

**MINUTES OF MEETING
HARMONY COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Harmony Community Development District was held Thursday, November 21, 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
Bill Bokunic
Kerul Kassel
David Farnsworth

Chairman
Vice Chairman
Assistant Secretary
Assistant Secretary (via phone)

Also present were:

Kristen Suit
Tim Qualls
Tristan LaNasa
Scott Feliciano
Jason Miguez
Residents and Members of the Public

District Manager: InfraMark
District Counsel: Young Qualls, PA
Associate Counsel: Young Qualls, PA
Servello & Sons
Servello & Sons

The following is a summary of the discussions and actions taken at the November 21, 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. Discussion of Potential Community Center

Supv Berube noted that Mr. Rieger was scheduled to come tonight. He and Mr. Rieger have discussed the possibility of using VC-1 as a community center.

Supv Kassel addressed the discussions regarding the offer from Mr. Fusilier noting she reached out to three commercial real estates brokers to get some guidance on the market value of the property, market lease rates, and any additional guidance about the possible pursuit of the transaction. Two of the three, CBRE and Scofield Properties, did not have the time to provide a proposal for the guidance. LaRosa Commercial has an agent who said he would provide something for tonight's meeting. [*Supv Kassel read an email from Mr. Pedro Santiago*]. She would like to work with the District Manager on an exploration.

Discussion continued on the \$4.5 million offer, the value of the building, how they could utilize the building as a community center and the District building a community center.

Supv Kassel noted her plan is to meet with Mr. Santiago to discuss what the potential is for LaRosa Commercial to represent the District, coming back to the next Board meeting with a proposal.

Supv Bokunic noted that they need to look at building; so they have two options. They need to look at what else Mr. Fusilier has that they could potentially want.

An unidentified speaker inquired if anyone has contacted Mr. Fred Hopkins for financial assistance.

Supv Berube noted they are not close to that point yet.

Discussion continued on contacting the County with regard to assistance for a community center.

B. Interlocal Government Agreements – Buck Lake / Harmony West

Supv Berube addressed the partnership with Harmony West regarding Buck Lake. One of the requirements is the lake be monitored for invasive weed growth and the such. He met with Mr. Jerman as the Chairman of Harmony West CDD to discuss putting some policies and regulations in place for Buck Lake including the maintenance of the lake. Harmony CDD already has the infrastructure in place to monitor and treat invasive weeds and everything on the lake, and they are already doing it. Mr. Jerman obtained a price from BioTech of \$1,600 per month to monitor and manage Buck Lake. He said that if Harmony CDD wants to do it, they will figure out some reasonable value and split it down the middle. Harmony CDD will bill Harmony West for the cost and manage Buck Lake.

Supv Bokunic inquired if they are confident field staff can handle it.

Supv Berube noted absolutely. The second part of the conversation was Harmony West has ponds and an irrigation system – can Harmony CDD field services maintain it?

Mr. Qualls noted they can legally do so.

Supv Berube noted Mr. van der Snel estimates it will take 15 to 20 hours per month on average to manage Harmony West's lakes and irrigation system. He and Mr. Jerman had general conversation about it, and he requested some numbers. Somewhere around \$50 per hour seems to be a reasonable number. All in cost to the District is around \$42 per hour which includes salaries, FRM, vehicle, and miscellaneous equipment. He noted if the Board is okay with furthering a conversation with Harmony West to maintain it, they will do so and move forward.

Supv Bokunic inquired if it would be annually.

Supv Berube noted it would be monthly, but they would have an annual contract so the Board's can budget.

Supv Kassel noted, for clarification, they are asking for the Harmony CDD field service staff to manage invasives on Buck Lake.

Supv Berube noted that is one part of it.

Supv Bokunic inquired what is in it for the District to do the stuff at Harmony West. Why would they tackle it.

Mr. Qualls noted money; it would be a fair exchange. The legal foundation is F.S. Chapter 163 – Interlocal Agreements. The basic premise is if one government has the power, here being the power to maintain infrastructure stormwater ponds, and another government has the same power – if the two governments working together can achieve economies of scale and efficiencies then they may work together to carry that out. It is a policy decision of the Board that legally is possible.

Supv Berube addressed the 2,000 hours added to field services noting this will offset some of those costs.

