

**MINUTES OF MEETING
HARMONY COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Harmony Community Development District (“CDD”) was held Thursday, December 21, 2023, at 6:00 p.m. at the Jones Model Home, 3285 Songbird Circle, Saint Cloud, FL 34773.

Present and constituting a quorum were:

Mark LeMenager	Chairman
Daniel Leet	Vice Chairman
Lucas Chokanis (<i>via Zoom</i>)	Supervisor
Kerul Kassel	Supervisor
Joellyn Phillips	Supervisor

Also present, either in person or via Zoom Video Communications, were:

Angel Montagna (<i>via phone</i>)	District Manager, Inframark
Jennifer Goldyn	District Manager, Inframark
Yari Villarrubia	District Manager, Inframark
Kate John (<i>via Zoom</i>)	District Legal Counsel, Kutak Rock
David Hamstra	District Engineer, Pegasus Engineering
Jorge Baez	Field Supervisor, Inframark
Nick Lomasney	Benchmark Landscaping
Kerry Satterwhite	Area Field Manager, Inframark
Residents and Members of the Public	

This is not a certified or verbatim transcript but rather represents a recap of the discussions and actions taken at the meeting. The full meeting recording is available in audio format upon request. Contact the District Office for any related costs for an audio copy.

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

Mr. LeMenager called the meeting to order at 6:00 p.m.

Mr. LeMenager called the roll and indicated a quorum was present for the meeting.

SECOND ORDER OF BUSINESS

Audience Comments

Mr. LeMenager indicated a three-minute time limit for comments.

Ms. Barbara Finazzo, resident of South Lake and HOA board member, commented on Billy’s Trail, two residents have fallen on it where there is netting. Ms. Kassel clarified that area is not District property. Ms. Finazzo asked the District to reach out to the appropriate entity and provided a letter from one of the injured residents. Ms. Finazzo addressed development of 12 acres on two lots between East Lake and North Lake, permit application to amend the Harmony planned development (“PD”) for a multi-story garage, which was approved. Residents requested the District be more active regarding construction taking place and give feedback. Residents have already provided feedback and will monitor information with Osceola County (“County”). The property goes down to Cat Lake. An article was in the newspaper regarding five apartment

buildings and 168 units with multi-story garage. Originally it was going to be a dog park. Mr. LeMenager reiterated if builders construct something on District property, they do not have carte blanche because the District will accept the plat.

Mr. Clifford McIntosh requested an update on the Five Oaks Drive flooding issue, which will be addressed in the engineer's report.

Ms. Mary Jane Sledz thanked the District for the signs at the entrance that were removed, requested an update on the plan for the tower or if all the signs will be removed, echoed comments regarding future development, two bald eagle sightings on conservation lands, requested a traffic study the past six months and has spoken with the County transit and transportation department, the District has to submit an application for a traffic study because of multiple HOAs in the community, the HOA can assist if stop signs or speed bumps are deemed appropriate, and two more near misses in the 55+ community. Ms. Sledz provided the County contact information to Mr. LeMenager. The HOAs have no issues providing petitions to get to 60% approval, but traffic study is needed to see what the recommendation is. This was discussed at the November meeting, and the District Manager has researched this issue and will provide a report.

Ms. Graham Lane asked about cars parking on the street overnight in the Enclave, which is an HOA issue.

Ms. Marilyn Ash-Mower spoke on behalf of the community garden, received no help prior to Mr. Baez, he and staff were able to address the bee issue, and expressed appreciation for his help.

Mr. Chokanis passed on a request from a neighbor Mr. Jerry Mick regarding the pond behind his house behind the 12th hole and grass looks overgrown, golf course says they are not responsible, and requesting if the District will address it as is done on other ponds.

Mr. LeMenager described his chairmanship to be much like Mr. Robert Evans, who was the last Supervisor appointed by the developer who served as Chairman for a number of years. Mr. LeMenager is committed to read all meeting materials. Mr. LeMenager desires to motivate the Board to serve as a supervisory group instead of a management group. Previous boards attempted to manage staff rather than letting the management company do that. The Board should be an advisory group that votes on policy and important matters.

