

# MINUTES OF MEETING HARMONY COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Harmony Community Development District was held Thursday, February 27, 2014, at 6:00 p.m. at 7251 Five Oaks Drive, Harmony, Florida.

Present and constituting a quorum were:

Steve Berube	Chairman
Ray Walls	Vice Chairman
David Farnsworth	Supervisor
Kerul Kassel	Supervisor
Mark LeMenager	Supervisor

Also present were:

Gary Moyer	Manager: Moyer Management Group
J.D. Holt ( <i>by phone</i> )	Attorney: Young, vanAssenderp, P.A.
Todd Haskett	Harmony Development Company
Brock Nicholas	Harmony Development Company
John Miklos	Bio-Tech Consulting
Garth Rinard	Davey Commercial Grounds
Residents and Members of the Public	

## FIRST ORDER OF BUSINESS

### Roll Call

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

Mr. Berube called the roll and stated a quorum was present for the meeting.

## SECOND ORDER OF BUSINESS

### Approval of the Minutes of the January 30, 2014, Regular Meeting

Mr. Berube reviewed the minutes of the January 30, 2014, regular meeting, and requested any additions, corrections, notations, or deletions.

Ms. Kassel stated page 37, third line from the bottom should read “~~feature~~ future lots.”

Mr. LeMenager stated page 28, the first paragraph regarding street lights should read “the people in this room were not part of this, but the bottom line is, we have financed assets off ~~of a~~ balance sheet”.

On MOTION by Mr. Walls, seconded by Mr. LeMenager, with all in favor, unanimous approval was given to the minutes of the January 30, 2014, regular meeting, as amended.
---

### **THIRD ORDER OF BUSINESS**

### **Audience Comments**

Mr. Glen Boisseau Becker stated I am here once again to speak about my opposition to the idea of opening the retention ponds for fishing. I am hoping to shed some more light on the subject, bearing in mind Mr. Farnsworth and other reasonable parties have expressed doubt about whether or not the regulation is enforceable. I would like to remind everyone that America is built on rules, policies and laws that are often unenforced and in many cases, unenforceable. As an example, I do not think I have ever known a motorist who does not occasionally drive faster than the posted speed limits. Many drivers surpass the posted limits more than twice a day. It is not possible for the local officials to apprehend and prosecute as many as 1% of the people who drive faster than the speed limits. This law is generally unenforceable. I hate to think what would happen if we did not have those policies posted. I maintain there would be more fatalities and much more reckless driving if we did not have some reasonable guidelines. I remember from driver education when you come to a stop sign, you are expected to come to a full stop. As a pedestrian, I have never seen a driver stop their vehicle completely if there was no other traffic on the road, no kids playing in the street or no animals within sight. People slow down drastically and continue. Can you imagine what would happen to a high-ranking Sheriff if they made a policy of monitoring every stop light and arresting anyone who rolls past the stop light of one mile an hour? The Sheriff would very promptly be voted out of office. The policy is, to some extent, unenforceable, but I believe there is a good reason for it being there. I am grateful for the stop signs and know they serve a purpose. I have some background in the retail industry. If you are a small shop owner and somebody comes into your store determined to steal a small item of merchandise or maybe a large one, you would apprehend the shoplifter, call the police and if you are lucky, the officer arrives in a minute or two. The officer is going to ask you if you want to press charges, even if it means taking some time off work and appearing in court. If you are the small shop owner you are going to say "I cannot afford to disappear from work for half a day as I am needed here." So the shoplifter does not get punished. As a result, this person is embarrassed enough to return the merchandise and maybe never try that in your store again. The law serves a purpose. The final example would be right here in Harmony. If you visit the dog parks or Buck Lake pier, we have signs posted indicating these parks are closed half an hour before sunset, even

during the winter. They remain closed until half an hour after sunrise. I have never seen anyone question whether it is enforceable or try to enforce it. The rule is very widely disregarded, and yet if I see teenagers goofing around in the park at 9:00 p.m. in the dark, I can politely point out the policy and ask them to leave, and they will cooperate. I hope the analogy is clear. We have already heard plenty of debate about whether the Sheriff's Office is willing to support a policy against trespassing and fishing in the retention ponds. The answer is, up to a certain point, we get some cooperation. If someone were to really fight back against the Sheriff's ruling, maybe the law is not enforceable; we are not sure. I maintain the policy is a good one to advertise, promote and encourage through the use of strategically posted signs saying "No Trespassing" and "No Fishing" in our ponds. There is nothing to be lost by maintaining that position.

Mr. Anthony Pressley stated I am against fishing in the ponds and would hope you would see that 95% or more of the people at the meetings I attended asked for your vote not to allow fishing. I think the Board has a responsibility to listen to the people who come to the meetings and voice their opinion. They may come to you outside of a meeting, but they are not here. I also know the vote is planned for the next meeting, which happens to be during school vacation, meaning a lot of people may not be able to attend because they may be off with their children. I live on a pond. Some people do not think I do because I have 15 feet of grassy area between me and the pond. I have a requirement not to erect a fence and various other restrictions. I personally do not want people hanging out behind my house. Please consider what the residents have said.

Mr. Walls asked were you aware when you purchased your lot that the pond was open to the public?

Mr. Pressley responded yes. When I purchased my lot, there was a "No Fishing" sign on it.

Mr. Walls asked were you aware people could walk, jog and sit behind your property?

Mr. Pressley responded yes, and they can.

Mr. Walls stated you are okay with this, but not with them fishing.

Mr. Pressley stated I am not okay with them hanging out, drinking and leaving trash.

Mr. Walls asked does every fisherman drink? Should we ban all fisherman?

Mr. Pressley responded no, I am not saying every fisherman drinks. However, we have a nice place to fish in Harmony, which is Buck Lake. I have a retention pond for drainage, not for fishing. What good is coming out of that retention pond? There are two alligators in the pond that we enjoy walking around. The bait that is left behind is going to make them more apt to come looking for food.

Mr. Berube asked which pond do you live near?

Mr. Pressley responded it goes towards Dark Sky and Five Oaks.

Mr. Berube asked does this pond have a “No Trespassing” sign?

Mr. Pressley responded it had a small “No Fishing” sign on the Dark Sky side, which was removed once this discussion started.

Mr. Berube responded it was not removed as a result of any discussion here. It was on one of the old green posts with a small sign saying “No Fishing.” Those have been around for a while.

Ms. Kassel stated when you purchase a home, you sign a Declaration of Covenants, which includes the No Fishing Policy. You agree to this when you buy a home.

Mr. Walls stated that is an HOA policy.

