

Discussion followed on the East Lake berm landscaping with it being noted they are waiting on the developer to install a meter, tie it into the MaxiComm system and turn on the water to the berm.

Mr. Qualls noted he has nothing further, unless there are any other questions.

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?

v. Proposals

a. Hardscape World Proposal – Dog Park Pavers – \$1,899.00

Supv Kassel noted this is for the area of the shed in the large dog park and the pavilion in the small dog park.

Supv Berube noted this is labor only using the leftover pavers the CDD has.

<p><i>Supv</i> Berube MOVED to approve the <i>Hardscape World</i> proposal in the amount of \$1,899.00.</p>

Supv Farnworth inquired if there is anyone who does this work and why do they only have one proposal.

Mr. van der Snel noted he has asked *All State Paving*, but they did not respond. They have good experience with *Hardscape World* and their prices are competitive.

Supv Kassel seconded the motion; and with all in favor, the motion was approved.

NINTH ORDER OF BUSINESS

District Manager's Report

A. Financial Statements for April, 2019

B. Approval of: #229 Invoices, Check Register and Debit Purchases

Ms. Suit addressed year to date actuals for non-ad valorem assessments noting they are \$134,000 under which is due to VC-10. It is not on the roll, but has been budgeted for.

Supv Berube noted delinquencies are \$134,000 at this point with \$53,000 plus the previous are related to VC-10 and the non-payment of assessments. They are tracking the unpaid assessment costs and noted in the narratives.

Supv Farnsworth inquired whose wedding they funded.

Supv Kassel noted it is for the room.

On MOTION by *Supv Berube*, seconded by *Supv Kassel*, with all in favor, the April 2019 financials, Invoice Approval #229, Check Register and Debit Purchases, were approved.

C. Report on Number of Registered Voters – 1,698

Supv Berube reported there are 1,698 registered voters in the District.

D. Review of Approved FY 2020 Budget

There being no discussion, the next item followed.

E. FEMA Update

There being no update, the next item followed.

F. Facilities Usage Applications

i. Soccer Shots – Every Thursday Evening 5:00 p.m. to 7:00 p.m.

Supv Berube noted this is a time shift from Saturday to Thursday.

Ms. Suit noted the first 20 weeks are Saturdays and they want the remaining 20 weeks to be Thursdays.

On MOTION by *Supv Berube* seconded by *Supv Kassel*, with all in favor, the Soccer Shots request for Thursday evenings from 5:00 p.m. to 7:00 p.m. was approved.

TENTH ORDER OF BUSINESS

Old Business

A. Vehicle Storage Facility Improvements

i. Fence Installation Proposals

a. Lasrasy Fence Inc.	-	\$ 28,000.00
b. Mossy Oak Fence	-	\$ 19,350.00
c. Florida Site & Seed, Inc.	-	\$158,850.00
d. Gary's Grading	-	\$ 14,650.00
e. Skeeter's Outdoor Services	-	\$ 98,000.00

Supv Berube noted the proposal from *Gary's Grading* is to grade the area and spread shell rock. The *Skeeter's Outdoor Services* proposal is more inclusive and another from *Florida Site & Seed, Inc.* which is more inclusive and more expensive. The *Mossy Oak Fence* is just fencing and they will leave it out for now.

Discussion followed on the proposals:

Gary's Grading –

Option 1 - import shell rock 4-inches thick, 83 loads at \$425.00 per load which totals \$35,275.00 in addition to the printed numbers on the quote.

Option 2 – import shell rock 6-inches thick, 126 loads at \$425.00 per load it is an additional \$53,550.00. If they go with 4-inches thick adding the cost of clean-up, silt fence, spreading, grading, and leveling to the materials costs it totals \$49,925.00. It is the lowest responsive estimate received.

Supv Farnsworth inquired why they would not go with the 6-inches of shell rock.

Supv Berube noted because it is significantly more money and the existing area is about 4-inches thick.