THIRD ORDER OF BUSINESS

Staff Reports

i. Landscaping: Benchmark Landscaping/United Land Services ("Benchmark")

i. Monthly Report

Mr. Lomasney reviewed the landscaping report and discussed with the Board the following: raising branches, mowing, leaf removal, routine maintenance, broken irrigation pipe on Cat Brier

Trail will require replacement of a section, Rainbird sensor being installed in the triangle park, Harmony Square Park and Buck Lake Park enhancements will be done in January, tree by the statute has been removed and the stump grinded out, bucket watering the new tree on Sundrop, tree stump on District property that is an eyesore might be included in a future proposal to remove other dead trees, mulch will be installed when the two parks are complete, tree mold issue on live oaks reported by a resident, mold treated on sycamore trees that might have gone airborne to the oaks, and a report to be provided at the next meeting.

ii. Field Manager: Inframark

i. Monthly Report

Mr. Baez reviewed the landscaping report.

Discussion ensued regarding the following: completion of Cat Brier Trail sidewalk and curb will start next week, pressure washing PVC fence on Five Oaks Drive, painting the benches next month, pressure washed the east tower and removed the signs, roof was also washed and the open spaces were painted, one section of the tower needs to be repaired, volleyball net was installed, gate boxes were updated for Buck Lake and Ashley Park and the Swim Club for access cards to be programmed, helped remove the bees at the garden, moved stones driving to the garden, a driver damaged that area, Children At Play signs by the ribbon curbs will be covered under the engineer's report, splash pad needs to be checked again and a motor replaced, staff's running of the splash pad, lack of contractor response, issue with sequencer and water pressure, staff cannot change the controller, suggest the contractor showing how to manage the controller, new motor is working but the other one is making noise, suggest a different contractor come and evaluate, a resident suggested not enough water pressure which staff also observed, Professional Fountain Services was onsite when staff was on holiday after Thanksgiving, and brief comments on the sign on U.S. Hwy 192 to be discussed later in the meeting.

iii. District Engineer: Pegasus

i. Lakefront Park Maintenance Facility Update

Mr. Hamstra reviewed the following items, and discussion with the Board ensued regarding the revised drawing, original location at the concrete pad by the gravel parking lot by the park, no use for the existing pad for the facility and the plan to remove it, locate the facility behind the parking lot to avoid a lot of earthwork and to be farther from the walkway, sufficient distance from fire hydrant, hose bib added but no sewer since no restroom in the facility, larger building that can be moved to a different location, additional sidewalk, stabilized area for equipment so as not to rut the turf, \$142,000 revised estimate, revised plans ready to submit to the County, fence around garbage container with a screen as well as around the lean-to, sidewalk extended in front of the

building and to one of the garage doors, clarification how equipment will enter the area and/or the building, location of parking the District truck, more visibility parking it by the Ashley Park pool, sidewalk will be wide enough for the gator and golf carts, possible paved access to the lean-to for heavier equipment, risk of vandalism to the truck, current office at Ashley Park with a restroom, this facility primarily a storage building, Mr. Hamstra will check width of the concrete and extension to the lean-to, and will submit to the County to begin their review process.

ii. RV Storage Lot

Mr. Hamstra reviewed the application submitted for the storage lot that has been officially withdrawn, and the County acknowledged it is now a closed item.

iii. Garden Road

Mr. Hamstra indicated a permit would be required for the Garden Road storage shed, and the shed contractor will be the entity required to pull a building permit once the agreement is signed due to size of the building.

iv. Buck Lake Control Structures

Mr. Hamstra reviewed a map of the wooded area for the control structures, these four control structures control all the lakes along the Buck Lake conservation area, some were not working right, and each has a slight maintenance need. Mr. Hamstra described how the structures are designed to work: as the stormwater ponds fill up, they go through the pipe and up the structure like a chimney, reverse, and then flow across the wooded areas. Mr. Baez and Mr. Hamstra will look at the first one in the morning that appears to be working fine but needs to be cleaned out. The second one was reported at the last meeting as not working, and water is not getting to Buck Lake. It cannot simply be dredged, so Mr. Hamstra will meet with field staff regarding the structures to determine which ones staff can fix and which ones will need a contractor to do some grading and drainage. The structures bubble up. When storms come, the orifices get submerged and come to the top of the grade. Mr. Hamstra is getting a survey proposal to survey from the structure to the lake. The third structure looks well maintained and gets to the lake when needed. The fourth one has a safety issue with the grate falling in. Staff will investigate in the morning to see what is needed to replace the grate. The area has been sprayed but vegetation has to be removed so as not to clog the structure.