#### **FOURTH ORDER OF BUSINESS**

#### **Subcontractor Reports**

##### **A. Aquatic Plant Maintenance – Bio-Tech Consulting**

##### **i. Monthly Highlight Report**

The monthly aquatic plant maintenance report is contained in the agenda package and is available for public review in the District Office during normal business hours.

Mr. Miklos stated we touched up on some of the algae around the ponds. There were a few cattails here and there, but we thought everything else was looking good. Some of the new growth is going to be coming around. The growing season will start soon. Hopefully we will start to see some of the native plants grow back and look good. They are brown right now due to winter.

Mr. Berube asked do you see anything on the horizon that we need to address at an early stage?

Mr. Miklos responded I think everything is working out well. I like the monthly maintenance schedule. Everything seems to be doing well.

Ms. Kassel stated when I walk around the pond at Lakeshore Park, I see what looks to be a bunch of algae or some other type of growth.

Mr. Berube stated it is filamentous algae.

Ms. Kassel stated I do not mind it, but perhaps other residents do.

Mr. Miklos stated this is totally up to you. From what I hear, everyone wants the algae gone. I do not spray it as often as I usually do in other neighborhoods, because I know no one here is worried about the algae on the ponds.

Ms. Kassel asked will it become a further problem as it gets warmer?

Mr. Miklos responded no. If it stays within a couple of feet of the shore, it should be fine as long as it does not get more than 50% coverage. That is when it starts to be a problem, and we definitely want to remove it then because it will block some of your fountains.

Mr. Berube stated if you stand on the bridge, you will see baby fish in and around the edge of the algae.

Mr. Miklos stated some of that is called Slender Spikerush, which looks like grass under the water. This is hard to get rid of and takes a lot of chemicals. The fish like it. As long as it does not take over or choke anything out, we leave it alone, especially here. Since it does not bother anyone here, it does not bother me.

Mr. Berube stated it sounds like a good plan as long as we are not headed for trouble. We will continue on the same path.

Ms. Kassel stated there were three alligators in Long Pond the other day.

Mr. Berube stated they have been pretty active. One was fairly large.

**B. Landscaping – Davey Tree**  
**i. Monthly Highlight Report**

The monthly landscape maintenance report is contained in the agenda package and is available for public review in the District Office during normal business hours.

Mr. Rinard stated last month we discussed mulch and we were in the process of getting our final load. This load was due the next day; however, we had some delays by a couple of weeks. This has thrown our schedule back. With one more load delivered today, next week our mulching will be complete. Three areas remain: the bedding areas along east Five Oaks toward the golf course, the U.S. Hwy 192 beds, and the bedding areas along the back side of the fence line along U.S. Hwy 192. This has been our major project. The prepping for Dark Sky is complete. We have some internal training tomorrow where our site crew will be at Celebration for a full day of training, but we will have people here on Saturday for trash and touch-up purposes.

Mr. Berube stated back in June, you gave us a multi-page proposal. We picked and chose services, and it is eight months after this was originally presented. Maybe we can ask you to take another look to see if things have changed after eight months and perhaps

revise it. We had a big hit to our budget due to receiving some late invoices, but there are still some line items, which need to be adjusted. I hate to look at an eight-month-old proposal.

Mr. Rinard stated I would be happy to take a look at this and clean it up.

Mr. Berube stated tell us what we need to do, and we will discuss it next month.

Ms. Kassel stated please send it to me so you and I can go over it.

Mr. LeMenager asked when do you have the crepe myrtles scheduled for pruning? I would like to put in my vote for shorter rather than taller ones. There are crepe myrtles behind my house on Beargrass Park. They are taller than the oak tree. That is totally out of scale.

Mr. Haskett stated they are healthy.

Mr. LeMenager asked do you have any idea high crepe myrtles can be if you do not trim them back? They are three stories tall in some places in Celebration. I am not sure this is really what you want to have for your look.

Mr. Haskett stated we can look at them. The policy is to keep the natural form and do not do any pruning larger than a pencil size unless it is conflicting with other plant material. If you look down through Town Square, you will see how those have progressed over the years. They are beautiful. This is the shape that crepe myrtles are supposed to be. It kills me to see stems with nubs on them.

Ms. Kassel stated they call it “crepe murder.”

Mr. Berube stated there seems to be two schools of thought on these: clip them off every year, or let them grow.

Mr. Haskett stated it is a quick and easy maintenance item, which you see in highway departments. All this does is create long shoots and more maintenance in the future.

Mr. Walls stated I understand what you are saying because it depends on where the crepe myrtles are. I have one right next door to my house. If I let it grow, it will be all over my roof. I have to trim mine back completely.

Mr. Haskett stated I totally agree. The ones at the Sales Gallery have to be trimmed back because they conflict with the roof.

Mr. Berube stated I would like to hear a response from a tree guy’s perspective.

Mr. Rinard stated years ago when I first arrived in Celebration, this was a big topic.

Mr. Moyer stated it still is.

Mr. Rinard stated I have taken a neutral position, which is the safe position. Through my experience in the field, I have seen certain responses with the pruning back. I understand the hands-off approach, as well. The reason why I take a neutral position is, I think both are valid. We come back to our clients and explain if we do one thing, then this is what you can expect. There are arguments and data for both sides. It really becomes an individual choice in the approach, and I am okay either way.

Mr. Berube asked is it safe to presume with a hard prune, the tree is going to spend all of its energy trying to redo that growth, where if you do not give it a hard prune, the tree continues to expand its overall size?

Mr. Rinard responded you are right on both respects. Whenever you do any pruning on the tree, the energy the tree is producing has to go somewhere. Whether you do it on a harder basis, or on a selective basis or less severe, whatever proportion you are taking out, this energy has to go somewhere. You have not changed what the tree is producing from an energy standpoint. There are some rules of thumb with certain types of trees, depending on the type of pruning. You are not going to take any more than 25% in a crown-reduction scenario. As you have seen probably seen, whether here in the community or in other communities, crepe myrtles have been severely pruned, and yet they pop back every year. They tend to get thicker and thicker. That is where this energy is going as part of the maturity process. The energy from the pencil pruning is going up as well as in the thickness. It really makes no difference, and again I ask what your position is.

Mr. Moyer stated I will share one suggestion with you. Consistency is important. Part of the problem is one year we will do the pencil pruning and then next year we come back in and cut it more than just a pencil pruning. Then people get upset because they get used to what you have done. Then when you change the protocol, this is when you start getting phone calls. Whatever you decide as a Board to do, it needs to be consistent year after year.

Mr. Berube stated I think we are on the consistent plan right now of nothing bigger than a pencil.