An unidentified speaker addressed the quote to do Buck Lake and inquired if there is a quote to do these ponds.

Supv Berube noted Counsel has noted before they are not really running a business and not intending to make a big profit. It is not a business proposition, but rather a matter of convenience.

Mr. Qualls noted the talk about profit is not applicable in a governmental setting. To the point, it makes no sense if the residents who pay assessments into Harmony CDD, those assessments ought not to be used to maintain another government's infrastructure unless there is a benefit for those residents. The Board has done similar deals with the school for cutting grass or irrigating. When you flesh out these agreements you determine if there are economies of scale and efficiencies and if there is not, he does not think the Board would make that policy decision to move forward.

Supv Kassel addressed water hyacinths in the canal that feeds to Buck Lake along Pine Needle Path.

Discussion continued with regard to the CDD's responsibility to maintain Buck Lake.

Discussion continued on providing the pond and irrigation maintenance for Harmony West. The consensus of the Board is it is fine to explore it.

Supv Berube reported the Polaris ordered several months ago arrived today.

THIRD ORDER OF BUSINESS

Audience Comments

There being none, the next item followed.

FOURTH ORDER OF BUSINESS

Approval of the Minutes

A. October 31, 2019 – Regular Monthly Meeting Minutes

On MOTION by <i>Supv</i> Kassel seconded by <i>Supv</i> Bokunic, with all in favor, the October 31, 2019 regular meeting minutes were approved as amended.
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FIFTH ORDER OF BUSINESS

Subcontractors' Reports

A. Servello

i. Grounds Maintenance Status (Work Chart)

Mr. Feliciano introduced the new Site Supervisor for Harmony – Mr. Pete Betancourt. He has started working with Mr. van der Snel and creating some proposals. They have moved VC-1 lot and met with Supervisor Kassel regarding another area which has also been mowed.

They are looking to complete all the playgrounds the second week of December.

On schedule to start the tree-trimming project in December and per the discussion each tree that will be trimmed will have a ribbon. If they cannot get to any tree for any reason, they will make a few attempts to get back to the trees as they did last year.

Mr. Betancourt has talked to Ms. Ash-Mower regarding the wood chips for the garden. It will be more than enough and there may be certain areas that they need to look at.

Supv Kassel noted there is only one area where a ditch goes through that they could add some wood chips to. She is not sure it a great idea as it may reduce the flow.

Discussion followed on the area Servello mowed today. Supervisor Kassel noted she does not know that it needs wood chips, but if they wanted to spread some in this area, there is nothing wrong with doing so.

Supv Berube noted they will fill the gardens need first and if there are more, they will have a better idea by that time.

An unidentified speaker addressed the tree trimming and requested the residents be notified on a particular street that they will be trimming the trees.

Supv Kassel noted this is always the plan.

Supv Berube noted on the Harmony Resident forum they will post as the plan develops and asking that they let their neighbors know since not everyone is on Facebook.

Supv Berube addressed the stopping of maintenance on certain parcels and inquired if Mr. Feliciano distributed the email.

Mr. Feliciano noted he has not.

Supv Kassel noted she and Mr. Fusilier discussed this when they met, and he stated he is willing to give them a public access easement. She contacted Mr. Fusilier's attorney, Mr. Kobrin, and received an email from him today noting he will draft an easement for presentation to Mr. Qualls for the CDD to consider.

Mr. Qualls noted that he did see an email, but has not seen a proposal.

Discussion continued on the maintenance and access easement. Servello has provided an addendum to the contract and the savings will be approximately \$22,000 if they end maintenance on the parcels.

An unidentified speaker inquired why there was a need to provide 60-day notice to stop maintaining private property.

Supv Kassel noted they are in partnership with someone who owns a lot of property within Harmony, and they are trying to work on ways of working together that can work for both parties and sometimes that takes time.

The unidentified speaker inquired if the property with the proposed public access easement is something the residents of Harmony are anxious to use.

Supv Berube outlined where the properties are located.

Discussion continued on the proposed easement and maintenance.

Supv Berube noted some of the tree rings are getting a lot of weed growth in them, specifically on the backside of Lakeshore Park behind the soccer pitch. He also requested when they do the mulching, they keep the pine needles under the pine trees and the pine bark nuggets everywhere else.