Discussion continued on 4-inches versus 6-inches of shell rock.

Supv Kassel noted she has experience with the vendor proposing 6-inches and has found his work is always good quality.

Supv Scarborough noted it is going to be a big mistake if they do not delineate the parking spaces.

Discussion followed on delineation of parking spaces and how it will be handled with Supervisor Berube noting the intention to use parking indicators that are ¼-inch steel poles with reflective tape, they are orange and you jam them into the ground; when people hit them they do not do any damage. If they get knocked out, you can place them back in the ground. There will be a sign on the fence at the backside of the spot with the slot number, the slot delineation will be painted on the fence and the front of slot will have the orange poles.

Supv Scarborough noted he would bury railroad ties or pressure treated 6x6's during the grading process. It does not obstruct anything, but you can clearly see it is the parking space.

Discussion continued on the marking of parking spots and the cost to do so. It was noted it would be significantly more labor to place railroad ties or wood.

Supv Farnsworth inquired if it would be surveyed and survey anchors put it.

Supv Berube noted that was contemplated.

Discussion continued on marking the spots and relocating vehicles while the work is being done.

On MOTION by *Supv* Berube second by *Supv* Bokunic, with all in favor, the *Gary's Grading* proposal for the vehicle storage facility improvements in an amount not to exceed \$68,200.00 was approved.

Discussion followed on the survey provided by Johnson Engineering for the vehicle storage.

ELEVENTH ORDER OF BUSINESS

New Business

A. Discussion of User-Supported Facilities Lease Rates

i. Parking Rates

Supv Berube outlined the proposed yearly parking rates:

OS (Odd Shape)	-	\$240.00 (new size)
Small	-	\$480.00
Medium	-	\$600.00
Large	-	\$720.00
RV	-	\$900.00 (new size)

All monies from the facilities have to go back into the facilities.

Supv Scarborough noted he gets requests from residents for electric and water at the parking facility.

On MOTION by *Supv* Berube seconded by *Supv* Scarborough, with all in favor, the proposed parking rates and setting a public hearing thereon for July 25, 2019 to adopt the rates was approved.

ii. Garden Rates

Supv Berube addressed the User-Supported Facilities Lease Rates noting demand fell when a fee was instituted and currently there is about 50% occupancy.

The proposed yearly garden leases:

Option 1

Small	-	\$ 10.00 (9)
Medium	-	\$20.00 (20)
Large	-	\$40.00 (20)
Extra Large	-	(0)

Discussion followed on the current spaces.

Option 2

Small	-	\$ 25.00 (1)
Medium	-	\$ 40.00 (4)
Large	-	\$75.00 (36)
Extra Large	-	\$100.00 (1)

Discussion followed on a garden shed with it being noted the HROA will fund the shed to be paid back from lease income.

Supv Farnsworth noted since the CDD owns the land they should be purchasing the shed.

Discussion ensued on the rates and lot sizes.

On MOTION by *Supv Kassel* seconded *Supv Berube*, with all in favor, the garden rates as small at \$10, medium at \$20, and large at \$40 and setting a public hearing thereon for July 25, 2019 to adopt the rates was approved.

Supv Kassel inquired where the \$100 for the extra-large lot shows up in the proposed rates.

Marilyn, Garden Manager, noted it is included in the large lots.

Supv Farnsworth addressed the purchase of the shed by the HROA rather than the CDD.

Supv Berube noted the HROA is purchasing the shed and placing it on CDD property and it becomes the CDD's.

Discussion continued on the purchase of the shed.

[*Supplemental Discussion*]

An unidentified speaker addressed the playground on Middlebrook and inquired where they are on it.

Supv Berube noted it is budgeted and will happen after October 1st.

B. Discussion of Dog Park Rules

Discussion followed on the Dog Park Rules with it being noted the guidelines and rules need to line up.

Supv Kassel suggested the Harmony Dog Park guidelines be discontinued and they only go with the Harmony Dog Park rules.