Mr. Haskett stated that is how the scope of services was written. I do not always put my personal opinions or expertise into it but just reference the University of Florida. We are one of their model communities and we are linked to their websites. I always

reference their recommendations or suggestions, which is how the scope of service came about.

Mr. Rinard stated in some areas where they are planted, we get some encroachment and some crowding out, so maybe some heavier pruning is necessary. But maybe we do that on an isolated case-by-case, location-by-location basis versus changing the consistency.

Mr. Berube asked is there a problem with what is going on behind your home?

Mr. LeMenager responded they are taller than the oak tree.

Mr. Berube stated trees are a big part of this community, and we are just trying to make sure we do the right thing most of the time. It sounds like we have a plan.

Mr. LeMenager stated we are having a meeting in February at the end of winter, and I have heard no complaints about Davey Tree. I think the property probably looks as good as it ever has at the end of February. You are doing something right.

Mr. Rinard stated thank you. I think over the past couple of weeks, the warmer temperatures have helped. For the fall fertilization, we used the Polyon product, which is based on soil temperature. We are starting to see temperatures warm up. For the most part, spring is here. You can see where things are coming back in from the January frost, which we experienced a couple days. I appreciate the comments, and we hope to keep it going for you.

Mr. Berube stated I noticed our staff has been changing out sprinkler heads to get more water volume in certain zones that are browning up. I presume Mr. Jon Rukkila and Mr. Haskett are in close contact to make sure we have enough water going underground.

Mr. Haskett stated yes, constant contact. This is the season when you recognize where your irrigation is not getting the best coverage. The best indication is areas where plants are greening up and certain areas are not.

Mr. Berube stated it is also nice to have our staff do the changing because we are buying hundreds of sprinkler heads.

Mr. Haskett stated yes, we are.

Mr. Berube stated we would be in the tens of thousands of dollars in labor changing those heads out. This is another advantage of having our people doing them as needed.

Mr. Farnsworth asked what is the general policy as to going around and confirming that heads in various areas are functioning properly? The reason I ask is because some of them in front of our house are spraying out into the street and some barely work.

Mr. Haskett responded we get to them as often as possible. In our report, we have 28 different zones and 546 valves. We average about half of the community per month. Right now it is taking slightly longer because of the other projects. However, they are skipping around and taking care of problem areas first. We understand the system.

Mr. Farnsworth stated in regard to tree trimming and street lights, in some cases there are street lights with branches hanging below the lights. There is one in front of my house and others around the community. Are these going to be addressed? Or will they be left that way? They cast a shadow and will get worse.

Mr. Rinard responded we will need to address those. Mr. Rukkila has just recently completed east Five Oaks, and he will be circling back around in the rotation. We can certainly take a look at the trees and street lights and what is being affected. We will put this on the top of our list.

Mr. Berube stated as a function of being around here for a while, the trees have grown into the lights.

Mr. Rinard stated that is correct.

### **C. Field Manager**

#### **i. Dock and Maintenance Activities Report**

The monthly dock and maintenance activities report is contained in the agenda package and is available for public review in the District Office during normal business hours.

#### **ii. Buck Lake Boat Use Report**

The monthly boat report is contained in the agenda package and is available for public review in the District Office during normal business hours.

Mr. LeMenager asked when are we starting on the dock?

Mr. Haskett responded the dock work has started and is almost completed. It is sitting across the lake as of today. We have been diligently working with the manufacturer through the entire process. Getting electricity through it took some thinking because once it is in the water, we might have to pay for a diver to install the conduit. Mr. Rick Druckenmiller and I have been working with them directly before and during the manufacturing to get the conduit installed ahead of time. Once it gets over, we

just need to get the electricians to pull the wire through and make sure it is all up to code. As long as the lake is fairly calm tomorrow, we will pull out the old dock and float the new one over. It is all put together.

Mr. Berube asked are we going to be able to get those pedestals we discussed?

Mr. Haskett responded we are. I looked at many different manufacturers and sizes. I actually have provided some specifications to a couple of local companies to make smaller ones instead of the great big ones, which would take up too much space. We will have temporary power there. We are going to reflect light onto the pilings for the time being. In two weeks, the new pedestals will be in. Spending \$1,000 per pedestal for something that is too big did not seem appropriate to do. We want to keep it attractive looking because it is a nice dock.

Mr. Berube stated one of the attractions of those pedestals was providing LED lighting at night. Is this still part of the equation?

Mr. Haskett responded yes, it is definitely in the plan. I talked with Mr. Greg Golgowski, who requested a certain color. I cannot remember the exact color and will have to confirm it with him. I believe it was red or blue, but not just a bright white light.

Mr. Berube stated if we can get the lights, that is fine. It seemed like a nice feature so anyone can see it at night. We have a nice dock. We might as well show it off.

Mr. Haskett stated yes, we will see what we can do.

Mr. Berube stated I think most of those pedestals are lighted anyway.

Mr. Haskett stated I put in my report that the dock was going to be completed on the 26<sup>th</sup>. There was a delay due to weather. I spoke to Ms. Brenda Burgess and she updated the website to show the 5<sup>th</sup>. We are sure we will make this date. We will have the wiring done on Monday. Along with this, while we did not have power down there and no ability to have the boats out, we pulled the large pontoon out and did some in-house maintenance. We pressure washed it, lubed it up and worked on the batteries. We did some modifications to the small pontoon as well. We are relocating the batteries, which helped shift the weight towards the front. It is a better ride now. We have received some good comments from residents that the pontoon is more stable. Ashley Park is now open. Temperatures are getting warmer and the gates are open. We had all of the pavers reset, which were trip hazards. The delay to open the park was due to the pavers, pressure washing and painting. The facility looks new again.

Mr. Berube stated there is a stunning difference. There are new color changes here and there, some of the lousy stuff is gone and the pavers are reset. Everything is fresh and clean. If you remember what was there and what it looks like today, it is a new facility. The acid washing on the pool came out well.

Mr. Haskett stated it did. We will keep it that way. The company said we should get at least two or three more years out of the finish, which is very encouraging.

Mr. Berube stated I drove by there tonight and the gate outside of the filter area was open. This is a swing gate. It was just hanging open. There was a car there, which I did not recognize and I was not sure anyone was inside. It is probably no big deal, but I do not know how it got open. Apparently someone left it open.

Mr. Haskett stated we normally keep it cable locked because it requires a key to access. We will monitor it and change the locks on April 1. Mr. Gerhard Van der Snel is our main pool guy.

Mr. Berube stated for those who do not know, Mr. Van der Snel is the newest CDD field technician since January 6.

