

**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, October 31, 2019, at 6:00 p.m. at the Creative Inspiration Journey School, 2030 Old Hickory Tree Road, St. Cloud, FL 34769.

Present and constituting a quorum were:

Steve Berube	Chairman
Bill Bokunic	Vice Chairman
Kerul Kassel	Assistant Secretary
Mike Scarborough	Assistant Secretary

Also present were:

Kristen Suit	District Manager: <i>InfraMark</i>
Tim Qualls	District Counsel: <i>Young Qualls, P.A.</i>
Tristan LaNasa	Counsel Staff: <i>Young Qualls, P.A.</i>
Steve Boyd	District Engineer: <i>Boyd Civil Eng.</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 October 31, 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 quorum.

**SECOND ORDER OF BUSINESS**

**Developer's Report**

**A. Fusilier Proposal**

*Supv* Berube addressed the Fusilier proposal noting his concerns with if the proposal is not approved by tomorrow it will be withdrawn. Secondly, in the miscellaneous terms it states Mr. Fusilier will retain ownership of the businesses within the facility.

On MOTION by <i>Supv</i> Berube seconded by <i>Supv</i> Scarborough, with <i>Supv</i> Berube and <i>Supv</i> Scarborough voting aye and <i>Supv</i> Bokunic and <i>Supv</i> Kassel voting nay, the motion to decline Mr. Fusilier's proposal failed.
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*Supv* Kassel noted they can make a counter offer so as not to drop it entirely. It can reflect that he still owns the businesses, but he has to lease the property back from them.

*Supv* Bokunic noted he has a problem with the \$4.5 million.

*Supv* Kassel suggested a counter offer of \$1.5 million.

*Supv* Berube inquired if there were issues with having a private business in a public facility.

Mr. Qualls noted as he understood it the building would be owned by the District, and the District could lease. The proposal states they would have to continue leasing to the existing businesses and he does not think this is unheard of. With that being said they will want to look into public property private use; taxes will have to be paid unless it is public owned public use for certain tax exemptions.

*Supv* Berube addressed the profit & loss projection.

*Supv* Kassel noted it does not pertain to the offer as they would not receive revenues from the businesses, just rental income.

Mr. Fusilier noted the restaurant and pro shop are the rental income; the fitness center is based on current revenue it is producing, and projected what will come once the Active Adult Community is built out. There is no management for the fitness or the leasing of the pro shop or restaurant.

Discussion continued on the proposal, how they could utilize the building as a community center and expenses.

Discussion ensued on the cost of building and expense of a community center.

On MOTION by *Supv* Kassel seconded by *Supv* Scarborough, with *Supv* Kassel, *Supv* Scarborough and *Supv* Bokunic voting aye and *Supv* Berube voting nay, the motion to counter offer Mr. Fusilier's proposal at \$1.5 million was approved.

Mr. Fusilier suggested they explore the cost of building a 10,000 sq. ft. community center.

Discussion continued on what the current proposal includes.

### **THIRD ORDER OF BUSINESS**

### **Audience Comments**

Ms. Ash-Mower inquired as to the process for getting the garden shed.

*Supv* Berube noted Mark was supposed to meet with her yesterday.

Ms. Ash-Mower noted she has not heard from him. The other issue is the grading of the parking lot in front of the trailer noting it is going to flood. She spoke with the Mr. van der Snel and he said they would deal with it when it happens. The other issue is an ADA ramp for the trailer.

*Supv* Berube noted the ramp was installed today.

Discussion continued on garden parking and the garden shed replacement.

Discussion followed on the garden keeping their existing dumpster due to the placement of the new dumpster and the lid being too heavy to lift.

### **FOURTH ORDER OF BUSINESS**

### **Approval of the Minutes**

#### **A. September 26, 2019 – Regular Monthly Meeting Minutes**

On MOTION by *Supv* Bokunic seconded by *Supv* Kassel, with all in favor, the September 26, 2019 regular meeting minutes were approved as amended.

### **FIFTH ORDER OF BUSINESS**

### **Subcontractors' Reports**

#### **A. Servello**

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

Mr. Migues inquired if there were any questions for him or anything they would like to address. There being none, the next item followed.