Discussion followed on the following changes to the Dog Park Rules:

7.3.6 – Handlers acting alone must be twelve (12) year of age or older. (*In agreement are Supervisors Berube, Bokunic, Kassel, and Scarborough; and Supervisor Farnsworth disagrees.*)

7.3.7 – The maximum number of dogs per handler is six (6). (*All Supervisors in agreement.*)

7.3.12 – Children younger than eight (8) years of age must be supervised by an adult while within the confines of an off-leash dog park. (*All Supervisors in agreement.*)

7.3.4 – Dogs must be on leashes while entering or exiting a dog park. Handlers must, at all times, have possession of the leashes of their dogs. (*All Supervisors in agreement.*)

On MOTION by *Supv Kassel* seconded by *Supv Berube*, with all in favor, the proposed dog park rules and setting a public hearing thereon for July 25, 2019 to adopt the rules was approved.

C. Discussion of Key Card Access Policies

Supv Berube noted most of the changes are for clarification. The suggested change is 2.4 – Suspension of Access Privileges. At the discretion of the District Manager, key cards of the offending parties and all others within the family may be deactivated for up to 180 days.

Supv Farnsworth noted he disagrees with changing the family from 90 days to 180 days.

Discussion continued on the suspension length for the family of the offender. (*In agreement are Supervisors Berube and Bokunic; and disagreeing are Supervisors Kassel, Scarborough, and Farnsworth.*) The current rule will not be changed.

Discussion continued on enforcement with Mr. Qualls noting the offender can be trespassed if entering with the family after their 90-day suspension. This is addressed in *Section 2.2 - Violation and Reporting*.

D. Discussion of Rules Regarding Board Attendance

Supv Berube noted the policy regarding Board attendance has been effect forever noting he does not see a reason to change anything.

Supv Farnsworth noted he searched everything he could find on how different organizations handle this with it being all over the spectrum. All he is asking for is clarity of how they want to interrupt it; “*physically or by phone*” eliminates any misinterpretation. [*It was noted a revised handout was provided to the Board today.*]

Supv Berube inquired why they need to change it when any member joins the meeting by phone it is documented in the minutes.

Supv Farnsworth noted it does not change what they are doing, it disambiguates it.

Mr. Qualls noted the motion is to add the words physically or by phone to 2.3 to read: “Action taken by the Board shall be upon a majority vote of the members present, ‘*physically or by phone*’.”

On MOTION by <i>Supv</i> Farnsworth and seconded by <i>Supv</i> Kassel, with <i>Supv</i> Farnsworth, <i>Supv</i> Kassel, and <i>Supv</i> Scarborough voting aye and <i>Supv</i> Berube and <i>Supv</i> Bokunic voting nay, the proposed change to Administrative Rules and Policies - Section 2.3 and setting a public hearing thereon for July 25, 2019 to adopt the rule was approved.
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[Supplemental Discussion]

Supv Bokunic addressed the earlier conversation where Mr. Fusilier threatened the whole Board with trespass changing the direction they were going. He requested they move the meeting venue to the elementary school.

Supv Kassel noted there are problems with holding meetings at the elementary school.

Mr. LaNasa addressed the issue discussed noting as long as there is a physical quorum a Board member can vote by phone.

i. Discussion and Consideration of Resolution 2019-5

Supv Berube inquired as to the genesis of Resolution 2019-5.

Ms. Suit noted it came from Supervisor Farnsworth.

Supv Farnsworth noted this Board has a problem right now, that problem being if the Chairman cannot attend the Vice Chairman cannot step in and run the meeting; therefore, the Vice Chairman, as it is now, cannot fulfill all the duties assigned to the position. Accordingly, Resolution 2019-5 allows the reassignment of that position to either Supervisor Scarborough or Supervisor Kassel, he does not want the job. It is a pragmatic solution and nothing personal.