SIXTH ORDER OF BUSINESS

Staff Reports

A. District Engineer

i. Update on Billy's Trail Staking

Supv Berube noted, Mr. Boyd sends his regrets that he cannot be in attendance this evening.

Supv Kassel noted, Billy's Trail was staked yesterday and the portion between Five Oaks Drive and the barbed wire fence has been brush hogged today. She told Mr. van der Snel they are ready to go in between the CDD boundary to cut the wires and put a gate in.

Mr. van der Snel noted, they have a gate already.

Supv Berube inquired if the gate will be at the trailhead.

Supv Kassel noted, it is further in than the existing gate to Billy's Trail; approximately 400 feet from Five Oaks Drive.

Discussion continued on the gate with Supervisor Kassel noting there are still cattle pastured and no fence between CDD property and where they are pastured.

Supv Berube noted the remediation for the Old World Climbing Fern has been accepted by SFWMD. There are two guys two days per week spraying and cutting. At the traffic circle at Schoolhouse and Five Oaks there is a lot of browning at the northwest corner due to the spraying of the trees.

Mr. van der Snel noted they are working in phases because it is so overgrown, and they have to apply Roundup first before they can enter an area. They have their PPE [Personal Protective Equipment].

Supv Berube addressed the fence permit request to Osceola County for the expanded parking area. After several months they have said this is not going to work, resubmit. What they have found is the prior owner had not permitted any of the current uses, garden, vehicle storage nor the landscape staging area, with the County. The County informed them they have to change the PUD and they have gone through this process.

The proposal from R.J. Whidden is to modify the PUD specifically for the section dealing with this parcel. The proposal is \$2,900.

Discussion continued on what is being changed on the PUD with it being noted it is to change the usage of the parcel.

On MOTION by *Supv* Berube seconded by *Supv* Kassel, with all in favor, the PUD amendment in the amount of \$2,900.00 was ratified.

B. District Attorney

i. Report on Contract Negotiations

a. Tree Trimming

Mr. Qualls reported they finished the tree-trimming contract with the only change being the inclusion of an extension due to the holidays and the need to move cars.

b. Playground Equipment

Mr. Qualls reported the playground equipment with Jammin Playgrounds is done.

ii. Discussion of Memorandum Regarding Website and Retention of Records

Mr. Qualls noted a memo was sent out and is included in the agenda package.

Supv Berube outlined the policy set last month, on Counsel's advice, regarding records retention on the website, with it being that records retention is seven years on the website.

Supv Farnsworth inquired where seven years came from.

Discussion continued on the retention length.

Supv Berube addressed the policy that was set of anything that cannot be remediated within the seven-year period will be removed from the website.

Supv Farnsworth noted, with the Adobe Acrobat program he is able to make all items screen-readable.

Discussion continued on removing items from the website which are seven years and older, with Supervisor Farnsworth suggesting a cutoff of 2008.

On MOTION by *Supv* Kassel seconded by *Supv* Farnsworth, with a vote of *Supv* Kassel and *Supv* Farnsworth voting aye and *Supv* Berube and *Supv* Bokunic voting nay, to reconsider the policy for removal of all documents from the District website over seven years old, the motion failed.

iii. Other

Mr. Qualls noted a question came up from a homebuilder with regard to the 3-day rescission which is on the agenda under the Manager's Report. The homebuilder inquired if it is necessary to have in a home buyer's contract whether the home buyer would have a 3-day right of rescission because there is a CDD. They have researched it and there is no legal requirement for a 3-day right of rescission; there is language in Chapter 190 that there has to be disclosure that this is a government and can levy and impose non-ad valorem assessments.

Supv Berube noted it is in the District's policy.

Supv Farnsworth noted it was Amendment 3 that was rescinded in 2015.

Discussion continued on the 3-day rescission and Ms. Suit will inform the homebuilder.

Mr. Qualls reported he received an email from Mr. Fusilier, which he shared with the Board. He responded to Mr. Fusilier and Mr. Kobrin noting he would do his best to tell them what he believed the status quo to be. He inquired if it would be possible to preserve the status quo, and other than that, it would take an act of the Board to make any changes moving forward, if there are questions or direction on the email.

Supv Kassel noted the water that goes to the Field Services office and the water at the garden are from a meter on Mr. Fusilier's property.