**ii. Proposals**

**a. #3605 – Lift & Thin Out Trees Throughout the Community - \$22,400.00**

*Supv* Berube noted he thinks they are talking about the inner areas of trees.

Mr. Feliciano noted that is correct. It has gone up as there are 139 additional

*Supv* Berube noted this will include every tree throughout the property that is not covered under the main contract; if Servello is cutting the grass under it. For the trees at the Town Square commercial area, there are tree rings and he does not think those trees fall under the maintenance contract and will have to be done as part of this.

Mr. Feliciano noted there are not that many of them.

*Supv* Berube noted the other areas in Town Square have been maintained, but the belief was those were developer owned sidewalks and trees, they were not done.

Discussion continued on the proposal with it being noted they will mark each tree.

*Supv* Berube addressed the timeframe noting he is bringing it up because last year they were mulching in June and he is not sure it ever got done. The contract calls for mulching to be completed sometime between November 1st and January 31st. What is the timeframe for mulch?

Mr. Migues noted last year they were waiting for the leaves to stop falling per Mr. van der Snel's request.

Mr. Feliciano noted he would like to do the mulching at the end of January / beginning of February.

Discussion followed on a timetable for the mulching with Mr. Feliciano noting most properties take one week.

Discussion continued on a timetable for trimming the trees with Mr. Feliciano noted he wants to start the trimming in December with it being completed in one month.

On MOTION by *Supv* Kassel seconded by *Supv* Bokunic, with all in favor, Servello proposal #3605 in the amount of \$22,400.00 was approved.

**b. #3096 – One Time Cleanup of Buck Lake – Lot VC-1 - \$695.00**

**c. Addendum Buck Lake – Lot VC-1 - \$2,688.00**

On MOTION by *Supv* Kassel seconded by *Supv* Scarborough, with all in favor, Servello proposal #3096 in the amount of \$695 and the addendum for Buck Lake – Lot VC 1 in the amount of \$2,688 were approved.

*Supv* Berube addressed back and forth between Mr. Migues and Mr. van der Snel regarding mulch at the playground. They need to keep a good bed of mulch on the playgrounds. The contract calls for adding six inches of mulch every January. The guideline is for it to be 9 or 12-inches and they need to get it to that number and keep it at that.

Mr. Feliciano noted they will address it.

*Supv* Berube noted Servello has replaced the flowers at the roundabouts. Most of community looks good, there are still weeds around; but overall it looks good.

*Supv* Berube inquired if they are going to do the contract trees while doing the inner trees.

Mr. Feliciano noted he would like to, but he would have to push back the mulch further.

## SIXTH ORDER OF BUSINESS

## Staff Reports

### A. District Engineer

#### i. Billy's Trail – Survey and Cost

Mr. Boyd noted the survey proposal in the agenda package he asked them to split out and he has brought the revised with him. He noted he had reached out to Kissimmee Valley Surveying and they declined.

*Supv* Kassel noted she also contacted Kissimmee Valley Surveying and they responded via email “*since Johnston has done all the surveys for Harmony and after contacting Rick who said he was going to move the electric fence therefore the office did not quote this job. They did not want to charge for a new survey just to locate the fence when another surveyor had already done this survey. The cost for Johnston's to locate the fence and add to their survey would probably be a lot more reasonable than what we could have done it for.*” This is \$3,750?

Mr. Boyd noted it is for Task III.

*Supv* Kassel noted it is Tasks I and II together. Task II is field stake. Having Johnston's survey the property is a conflict of interest since one of the main parties at Johnston's is leasing the land. From the Kissimmee Valley email there should already be a survey of the area.

Mr. Boyd noted he did not have a survey of the area; he has a base file from when the development area was surveyed. It did not reflect the fencing that had been installed recently. The other task was to stake the boundary; it still needs to be done if they want it done.

*Supv* Kassel noted she is fine with staking the boundaries. According to Willard from Kissimmee Valley there is an existing survey.

Mr. Boyd noted he probably has the base survey done back when they did design work for the neighborhood. His understanding was the fencing had changed and they needed a new survey.