Supv Berube addressed the rules noting if the Chairman is not going to be present at a meeting the Chairman gets to designate the Vice Chairman or such other party as he determines to Chair the meeting he is not going to be present at.

Supv Farnsworth noted it falls to the Vice Chairman.

Ms. Suit noted you do not have to have the Chairman or Vice Chairman at a meeting.

{Discussion of Resolution 2019-05 Suspended}

E. Discussion of Storage Sheds for HROA

i. Cook Portable Warehouse – Garden Shed - \$3,139.65

Supv Berube addressed the purchase of the shed for the HROA. The Social Committee of the HROA is currently renting a storage facility at Rockers Lockers. Coming out of the Social Committee budget will be a shed purchase. The request is for a space to place the shed. He inquired if the Board is okay with placing the shed inside the fenced parking area.

Supv Farnsworth inquired if it would potentially fit in a back corner.

Supv Berube noted it would or they could put it on one of the odd spaces.

Supv Scarborough inquired as to the annual lease at Rockers Lockers.

Supv Berube noted it is \$900.

Discussion continued on the placement of the shed with it being noted if they purchase two sheds it may lower the cost of each.

{Discussion of Resolution 2019-05 Resumed}

Mr. Qualls noted there is nothing in Chapter 190.006 that says if the Chairman and Vice Chairman are not at the meeting one of the remaining three could not be selected to conduct the meeting.

Discussion followed on conducting meetings with Ms. Suit noting she runs the meeting for many of her other Districts, but someone would need be designated as Chair for the meeting. It was noted 2.4.1 stated in the event the Chair is unable to attend a meeting, the Vice Chair or other member of the Board may convene and conduct the meeting.

Supv Berube inquired what Supervisor Farnsworth wants to do.

Supv Farnsworth noted the purpose is to reassign the Vice Chairman position to either Supervisor Scarborough or Supervisor Kassel so the problem no longer exists.

Supv Farnsworth MOVED that the Vice Chair position be assigned to Supervisor Scarborough.

Discussion continued on the change of officers.

Supv Kassel seconded the motion; and on VOICE vote with *Supv* Farnsworth, *Supv* Kassel, *Supv* Scarborough, and *Supv* Bokunic voting aye and *Supv* Berube voting nay, the motion was approved.

Discussion followed on Resolution 2019-5 re-designating the officers of the District as *Supv* Berube – Chair; *Supv* Scarborough – Vice Chair; Kristen Suit – Secretary; Stephen Bloom – Treasurer; Alan Baldwin – Assistant Treasurer; and Supervisors Bokunic, Farnsworth, & Kassel – Assistant Secretaries.

Mr. Qualls noted by Statute after an election the Board has the authority to designate officers. Then there is authority if a vacancy occurs to change it. He does not see any authority to come to a meeting and shuffle officers.

Supv Farnsworth noted there is also nothing that says his assignment of time has to be for two years until the next election. It could be changed every year.

Mr. Qualls read Florida Statute – 190.006 - *As soon as practicable after each election or appointment, the board shall organize by electing one of its members as chair and by electing a secretary, who need not be a member of the board, and such other officers as the board may deem necessary.* The other statute addressed if there is a vacancy and what you do in the event of a vacancy. There is no vacancy here.

Supv Farnsworth noted in his interpretation of the succession they do.

Mr. Qualls read Florida Statute – 190.006 - *Members of the board shall be known as supervisors and, upon entering into office, shall take and subscribe to the oath of office as prescribed by s. 876.05. They shall hold office for the terms for which they were elected or appointed and until their successors are chosen and qualified. If, during the term of office, a vacancy occurs, the remaining members of the board shall fill the vacancy by an appointment for the remainder of the unexpired term.*

Discussion continued with it being noted 2.4.1 states in the event the Chair is unable to attend a meeting, the Vice Chair or other member of the Board may convene and conduct the meeting. Mr. Qualls noted they have heard the three things he is basing his opinion from.