Mr. Haskett stated he has been checking the pools each morning to see how they fluctuate, and he is shadowing the pool company. It should be a clean transition. We missed the February training date for the other two staff members, but they are signed up for the March 12 training. By then everyone will be certified.

### **iii. Sidewalk Policy**

Mr. Berube stated since we are getting into the sidewalk rehabilitation work, Mr. Haskett thought it would be wise to have everyone on the same page as to what our sidewalk policy is. I believe all of you should have received an email from Ms. Burgess today on this policy.

Ms. Kassel stated it was from 2008.

Mr. Farnsworth stated I did not have a chance to review it very well.

Mr. Berube stated the bottom line is, we have a written policy.

Mr. LeMenager stated it says it is a draft. I do not know if it has ever been acted on.

Ms. Kassel stated the policy is faulty as it references the HOA as being responsible for the sidewalks, which the HOA is not. There are also one or two other discrepancies from the way things operate.

Mr. LeMenager stated my concern with the document is, we have a written set of rules stating under certain conditions, then it is painted orange. Then the problem is,

what happens if you neglect to paint it orange and someone trips and complains that the CDD was not following its own rules?

Mr. Berube stated this is why we are discussing the policy.

Mr. LeMenager stated I think it is dangerous to have too specific a policy.

Mr. Berube stated we can modify this policy. The word "Draft" is marked on it. Is it a draft?

Mr. Haskett responded I had this in my book that said it was a draft. This was from Mr. Steve Boyd when he did the sidewalk study in 2008. Every crack and bump in the community was listed.

Mr. Berube stated this looks like it was written by Mr. Boyd. Can we just turn sidewalk maintenance over to the Field Manager?

Ms. Kassel responded that is what we have been doing.

Mr. LeMenager stated I do not think it is broken. We do not need to fix it.

Ms. Kassel asked why was this brought up?

Mr. Berube responded because it is out there and he has concerns it does not match what we are doing now.

Mr. Haskett stated the main reason we use this is to determine the priority levels so we have something to fall back on when we are out maintaining the sidewalks and staff comes to me with a sidewalk raised one-quarter inch. We can reference this and say to give it time and watch it, as the engineer recommends. This is also straight out of the Federal guidelines from the Highway Traffic Safety Board. It is not just something out of thin air. This is how we determine if it is a severe hazard. I do not know if attorneys reference this when they come after people or not, but it is a basis we use.

Mr. Berube stated what you are saying is, you feel more comfortable having some sort of a policy.

Mr. Haskett stated I would be more comfortable with all of you recognizing the work we do. If we have to replace a large chunk of concrete, you will know why because you can reference this. If we just ramp it like shown in the first picture, which is the easiest and best method to get rid of a lip on a raised panel, this is the reason why we would be doing it. If it is just a small crack and you grind it down, it explains why. There is no question of why we do things differently depending on the condition.

Ms. Kassel stated this is just an FYI as to how you prioritize. You are not asking us to take any action, just to be aware of how you are managing the sidewalks.

Mr. Berube stated this is very specific. As Mr. LeMenager referenced, we are not really following it.

Ms. Kassel stated this is a draft. It has not been approved.

Mr. Haskett stated I did not reference the minutes from 2008. There may be a policy. I did not see any policy on the website.

Mr. Moyer stated let us go back and look at the minutes. This is why we take such detailed minutes.

Ms. Kassel asked to see whether it was approved?

Mr. Moyer responded yes.

Ms. Kassel stated alright. Will you report on this next month?

Mr. Moyer responded yes.

Mr. Haskett stated I do remember we acted on this because someone from your department came out and did a lot of sidewalk grinding right after the study came out.

Mr. Berube stated there are certain things in here we would never do, such as lay asphalt over concrete.

Mr. Haskett stated that is correct.

Mr. Berube stated it is not going to happen. There is another potential activity of drilling holes and concrete jacking it. We are not going to do that, either. I would be inclined to have authorization from the Board to give the Field Manager our blessing to do a job he has been doing. It has been working.

Mr. LeMenager stated he already has that.

Mr. Berube stated he wants something from us that is not necessarily in conflict with something that is in writing. Mr. Moyer will see if this has ever been acted on. If it has not been, then we will make a decision next month and give you some firmer direction.

Mr. Haskett stated if you would like, I can submit the Sidewalk Repair Manual, which we referenced for some of the repairs we recently made. It is more descriptive, and it has some pictures.

Mr. Berube stated we should not have conflicts. If this is in force, we need to make it fit with what we are currently doing. If it is not in force, then we can adopt something

else more in line with what we are doing. Do not stop what you are doing. It is looking good so far.

**iv. Alleys**

Mr. Berube stated several months ago, Mr. Boyd came out and spent some money analyzing alleys. That seemed to go by the wayside.

Mr. Nicholas stated it is funny you mention this because I asked Mr. Boyd about this last week. He said that he did not complete the report, but he was ready to tell you, hopefully by the next meeting, which alleys are on the list first to come from reserves. We drove through a couple of alleys. You have this large reserve account and a hypothetical schedule of when things need to start getting on the list for repair. The neighborhood is old enough to where we need to start on this. Mr. Boyd is aware and I think he may be a month or two behind on getting you a final list. I think he is going to tell you where you need to start. I will make sure to remind him. If you want him here at every meeting, you can do that. He is trying to be mindful of your finances. We usually just tip him off if we think something is going to happen that the Board will talk about. He asked if he needed to attend, and I said I did not think there was anything. Now we are talking about sidewalks and alleys. I feel bad I told him not to attend.

Mr. Berube stated he used to be heavily involved with the sidewalks, and the reality is, we spent more time and money with him preparing pictures and guidelines than we spent repairing the sidewalks.

Mr. Nicholas stated I will absolutely give him a message to provide the alley schedule to the Board and recommend where to start. He received that message verbally last week, and I think he is almost ready.

Mr. Berube stated tell him we are ready to spend a little money.

Mr. LeMenager stated it is smart to get started.

**v. Miscellaneous**

Mr. Berube stated the bench and table at the dog park have been missing for a long time. Several times you said legs were being made for the picnic table.

Mr. Haskett stated they are still missing.

Ms. Kassel asked is the brazier just a post right now?

Mr. Haskett responded if you mean the grill, that is possible. I have one sitting in front of my office and that might be where it came from. We replaced a few grills, and they are working out great. There are three or four more we need to replace. We did

refurbish some of the tables in the Town Square, which have been there over 10 years. We did that in-house and it turned out well. However, some of the chairs were recently destroyed.

Ms. Kassel asked by vandalism?

Mr. Haskett responded yes. There were some incidences in Town Square where trash cans were turned over. Identifying who did it is probably difficult to do. Hopefully, some of the activities that are being monitored elsewhere will help curb this.