v. Golf Course Issues

Mr. Hamstra reviewed an issue with the golf course leaving debris at the end of the driving range, possibly due to a change in staff. The District's environmental consultant, Ms. Catherine Bowman, indicated it has gotten worse and they are pushing more debris into the wetland. A

conversation needs to be held with the golf course to stop that activity and get it removed from the conservation area that the District maintains and monitors and reports on.

Mr. Hamstra also reported a circular bay head where Old World climbing fern is growing quickly and needs to be eradicated quickly before it jumps over and starts infecting what the District already has under control. Mr. Vinson is doing well for a one-man operation, Ms. Bowman is pleased with a vast majority of the wetlands, but she is concerned this might be a problem in the summertime if not dealt with quickly. Staff will discuss this in the morning.

vi. Cattail Removal Program Update

Mr. Hamstra reviewed SŌLitude Lake Management (“SŌLitude”) engaged to remove cattails on five ponds around the golf course, Mr. Hamstra reviewed after the work was completed and noted a lot of debris left, contacted Mr. Alan Wilson with Mr. Lynn Hayes and got them to remove everything they cut and SŌLitude retreated the area at no cost, and it looks much better. Later on the agenda is a proposal for quarterly maintenance to keep this under control and whether or not to include additional areas.

vii. Five Oaks Drive and Cat Brier Trail Drainage Systems

Mr. Hamstra reviewed the drainage systems and repairs needed, suggestion to investigate to be sure an expensive repair will not be needed, perhaps a pipe is blocked or has root intrusion or other damage. The pipe needs to be cleared at the end so Atlantic Pipe Service can plug it, dewater it, and run the camera through. Both pipes look to be partially or totally full of sediment and dirt. Staff will look at the pipes to determine if field staff can provide some of the cleaning and dredging. Element Environmental will provide a proposal for the next meeting for whatever staff is not able to perform. The pipes are partially or totally submerged with dirt and sediment, so when it rains, they do not have the opening that they should. The recommendation is to do the clearing and camera work, which should make a big improvement for the summer.

viii. Updated Maps

Mr. Hamstra provided copies of the new 2023 aerials provided by the County, showing a new subdivision—the Enclave—that has been developed and clearing for the last piece at the north. All exhibits have been updated, and Mr. Hamstra will provide a pdf to be distributed to the Board. Landscape map, maintenance map, and drainage maps have been updated. Full-size copies can be provided to the Board if requested.

ix. Conservation Areas

Mr. Hamstra indicated Ms. Bowman will be issuing a monitoring report soon related to the conditions and percent of Old World climbing fern being eradicated. She was optimistic and encouraged, and Mr. Vinson is doing a good job staying on top of it.

x. Alleys

Mr. Hamstra reviewed previous discussions regarding protecting the newly resurfaced alleys with the use of landscape boulders at the ribbon curbs to prevent trucks from going off the edge of the road and break the curbs, later conversations about using signs instead, and requested direction regarding boulders or reflective posts or other alternatives, including asking Waste Pro to use smaller trucks, but they seem to be more reckless in the smaller trucks than the bigger ones.

Discussion ensued regarding history of the previous Chair who canceled purchase of the boulders and wanted signs, the Chair is one of five Board members, boulders seem to be a good option and preferred by some, the previous Board unanimously approved purchase of boulders six or seven months ago, the Chair changed direction and wanted signs instead of boulders, but nothing has been done. Sizes of the boulders were unclear in the photographs, options of Pebble Junction and Evers Wood Products, they need to be big enough to prevent vehicles from going off ribbon curbs and breaking them, purpose of ribbon curb to provide a level of protection for the asphalt, request for a ribbon curb or repaving at 3218 Blazing Star which the engineer will review in the morning, and no need for a motion for boulders because they were already approved June 2023.