*Supv* Kassel noted the fencing never changed, but when Mr. Jerman leased the property to Mr. Brown, he put up an electric fence that was on CDD property.

Mr. Boyd noted his understanding is the fence has been removed.

*Supv* Berube noted they need to determine the boundary, regardless of the fence, so they can move Billy's Trail off developer land.

*Supv* Kassel MOVED to approve Tasks II and III of the proposal.

Mr. Boyd addressed Task III noting it is to stake in the wetlands on the east side of Five Oaks Drive. In speaking with SFWMD the permit requires all the wetlands within the permit be maintained which includes wetlands that were dedicated for mitigation regardless of who owns the lands. He noted he has not had a chance to look into it since speaking with her [SFWMD Representative] today, but it is possible the permit does require additional land beyond the CDD boundary to be maintained.

Discussion continued on the permit and remediation of the weeds.

*Supv* Kassel withdrew the motion.

*Supv* Berube addressed the cost of maintaining the other piece noting is minimal and suggested the cost of going back and forth with SFWMD to figure out the permit would be more expensive.

On MOTION by *Supv* Kassel seconded by *Supv* Bokunic, with all in favor, Task II to field stake the eastern boundary in the amount of \$1,250.00 was approved.

Mr. Boyd noted he was not clear on a task listed and whether they wanted him to prepare a design and budget for relocation of the trail itself. The cost will depend on what they want to build a path, or a road. In July he came up with a budget of \$10,000 to bring shell rock in that the field staff would place. If they bid for a contractor to do a shell rock path it could be \$80,000 to \$90,000.

*Supv* Kassel noted they will need to cut out the existing barbed wire fence and install a gate to provide residents access and for equipment to have access. Once it is bush hogged, they can see how the ground is and if they need anything.

*Supv* Scarborough noted the trail area is pretty low.

Discussion continued on the trail and ground conditions with it being noted the CDD has the tractor with a mower, and they have an excavator with a bucket.

*Supv* Kassel inquired if they need approval for Mr. van der Snel to take out the barbed wire and install the gate.

*Supv* Berube noted it is all within Mr. van der Snel's spending authority.

Mr. Boyd reported he will be making the formal letter response to SFWMD providing a start date.

*Supv* Berube noted it is already in progress as of October 15<sup>th</sup>.

Mr. Boyd noted Mr. Randy Austin will be doing the next annual inspection in December to submit.

Mr. Boyd inquired about a fence estimate on the action list from the last meeting. He does not know if they still need it or what it should be.

*Supv* Berube noted they were talking about fencing the trail off.

*Supv* Kassel noted the CDD does not need to fence it. There may be a need for some posts as trail markers.

## **B. District Attorney**

### **i. Update on VC-1 and W4-2 Closing**

Mr. Qualls reported the closing went smoothly on VC-1 and W4-2.

### **ii. Update on Letter Extending Field Office Lease through November 1, 2019**

Mr. Qualls reported they sent a follow-up letter to Mr. Kobrin to extend the lease on the old field maintenance office. He believes it is now a moot point.

### **iii. Discussion and Draft Letter Regarding Discontinuance of Maintenance**

Mr. Qualls reported he has drafted a letter identical to the one they sent to the golf course for Harmony Retail stating it will be 60 days and the maintenance will cease on December 31st.

*Supv* Berube inquired if these are the parcels along 192.

Mr. Qualls noted it is.

*Supv* Berube noted he thinks they are okay with sending the letter; Mr. Kobrin asked for 60 days' notice last month.

#### **iv. ADA and Website Readability – Adobe Acrobat to Modify Documents**

Mr. Qualls noted following the meeting last month they sent Mr. Farnsworth the WGAC 2.0 Standards. He asked a lot of questions, but what it came down to: is he is willing, if the Board will get him the Adobe Acrobat software and the license to make him a user.

Mr. Qualls outlined the older scanned files on the website noting with Adobe Acrobat, Mr. Farnsworth can modify them to be screen readable. He was asked twice if he was comfortable with Mr. Qualls representing to the Board that he was willing to do it and Mr. Farnsworth said he is. He suggested they make a motion to purchase Adobe Acrobat and make Mr. Farnsworth a licensed user.