Mr. Berube stated there has been some commentary on the Facebook page about certain teenagers who are getting out of control at times. It is probably all related. I think there is a square concrete base over near the Lakeshore Park pavilion, which used to have a table.

Mr. Haskett stated there was a picnic table and this is where the picnic tables underneath the small pavilion have gone to. I can order more picnic tables if we need more out there. I think it got moved because someone wanted it in the shade.

Mr. Berube stated I notice fairly large groups of people using up all the picnic tables. I guess we can wait until we need more furniture. Are you going to order any benches?

Mr. Haskett responded probably not benches, but most likely we are going to have to order another picnic table.

Mr. Berube asked is our inventory at Lakeshore Park where it should be? I know you have a count for pool furniture. If picnic tables are disappearing, do we have enough? Should we add more?

Mr. Haskett responded I would think we would need more since it stays busy all the time. We can look at the budget and see if the money is there.

Mr. Berube stated I think there is enough money in equipment, which is where this expenditure would be paid from. I would rather the residents have enough picnic tables. They get used. I see people using them all the time. If we need a couple more out there, I do not see any reason not to order them.

Mr. Haskett stated I will get some proposals together to include in a package for various parks.

Mr. Berube stated look at the entire pavilion as well. I think the metal could use some paint, and the vinyl portion of it is ratty.

Mr. Haskett stated it is reaching its life.

Mr. Berube stated perhaps the original supplier is still on file and we can order that part.

Mr. Haskett stated no, the original supplier went out of business many years ago. Otherwise, it would have been improved by now. They do not make this anymore.

Mr. Moyer stated just as an aside, we have \$3,396 in the capital account. The accountants are asking me why we are not closing this account. Maybe the best way to do this is to purchase picnic tables with this amount as part of the overall park improvements.

Mr. Berube stated we were going to devote this money to the pedestals on the dock.

Mr. Haskett stated we can still use some of the funds for the picnic tables because we do not plan on spending \$3,000 on pedestals.

Mr. Berube stated it also depends on how many pedestals you are going to buy.

Mr. Haskett stated we plan on buying three pedestals.

## **FIFTH ORDER OF BUSINESS**

## **Developer's Report**

### **i. OUC Street Light Agreement**

Mr. Nicholas stated OUC sent over the final marked-up revised agreement based on the last meeting's discussion. We sent this to Mr. Tim Qualls and he is doing his final review. As soon as he gives us the green light, we will get the exhibits together along with the CDD tax ID and minutes from the last meeting. I will ask Mr. Moyer to help us execute this.

Ms. Kassel asked in regard to the street light contract we discussed last month, did you go back to them and say we were going to pay this off?

Mr. Nicholas responded yes.

Ms. Kassel asked is this going to reduce our maintenance contract?

Mr. Nicholas responded we received an affirmative response. I did not send it to the entire Board, just to Mr. Berube and Mr. Moyer, but we received the response you were looking for. It might have been to Mr. Qualls instead of Mr. Berube. It happened very fast, the day after the last meeting.

Mr. Moyer stated I received it.

Mr. Nicholas stated I emailed him during the meeting, and he responded and confirmed that.

**ii. Shade Structure**

Mr. Nicholas stated we are going to be freeing up a shade structure. I do not know the dimensions, but I believe it is 20 feet.

Mr. Haskett stated it is 30 feet.

Mr. Nicholas stated we have a shade structure, which is fairly new that we will be freeing up, and we would like to donate it to some place the Board agrees it should go where it will have good use. The fabric is great, it is clean and painted. It looks just like the one we put up at the Swim Club.

Ms. Kassel asked what if we put it at the playground by the dog park because it has no shade?

Mr. LeMenager responded it has a couple of trees, which are supposed to eventually be fairly big.

Ms. Kassel stated the swings do, but not the playground.

Mr. LeMenager stated you need to take a walk down Beargrass if you want to see how big they get.

Mr. Haskett stated I do not think we can put it at the playground by the dog park because of the easement running through there. We are not allowed to put structures on it. The playground is right on the easement.

Mr. Nicholas stated we cannot go too deep into the ground with the footers on those easements.

Ms. Kassel asked what about at the Lakeshore Park soccer field on the north side where the bleachers are?

Mr. LeMenager responded I think that is a terrible idea.

Mr. Berube stated because you do not want to look at it.

Mr. LeMenager stated that is correct.

Mr. Berube stated I am sorry, but we all have to put up with something.

Mr. Walls stated we should think about it and discuss it next month.

Mr. Berube stated I do not think there is room at either of the pools for another shade structure. The most likely place would be the soccer field.

Mr. Haskett stated another location would be around the water feature where the parents sit while the little kids are playing. We did not put three there because it interferes with the water.

Mr. LeMenager asked did we plant more trees to take care of the swing set at the playground?

Mr. Haskett responded yes.

Mr. LeMenager stated then that will eventually be taken care of by trees.

Ms. Kassel stated in regard to the water feature, often the parents go in with their kids so they are getting wet, and sitting on those benches is not much of an issue even when it is hot out.

Mr. Berube stated but not every parent does this.

Ms. Kassel stated not everyone does, but everybody who goes to the soccer field has to sit in the hot sun on the hot, metal bleachers.

Mr. LeMenager stated it occurs to me the nice little playground in Green Park, which always has kids, would be a good use. I am always out walking, and there always seems to be kids. I do not know if there are shade trees.

Mr. Haskett stated there are some trees, but they are small.

Mr. Berube stated we have to be conscious of putting the shade structure in the Green Park because virtually every side would be directly in front of someone's house. It would be 50 feet away from several houses.

Mr. LeMenager stated that is a fair point.

Mr. Nicholas stated we owe you some suggestions.

Mr. LeMenager stated thank you for the donation.

Mr. Berube stated I like either of those two suggestions, but I am betting it will be on the back side of the soccer field because of the roundness of the water feature.

Mr. LeMenager asked what color is it?

Mr. Haskett responded it has black posts and a dark blue top.

Mr. Berube stated it is in good shape.

### **iii. Hand Clearing**

Mr. Nicholas stated you probably noticed we did some experimental hand clearing between the Green neighborhood and the future neighborhood F by the school. At Buck Lake, you can see a little more of the water. I have a management plan with the Water Management District and we did some experimental clearing. We want the residents of Harmony to understand the vision of this community. The lakes were hidden, and we wanted you to see the lakes from the roads. This program was successful. The Water Management District had some very positive feedback about the ecological value and

interaction with residents on the clearing we did thus far. As a result, we are expanding this program. I just wanted to tell you this because we began this as a test in a mostly undeveloped area and it did not disrupt too many people. There is rubbish, burning, dragging and related activities. However, we are going to be venturing down into the areas around the opening to the dock between the two boardwalk cuts we did earlier last year, as well as expanding that area to the east of the current work that is being done. This is not as intense, but we are doing it with the same result in mind. We will be opening up view corridors and monitoring the feedback and look at what the agencies have to say about it. So far, it has been good, so we are going to do more of it.