D. District Counsel: Kutak Rock**i. Procurement Policy and Procedures****ii. Resolution 2024-06, Spending Authorization**

Ms. John reviewed the policy and procedures and the Resolution which had been circulated previously, requested clarification of who can approve expenditures less than \$500, approval of the Resolution will be at the January meeting, and requested clarifications and comments.

Discussion ensued regarding currently the District manager can approve expenditures less than \$500, staff requested that amount be increased even to \$1,000 while still following the process to avoid the time involved in bringing items to a meeting for approval, dollars in the tiers that had been increased, references to property manager should be changed to District manager who can coordinate with field staff, example of field personnel needing to purchase fuel is less than \$500 and should not need approval, procurement policy elements that are already in place, Resolution will refer to District manager instead of property manager, clarification of purchase of fuel versus procurement of a service or product for the community, need definition of “procurement” in the policy, difference between “purchase” and “procurement,” lack of understanding what is considered procurement, Ms. John will provide definitions, intent of the policy is for projects, previously staff was not getting multiple proposals for projects for large expenses, not intended for small purchases but large expenses and to make sure more than one bid or proposal is considered, this is a standard procurement package modified for this District, revised documents

will be provided for the January meeting for approval at that time, include list of examples of procurement, staff uses credit cards for day-to-day purchases which is not contemplated in this policy, and suggestion for anything under \$500 approved by the District manager who works closely with field staff.

Mr. Chokanis made a MOTION to approve Resolution 2024-06 and amending language to refer to the District manager instead of property manager to make expenditures under \$500.
Ms. Phillips seconded the motion.

Discussion ensued regarding the need for a motion to amend language in the Resolution and procurement policy, and clarification of the motion to the language for the Resolution to be updated and considered at the January meeting.

Mr. Chokanis WITHDREW the motion to approve Resolution 2024-06 and amending language to refer to the District manager instead of property manager to make expenditures under \$500.
Ms. Phillips withdrew the second.

Mr. LeMenager reviewed a phone call with counsel last week related to an issue with Enclave street lights where the District was asked to take them over. Discussion ensued regarding the OUC lease agreement for the street lights, the District's policy not to pay for street lights, Enclave streets are owned by the HOA, developer signed a contract with OUC and the District was requested to take over maintenance of the lights and electrical costs, question if the District has taken on street light maintenance for the Enclave, tract has not been turned over to the District, upon installation and turnover to the District is when the District will begin paying for electricity to the lights.

Ms. Kassel asked about the garden shed, the date for installation, counsel directed moving ahead without that information, and requested an update on getting the contract signed. Ms. Montagna indicated the contract has not been signed, has followed up with the contractor, other issues such as E-verify and adding the District as an additional insured, messages left with the contractor with no responses, and will follow up again tomorrow.

E. District Manager: Inframark

i. Engagement Letter from Berger Toombs et al. to Perform the Fiscal Year 2023 Audit

Ms. Goldyn reviewed the engagement letter with Berger Toombs et al. to perform the audit for fiscal year 2023, in the amount of \$4,600.

Ms. Kassel made a MOTION to approve the engagement letter with Berger Toombs et al. to perform the audit for fiscal year 2023, in the amount of \$4,600.
Mr. Leet seconded the motion.

Ms. John requested the motion be subject to final review by legal counsel. After review, counsel has some things to address with the auditor. The letter is typical and has standard provisions that counsel requests be included or removed, essential things for the District's protection. For example, they are required to comply with the public records law, and counsel has asked to strike "significant" where they are summarizing the terms of the engagement. It is to provide some wiggle room counsel would like them to remove. Auditing firms are generally amenable to making the requested changes.

Ms. Kassel explained her hesitation to amend the motion because the District has worked with this firm for many years and everything has been fine.