*Supv* Berube noted the program Mr. Farnsworth needs is \$449.

On MOTION by *Supv* Kassel seconded by *Supv* Bokunic, with all in favor, the purchase of the Adobe Acrobat program at a cost of \$449 and Mr. Farnsworth to be a licensed user was approved.

Ms. Suit noted InfraMark is not going to do anything other than what they currently do. If Mr. Farnsworth is taking on the task, he is taking on the task. InfraMark also will not be taking on the liability for the compliance of the website.

Mr. Qualls noted one other item they were asked to research is the ownership of the tower at the east entrance. He reported the property is owned by the District and they found nothing in the record that shows the tower was somehow conveyed to anyone else. Their position is the CDD owns the tower.

*Supv* Berube inquired if any of Mr. Fusilier's people have any goods or merchandise stored in the tower and if he has a key.

Mr. Fusilier noted he does not; he has never been in there.

*Supv* Berube inquired if Mr. Fusilier is contesting the ownership of the tower.

Mr. Fusilier noted he is not.

*Supv* Berube further addressed the website noting they have items on the website that are approaching 20 years old. There are documents sitting out there that will not be able to be edited using the Adobe Acrobat software. The question is how long they are legally required to post items on the website.

Mr. Qualls noted the requirement under statute is they post things yearly. There is no requirement to post old budgets because it is covered under the retention schedule. The website is not the retention solution. Their strong advice is to eliminate anything over five years old.

Discussion continued on a guideline for website aged items and continuing to remove those items each year.

*Supv* Bokunic MOVED that any documents past seven years be removed from the District's website and removed annually from the website.

Ms. Suit addressed quarterly compliance audits noting insurance companies are requesting they be done and it is something the outside companies are performing. The insurance company has asked if they are currently doing this and Ms. Suit told them the District is handling the website.

*Supv* Berube inquired as to what it is they want.

Discussion continued on quarterly compliance audits of the District website. Mr.

Qualls will research further.

*Supv* Berube requested Ms. Suit inquire if the website compliance companies can do a quarterly audit only and what the cost would be.

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

### **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)**

**v. Playground Proposals - Jammin Playgrounds**

*Supv* Berube outlined the Jammin Playgrounds proposal noting it is for Middlebrook.

*Supv* Bokunic inquired if they have asked the residents of Middlebrook if this is what they want.

*Supv* Berube noted he had a conversation with Lucas, who attended a few months back and sent him the pictures, and he was thumbs up.

On MOTION by *Supv* Berube seconded by *Supv* Scarborough, with all in favor, the Jammin Playground proposal in the amount of \$21,072.50 was approved.

**vi. Update on the Move of Field Services**

*Supv* Berube noted Field Service is completely moved. There was some grading done for parking.

Discussion followed on the age of the trailer.

## **SEVENTH ORDER OF BUSINESS**

## **District Manager's Report**

**A. Financial Statements for September 30, 2019**

**B. Approval of: #234 Invoices, Check Register and Debit Purchases**

On MOTION by *Supv* Kassel seconded by *Supv* Bokunic, with all in favor, the September 2019 financials, Invoice Approval #234, Check Register and Debit Purchases was approved.

**C. Ratification of November 1, 2019 Debt Service Payment**

On MOTION by *Supv* Berube seconded by *Supv* Bokunic, with all in favor, the November 1, 2019 Debt Service payment was ratified.

**D. Motion Assigning Fund Balance as of September 30, 2019**

On MOTION by *Supv* Berube seconded by *Supv* Kassel, with all in favor, the motion assigning Fund Balance was approved as presented.

**E. Audit Engagement for FY 2019**

On MOTION by *Supv* Berube seconded by *Supv* Kassel, with all in favor, the audit engagement at a not to exceed of \$4,355.00 was approved.

**F. Facilities Usage Applications**

There being none, the next item followed.

**EIGHTH ORDER OF BUSINESS**

**Old Business**

**A. Ongoing Discussion - VC1 – Potential Community Center**

No further discussion.