Supv Berube requested Supervisor Farnsworth revise his previous motion bringing them back to where they were, allowing District Counsel to research it, after which he will provide a memo after which they will put Resolution 2019-05 back on the agenda.

Supv Farnsworth noted he would like it to stand as is and if District Counsel comes up with something thing they can revise it then.

Mr. Qualls noted he questions the authority for shifting the designations in this manner.

Supv Scarborough inquired if he can change his vote.

Mr. Qualls noted anyone voting in favor of the motion can make a motion to reconsider.

Supv Scarborough MOVED to reconsider the motion to re-designate officers of the District and *Supv* Berube seconded the motion.

Supv Berube noted the vote is to determine if they are going to remove Supervisor Bokunic as Vice Chair and seat Supervisor Scarborough as Vice Chair.

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

It was requested this item be placed on the June agenda.

Mr. Qualls noted he has a problem if Boards can come together at a meeting and do this at every meeting trying to change who is the Chair and who is the Vice Chair. He has never seen this happen, because he has not seen it does not mean it is not possible. He believes the rule that states as long as there is a quorum physically present anyone else can convene and run the meeting while the problem is well stated, he thinks there is a rule that covers it so business can still be conducted.

Supv Berube noted 2019-05 is tabled for now and District Counsel will give them further information either via memo or at the next meeting.

Mr. Qualls noted if he finds anything that suggests they can shuffle the officers in between terms.
Supv Farnsworth noted not only that they can, but also is there anything preventing it.
Mr. Qualls suggested he and Supervisor Farnsworth speak offline.

TWELFTH ORDER OF BUSINESS

Topical Subject Discussions

There being none, the next item followed.

THIRTEENTH ORDER OF BUSINESS

Supervisors' Requests

**** Discussion of Improvements to District Trails**

Supv Kassel began to address the topic of District Trails.

Supv Berube suggested this is going to get short shifted this time. He noted he read and knows it has been here before. His suggestion is twofold – some of it compasses lands not owned by the CDD and there is no reason to talk about something that is going to take place on non-CDD owned land. Secondly, a lot of the trails they consensually, this Board, shifted a lot of the trail maintenance needs to the HROA on purpose because it is easier to get things done especially on non-CDD owned lands. He suggested she take that out of the proposal noting he understands trails are important. The first one where they are wanting to shift from developer owned lands to CDD owned lands seems like a reasonable proposal and makes sense, but the problem is some of it may have to have permitting done by SFWMD. He inquired if they have talked to District Engineer about the requirement or moving this.

Supv Kassel noted she thought they discussed it.

An unidentified speaker noted there is the issue of Billy's Trail, the land they already having going around West Lake and what is the way of using that versus continuing to use the existing trail.

Supv Kassel noted they are not continuing to because it is locked.

Discussion continued on the requests with Supervisor Berube noting they need more information.

Supv Kassel noting they can move the trailhead to CDD property.

Discussion continued on the trails.

**** Discussion of How Items Are Added to Agenda**

Ms. Suit addressed items being added to the agenda noting it should be items discussed at a meeting and follow-up at the next meeting. Being provided different items by different Board members between meetings that they want on the agenda – how is it determined.

Supv Berube noted all Supervisors have the ability to put anything they want on the agenda at any time, however, it can become an unwieldy again, as demonstrated tonight. He suggested for the expediency of meetings – have anything of significance that may need discussion to be placed in Topical Subject Discussions or Supervisors' Requests at a meeting for discussion potentially moving it to the next agenda for discussion.

Ms. Suit further addressed the addition of items between meetings.

Mr. Qualls noted if they had seen this item prior to the meeting they could have weighed in on whether it should have been placed on the agenda. Maybe they need a process for items for consideration be something the Board can actually do.

Ms. Suit noted or in the agenda.

Supv Berube noted for the June agenda place under Old Business – Agenda Formation Discussion.

FOURTEENTH 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.

Kristen Suit
Secretary

Steven Berube
Chairman