Supv Berube noted it is from a well on Mr. Fusilier's property, but the meter that powers it is paid for by the CDD as it has been since Starwood transferred it.

Supv Kassel noted they have been told that on December 1st or before that the use of the water will be rescinded.

Supv Berube noted this means the field services trailer and the garden will be without water. Mr. Qualls through Mr. Kobrin made an offer to preserve the status quo.

Mr. Qualls noted that he said he could not make any offer or make any changes.

Supv Berube noted the conversation turned to let us fix this problem. It was suggested that the CDD will leave the water on for the eight parcels discussed earlier and Mr. Fusilier will leave the water on from his well with the CDD continuing to pay the electricity for running the well; to date there has been no response.

Mr. Qualls noted he received a response from Mr. Kobrin's at 3:30 p.m. today. The response was, *as far as water usage thank you but per discussion with Mr. Fusilier the CDD is not water any of Mr. Fusilier's properties.*

Mr. van der Snel noted they are.

Supv Berube noted all the areas get watered; we have a difference of opinion.

Supv Kassel inquired as to how it gets resolved.

Discussion continued on the watering with it being noted that if the water is shutoff, they will be drilling a well and will make emergency provisions for water to the trailer and garden. The cost to install a well is \$12,000.

Mr. van der Snel inquired if he is installing a well.

Supv Berube noted that they will wait to see if there is further conversation.

Discussion continued with Mr. van der Snel noting he can have a well installed by December 1st, with approval from the Board. It was noted that this has been done; it was part of the \$50,000 budget to relocate field services.

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 there were any comments or questions.

Supv Berube inquired about Servello’s new onsite manager.

Mr. van der Snel noted they have touched base on what each expects from the other. It has only been two weeks, but Mr. Betacourt is very good with the crew.

Discussion followed on the wetland maintenance with it being noted a report has been created.

v. Update on the Move of Field Services

Mr. van der Snel reported the move is completed and they are set to go.

SEVENTH ORDER OF BUSINESS

District Manager’s Report

A. Financial Statements for October 31, 2019

Ms. Suit noted some revisions were made to the narrative regarding VC-1 and emailed to the Board yesterday.

B. Approval of: #235 Invoices, Check Register and Debit Purchases

On MOTION by *Supv* Kassel seconded by *Supv* Berube, with all in favor, the October 2019 financials, Invoice Approval #235, Check Register and Debit Purchases was approved.

C. Discussion of 3-Day Rescission

Previously addressed.

D. Ratification of PUD Amendment Agreement

Previously addressed.

E. Facilities Usage Applications

i. Soccer Shots - Soccer Instruction for Ages 2 to 8

Discussion followed on the application with it being noted they were \$10 per use at the last request.

On MOTION by *Supv* Berube seconded by *Supv* Kassel, with all in favor, the facilities usage application for Soccer Shots, fee of \$200, every Friday 5:00 p.m. to 7:00 p.m. January 10th through June 26th was approved.

Ms. Suit noted she received an email from the Harmony Community Church today.

On MOTION by *Supv* Berube seconded by *Supv* Kassel, with *Supv* Berube, *Supv* Kassel, and *Supv* Farnsworth voting and *Supv* Bokunic abstaining, the facilities usage application for Harmony Community Church for December 15th was approved.

Mr. Bokunic abstained as a member of Harmony Community Church.

EIGHTH ORDER OF BUSINESS

Old Business

A. Discussion of Boardwalk & Docks

Supv Kassel proposed they consider the part of the proposal which is the 40-foot boardwalk approach to a 10 x 20-foot dock with two swings and pergola for \$13,610.

Supv Berube noted this will be behind Neighborhood F and generated a fair amount of conversation on Facebook.

Supv Kassel noted it is not directly behind homes and there is already a path.

Discussion continued on the location.

Supv Kassel outlined the plan for placement of a boardwalk and pergola noting she will speak with Mr. Leet about the location.

Supv Berube noted he would also ask that they revisit the conversation on the forum with the people who live there.

Discussion continued on boardwalks.

B. Website Records Retention

Previously addressed.

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

There being none, the next item followed.

TWELFTH ORDER OF BUSINESS

Adjournment

There being no further business,

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

Kristen Suit
Secretary

Steven Berube
Chairman