**B. Discussion of Meeting Video Recordings**

*Supv* Berube noted there is a presentation from Mr. Leet noting Celebration CDD does it one way and the County does it another, there are costs involved, the potential for audits, meeting retention rules, and a lot of pitfalls. Once you officially start taping meetings you open a big box of regulations you have to meet. He noted District Counsel, the District Manager, and his thoughts are along the same lines that if residents want to video tape meetings they can do so and whatever storage they do is fine, but the District stays out of the business.

*Supv* Kassel noted she disagrees because there are a lot of other places that are able to manage it. She feels there has been a bias by certain members of the Board and she understands there are regulations they have to meet with various opinions about that, but if other entities do it, she thinks that means they should be capable of it. It is something a number of residents want, to be able to see the videos and have the CDD responsible for doing that rather than push it onto residents and she thinks it is something they should consider.

Discussion continued on videotaping District meetings.

On MOTION by *Supv* Berube seconded by *Supv* Scarborough, with *Supv* Berube, *Supv* Scarborough, & *Supv* Bokunic voting aye and *Supv* Kassel voting nay, residents to video tape Board meeting but the District will not provide the equipment was approved.

*Supv* Kassel addressed the prior discussion of a boardwalk out to Buck Lake. She noted Mr. Leet has been working on a very intensive project at work with a deadline so he was unable to get the pricing. It is old business and they can table it to the next meeting.

**NINTH ORDER OF BUSINESS**

**New Business**

There being none, the next item followed.

**TENTH ORDER OF BUSINESS**

**Topical Subject Discussions**

There being none, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Supervisors' Requests**

**A. Records Remediation (Farnsworth)**

Discussion followed on the records retention for the website.

**ELEVENTH ORDER OF BUSINESS**

**Supervisors' Requests (continued)**

**A. Records Remediation (Farnsworth)**

Discussion continued on the records retention with it being noted Supv Farnsworth can convert a number of the documents; there are a limited number that cannot be converted.

Mr. Qualls strongly suggested if it cannot be made compliant it be removed from the website.

*Supv* Berube requested a discussion with Supervisor Farnsworth be placed on the agenda regarding the shorter period of records being stored on the website. They need to know where they are with non-compliance and what they are going to do with them.

On MOTION by *Supv* Berube seconded by *Supv* Scarborough, with all in favor, any document that cannot be made ADA compliant to be removed from the website was approved.

**B. Sign Deterioration, Sidewalk Cleaning and Pay Scale (Farnsworth)**

*Supv* Berube noted for the sign deterioration, if the Board wants, he will contact Mr. Jerman to ask what he wants to do about his signs. The signs are developer.

Discussion followed on the sidewalk cleaning:

The question of whether it is legal to exclude Harmony neighborhoods. It was noted some of the neighborhood sidewalks have been deeded to the CDD. Neighborhoods F, H-2, I, J, K, L, M, N and all the succeeding ones with the developer supplied streetlights, the area from the street to the property owners' grass on the house side of the sidewalk is county property and not CDD. The CDD cannot provide maintenance on property that is not theirs.

The question of whether the District can, on its own volition and at any time, take over a maintenance responsibility assigned to property owners in their Deed of Covenants. The Deed of Covenants is the HROA.

To the question of if the District takes over the responsibility for cleaning private property sidewalks, with the HCDD be the recipient of "nasty-grams" from the HROA if the sidewalks are not cleaned properly; or will notices still be sent to the property owner. The HROA does not have authority over the sidewalks.

Discussion continued on which sidewalks the CDD cleans and maintains.

Ms. Suit addressed the pay scale history noting a little over a year ago there was a chart created and that chart did not match the current pay scales. She believes the chart was created in response to a question of the average pay and had nothing to do with what Harmony CDD field staff was being paid. A chart has been created based on current pay scale.

Discussion continued on the pay scale with it being noted it was never included in the Employee Handbook. The new chart has been included in the handbook.

*Supv* Berube reported they have lost a field services employee; Alex has left. They have hired two field services employees.

*Supv* Scarborough inquired if the new side-by-side has been delivered.

*Supv* Berube noted it will be delivered November 10<sup>th</sup>.

**TWELFTH 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

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Steven Berube  
Chairman