Discussion ensued regarding some Board members want to streamline what the Board is doing, legal bills are already sizable, this will be another legal fee, this is the same letter that was approved last year, Board's feeling the engagement letter does not need to be amended, comments regarding approvals following the discussion regarding procurement policy, previous experience with the auditing firm with the same engagement letter, and codifying procurement policy as a Resolution instead of as a policy is different than approving the same engagement letter with a company the District has done business with for years without incident.

Upon VOICE VOTE, with all in favor, unanimous approval was given (by a margin of 5-0) to the engagement letter with Berger Toombs et al. to perform the audit for fiscal year 2023, in the amount of \$4,600.

Ms. Goldyn introduced herself and Ms. Villarrubia, who will be assisting Ms. Montagna with this District. Staff is working to get the project board updated to be distributed to the Board.

Ms. Kassel raised some follow-up items from the previous meeting. Discussion ensued regarding the manager contacting Harmony West CDD regarding a speed camera and display to find out how they made that happen, does not appear to be followed up on, Mr. Hayes was following up on a number of items but is no longer with Inframark, Ms. Montagna is talking with the district manager for Harmony West CDD to get information on the procedures they followed, the information should have been provided to the Board prior to the meeting, changes to the rules were to be provided within 10 days after the last meeting, Ms. Kassel is making a list of items to

be followed up from the minutes which is not her job but is management's job, she is bringing things to management's attention that have not been followed up on, Ms. Montagna has reviewed and highlighted changes to the rules but needs legal counsel to review prior to distributing, changes will be distributed prior to the January meeting, counsel is reviewing them and then they will be sent to the Board, previous request from a resident at 6994 Bluestem Road for a live oak versus a post oak that was not included on the agenda, the request is to remove the District's tree with a different tree at their cost, request for clarification that the resident is not asking the District to remove and purchase and install a new tree, manager will confirm the request, suggestion to check with an arborist regarding the viability of a post oak which was confirmed with the landscaping company that it will not do well in this environment, issues with District emails and archives to be integrated, an archive folder should be visible in Outlook, all emails will be downloaded from Microsoft and provided to each Board member, Ms. Kassel alerted staff to the issue with District emails, Mr. Leet's archive is empty, Ms. Kramer's emails have been downloaded, Mr. Chokanis is having trouble with the emails, question if old emails should be filed in an archive folder, and emails cannot be deleted but can be filed and archived.

FOURTH ORDER OF BUSINESS Business Items

A. Consideration of Resolution 2024-02, Recognizing the Contributions of Ms. Marylin Ash-Mower

Mr. LeMenager read Resolution 2024-02 into the record by title.

Ms. Kassel made a MOTION to approve Resolution 2024-02, recognizing the contributions of Ms. Marylin Ash-Mower.
Mr. LeMenager seconded the motion.

Upon VOICE VOTE, with all in favor, unanimous approval was given (by a margin of 5-0) to Resolution 2024-02, recognizing the contributions of Ms. Marylin Ash-Mower.

B. Proposal from SŌLitude Lake Management for Pond 5

Discussion ensued regarding clarification of the pond number or if it is for quarterly maintenance services for a number of ponds, SŌLitude's previous proposal for cattail removal in five ponds for \$9,950, this proposal is for one pond for \$7,000, and Mr. Hamstra cannot give a recommendation until he speaks with them regarding the significant price increase.

This proposal was tabled until Mr. Hamstra reports back to the Board.

C. Discussion of Lakefront Parking Lot

Mr. Hamstra suggested in conjunction with the maintenance facility to consider paving the parking area currently being used by residents to park and access the trails which is a mess, cost of \$123,000, and could be done at the same time as the maintenance facility.

Discussion ensued regarding the District's ownership of Billy's Trail at the Enclave, construction netting under sod on the pipelines is not owned by the District but is on developer property in the wooded area, some trails are established with the PD with the County, enforcement of hazardous condition on the trail installed as part of the PD, the District owns the approach to that area, District has no enforcement authority, request from residents what can be done, part of netting might be from improperly disposing of the net after unrolling sod, other debris should have been removed upon completion of construction, entities with jurisdiction include Toho Water Authority or Osceola County who needs to tell the contractor to clean up the mess they left, Mr. Hamstra is willing to draft a short email, and Board requested the email come from the manager.