Mr. LeMenager asked what is the effect going to be on wildlife?

Mr. Nicholas responded believe it or not, it is pretty good. There is a method to the way they clear and how they handle brush piles in certain areas. There are plenty of invasives, which should not be there. Some of the prettier, more blossoming trees, like bays and cypress, do not have a chance to get big and beautiful because they are crowded in by scrub pines and vines. It has all been positive on the ecological front. We are going to keep moving cautiously, but there is more work to be done.

Mr. Berube stated letting people see that there is a lake back there is a big positive.

Mr. Nicholas stated maybe it is has increased activity, and maybe it has not. Our goal is to show there is a great big asset, and we want the residents to love the lake and be a part of it. We cannot sell this unless they can see it. That is a little of the psychology.

Mr. Berube stated I would be willing to bet that a quarter of the people who live there do not know there is a lake there.

Mr. Nicholas stated it is going to be fairly obvious soon.

Mr. Berube stated there must be a limit on the tree sizes you can take out, and this is why so many trees stay.

Mr. Nicholas stated there is a limit to tree size. The pines are not a good thing when they are that close together. It started as a blowing seed that grew over time and was left alone. They do not do well that close together, and there is no point to it. You have to create some spacing for those trees anyway. There is some positive environmental benefit to doing a cleanup every so often.

Mr. Berube stated my point was, the bigger the opening, the more clarity you can see what is going on.

Mr. Nicholas stated openings are only big because there was not a full tree stand there before. Where there was a full tree stand, we did not take it out. There were already natural clearings in there so once you pulled the junk out, it was easier to see.

Mr. Berube stated there were several areas that look like they were all grassed in and looked like a picnic area.

Mr. Nicholas stated you are actually able to mow a few of those spots. It has been positive.

Mr. Berube stated I am not against taking the trees out. I am all for making big picturesque views of that water. It looks good.

Mr. Nicholas stated I agree.

#### **iv. Sales Data**

Mr. Nicholas stated we collect a lot of data on sales activity. We do not share a lot at these meetings, but we are in business together and I figured I could tell you about the last 100 transactions or so. As you noted, we have been busier. I think what continues to be interesting about Harmony is, it is diverse where the traffic is coming from and who new buyers are in terms of their work life and behavior. All across the board and spectrum, Harmony is not any one thing. The community is surpassing its 600<sup>th</sup> built and occupied unit, which is an interesting milestone. Of the last 100 or so transactions which have happened in the last 13 months, about one-third of those came from either inside of Harmony already as a rental property or Kissimmee or St. Cloud. Another third of the new home purchasers came from either the greater central Florida area or somewhere out of the central Florida market, but still within the State. A full last third came from either out of State or out of the country. There were 17 out-of-State transactions from 14 different States. Even the feeder States are diverse within the places people are coming from. It makes for an interesting marketing challenge on how to continue to grow the community. We are not specifically appealing to any one type of person. I think this continues to be interesting for us, but a challenge to market and put the right builder mix in place. The price points are all over the board. Values are going up, which you will see in your resale property. Hopefully, the things going on are positive. We talk somewhat about renters. One out of every seven transactions over the last 100 lived in Harmony already as a renter before they purchased and moved here permanently. I think this is an interesting fact and continues to be pretty well subscribed. It is not a bad thing, but a good indication about the community. Half of all transactions are moving in with at least

one school-aged child. It is pretty high as the County goes. If you get outside of Harmony, the participation rate for children and student stations is not quite as high. We moved over 70 children into our Community School just last year. They started the year at 795 students and are at 870 now. Some of those were out-of-zone transfers, but most of those are closings and new families moving into Harmony. Effectively, for every two new transactions on a home move-in, one of those households has school-aged children. That one household is averaging roughly two kids. The easy math is that one new home means one new student in our schools, and this one student is about 70% of the time in the kindergarten through eighth grade range and about 30% of the time in the high school age range. The schools love us and the community is growing. Those who do not love us are those who are zoned to Harmony living outside of Harmony because our boundary shrinks as those numbers grow. Some families who love Harmony and have their children in school here are finding themselves being zoned to either Hickory Tree or Narcoossee next year, and we may hear some complaints. The School District is preparing for the next rate of growth, which we have already shown has happened in the previous 12 months. About one out of every five sales is still a direct referral from an existing Harmony resident. Those are big industry numbers. You would expect this to be 5% to 7%, maximum. This is why we continue to do things like resident mixers and throwing parties in the new models. We are doing festivals and other activities. It appears these things matter because those referrals are still happening. Fewer than one out of five new purchasers is at least partially retired. Although this is not a retirement community, per se, there is still the appeal. It continues to be a place that attracts all sorts of people who like being here. Mr. LeMenager attended a realty event a few weeks ago. All the things affecting the broader real estate market in a good way are also affecting Harmony, except we are not exposed to any one segment or demographic. We are exposed to all of them, which is a good hedge from down markets. We do not have an overwhelming number of investor sales. It is quite small compared to the broader central Florida market, which is a good thing for the long-term security and investment security of the people living here. It is also the reason why the values might grow at a slower clip than some other places. There is a trade off there, but I think it is a long-term positive trade off for the residents living here.

Ms. Kassel stated you spoke about investor sales for new construction, not for resales.

Mr. Nicholas stated that correct. Everything I just spoke about is new construction.

**v. Events**

Ms. Kassel stated you discussed the Dark Sky festival last month and asked if we wanted to sponsor a resident VIP area. You said as time goes on, the developer is going to phase out its participation and hopefully the CDD will become involved.

Mr. Nicholas stated the CDD or the Association.

Ms. Kassel stated I was thinking about this after the fact that if we are not going to sponsor a VIP area, then how would we sponsor an event.

Mr. Nicholas stated there is a reason why we have not handed this off. Events like this have to grow to a certain size where they have a certain demographic base that we surveyed which is valuable enough to corporate sponsors. That has occurred; we achieved that phase. In the last year, we began selling packages for those festivals. Let us say, hypothetically, the festivals have a budget of \$150,000 per year to put on three festivals. Over time, we are able to survey the audience and find the value and then find sponsors to match that audience. If we are able to find \$150,000 in corporate sponsorship, then the net effect of running those festivals becomes zero. This would be the point when we say if you do what we have done, where we have gotten you a sustainable program, you can continue to realize the benefit or ramp it down or up. We will still be here to help, but we have to begin educating you on what this looks like to keep alive forever.