Further discussion ensued regarding the Enclave is fully developed and not age restricted, only North Lake is age restricted, and West Lake is the Enclave and does not have access to their clubhouse.

D. Discussion Regarding Guidance on Verge Modifications

Discussion ensued regarding verge modifications, which is the area between the curb and sidewalk, staff graded the area where there was ponding, and it seems to be working.

Further discussion ensued regarding the District ceasing maintaining landscaping of the verges along the boulevards that it owns, residents wanting to install pavers or groundcover in the verge, direction from last month not to allow permanent structures but temporary structures (e.g., paving stones) are permissible, question what happens with sprinkler heads because the District still irrigates those verges, if this is an issue that needs to be included in the rules since the Board is considering amending them, how to handle requests in the verge owned but not maintained by the District, how to handle if there is an irrigation conflict, if addressed in the rules then District-owned trees need to also be addressed, temporary structures will not interfere with irrigation, pavers can be leveled in the ground and irrigation heads might be hit, issue if irrigation heads cannot pop up due to temporary structures or if that area needs to be maintained, issue needs to be clearly communicated to residents, tree roots are unsightly due to grass not growing, suggestion to make allowances on a case-by-case basis, list of standard approvals, example from another District that can be submitted for what the resident is asking to do, caveat that the resident has to pay for restoration of the temporary structures if the District needs to make any repairs to the area, similar issue with trees and trimming, Ms. Montagna to provide a sample form from another District,

instances where residents have butchered District-owned street trees without approval because they want more sun on their houses, basic guidelines for lower levels of improvements that do not need Board approval, sample form can be revised as needed, one form for the verge and one form for District-owned trees, suggestion for common-sense guidelines because the District has no enforcement authority, HOA is in a position to enforce and is looking for guidelines which will be on the form, simple form, and need residents to agree that they need to remove any structures if the District needs to perform maintenance.

FIFTH ORDER OF BUSINESS **Consent Agenda**

A. Minutes for the November 30, 2023, Regular Meeting

The minutes are included in the agenda package and available for public review on the District's website or in the District Office during normal business hours.

Ms. Kassel provided minor changes to the minutes.

B. Financial Statements *(November 2023)*

The financial statements are included in the agenda package and available for public review on the District's website or in the District Office during normal business hours.

C. #283 Check Register *(November 2023)*

The check register is included in the agenda package and available for public review on the District's website or in the District Office during normal business hours.

Ms. Kassel questioned a FedEx invoice for \$92.43 with no address provided which staff is checking on, and \$360.50 for recording fees on the bill from Inframark, which is for costs associated with verbatim minutes and the length of meetings over three hours.

Ms. Kassel made a MOTION to approve the consent agenda, as presented, excluding the FedEx invoice for \$92.43.
Ms. Phillips seconded the motion.

Upon VOICE VOTE, with all in favor, unanimous approval was given (by a margin of 5-0) to the consent agenda, as presented, excluding the FedEx invoice for \$92.43.

SIXTH ORDER OF BUSINESS **Supervisor Requests**

Mr. Chokanis raised an issue of a neighbor on Middlebrook not seeing the pond due to cattails and requested they get maintained, small pond compared to others that are maintained. Discussion ensued regarding mowing ponds on the golf course versus District property and the distance to the water's edge that is mowed, that area does not have a buffer, landscaper does not mow golf course ponds, pond abuts the properties of the homes which is golf preserve property all the way to the homes, the District does not have an easement in that area and cannot maintain, engineer will look

at the pond to see if it should be included in SŌLitude's treatments as with other ponds, possible easement agreement needed, golf preserve asked the District to maintain those areas, District is now charging the golf course for operation and maintenance which had not been done previously, in that case the District should be maintaining that area, and Mr. Hamstra thinks this pond was included in the previous proposal for cattail treatments in five ponds.

Mr. LeMenager wished everyone a Merry Christmas and a Happy New Year.

SEVENTH ORDER OF BUSINESS Adjournment

On MOTION by Mr. Kassel, seconded by Mr. Leet, with all in favor, the meeting adjourned at 8:10 p.m.

Secretary/Assistant Secretary

Chairman/Vice Chairman