Ms. Kassel stated my point is really that our attorney told us this is a financial sponsorship. What you are suggesting is a management sponsorship, and I am not sure he will approve of this. Mr. Qualls may have to decide if that is within our purview as a CDD.

Mr. Nicholas stated we are not really there yet. I do not think the CDD is the right entity.

Ms. Kassel stated it is not a big deal, but I was just concerned about whether or not it was within our purview.

Mr. Nicholas stated it is a good question and I think you should be in that mindset. In many communities, there is an activity component under the HOA management umbrella. The HOA does the programming, the residents get to see the benefit of the budget, it is shared with everyone, and the developer contributes to the deficit until such time as it gets to zero. This is very likely to happen here with regard to activities. There

is a very high level of services inside Harmony today that is not being seen by assessments in the CDD or HOA. It is not sustainable by whatever the builders are contributing by virtue of marketing fees. What I am saying to you is this is being funded today by the developer so we can grow something that will be sustainable. I recognize we cannot hand this off as a big loser, so we have to get this to balance before we make that move.

Mr. Berube stated all of your success in sales is a result of all of the money you are spending, at least partially.

Mr. Nicholas stated we are a long way from building out the community. Those are good questions. I think you should be in that mindset. I forgot to say last month that I liked the dialogue regarding the new neighborhood coming online. There were some questions. The community is growing again, and everybody learns something about what a plat looks like and how we work together.

Ms. Kassel stated thank you for sending this information to us.

Mr. Nicholas stated you are welcome. You are right; the demographics and festival program will eventually look different, but hopefully if we hand it off the right way, it will not look so different.

Mr. Berube stated if the money is a wash, I think the CDD could legally manage the festivals. The downside of running the festivals is, it takes a lot of people working behind the scenes that the CDD does not employ. I think that would be the problem. People on your staff spend a lot of time doing this. It is not just the hand off of the money, but the hand off of staffing.

Mr. Nicholas stated HOAs do community festivals and run activities programming. It may not look like what we do and may look slightly different, but over time, you strike a balance. It will look different, but it will still be great and will not be a financial albatross by the time it gets to that point.

Mr. Berube stated the bottom line is, what is going on here now is working and attracting people worldwide. I do not know what your surveys say, but most people I talk to say that when they drive in, they know this is the right place to live. People get it right away. There is a different look and feel here. I do not want to change this very much.

#### **vi. Miscellaneous**

Ms. Kassel stated in regard to street lights, I noticed a number of lights were out, but our CDD field people are not out in the dark very much so they are not able to record

when street lights are out or where they flicker on and off. If it is not being addressed, it needs to be.

Mr. Haskett stated I know OUC has a program because they are maintaining them. Someone comes out once a month at night to monitor the lights. If you see survey tape on some of the poles, that was left by the person surveying the poles at night. Years ago, we had done this. If we get the reports, I always report to OUC through their website. This is the easiest way. We even have a link on our website how to report street light outages.

Mr. Berube stated there is a five-digit number on the bottom of every pole.

Ms. Kassel stated but you have to have a flashlight with you and a pen. I do not carry either when I am out running.

Mr. Haskett stated they will take a street address and an approximate location.

Mr. Berube stated you can take a picture with your iPhone and go on their website.

Mr. Haskett stated they are typically out within a day or two to repair them.

Ms. Kassel stated I received reports from multiple people about no signage being posted for the CDD meeting.

Mr. Nicholas stated that is possible. We have been using the printer quite a bit for the Dark Sky festival.

Mr. Berube stated the schedule has been on the website for months, so people know.

Ms. Kassel stated they do not know because they call me asking if there is a CDD meeting tonight since there are no signs.

Mr. Farnsworth stated some people depend on the signs.

Mr. Haskett stated I tell my staff to send people to the website with any comments, questions or concerns. It has everything you need. That way it filters back through.

Ms. Kassel stated when a resident calls a Board member, they are not going to want to hear me tell them to go to the website. They want to hear “yes” or “no.”

Mr. Haskett stated we will take care of it for the next meeting.

## **SIXTH ORDER OF BUSINESS**

### **District Manager's Report**

#### **A. January 31, 2014 Financial Statements**

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

Mr. Moyer stated we collected 68% of our non-ad valorem assessment, which is collected by the Tax Collector. This compares to 65% last year at this time, so we are actually ahead on collections.

Mr. Nicholas stated March 31, it will be 100% because we will pay all of ours.

Mr. Moyer stated on the expense categories, every major category in our budget is under budget.

Mr. Berube stated the budget looks great. Please give Ms. Tiziana Cessna a compliment. She writes a nice narrative.

Ms. Kassel stated she does, and I like how it is at the beginning.

Mr. Berube stated we never had details before. It is done in language that we can all understand quickly.

Mr. Haskett stated she is great to work with.

Mr. Moyer stated I will convey your comments to Ms. Cessna.

**B. Invoice Approval #166 and Check Run Summary**

Mr. Moyer reviewed the invoices and check summary, which are included in the agenda package and available for public review in the District Office during normal business hours, and requested approval.

Ms. Kassel stated the \$500 Sprint bill was because we purchased a new phone. The previous month was \$210, but that was because we had a credit.

Mr. Haskett stated that is correct.

Ms. Kassel stated normally it is \$300, but we added a new phone for \$200.

Mr. Berube stated we added a phone for an extra service line for Mr. Van der Snel.

Mr. LeMenager stated clearly, phone companies have gotten very aggressive in pricing all of these new plans for consumers. Are we getting the best deal?

Mr. Berube responded our net per line with Sprint is \$45.99. Then there is an iPad cost added to that. We are right at whatever everyone is advertising. The good news with Sprint is, we are not in a contract by going on the State contract. We can change whenever we choose. What we lose if we change phone companies is our investment in the phones. I do not think it is worth going back to them and complaining because we are competitive with the other phone companies. I watch this very carefully and if we get out of sync, we will talk to them.

On MOTION by Ms. Kassel, seconded by Mr. LeMenager, with all in favor, unanimous approval was given to the invoices, as discussed.

**C. Acceptance of Arbitrage Report for Series 2004 Capital Improvement Revenue Bonds**

Mr. Moyer stated I believe all of you are familiar with why we do this. This is a requirement under the bond documents.

Mr. LeMenager asked is this a new company?

Mr. Moyer responded yes, LLS Tax Solutions. They find in their letter we do not have any arbitrage rebate liability at this time.

On MOTION by Mr. Walls, seconded by Ms. Kassel, with all in favor, unanimous approval was given to the Arbitrage Report for Series 2004 Capital Improvement Revenue Bonds, as discussed.

**D. Public Comments/Communication Log**

The complaint log is contained in the agenda package and is available for public review in the District Office during normal business hours.

**E. Website Statistics**

The website statistics are contained in the agenda package and are available for public review in the District Office during normal business hours.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

**i. Discussion of Rules**

Mr. Berube stated Mr. Qualls is not in attendance tonight due to attending a funeral. Next month is the public hearing on the rules. He had one comment he thought we might want to add. He said “Since your District has taken certain readily available, achievable measures to remove barriers to entry for persons with disabilities, should the rules contain a statement such as ‘The District’s recreational programs and services, including the Swim Club swimming pool facility, are acceptable for people with disabilities.’ ”

Ms. Kassel stated yes.

Mr. Berube stated I think this would be a nice addition to the rules package.

Ms. Kassel asked is there a reason we should not?

Mr. Berube stated no. All of our facilities are ramped and are ADA compliant.

Mr. Nicholas stated just the pool at Ashley Park is not.

Mr. Berube stated we only have to do one pool, so we did the Swim Club. This is just something to think about, and we can add this to our rules.

Mr. LeMenager stated we cannot say “All facilities” if one is not ADA compliant.

Ms. Kassel stated we can say “All types of facilities.”

Mr. Berube stated he caught that. He suggested “The District’s recreational programs and services, including the Swim Club swimming pool facility, are accessible to people with disabilities.” This will be a good addition, and we will handle this next month. He had nothing else to add. Was the hearing advertised?

Mr. Moyer responded I believe it was advertised.

Ms. Kassel stated it has to be advertised within 28 days and has to be in the newspaper by today.

**B. Engineer**

There being nothing to report, the order of business followed.

**EIGHTH ORDER OF BUSINESS**

**Supervisor Requests**

Mr. Farnsworth stated I think there is some confusion with the rules and I would like to clarify something. When you start talking about facilities, public facilities, and recreational facilities, they seem to get jumbled up and at times, someone just refers to “facilities.” Are they referring to recreational facilities? What is the difference among a facility, a public facility, a recreational facility, and all other facilities the CDD has? Are they all recreational facilities?

Ms. Kassel responded no, for instance, the pond outfall.

Mr. Farnsworth asked are the sidewalks a recreational facility?

Mr. Berube stated yes.

Ms. Kassel stated I do not think so.

Mr. Berube stated Mr. Farnsworth is saying we have too many descriptive words going with facilities.

Mr. Farnsworth stated no. I want to identify which is a facility, a public facility, and a truly recreational facility. A pool is unquestionably a recreational facility. A playground is unquestionably a recreational facility. However, a sidewalk is not a recreational facility. It is part of the facilities we have to maintain.

Ms. Kassel stated I am not even sure a sidewalk is a facility. It is infrastructure, but not a facility.

Mr. Farnsworth stated it is infrastructure.

Ms. Kassel asked where are you going with this?

Mr. Farnsworth responded when you try to regulate who uses what facility, we need to identify what kind of a facility it is. Is it just part of the general infrastructure? Then it is not really classified as a public facility. It really is a public facility, but it is part of the infrastructure. Is it a regulatable, recreational facility? If it is not a recreational facility, it is not regulatable. What we are addressing in these rules is a normal use facility, part of the infrastructure. We have to be careful with the wording, not only in this document, but in general conversation. Too often, the words are used interchangeably and are getting us into trouble. It suddenly dawned on me that we are not clear when we say what kind of facility we are talking about.

Mr. Berube stated the rule has already been published so we cannot change it.

Mr. Moyer stated you can change it at the public hearing.

Mr. Walls stated I guess the question would be how the use of the word “facility” or a variant of that word is used in the rules and if this is causing an issue for you.

Mr. Farnsworth stated yes, it is a big issue.

Mr. Walls stated if it is, then I would bring this up next month and point it out.

Mr. Farnsworth stated if we wait until next month to discuss it, it will delay things. I am not going to vote yes on either one of those paragraphs.

Mr. Berube stated mark it up the way you want it and bring it to the public hearing next month. We will discuss it as part of the hearing, and we can make changes to it because that is the idea of the public hearing. I do not see any big deal. You are right; it is printed in multiple ways.

Mr. Walls stated a lot of rules will call out specific facilities, such as the pool or the lake or the pond.

Mr. Moyer stated they are all public facilities but they may not all be recreational.

Ms. Kassel stated that is correct. All are public, and a subset is recreational. All can be regulated. To say it a different way, all public facilities, a subset of which is recreational, can be regulated, not just recreational facilities.

Mr. Moyer stated through the adoption of rules, which is what we are doing.

Mr. Farnsworth stated for recreational facilities, section 1.10 says “The park and recreational facilities owned by the District.” What park? This tells me nothing and it tells the public nothing. What recreational facilities?

Mr. Berube stated it should reference a map.

Mr. Farnsworth stated no, section 1.10 does not.

Mr. Moyer asked what does section 1.10 cover? It could apply to all recreational facilities.

Mr. Berube responded it is a general term. It says it covers District recreational facilities.

Mr. Farnsworth stated that is the point. What does it cover?

Ms. Kassel responded I would have to see it.

Mr. Berube stated it references a map.

Mr. Walls stated I think section 1.10 defines what a District recreational facility is.

Mr. Farnsworth stated there are no sub-parts under it to define what these facilities are.

Mr. Walls stated I think it was in the definition section. Section 1.10 is telling you what a District recreational facility is according to this definition, which may need to be tweaked.

Mr. Berube stated the rules provide that there is a map of facilities that is to be attached to the rules. You do not see the map yet. According to Mr. Qualls, Mr. Haskett is getting the map together, and we should have it shortly for inclusion in next month’s agenda package. Were you aware of this, Mr. Haskett?

Mr. Haskett responded absolutely.

Mr. Berube stated we will have a map that will define these facilities.

Mr. Farnsworth asked will the map define what “the” park is? I think it should be plural.

Mr. Berube responded yes. It probably means the park facilities, but I agree it should say “parks.” There are some textual things that need to be addressed. I think the map will bring it all together. Mark up your changes and bring to the public hearing.

**NINTH ORDER OF BUSINESS**

**Adjournment**

The next regular meeting is scheduled for Thursday, March 27, 2014, at 6:00 p.m.

The meeting adjourned at 7:28 p.m.

---

Gary L. Moyer, Secretary

---

Steve Berube, Chairman